



Horsham
District
Council

Horsham District Local Plan Examination

Matters, Issues and Questions

Matter 1: Legal and Procedural Requirements

Issue 1

November 2024

Contents

Matter 1, Issue 1: Whether the Council has complied with the duty to co-operate in the preparation of the Plan?.....	3
Question 1: What are the Strategic matters relevant to the preparation of the Plan (as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004)?	3
Question 2: For each of these, who has the Council co-operated with during the preparation of the Plan, what form has this taken? What has been the outcome of this co-operation?	3
Housing.....	3
Gypsies and Travellers.....	3
Water Neutrality	4
Economy	4
Infrastructure.....	5
Environment.....	5
Question 3: What substantial concerns have been raised in terms of compliance with the duty to co-operate?	6
Question 4: How has the Council co-operated to establish and meet a housing need? How specifically have development constraints influenced that co-operation, particularly water neutrality?	6
Housing Need	6
Water Neutrality	7
Question 5: In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? Are the ongoing partnerships and joint working arrangements between all the relevant bodies accurately reflected in the Plan?	8

Matter 1, Issue 1: Whether the Council has complied with the duty to co-operate in the preparation of the Plan?

Question 1: What are the Strategic matters relevant to the preparation of the Plan (as defined by S33A(4) of the Planning and Compulsory Purchase Act 2004)?

1. The **Duty to Cooperate Statement (SD12)** identifies the following strategic matters relevant to the preparation of the Plan:
 - Housing (**Chapter 10** of the Plan)
 - Gypsies and Travellers (**Strategic Policy 43** of the Plan)
 - Water Neutrality (**Strategic Policy 9** of the Plan)
 - Economy (**Chapter 9** of the Plan)
 - Infrastructure (**Chapter 8** of the Plan)
 - Environment (**Chapters 5 and 6** of the Plan)

Question 2: For each of these, who has the Council co-operated with during the preparation of the Plan, what form has this taken? What has been the outcome of this co-operation?

2. This information is detailed within the **Duty to Cooperate Statement (SD12)**, particularly in **Chapter 3**, and is summarised below.

Housing

3. In relation to housing needs, please see the response to **Question 4** of this statement.
4. In relation to housing sites, the Council has worked closely with Crawley Borough Council (CBC) in with respect of **HA2: Land West of Ifield**, which is a strategic site located on the Council's border with Crawley. The nature of the cooperation is identified in **Chapter 7** of the **Crawley Borough Council SoCG (DC04)**. In simple terms, the Council has worked with CBC and agreed a set of key objectives for the site which has influenced the policy criteria within the Plan, to address cross-impact effects that could arise should the site be developed. CBC have been party to discussions with the site promoter and relevant information from the site promoter has been shared with CBC as part of a joint working arrangement. Both Councils have agreed to continued joint working in relation to the site.
5. Further, the Council has worked with West Sussex County Council to understand their requirements for individual sites. This has fed into policy criteria, particularly with regard to **HA2: Land West of Ifield** and **HA3: Land North West of Southwater**, as explained in the **West Sussex County Council SoCG (DC11)**.

Gypsies and Travellers

6. The preparation of the Plan has been informed by a **Gypsy and Traveller Accommodation Assessment and subsequent Updates (HO4-HO6)**. This involved holding interviews with officers from neighbouring authorities and information sharing with West Sussex County Council to understand waiting lists for sites. The results of the GTAAs have been shared in bilateral and meetings of different groupings and the issue is reflected in the various SoCGs.
7. Ultimately, it is recognised that there is an unmet need for pitches throughout the plan period. The Council has requested assistance from other authorities in November 2023 but has not received a positive response. As is identified in the relevant SoCGs, the Council is committed to working with other authorities to address unmet needs.

Water Neutrality

8. The Council has worked in combination with various bodies in respect of the matter of water neutrality, following the receipt of the **Natural England Position Statement (CC8)** in September 2021. This includes with planning authorities which have land within the Sussex North Water Resource Zone (SNWRZ) (Chichester District, Crawley Borough, Mid Sussex District and West Sussex County Councils, as well as the South Downs National Park Authority), Southern Water, Ofwat, Natural England, Environment Agency, Defra and DLUHC (now MHCLG).
9. A governance structure was developed to coordinate the approach between the different parties at various levels. As well as meetings on a political level, the governance structure includes five sub-groups:
 - Chief Executive Board – consists of Council Chief Executives and Senior officers and representatives from other bodies (Natural England, Environment Agency, DLUHC/MHCLG, Defra, Ofwat, Southern Water) to make strategic decisions.
 - Lead Officers Group (WNLOG) – consists of senior Council officers and representatives of other bodies that reports to Chief Executive Board and directs work of the other sub-groups.
 - Planning Policy Working Group – consists of policy officers from different authorities to progress evidence base and policy documents.
 - Offsetting Implementation Group – consists of a range of officers to lead on the introduction and implementation of the joint offsetting scheme (SNOWS).
 - Development Management Working Group – consists of DM officers who share knowledge and experience relating to water neutrality and planning applications.
10. In summary, the Council has worked with partners to procure joint evidence and agree a joint policy to enable plan-led development to come forward in the SNWRZ despite the constraint. As a result, **Strategic Policy 9: Water Neutrality** is near identical to the equivalent policy within the adopted Crawley Local Plan and to those in draft versions of the Chichester and Mid Sussex District Local Plans (both currently at Examination). The approach that the Councils have taken has been endorsed by Natural England, Environment Agency and Southern Water (see **Water Neutrality SoCG (DC08)**). Much of the partners' focus now is bringing SNOWS online for applicants to utilise. On this, the Councils have jointly appointed two full-time members of staff to lead on this work, in part using funds acquired from successful joint bids to the LEP and the Planning Skills Delivery Fund.

Economy

11. The Council recognises that it is not a single, self-contained, functional economic area and is part of the Northern West Sussex Functional Economic Area (FEMA), together with Crawley Borough and Mid Sussex District. Jointly commissioned Economic Growth Assessments (EGAs) were undertaken in 2014 and 2020 (**EC02**) by the FEMA authorities, with a Horsham District specific update (**EC01**) published later that year.
12. Such work has identified need requirements, which is addressed in full by the Plan, as explained in the relevant **Hearing Statement (Matter 7, Issue 1, Question 1)**. Need requirements and the Council's ability to meet such needs have been communicated in bilateral discussions. For instance, the **Crawley Borough Council SoCG (DC04)** recognises that the respective Local Plans complement each other and support a successful economic strategy. It is also informed discussions further afield. This includes discussions across within the Gatwick Diamond - which is a wider grouping centred around Gatwick Airport containing authorities from various inter-related economic, extending from Croydon in the north to Brighton in the south.
13. No authority has approached the Council about contributing to a specific unmet employment need. However, the **Brighton & Hove City Council SoCG (DC07)** recognises that unmet needs are likely to arise as work on a review of their City Plan evolves. The Council is committed to working with them and other authorities in a proactive manner going forward. It is noted that the Plan identifies more

than sufficient land to meet the overall requirements for employment provision in Horsham District and therefore could make a positive contribution to unmet needs of the wider sub-region.

Infrastructure

14. The Council has engaged with the many bodies who provide and/or have responsibilities relating to infrastructure provision and maintenance. This includes public bodies such as West Sussex County Council, Network Rail, National Highways, emergency services, Parish and Neighbourhood Councils, as well as utility providers, such as Southern Water. The Council has also liaised with neighbouring authorities in relation to strategic, cross-border sites (see **paragraphs 4 and 5** of this statement) and shared necessary information to enable partner bodies to identify infrastructure requirements.
15. The main outcome of such engagement has been the production of the **Infrastructure Delivery Plan (IDP) (SP03)**. This is a comprehensive document, that identifies infrastructure needs and how key infrastructure will be delivered. It has been regularly updated based on ongoing communication with partner bodies and is being kept live to reflect up-to-date circumstances.
16. In addition, the continuous work has informed the Plan's policies. This is particularly evident in **Strategic Policy 23: Infrastructure Provision** but has also informed specific policy criteria in relation to site allocations.
17. Further, the Council has worked closely with West Sussex County Council (as the Highways Authority) and National Highways, to commission the **Horsham Transport Study (and related studies) (I06-I10)** and understand the implications of planned growth on the transport network. This has included multiple meetings to discuss strategic and technical issues. As is confirmed by the **National Highways SoCG (DC15)**, they have no outstanding technical objections. As is set out in the **West Sussex County Council SoCG (DC11)**, they agree that the evidence base provides a sufficient basis for the Plan and that both parties agree to continued working together in relation to transport matters.

Environment

18. The development of the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) is primarily discussed in another **Hearing Statement (Matter 1, Issue 2)**. As the SA is an iterative process, it has evolved during the Plan's development. The scoping report was submitted to Environment Agency, Historic England and Natural England for their input and feedback taken into account when producing the initial **SA and subsequent updates (SD03-SD04)** that accompany the Plan.
19. The HRA has also evolved during the Plan's preparation. The screening report was sent to Natural England, with further engagement with Natural England following different stages of the Plan's preparation, particularly with respect to water neutrality. The engagement informed the **HRA (SD07)** that accompanies the Plan.
20. Further, the Council has worked with Natural England (NE) and Chichester District Council (CDC) in relation to air quality impact on The Mens SAC. The relevant SoCGs with NE and CDC (**DC14** and **DC05**, respectively) identify a commitment to continued working on this issue – which is reflected in the production of the **Air Quality Mitigation Strategy (SD10)**.
21. Separately, the Council has worked with West Sussex County Council, Environment Agency, Southern Water and Thames Water to understand flood risk in the district. This has fed in to work on the **Strategic Flood Risk Assessment (SFRA) (CC03-CC04)**.
22. In addition, engagement with parties has fed into the wording and operation of the policies. For instance, the Council is part of the Sussex Local Nature Partnership network (consisting of all authorities across Sussex). The exchange of knowledge and information (for example, on Biodiversity

Net Gain) has informed policy development and is reflected in **Strategic Policy 17: Green Infrastructure and Biodiversity**. The Council is also part of the Sussex Air Quality Partnership and has used shared guidance to inform **Strategic Policy 12: Air Quality**.

In addition to the above, the Council has reflected comments from bodies on versions of the Plan – such as those from Environment Agency, Natural England and South Downs National Park Authority when drafting policies, including water resources and quality, landscape and light pollution.

Question 3: What substantial concerns have been raised in terms of compliance with the duty to co-operate?

23. The Council does not believe that the concerns raised in relation to compliance with the duty to cooperate (DtC) are substantial in nature. Though parties which the Council is required to cooperate with under the DtC have raised concerns with elements of the Plan (and these are discussed in response to relevant Hearing Statements), no partner body has stated that the Council has failed to discharge its duty to cooperate and this is apparent in the respective signed **Statements of Common Ground and Position Statement (DC01-DC17)**. The Council maintains its position that it has acted reasonably and respected due process in the discharge of this duty.
24. Notwithstanding the above, concerns have been raised by representors, which refer primarily to the DtC in relation to the matter of housing. For instance, a number of representations at the Regulation 19 stage, chiefly submitted by members of the development industry, suggested the DtC has been ineffective as the Plan results in unmet needs being identified in Horsham District, the North West Sussex Housing Market Area (NWS HMA) and, more generally, in the wider South East. As described in response to **Question 4** below, though it is recognised that the Plan would increase unmet housing needs in the NWS HMA and wider area, the Council has actively sought to fully address its own needs and contribute to meeting the needs of other authorities throughout the plan-making process. As such, the Council is of the view that it has discharged its duty to cooperate.
25. In addition, at the Regulation 18 stage, it was common for Parish Councils, members of the public and community groups to be concerned about the DtC due to the Council considering options that included meeting the needs of other authorities where unmet needs were identified. At the Regulation 19 stage, it was common for such parties to opine that such that the Council had not complied with the duty to cooperate due to the proposed allocations of sites which were not supported locally and/or not identified in Neighbourhood Plans or supported by neighbouring authorities (in the case of **HA2: Land West of Ifield**).
26. With respect of Neighbourhood Plans, the Council is proud of its record in assisting Parish Councils with preparing their Neighbourhood Plans. However, the duty to cooperate does not apply to the relationship with Parish Councils, so it is not accepted that the allocation of sites without local support (as expressed through the production of a Neighbourhood Plan or otherwise) means that the Council has not discharged its duty. With respect of **HA2: Land West of Ifield**, the Council recognises that Crawley Borough Council (CBC) does not support the site's allocation, but has nevertheless worked in a cooperative manner with CBC to address cross-border impacts. This is set out in **Question 2** of this statement.

Question 4: How has the Council co-operated to establish and meet a housing need? How specifically have development constraints influenced that co-operation, particularly water neutrality?

Housing Need

27. The matter of housing need has been central in discussions and joint work with partner authorities and bodies throughout the preparation of the Plan. This is principally detailed in **paragraphs 3.3 – 3.13** of the **Duty to Cooperate Statement (SD12)** and within the **North West Sussex HMA SoCG: Housing (DC02)** and is summarised in the paragraphs below.

28. Though the standard method derived figure has fluctuated throughout the preparation of the Plan, it has been in the region of around 900 and 965 homes per year. This has been the starting point of plan-making and used in discussions with partners.
29. In addition, the Council has given consideration to meeting unmet needs arising in neighbouring authorities during preparation of the Plan, continuing on from the existing arrangement in the Horsham District Planning Framework (HDPF) as the HDPF has a housing target of 800 homes per year – consisting of 650 homes per year for Horsham District and 150 homes per year to meet unmet needs within Crawley. This arrangement resulted in needs being addressed within the North West Sussex Housing Market Area (HMA), which has been established as being the Council's primary Housing Market Area since 2009 and has been reaffirmed since (see **Paragraphs 2.3-2.4** of the **North West Sussex HMA SoCG: Housing (DC02)**), as part of a collective approach with Crawley Borough and Mid Sussex District Councils.
30. The Council has worked closely with neighbouring authorities to understand the scale of unmet needs throughout the preparation of the Plan. Through such work it was identified that there were significant unmet housing needs – both within North West Sussex HMA, the Sussex coast and elsewhere. For this reason, at the Regulation 18 stage, the Council considered housing targets of between 1,000 and 1,400 homes, in order to fully meet the Council's own needs and to contribute to address wider needs arising elsewhere.
31. Following the Regulation 18 stage, in July 2021 a draft version of Regulation 19 Local Plan was considered by Cabinet. This proposed a housing requirement of 1,100 homes per year and sought to make an allowance for half of Crawley's unmet need (193 homes per year) and a contribution (20 homes per year) towards meeting needs in the Sussex coast, reflecting the agreed approach across the NWS HMA (see **Chapter 3** of the **North West Sussex HMA SoCG: Housing (DC02)**). Though this version of the Plan was never progressed – primarily due to the impact of water neutrality (see **Question 2** and below), it nevertheless shows the positive intent the Council has with regard to cooperation on this matter.
32. When it became apparent that the Council was not able to meet its own housing needs and thus, were not able to make contributions to unmet needs, this was communicated with other Councils (as demonstrated in various **Statements of Common Ground (DC01-DC17)**) and is discussed below.

[Water Neutrality](#)

33. Though there are constraints throughout the Horsham District that have impacted on the ability of the Council to accommodate housing delivery, water neutrality is the primary reason why the needs of Horsham District are unable to be met. This is highlighted in **Topic Paper 1: The Spatial Strategy (HDC02)**, particularly in **Chapter 6**, where it is explained that housing completions and permissions is at historically low rates, which will continue to impact on housing delivery in the short-medium term. This is discussed in more detail within other **Hearing Statements** (see responses to **Matter 3, Issue 2** and **Matter 8, Issue 1**).
34. The working arrangements, partners and outcomes of the partnership are described in response to **Question 2** of this statement. As part of the creation of evidence base documents relating to water neutrality, most notably for **Water Neutrality Study – Part C: Mitigation Strategy (CC11)**, the Councils worked together, sharing information on expected development rates within the SNWRZ, to identify that the proposed level of development could be accommodated, should requirements for water efficient development be introduced and an offsetting scheme (SNOWS) be in operation – as proposed in **Strategic Policy 9: Water Neutrality**. As a consequence, the Councils and its partners are confident that the levels of development identified in the Plan and in other Local Plans can be accommodated in the WRZ.

35. As well as informing plan-preparation, the shared approach is informing ongoing work on SNOWS, particularly in relation to the amount of offsetting that will be required and when such offsetting will need to be in place.

Question 5: In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? Are the ongoing partnerships and joint working arrangements between all the relevant bodies accurately reflected in the Plan?

36. Yes, the Council has engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan. As well as working with partner bodies on a bilateral basis, the Council has worked on a group basis in relation to wider strategic matters. The signed **Statements of Common Ground** and **Position Statement (DC01-DC17)** evidence that the cooperation has been productive.
37. **Table 1 (para 2.7)** of the **Duty to Cooperate Statement (SD12)** identifies the various groupings that informed the development of the Plan. Such partnerships and joint working arrangements are recognised throughout the Plan. For instance, **Strategic Policy 9: Water Neutrality** identifies how the Council, working together with its partners, will introduce the SNOWS offsetting scheme to enable development to come forward while meeting requirements to be water neutral, while the supporting text to **Strategic Policy HA2: Land West of Ifield** (e.g. **Paragraph 10.88**) identifies that there will be ongoing discussions with Crawley Borough Council in relation to the site, recognising that it would comprise part of the wider urban form of Crawley.