

Mr Luke Fleming BSc (Hons) MRTPI IHBC

By email to: programmeofficer@horsham.gov.uk

11th November 2025

Dear Mr Fleming,

Re: Local Plan – Inspector’s Initial Findings Letter and next steps

We write in response to your letter of 28 August 2025 (ID09).

Since the receipt of your letter, the Council has been working with the Government and other partners on the matter of water neutrality and the position with regards this issue has now changed. We wish to make you aware of the changes that have occurred as we believe they have very substantial implications for the extant examination and the future of the draft plan, including a direct impact on your findings with respect to the Duty to Cooperate (DtC) and their continuing significance.

You will also be aware of the letter from the Housing and Planning Minister, Matthew Pennycook MP, to the Chief Executive of the Planning Inspectorate and the subsequent response. Both letters should carry significant weight in any future decision taken in respect of the draft Plan. We believe that the contents of the letters give considerable support to our contention that the examination of the Local Plan should continue and that reconsideration of your initial findings relating to the DtC should be pursued in light of the substantial change in circumstances.

Water Neutrality

You will know that the water neutrality issue has exerted a strong influence on the shape of the Local Plan, including the amount of development that we could seek to accommodate with the constraint still in effect.

On 8 October 2025, the Government announced¹ that a solution had been reached to unlock development affected by the water neutrality issue and recognised “the significant contribution by local authorities in managing the implications of water scarcity and the future challenges involved in getting appropriate development back underway.” This announcement followed years of work between government departments, environmental bodies, Southern Water and local authorities in which we, as the LPA most affected by water neutrality, played an important role.

On 31 October 2025, Natural England formally withdrew its position statement that had recommended a water neutrality-based approach to development within the Sussex North Water Resource Zone (see **Appendix 1**). Whilst Horsham District Council is taking a precautionary approach to this change and is continuing to assess applications for the potential impact they may have on the water supply area until the abstraction licence changes have been finalised, the key outcome of this change is that applicants no longer have to

¹ <https://www.gov.uk/government/news/thousands-of-new-homes-get-the-go-ahead-in-north-sussex>

submit water usage statements and critically, bespoke schemes proposed by site promoters will not need to be designed or implemented.

Our view is that the change in approach in relation to water neutrality raises two matters of importance. Whilst we have differing opinions, your initial finding that the Council failed to discuss with partner authorities bespoke water neutrality mitigation solutions in the lead-up to Plan submission, now has no effect on the outcome on duty to co-operate matters, as such schemes will no longer be required.

We recognise that the situation in relation to water neutrality is very different to that described in the submitted Local Plan and indeed in the latest Water Neutrality Update Note (HDC42). The Council is happy to provide full information and analysis of the implications of the change, what actions the Council is taking and what changes it would suggest to Spatial Policy 9 of the submitted Local Plan, should it be helpful. However, in simple terms, it is likely to enable a greater quantum of development than the submitted Local Plan identifies in the mid to later part of the Plan period.

Secondly, whilst the legacy impact of water neutrality in the immediate short-term, is that levels of development will remain low due to the suppression on planning approvals for a 4-year period from September 2021, we are now confident that higher levels of growth can be accommodated in a planned and sustainable manner in the medium and long-term. Thus, as indicated in our letter to you of 16 December 2024², we are willing to explore additional sites in order to achieve greater levels of growth through modifications to the Local Plan, should you direct us to do so.

Officer's draft notes/Copies of Relevant Meeting Notes

The Council has worked with officers at Crawley Borough Council and has also undertaken a further review of meeting notes in the period between January and July 2024 to provide additional notes, included as **Appendix 2** to this letter. In combination with other evidence, it is our view that the notes illustrate that Horsham District Council did discuss bespoke mitigation solutions related to sites not included within the submitted Local Plan, with neighbouring authorities during the period between January and July 2024. As these were similar technologies and principles as those shared in HDC29a – Response to Action Point 4b, at the time this was not considered by the LPAs to be sufficiently compelling additional evidence to share.

In addition, and as identified in our earlier response to you dated April 2025 (ref HDC00, para 28), it is our position that all relevant bodies and local authorities should have been invited to attend hearing sessions relating to the DtC to fully explore our compliance with legal requirements. In discussions with officers at Crawley Borough Council, they have indicated that they are willing to provide verbal evidence at any further hearing sessions on the DtC – including in relation to their understanding of the position and discussions at that time. We are confident that officers from other authorities would also attend, if invited, to any further hearing relating to DtC and that all partners would corroborate our position that we engaged with our partners constructively, actively and on an ongoing basis in the development of the submitted Local Plan.

² https://www.horsham.gov.uk/data/assets/pdf_file/0017/143045/HDC-Local-Plan-Examination-Hearing-letter.pdf

Letter to the Chief Executive of the Planning Inspectorate

On 9 October 2025, Matthew Pennycook MP wrote to Paul Morrison, Chief Executive of the Planning Inspectorate in his role as Housing and Planning Minister³. Its contents stressed the importance of plan-led system and the certainty that adopted plans give to the development sector.

We particularly wish to highlight passages within the letter which encourages Inspectors to exercise flexibility in order to expedite adoption of local plans. The letter states that “the evidencing of expectations to establish whether the legal and soundness tests have been met – including with respect to the Duty to Cooperate – should be proportionate to the context in which plans in the existing system are being prepared.” Further, he welcomes actions taken by other Inspectors to allow “additional opportunities to clarify compliance with the Duty to Cooperate.” We also note the recent response from the chief executive from PINS to Matthew Pennycook, dated 30 October which supports a pragmatic approach on Duty to Co-operate matters⁴.

Given the contents of the Minister’s letter with regards to the Duty to Co-operate, and that development will no longer be constrained by the need for developers to demonstrate water neutrality, we respectfully request that the examination is re-opened beginning with a further hearing scheduled, focussing on DtC matters. We repeat calls made in our letter of 18 August 2025 (HDC43) that such a hearing session should include officers from neighbouring authorities.

We trust that this letter is of assistance to your ongoing examination of the submitted Local Plan, and we await your response with interest.

Yours sincerely



Barbara Childs
Director of Place

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https://assets.publishing.service.gov.uk/media/68e7d53a187483de54d766f0/Local_Plan_examinations_-_letter_to_the_Chief_Executive_of_the_Planning_Inspectorate.pdf

⁴

https://assets.publishing.service.gov.uk/media/690485bdef26c341988b24d0/PINS_CEO_to_Minister_Pennycook_-_30-10-25_-_COMMS.pdf