



**Environment Agency / Horsham District Council
Position Statement**

Horsham District Local Plan 2023-2040: Regulation 19

Signatories:

Environment Agency	Horsham District Council
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Dated: 12 July 2024

Statement

1. Introduction and Scope

- 1.1 This statement has been produced in preparation for the Regulation 19 stage of the Horsham District Local Plan 2023-2040 (HDLP).
- 1.2 The purpose of this statement is to set out the position of the EA and Horsham District Council with regards to comments received in the Regulation 19 consultation in January-February 2024 : to clearly set out the key issues raised by the EA; to draw out areas of common ground that are specific or unique to the parties; and to identify where there is agreement between both parties to aid the Inspector’s understanding at the Local Plan examination stage.

2. Context

- 2.1 Strategic policy-making authorities are required to cooperate with each other, and other bodies, including statutory agencies such as the Environment Agency, when preparing policies which address strategic matters. This includes those policies contained in local plans.
- 2.2 As a statutory consultee the EA has advised on the Sustainability Appraisal. It has also supported the preparation of key evidence base documents including Strategic Flood Risk Assessments (SFRAs) and Water Cycle Study (WCS). Its main interests and responsibilities in relation to these documents are; protection of the water environment and its resources, managing flood risk from

designated main rivers, protection of groundwater quality, and insofar as the EA's expertise and remit allows mitigating against and reducing the effects of climate change and enhancing biodiversity and ecology.

- 2.3 As set out in its comments on the Regulation 19 Local Plan, the EA is generally supportive of the Local Plan policies that relate to their areas of interest and responsibility, subject to some wording changes to adopt best practice and to improve the clarity and consistency of the policies. The EA is also generally supportive with regards to the Local Plan policy approach to managing flood risk. The main area of focus of its comments relates to the inclusion of additional criteria in the site allocations policies.

3. Managing Flood Risk for Site Allocations

- 3.1 To support the policies associated with flooding in the Local Plan and to identify potential site specific flood issues associated with proposed allocations, Horsham District Council commissioned AECOM Limited to undertake a Level 1 SFRA of the Arun and Adur river catchment areas in January 2020 and an updated Level 1 and Level 2 SFRA commenced in April 2024.
- 3.2 Horsham District Council along with other neighbouring planning authorities (Crawley Borough Council, Mid Sussex District Council and Reigate and Banstead District Council) commissioned Jeremy Benn Associates (JBA) Limited to undertake Gatwick Sub-Region Water Cycle Study in August 2020.
- 3.3 JBA were also commissioned by the above local authorities to undertake a Level 1 SFRA for the Upper Mole catchment area in September 2020 and a further update in December 2023.
- 3.4 In addition to the above, JBA were also commissioned by Crawley Borough Council, Horsham District Council and Chichester District Council to undertake a Water Neutrality Study in April 2021. This was in response to Natural England's significant concern regarding increased water abstraction at Pulborough having an adverse impact on associated designated habitats in the Arun valley.
- 3.5 Natural England subsequently released a Water Neutrality Statement in September 2021 stating that no development could proceed in the Sussex North Water Resource Zone, which covers the entire Horsham District, unless it could be proven that it would not lead to an increase in water abstraction at Pulborough. This topic is the subject of a separate Statement of Common Ground.
- 3.6 These studies were used to assess site allocations in the Local Plan in order to identify options with the lowest risk of flooding while still meeting the housebuilding targets for the district set by the UK Government. The studies also provided a series of flood risk management policy recommendations to manage future flood risk at sites that are at risk from all forms of flooding. These recommendations, where appropriate and necessary, have been included as supporting text and policy criteria in the Local Plan site allocation policies.

4. Position with regards to comments made by the EA

- 4.1 The outstanding relating to the Environment Agency's comments are set out in the tables in Appendix 1 and Appendix 2 of this statement. These tables:
- Summarise the EA's comments on the Regulation 19 Local Plan;
 - Provides Horsham District Council's responses to the comments made;
 - Identifies the changes to the submission version of the Local Plan which will be made to address the EA's comments.

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- Confirms whether Horsham District Council's further explanations fully addresses the EA's comments.
- A summary of contact between the parties is given in Appendix 3 to this statement

4.2 The matters dealt with in this statement are:

- Horsham District Local Plan 2023-2040: Regulation 19

4.3 Both signatories to this statement reserve the right to withdraw its endorsement to this statement at any time. If this situation arises, formal withdrawal from the agreement should be set out in a formal written notification to the other signatories to this statement.

5. Horsham District Local Plan

In general, the Environment Agency finds that the draft plan sufficiently addresses matters within the EA remit and are pleased that most comments made during the Regulation 18 consultation have been incorporated into the Plan. However, the EA do have some recommendations for amendments or additions to various policies alongside general comments. These suggestions and Horsham District Councils responses are set out in Appendix 1.

The Environment Agency notes that an updated Level 1 and Level 2 Strategic Flood Risk Assessment is currently in progress and will form part of the evidence base when completed.

Closing matters.

- 5.1 The parties to this statement have demonstrated in this statement that they have worked jointly and constructively on matters relevant to the plan-making process.
- 5.2 At the time of preparation, the UK Government is consulting on radical and fundamental changes to the English planning system. However, transition arrangements are proposed which would allow local plans at an advance state of preparation to continue being prepared in accordance with current legislation and guidance. The parties are therefore agreed that the Horsham Local Plan 2023-2040 should continue to be prepared in accordance with current legislation and guidance.

Appendix 1: Environment Agency Regulation 19 comments and HDC proposed response

Section	EA issues comments in relation to Regulation 19 consultation on Local Plan	HDC Response	EA agree issue addressed
General Comments	<p>In general, we find the draft plan sufficiently addresses matters within our remit, and we are pleased that most comments we made during the Regulation 18 consultation have been incorporated into the Plan. However, we do have some recommendations for amendments/additions to various policies alongside general comments which are set out below.</p> <p>We note that an updated Level 1 and Level 2 Strategic Flood Risk Assessment is currently in progress and will form part of the evidence base when completed.</p>	None required	Yes
Strategic Policy 6: Climate Change	We are generally supportive of this policy.	None required	Yes
Strategic Policy 9: Water Neutrality	<p>We are supportive of the policy requiring a maximum water consumption standard of 85 litres per person per day for development within the Sussex North Water Resource Zone. This is a specific need given the difficulties in this area alongside this being an area classified in 2021 as ‘water stressed’.</p>	None required	Yes

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<p>Strategic Policy 10: Flooding</p>	<p>We would recommend the inclusion of an additional point in the policy as follows: (Note proposed additions are shown as underlined text). <u>m) Consider the cumulative impacts of developments on flood risk elsewhere.</u> We strongly recommend that point g) is amended as follows: <u>g) Comply with the tests and recommendations set out in the Horsham District Strategic Flood Risk Assessments (SFRA)s, and the Crawley Borough Strategic Flood Risk Assessments (SFRA)s where development is within and adjacent to the Upper River Mole catchment</u> Also Paragraph 3 to include green <u>and blue</u> infrastructure</p>	<p>Proposed modifications to be suggested to the Inspector as requested.</p>	<p>Yes</p>
<p>Strategic Policy 11: Environmental Protection</p>	<p>We are pleased to see that our comments from the Regulation 18 consultation have been incorporated into this policy.</p>	<p>None Required</p>	<p>Yes</p>
<p>Strategic Policy 17: Green Infrastructure and Biodiversity</p>	<p>We would recommend that any references to ‘green infrastructure’ are modified to refer to ‘green <u>and blue</u> infrastructure’ to ensure that opportunities in the water environment alongside the terrestrial environment are not marginalised or ignored. We note that Strategic Policy 19: Development Quality does refer to green and blue infrastructure at point 6, so it is logical to make this consistent across all relevant policies.</p>	<p>In Paragraph 6.33 and in the glossary it is made clear that “Green Infrastructure” is a term used to describe a multi-functional and connected network of green spaces, water and other natural features. The Plan refers to the Council’s Green Infrastructure Strategy. Natural England’s guidance is called the Green Infrastructure Framework. https://designatedsites.naturalengland.org.uk/GreenInfrastructure/Home.aspx. HDC will only suggest to the inspector the insertion “<u>and blue</u>” where appropriate and non-capitalised. Paragraphs 10.86 (x2), 10.91, 10.94 and Strategic Policy 10.3.</p>	<p>Yes</p>

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Strategic Policy 23: Infrastructure Provision	We support the inclusion of this policy, particularly regarding point 2 which seeks to ensure that development will be phased in line with suitable infrastructure to ensure that the environment is not adversely affected.	None required	Yes
Strategic Policy 43: Gypsy, Traveller and Travelling Showpeople Accommodation	We are pleased to see that the policy includes a reference to sites not being located in areas at high risk of flooding, and that sites have supply of essential services.	None Required	Yes
Strategic Policy HA1: Strategic Site Development Principles	As per our comment on Strategic Policy 17, point 3 should refer to green and blue infrastructure. Point 4 could be amended as follows: “Strategic Scale development must also be designed to minimise water consumption, contribute to water neutrality and not result <u>in an increase in flood risk on the site or elsewhere.</u> ”	Proposed amendment to include green and blue infrastructure made where appropriate in plan. Proposed amendment to point 4 to be suggested to Local Plan inspector.	Yes
Strategic Policy HA2: Land West of Ifield	The strategic policy should include more specific requirements than is currently provided for in point 11. Therefore, we recommend that point 11 is replaced with the wording below: <u>“A comprehensive and detailed surface water drainage and flood risk strategy is required to demonstrate that the development will reduce the potential for flood events in the area. This should include but not limited to;</u> • <u>Consideration of flood risk from all sources;</u> • <u>No increase in the risk to flooding from any source at the development site or elsewhere, and consideration of how to reduce overall flood risk;</u>	It has been clarified that the references to flood risk occur in Policy 10 will apply to all development proposals. HDC do not consider repeating the same words for every site allocation is necessary.	Yes

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	<ul style="list-style-type: none"> • <u>No net loss of floodplain storage capacity or obstruction to flood flow routes;</u> • <u>Any development should be designed and located to ensure it is safe for its lifetime, taking climate change into account;</u> • <u>Consider the cumulative impacts on flood risk from all sources development will have within the river catchment;</u> • <u>The production of a detailed site-specific Flood Risk Assessment to support development proposals;</u> • <u>A long-term maintenance plan for any flood risk management assets.”</u> 		
Strategic Policy HA7: Broadbridge Heath Housing Allocations	<p>Point d) could be clearer in regard to housing being steered to the lowest flood risk areas.</p> <p>We recommend point d) is amended to read as follows: d) Have regard in the design and setting of the development to the high pressure gas pipeline to the east of the site <u>and by steering development to areas of low flood risk in accordance with the sequential approach;</u></p>	<p>The references to flood risk occur in Policy 10 and apply to all development.</p> <p>The sequential test is primarily used for site allocation not the design of each proposal, and is in any case covered specifically by Policy 10.2.a and 10.2b. This would be the case for every site allocation.</p>	Yes
Strategic Policy 9: Water Neutrality	<p>This topic is addressed in a separate Statement of Common Ground</p>	<p>This topic is addressed in a separate Statement of Common Ground</p>	Yes

Appendix 2 – Strategic Sites

Strategic Site Allocations	EA issues raised in relation to Regulation 19 consultation on Local Plan	HDC Response	EA agree issue addressed
Land West of Ifield (3,000 homes)	A comprehensive and detailed surface water drainage and flood risk strategy is required to demonstrate that the development will reduce the potential for flood events in the area. (See Appendix 1)	The references to surface water drainage and flood risk occur in Policy 10 and apply to all development. HDC do not consider repeating the same words for every site allocation is necessary.	Yes
Land North West of Southwater (1,000 Homes)	No Comment	N/A	N/A
Land East of Billingshurst (650 Homes)	No Comment	N/A	N/A

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APPENDIX 3 Summary of key discussion contact between the parties – Regulation 19

Date	Summary
01/03/2024	EA response to Regulation 19 consultation.
12/04/2024	Draft position statement and appendices
25/04/2024	Discussion of Position Statement and modifications
10/05/2024	Update of Appendix 1
21/05/2024	Position statement agreed
06/06/2024	Position statement signed by EA