

**Examination Statement
Matter 1 - Legal & Procedural Requirements
Issue 2 - Sustainability Appraisal**

Horsham District Local Plan

Representations on behalf of Taylor Wimpey and Devine Homes
(Ref 1207547)

22 November 2024

Lucid
Planning

Contents

1. Introduction	1
2. Response to Matter 1 – Legal & Procedural Requirements Issue 2, Q4 & Q5	3

1. Introduction

- 1.1 This Statement has been prepared by Lucid Planning on behalf of our clients, Taylor Wimpey (TW) and Devine Homes, who have an interest in the land to the north of Rectory Lane, Ashington (SHELAA Ref SA524 SA790, SA520, SA085, SA539). This Statement is prepared in response to the Inspectors' Matters, Issues and Questions.
- 1.2 Representations have been made on behalf of our Clients throughout the production of the emerging Local Plan and these representations expand upon earlier representations. While efforts have been made not to duplicate the content of previous representations, this Statement draws on previous responses where necessary.
- 1.3 These representations have been prepared in recognition of prevailing planning policy and guidance, particularly the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- 1.4 These representations respond to the Inspectors' MIQs but do not respond to all questions raised under this Matter but focuses on those questions of particular relevance to our Client's interests.
- 1.5 These representations have been considered in the context of the relevant NPPF that the District Plan is being examined under - NPPF September 2023 - and tests of 'soundness' as set out at paragraph 35 of that NPPF. This requires that a Local Plan be:
- **Positively Prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with National Policy** – enabling the delivery of sustainable development in accordance with the policies in the Framework.

2. Response to Matter 1 – Legal and Procedural Requirements

Issue 2: Whether the Council has complied with other relevant procedural and legal requirements.

Sustainability Appraisal

Q4. Does the SA assess all reasonable alternative spatial strategy options, levels of housing and employment need and options relating to other policies in the Plan? Where it is considered that there are no reasonable alternatives, relating to all policies in the Plan is this clearly explained?

Q5. Is the SA adequate and have the legal requirements of the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (2012 Regulations) been met?

2.1 The Horsham Local Plan has been drafted on the premise that water neutrality limits the ability of the Plan, within the plan period up to 2040, to meet its own housing need, as well not being able to help meet its neighbour's substantial unmet housing need. TW & Devine are members of the HBF and support the HBF's view regarding water neutrality that it is primarily an issue for the water companies and Environment Agency to ensure there is sufficient water supply to meet the needs of development whilst ensuring that there is no additional harm to the SAC and the wider environment from abstraction. Whilst it is recognised it is the responsibility of the LPA to ensure that there is no additional harm to the SAC, TW & Devine do not consider it to be the responsibility of the development industry to ensure neutrality through reduced standards and a payment to ensure offsetting. It is not for the developer either to anticipate those or to have to remedy this. The issue of water supply when considering planning applications is not a land use planning matter but one to be resolved by the water company in conjunction with the relevant statutory agencies.

- 2.2 Notwithstanding this, TW and Devine Homes address the issues raised in the Horsham Local Plan evidence as it relates to the tests of soundness of the Plan.
- 2.3 Chapter 6 of the Sustainability Appraisal, December 2023 (SA) discusses the implications of water neutrality and the Local Plan. Water neutrality being defined as “*development which does not increase the rate of water abstraction for drinking water supplies above existing levels*” (para 6.6, SA).
- 2.4 Paragraph 6.7 of the SA goes on to explain that it is difficult to permit individual applications because the Habitats Regulations require an analysis of ‘in combination’ impacts. The inference, therefore, is that it is better to consider development sites in combination through Local Plan-making.
- 2.5 The third stage of the Water Neutrality Study (Part C, December 2022) built upon and updated the work done in the first two stages and set out a water neutrality strategy for all affected authorities. This included recommending a policy approach with regards to water efficiency standards in new development and setting out principles for an offsetting scheme, which together would allow water neutrality to be achieved despite growth identified in Local Plans.
- 2.6 As paragraph 6.13 of the SA sets out, the Appropriate Assessment for the Local Plan also supported the provision of a new Water Neutrality policy.
- 2.7 In discussing which water efficiency target should be applied, it is concluded at the end of paragraph 6.31 of the SA that, “*if the growth identified in Local Plans is to be delivered **in full**, further offsetting beyond those measure identified by Southern Water is necessary*”.

- 2.8 Paragraph 6.33 of the SA then goes on to explain that a number of potential offsetting measures were assessed while defining the water neutrality strategy. This led to the proposed local authority-led offsetting scheme, the Sussex North Offsetting Water Scheme (SNOWS).
- 2.9 Despite the statement in paragraph 6.31 about meeting the local plan growth “*in full*” paragraph 6.40 states that the requirement for the emerging local plan to be water neutral has “**greatly narrowed the scope for growth at the current time**”.
- 2.10 Paragraph 6.43 of the SA states there is a shortfall of homes being provided in the early plan period (2022/23 to 2026/27). A difference “between capacity and planned-for supply of 2,487 homes between 2021 and 2039” and it is acknowledged this shortfall may increase.
- 2.11 Taylor Wimpey and Devine Homes do not consider this issue to be a legitimate reason for suppressing the provision of new homes over the local plan period to 2040. The NPPF (paragraph 23) states that “*Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address **objectively assessed needs over the plan period***”. It is possible for HDC to provide for its full housing need within the time period remaining, as the Plan will have a minimum 15 year period from adoption, as required by paragraph 22 of the NPPF. The Council’s stepped trajectory can accommodate this early shortfall.
- 2.12 Paragraph 6.45 of the SA further explains that due to water neutrality constraints, the finite capacity of the market and infrastructure will “*limit supply in the mid to late years of the Plan period, and the large site allocations, which have a longer lead-in time are expected to deliver less within the Plan period than previously thought.*”
- 2.13 The simple answer to this is to allocate more sites.

2.14 In addition, the statement in paragraph 10.13 of the Submission Local Plan should be applied to the SA and it should recognise that,

“in the longer term additional water offsetting schemes and technologies will come forward which would allow Horsham District to revisit the level of unmet needs which it can accommodate as part of any future Local Plan Review.”

However, HDC should not wait for future local plan reviews. To be positively planned, justified and effective, the submission Plan should provide for housing development that has an agreed offsetting scheme and/or uses new technology that allows more housing to come forward within this local plan period. Taylor Wimpey and Devine Homes has suggested a revision of Strategic Policy 3 to provide for this (see Hearing Statement Matter 2, Plan Period, Vision, Objectives and the Spatial Strategy).

2.15 In 2021, the Council produced a local plan, prior to the need for water neutrality, that not only met its own housing needs in full but went above its standard methodology and proposed a ‘balanced’ annual housing figure of 1,100 dpa. It would not have been enough to assist in meeting its neighbours unmet need in a significant way, but it did indicate that in HDC’s own opinion, providing for that number of dwellings is sustainable and that the potential adverse impacts were not significantly and demonstrably outweighed by the benefit of meeting needs in full. Further, HDC’s build rate has exceeded this figure in 2015/16 (1,201); 2017/18 (1,125) and 2018/19 (1,369) showing it is possible. The only issue with regard to adverse impacts is in relation to the Arun Valley SAC, an issue that the Council say can be resolved on the basis of the proposed mitigation strategy. If these impacts are resolved, then the assumption must be that there is no justification for not meeting housing needs in full and meeting at least some unmet need of its neighbours.

2.16 Further, the SA and Local Plan should recognise that it is acknowledged by Natural England that alternative water supplies are currently expected to be delivered circa 2030-2036 – well within the current Plan period

(Natural England Arun Valley Water Neutrality FAQs Final V3 March 2022 when addressing the issue of how long water neutrality will be required). As such, the SA should consider the removal of the need for water neutrality mitigation within its reasonable alternatives.

2.17 It should also be remembered that paragraph 68 of the NPPF states that planning policies should identify a supply of:

- “a) specific, deliverable sites for years one to five of the plan period (with appropriate buffer)*
- b) specific, **developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan”***

This would allow HDC to plan positively and provide for its full housing need, with and without water neutrality mitigation, for the whole 15 year period. As such the Plan would be effective and justified and in accordance with the NPPF.

2.18 As acknowledged at the recent Mid Sussex Local Plan Examination, there is substantial unmet need in the neighbouring authorities:

- Crawley BC gave evidence to set out its unmet need of 7505 homes to 2040
- Brighton and Hove CC has an unmet need “of no lower than 1000 dwellings per year”
- The Coastal West Sussex authorities (which include Brighton and Hove) submitted evidence stating an unmet need of 30,000 homes up to 2050.

2.19 Horsham DC also appeared at the examination stating its unmet need to be 2377 homes (140 dpa).

2.20 As the Inspector at Mid Sussex stated these are not just numbers; these are families without homes. Using these figures, that equates to c100,000 people that will not be provided homes. It should be noted that

these figures do not address the Government's proposed new standard methodology figures, which without exception, increase the required number of homes in each authority.

2.21 This level of unmet need is unacceptable. Knowing this extraordinary issue is most likely going to getting worse with the Government's increased housing requirements, it is only right and proper that HDC – as a minimum - plan properly for the whole of its own need for the whole of the local plan period now – and not kick the issue into the long grass of the next local plan review.

2.22 **Taylor Wimpey and Devine Homes consider the SA to be fundamentally flawed – not just inadequate - as it cannot be considered to be positively prepared, justified, effective or consistent with national policy. The SA and Plan must:**

- **fully consider reasonable alternatives that cover the Council's full housing need for the Plan period up to 2040, and how it can help provide for the substantial unmet need of its neighbours**
- **fully consider how that need could be brought forward within the Local Plan either by allocating more sites and/or providing a criteria-based policy to allow alternative water neutrality mitigation other than SNOWS, because other mitigation solutions are available now**
- **fully consider policies to provide for developable sites or broad locations of growth for the latter part of the plan period when water neutrality mitigation may not be required.**

