

Appendix 2 – Additional Duty to Co-operate information

Introduction

This appendix provides additional meeting notes relating to water neutrality, held after January 2024. These are officially prepared meeting notes which were intended as a formal record discussions and outcomes, and were agreed by all parties. For ease, a short summary of the key excerpts from the meetings are highlighted below.

It is our view that they should be read in conjunction with the various Statements of Common Ground (SoCGs) prepared. Whilst the SoCGs do not provide the minute detail of how common ground has been arrived at, they reflect the common understanding that water neutrality posed a significant constraint on sites coming forward, in knowledge of the potential on-site solutions put forward by some developers. For example, see paragraphs 3.7 and 3.8 of examination document DC04 (SoCG with Crawley Borough), which provide a summary of the outcome of all discussions relating to the Council's ability to meet its housing needs (right up until Plan submission) and tally with the joint scrutiny of on-site water offsetting deliverability.

Water Neutrality Policy Group Meeting – 6 February 2024

The notes for this meeting were circulated and agreed in email format. Item 1 b. records that:

“[Horsham Local Plan] currently out for Reg. 19 consultation, which started 19 Jan and runs until 1 March. Some initial representations received, but nothing yet on water neutrality.”

They show that discussions as to the content and nature of the representations received began from the earliest stages of the Regulation 19 representation period which commenced on the 26 January 2024. This demonstrates how HDC was seeking to be open about the feedback it received. Clearly, detailed discussion on the content of representations not yet received would not have been possible at this point in time.

Water Neutrality Lead Officer Group Meeting – 6 March 2024

The formal circulated meeting notes of this meeting are appended. Item 8, bullet point 9 states:

*“EA - Arun water credit scheme, Nicholls Boreholes & recording offsetting properties – the Arun scheme represents a nature based solution ‘Land and Water Services Ltd’, has a potential capacity for 2,500 homes, cost would be in the region of £12-15,000 per dwelling clearly much higher than SNOWS. Scheme not formally supported by EA or NE, CG to raise with Southern Water at next week’s meeting. CG circulated technical note. CH raised if there was a need for a generic response when schemes came forward as an addition to the FAQs? **Action – CG to coordinate a draft response for the FAQs.**”*

This summary relates to an alternative scheme to SNOWS proposed as a potential solution to water neutrality which was being considered by the Environment Agency, together with

other offsetting solutions It is clear from the above that at this time the alternative scheme was not supported by the Environment Agency or Natural England.

Water Neutrality Policy Group Meeting – 2 April 2024

The formal circulated meeting notes from the policy group are appended. Item 1 b. records:

a. Horsham

- *1,700 reps received, and currently processing these. Still on track to submit in June.*
- *143 reps commented on water neutrality in some way – not all unique, some quite detailed.*
- *May be necessary to update Water Neutrality Topic Paper and SoCG to support Submission Plan (discussed below).*

This shows that the Horsham District Council continued to provide updates on the nature of the representations received.

Agreed Meeting Notes – Water Neutrality Policy Group – 6 February 2024

From: Masson, Anthony

Sent on: Tuesday, February 6, 2024 4:50:12 PM

To: [NAMES REDACTED]

Subject: Water Neutrality Policy Group - 6 February 2024

Hi All,

Very brief notes from our meeting today. Please do amend/shout if anything is not quite correct!

I mentioned that I would share a link to the additional note we submitted to the Inspectors on the Water Neutrality Policy – this is on our website at: [PS.ES.SDC.20 Local Plan Policy SDC4 Water Neutrality Further Proposed Modification December 2023.pdf](https://www.amazonaws.com/PS.ES.SDC.20%20Local%20Plan%20Policy%20SDC4%20Water%20Neutrality%20Further%20Proposed%20Modification%20December%202023.pdf) ([amazonaws.com](https://www.amazonaws.com))

Local Plan Progress/Updates

a. *Crawley*

- CBC received the [Inspectors' Post-Hearing Letter](#) last week. The Inspectors have agreed with all our main points, and have hardly made any changes to the proposed Modifications. The letter recognises that the CBC Plan is the first to be tested and that other LPAs are looking to the Crawley Plan so that the approach can be adopted across Sussex North. It commends the council(s) on developing an offsetting programme that is justified in view of water neutrality constraints facing the area. The Inspectors have recommended that the policy (SDC4) should be made a Strategic Policy and that a modification is made to provide clarification in the event that a strategic solution to water neutrality is secured through forthcoming water resource planning (this is the new Part 7, defaulting back to the serious water stress standard of 110l/p/d if water neutrality is no longer required). We will now be going out to Modifications Consultation from 12 Feb to 25 March. We are anticipating a final Inspectors report in late May/early June, and if this were the case, we would then look to adopt July or alternatively Autumn 2024.

b. *Horsham*

- Currently out for Reg. 19 consultation, which started 19 Jan and runs until 1 March. Some initial representations received, but nothing yet on water neutrality.

c. *Chichester*

- Anticipate being able to submit the draft Plan soon, possibly by June at the latest, but may be closer to March.

d. ***Mid Sussex***

- Halfway through Reg. 19 consultation, and will then be processing reps. Proposing a standard of 85l/p/d (and non-resi equivalent) for whole district.

e. ***South Downs National Park Authority***

- Currently working through evidence. Will be taking various items to March Planning Committee, including a Project Initiation Document (a requirement under new system) and will be setting out the proposed engagement approach in response to new Regs.

f. ***West Sussex***

- No update.

Kind regards,

Anthony

Anthony Masson

Senior Planning Officer

Crawley Borough Council

[Phone Number Redacted]

Agreed Meeting Notes – Water Neutrality Lead Officer Group – 6 March 2024

WATER NEUTRALITY IN SUSSEX NORTH WNLOG MEETING - 6 March 2024 via Teams Final Notes

Chair: Tony Whitty (CDC)
Notes: Valerie Dobson (CDC)

Attendees

Anthony Masson – CBC
Elizabeth Brigden - CBC - apologies
Sallie Lappage - CBC – apologies
Hamish Walke – CBC - apologies
Tony Whitty – CDC
Valerie Dobson – CDC
Clarke Gordon – HDC
Catherine Howe – HDC
Matt Bates - HDC
Emma Parkes – HDC
Andrew Marsh – Mid Sussex DC – apologies
Katharine Stuart – SDNPA
Richard Ferguson – SDNPA
Caroline West - WSCC – apologies
Tracey Flitcroft WSCC

Anna Rabone – EA - apologies
Huw Davis – EA
Natural England – no attendee
Julian Webster – Affinity Water
Lina Nieto – Affinity Water / Defra

1) Actions arising / carried forward from last meeting

- **AM** - add DLUHC funding item to Executive Board February agenda. **CG** - to prepare item on funding *(Complete)*
- **CG** - to ask what SW wish to present on at Feb Exec Board. SW to come back to LAs when WRMP timelines are firmed up. CG to suggest that SW present to WNLOG first. *(Complete)*
- **AM** - Risk associated with HDC appeals and access to SNOWS and whether the water is already accounted for in current SW WRMP. A risk that if this is lost, SNOWS could be undermined. AM to add to CEx Briefing Note. *(Complete)*
- **CG** - Southern/Affinity/Defra/Arup meetings - DEFRA asked about the trial taking place in Sussex North, and this is being discussed with Southern Water (SW being a potential buyer of the credits). Can ask Affinity/Defra contact to update at next WNLOG meeting. CG to follow up. *(Complete)*
- **CG** - SNOWS newsletter: CG to update Exec Board on this item, including proportion of subscribers who are developers/residents etc *(Complete)*
- **CG** - Leaders' meeting with Defra minister - CH will check if this is being arranged. CG to adapt any pre-existing questions if these were very specific to SW, add CBC questions and re-circulate *(Meeting cancelled new date tbc)*

- **All** - Waterwise Conference – 11-14 March: This session might be of particular interest should officers wish to attend. (*No attendees*)
- **CG** - share prioritisation note with WNLOG prior to Exec Board circulation (*Complete*)
- **CBC and SDNPA** - DM Group - capturing water neutrality applications & offset properties until SNOWS launch. Still waiting CBC & SDNPA responses. (*CBC and SDNPA to provide data along with new quarter requested February to April 2024*)
-
- **Carried over/standing items:**
- **All** to update FAQs/websites following CG Fry Case is obtained and to reflect that all relevant licenses need to be secured by applicants (carried over – HDC and CDC now complete)
- **CG** - to consider Southern Water Statement of Responses and revised WRMP for comments (when these become available) (*Item can now be removed*)
- **All** - Any items for standard SW meeting to be sent to CG (standing action)
- **CG** – input into WN Newsletter (standing item) – *see under item 8 Comms and Engagement*
-

2) Executive Board

- **Next Meeting is 22 April 2024 (HDC to prepare Briefing Note)**

Feedback from last meeting (26 February)

DLUHC advised planning guidance is to be updated with regard to Habitats Regulations, largely in relation to nutrients but there will be some cross over in to water neutrality. CG suggested that WNLOG could review changes prior to them being made. **CG action from Exec Board to liaise with DLUHC.**

DLUHC – CG/CW to liaise with regard to infrastructure concerns. Keen to develop national standards; could Cambridgeshire work be used to support Sussex North. Would result in change to Government policy/Building Regs to support drive for water efficiency.

NE – raised meeting with Horsham MP (Jeremy Quin) in relation to concerns and misinformation around the figure of 85 l/p/d. NE also advised there would be an updated conditions survey on the Arun Valley published in the next couple of months but they are not anticipating any changes.

Ofwat – efficiency fund to understand customers efficiency and to look for behaviour change of customers.

SW – Have submitted determination letter re WRMP to Defra and anticipate consultation July-September (12 weeks); plan by May 2025.. Water resource levels this year are good and SW do not anticipate any problems this year. Data sharing contract to be out in pace with SNOWS, will link to smart meter programme. In return SW wish to receive applications from LPAs that are in SNOWS so that they can prioritise smart meter introduction in those properties. All LPA legal teams to consider contract prior to signature.

SNOWS – updates on: PSDF funding; private offsetting schemes; access prioritisation; schedule update; procurement update; Feb SNOWS newsletter stats & new issue in the RIO Register for delays to SW's WRMP data. CG also provided an overview of the meeting with Defra, DLUHC etc. at the end of Jan. The Defra

ministerial meeting with leaders was cancelled, but Defra rep advised that work is underway to get it re-booked at their end.

3) Affinity/Defra Project Zero – Sussex North trial

Presentation by Lina Nieto and Julian Webster of Affinity Water for Project Zero trial for offsetting mechanism for water credit market - aim at April launch.

Questions:

CH – how would double counting be avoided, who does the monitoring?

LN – SW are working with Affinity and Arup as a partnership to make sure the collaborative approach works with everyone and is what is expected.

AM – where the is surplus of credits s this being used as offsetting?

LN – no it is just being considered as ‘water positive’ for now; the trial is to be considered as a ‘learning piece’. There is need to establish if it would be sustainable over a long period of time in order to identify benefits and ensue behaviours continues and has positive impact on environment.

CG – is this based on a ‘smart solution’?

LN – no it based on AMR data over a 6 month period, meters will give a better understanding.

TW – how long is the trial?

LN – 5 months campaign – April to August 2024, and then will need to consider the September to December readings.

4) Policy update

i. Local Plan Updates

a. Progress/Timescales (All) Progress/Timescales (All)

Crawley

CBC commencing Modifications Consultation from 12 Feb to 25 March and anticipating a final Inspectors’ report in late May/early June. If received promptly, anticipating adoption in July, or alternatively Autumn 2024.

Horsham

Completed Reg. 19 consultation, (19 Jan until 1 March). Aiming to submit local plan June/July.

Chichester

Anticipate being able to submit the draft Plan in April, examination autumn 2024.

Mid Sussex

The Regulation 19 District Plan consultation closed on 23rd February. We are now analysing responses with a view to submitting for examination in the spring. We have included the model Water Neutrality policy (identical to CBC on submission) and have received very few comments on it. We will be taking account of the comments made and conclusions drawn on the CBC plan and will suggest modifications to the policy as necessary to ensure it remains identical.

South Downs National Park Authority

Remain in early stages of plan preparation. Taking Project Initiation Document (PID), a requirement under new system, to members in March and the next step will be with summer engagement activities.

West Sussex

No specific updates.

5) Development Management update (Emma Parkes)

- HDC was awaiting one appeal decisions relating to Grampian Conditions. Have a public inquiry w/c 11 March (ARM at Kilnwood Vale) regarding access to SNOWS and whether the water is already accounted for in current SW WRMP. A risk that if this is lost, SNOWS could be undermined. The decision for Land North of The Rise, Partridge Green, was dismissed and the Inspector did not agree with a Grampian Condition (decision circulated to DM group).
- Need to ensure that care is taken to avoid double counting for mitigation at an early stage in the process.

6) Environment Agency (AR/HD)

Meeting held with CG relating to boreholes, otherwise no updates.

7) Natural England (No attendee)

- CG advised that Luke Hasler would be taking over the lead at Natural England and attending future meetings.
- CG has raised query relating to necessity of WN for schools (from Defra/DLUHC meeting in January) with Luke Hasler.

8) WN Project Manager Update (CG)

Comms & Engagement

○ Engagement over last month

- Further FOI received from Marcel Hoad
- Defra/DLUHC/EA/NE meeting notes & actions distributed.
- Greater Cambs Shared Planning Service meeting notes distributed.
- SW monthly meeting
- HDC Agents' Forum
- BBC News item
- WSP & JBA meeting (+ PA Consulting) re: EA Water Credit Scheme (Cambridge)
- Affinity Water / Defra project trial – Affinity has requested spreadsheet of Part C data from the JBA study; information is already publicly available and the group agreed, subject to checking with JBA, this could be shared with Affinity.
- EA - Arun water credit scheme, Nicholls Boreholes & recording offsetting properties – the Arun scheme represents a nature based solution 'Land and Water Services Ltd', has a potential capacity for 2,500 homes, cost would be in the region of £12-15,000 per dwelling clearly much higher than SNOWS. Scheme not formally supported by EA or NE, CG to raise with Southern Water at next week's meeting. CG circulated technical note. CH raised if there was a need for a generic response when schemes came forward as an addition to the FAQs? **Action – CG to coordinate a draft response for the FAQs.**

○ Engagement this month

- 13 Mar: WSCC meeting to discuss infrastructure prioritisation
- 21 Mar: PAS PSDF in-person workshop (London)

- CG invited for interview by National Centre for Research and follow up workshop; report due in April
- Any other C&E matters
 - Next SNOWS newsletter to be published in early May
 - Sussex North Water Efficiency Messaging Note

Risks, Issues & Opportunities (RIO)

- Issues updates
 - SW WRMP data delays are a new issue.
 - Legal support – following meeting with Defra in January CG has sent the group's question to Defra and this may address more to the questions. In addition Affinity may also have picked up and addressed the issues raised.
 - Appeal decisions
- Red/amber risk updates (post-mitigation) - **Note: recently updated. Some scores & order changes**
 - Forward funding - highest risk - **now a red risk** (CG risk owner)
 - Immediate need for new school places (WSCC risk owner)
 - RPs not willing to offer sufficient stock (CG risk owner)
 - Anti-competitiveness (CG risk owner)
 - Speed of SNOWS procurement process (CG risk owner)
 - Southern Water fail to meet reduction targets (CG risk owner)
 - C G Fry High Court decision (DM Group risk owner)
 - Launch date delays (CG risk owner)
 - WSCC infrastructure (WSCC risk owner)
 - Loss of authority funds (CG risk owner)
 - **New - re-scored as amber risk:** Disagreement or challenge on development prioritisation (CG risk owner)
 - WSCC cumulative infrastructure requirements (WSCC risk owner)
 - **Removed - re-scored as yellow risk:** Capacity in DM teams (DM Group risk owner)
 - **Removed - re-scored as yellow risk:** Complaints (CG risk owner)
- New RIOs
 - None
- Closed RIOs
 - Risk: LPA non-planning application offsetting requirements (i.e. WSCC competent authority requirements) - closed as not within the scope of SNOWS access
 - Risk: Scheme credit costs exceed private market costs - current estimates suggest that SNOWS credits will be significantly less than open market credit costs
- Any other RIO updates
 - None

Project progress/schedule

- Activities completed last month

- SNOWS access prioritisation briefing paper – this resulted in a detailed technical document that will be available for WNLOG; **Action - CG to prepare shorter briefing paper for Exec Board.**
 - Quarterly app/offset prop data collection - data request has now been sent to LPAs for period February to April.
 - Sussex North Water Efficiency Messaging Note
 - Third draft of Procurement Plan – draft sent to HDC legal and finance departments. CH/SL also to comment. Fourth draft to be sent to WNLOG later in March
 - Full Business Case first draft
- Activities planned for this month (incl. WNLOG consults forecast)
 - Procurement Plan
 - M&R Plan
 - Full Business Case
 - Offsetting Property engagement, incl. w/LA corporate property teams
 - Access prioritisation
 - ODO (Offsetting Delivery Officer) recruitment
 - WNLOG consultation forecasts for Mar:
 - Fourth draft of Procurement Plan (imminently)
 - First & second drafts of Full Business Case (imminently & ~mid-Mar)
 - First & second drafts of M&R Plan (~mid-Mar & late Mar)
- Any other major progress updates
 - Application & offset property data required from CBC & SDNPA

9) Upcoming Meetings

- WNLOG: 3 April (HDC to Chair)
- Water Neutrality Executive Board: 22 April (HBC to prepare briefing note)

10) AOB

- None.

Agreed Meeting Notes - Water Neutrality Policy Group Meeting – 2 April 2024

From: Masson, Anthony

Sent on: Tuesday, April 2, 2024 4:39:53 PM

To: [NAMES REDACTED]

Subject: RE: Water Neutrality Policy Group - 2 April 2024

Hi All,

Brief notes from our Water Neutrality Policy Group earlier – hopefully an accurate reflection but please do let me know if any amendments are required.

1. Local Plan Progress/Updates

a. Crawley

- Just completed (25 March) Main Modifications consultation – 22 representations received.
- Anticipate Inspectors detailed report into Local Plan soundness in May, with adoption anticipated either summer or autumn 2024.
- NE has responded supporting the proposed Main Modifications and concurred with the HRA update.
- EA representation has suggested including reference to the EA's Published Mole Abstraction Licence Strategy.

b. Horsham

- 1,700 reps received, and currently processing these. Still on track to submit in June.
- 143 reps commented on water neutrality in some way – not all unique, some quite detailed.
- May be necessary to update Water Neutrality Topic Paper and SoCG to support Submission Plan (discussed below).

c. Chichester

- Submitting soon – May most likely

- As per HDC, Topic Paper/SoCG update may be needed. Would also be useful if CG could prepare an update note for CDC/HDC/MSDC on SNOWS progress (discussed below).

d. Mid Sussex

- Similar position to HDC, reviewing the responses received.
- Water Neutrality – around 15 responses. Will be looking at the CBC policy and will submit the evidence to back up the policy approach.
- 85l/p/d water efficiency standard proposed across whole district – this is included in general sustainable development policies.
- Will be reviewing representations received to understand stakeholder views on water neutrality and sustainability policies.

e. South Downs National Park Authority

- On track with draft Plan. Consultation approach has been approved by members, with early participation consultation to take place this summer. Further consultation anticipated summer 2025.
- Evidence base progressing – exploring possibilities for more stringent water efficiency standards.

f. West Sussex

- Waste Local Plan review is currently being considered.

Updates to Water Neutrality documents:

- May be necessary to update Water Neutrality Topic Paper and SoCG ahead of HDC/CDC Submitting Reg. 19 Plans.
- A refresh of the SNOWS Progress Update (similar to that prepared for CBC Examination) also likely to be needed – particularly given that focus has shifted more towards implementation/operation of SNOWS as a key issue (this has been the case in recent HDC Planning Inquiries)
- EB suggested it could be helpful to refer to CBC progress, to ensure consistent approach from other Local Plan Inspectors and advised that there is helpful wording in the CBC Inspectors' post-hearing letter, Para 21 and 22: <https://crawley.gov.uk/sites/default/files/2024-02/ID-026%20Post%20Hearings%20Letter%2031%20Jan%202024.pdf> in the interim before the CBLP Inspectors' Final Report is received.

- MB noted that it may be preferable to progress only factual updates to the SoCG, rather than revisiting this in full. It may be more of a risk for securing all signatures again in time in terms of a full SoCG update.
- It was agreed that CG could update the progress note reasonably quickly, and so it would be better to have this finalised closest to the point of submission to minimise the need for further updates. Whether this also includes a policy update or if that is for the topic paper can be considered further.
- **Action: CG to prepare update on SNOWS implementation for CDC. VD to advise when this is needed.**
- **Action: TK & VD to review SoCG to understand if an update (possibly as a separate factual update) is required.**
- **Action: TK: to look at Topic Paper ahead of HDC Plan Submission.**

2. Items for WNLOG

- HDC to chair, TK has circulated an agenda.
- No specific additional items (for AOB) were identified.
- MSDC unable to attend WNLOG and sent apologies.

3. Water Neutrality Project Manager Update

- CG has requested comments on the SNOWS Access Prioritisation summary note ahead of April WNLOG (tomorrow).
- SNOWS newsletter being pushed back to early June – more content to add for that, draft to May WNLOG.

Kind regards,

Anthony

Anthony Masson

Senior Planning Officer

Crawley Borough Council

[PHONE NUMBER REDACTED]