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HORSHAM DISTRICT REPORT: NOVEMBER 2021, by Dr Roger F Smith

**HORSHAM DISTRICT LOCAL PLAN 2021-38 REGULATION 19 PROCESS ON HOLD:  
NATURAL ENGLAND'S 'POSITION STATEMENT' AND 'WATER NEUTRALITY'**

The Habitats Regulation Assessment (HRA) commissioned By Horsham District Council, dated July 2021, to assess the impact at least 18,700 new residential dwellings and 111,700m<sup>2</sup> of employment space concludes that the 'best level of water neutrality' that could be achieved was 45%.

The impact of 45% water neutrality needs to be assessed, as indeed does the number of new-builds for which total water neutrality could be achieved, and the housing target for the district reduced accordingly.

## Background

Following scrutiny by the council's Cabinet, 15 July, Horsham District Council's (HDC) draft local plan was to have been considered at a Full Council Meeting on 28<sup>th</sup> July and, subject to their approval, released for consultation. Thereafter it was to have been submitted to the Planning Inspectorate.

This process, however, had to be put on hold because the revised version of the NPPF, published 20 July, stipulated that

'Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery' (paragraph 22).

Large-scale developments are a significant part of the council's house-building strategy, and the plan had therefore to be reviewed and amended as necessary to ensure compliance with paragraph 22.

Early in September, HDC programmed Cabinet and Full Council Meetings to consider the amended plan for 11 November and 17 November respectively.

Plan-making guidance on this matter was issued by the Government on 4 October (Paragraph: 083 Reference ID: 61-083-20211004; Revision date: 04 10 2021. Paragraph: 084 Reference ID: 61-084-20211004; Revision date: 04 10 2021).

<https://www.gov.uk/guidance/plan-making#delivery-of-strategic-matters>

Meanwhile on 14 September, HDC received 'Natural England's Position Statement for Applications within the Sussex North Water Supply Zone, September 2021 – Interim Approach', in consequence

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of which the determination of planning applications, neighbourhood plans, and the local plan process have been put on hold, the latter for a second time.

<https://www.horsham.gov.uk › data › assets › pdf file › 0019 › 106552 › Natural-Englands-Position>

HDC's receipt of the Position Statement was announced, and details given, and ramifications explained in a press release, released by the council on 15 October.

[Water Neutrality in Horsham District and its planning implications | Horsham District Council](#)

**Natural England's statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.**

Since Natural England is responsible for enforcing laws that protect flora and fauna and the natural environment, Councils must comply with their 'advice'.

<https://www.gov.uk/guidance/enforcement-laws-advice-on-protecting-the-natural-environment-in-england>

### **'Natural England's 'Position Statement' and the requirement for 'Water Neutrality'**

The Position Statement has been issued, too, to Chichester District Council and Crawley Borough Council, which, like Horsham District, lie within the Sussex North Water Supply Zone.

In the Statement Natural England advise that

- 'The Position Statement provides 'substantive advice for all applications which fall within Sussex North's Water Supply Zone'.
- They were concerned that within the water supply zone current levels of water abstraction were harming the Arun Valley Special Area Conservation (SAC), Arun Valley Special Protection Area (SPA) and Arun Valley Ramsar Site (these sites and their habitats support rare and endangered flora and fauna).
- 'Developments within Sussex North must not add to this impact and one way of achieving this is to demonstrate water neutrality'.
- 'In addition, the Gatwick Sub regional Water Cycle Study concluded that water neutrality is required for Sussex North to enable sufficient water to be available to the region'.
- 'The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place'.
- 'This matter should be resolved in partnership through Local Plans across the affected authorities, where policy and assessment can be agreed and secured to ensure water use is offset for all new developments within Sussex North. To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy'.
- 'Whilst the strategy is evolving', 'decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality'.

## **Water Neutrality: Natural England's advice to Horsham District Council, March 2021: the district will need to demonstrate water neutrality**

Natural England in their response, dated 30 March 2020, to the Horsham Local Plan Regulation 18 Consultation and Habitats Regulations Screening Assessment, advised HDC that:

- "In December 2019 Natural England wrote to Southern Water services to state that based on a recent evidence review of the Hardham groundwater abstraction, an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar features could not be excluded with certainty. This abstraction is a significant contributor during certain supply conditions to Southern Water's Sussex North supply area. This area supplies Horsham and has clear implications for plans and projects in this area. The Environment Agency and Natural England are working with Southern Water to try to identify a long term more sustainable water supply. In the meantime, whilst the adverse effect remains or is uncertain, development in Horsham must be certain not to add to this adverse effect. We therefore advise that water quantity is screened in for appropriate assessment in the HRA. We advise that your authority consults studies such as the Gatwick Sub Regional water cycle study regarding this issue. For example, the study cites the requirement to demonstrate water neutrality in order for sufficient water to be available to the district.'
- 'Horsham District is within the Gatwick sub-region WCS –This strategy has concluded that water use within the district will need to demonstrate neutrality in order for sufficient water to be available to the district.'

## **Habitats Regulation Assessment (HRA) concludes that the 'best level of water neutrality' that could be achieved was 45%**

In compliance with this advice HDC commissioned the 'Horsham Local Plan Habitats Regulations Assessment' (HRA), dated July 2021, which was undertaken by AECOM. The accompanying 'Horsham Local Plan Habitats Regulations Assessment: Executive Summary', was published separately and is dated June 2021.

The authors of the Assessment, which assesses the impact of 'the development proposed in the emerging HLP (Horsham Local Plan) and its policies, including at least 18,700 new residential dwellings and 111,700m<sup>2</sup> of employment space', found that achieving total water neutrality was not feasible.

This was because it would 'require an unprecedented restriction on water use in new-build homes together with a very high level of retrofitting' of existing homes with water-efficient fittings.

The best level of water neutrality that could be achieved was 45%.

What the impact would be on the Arun Valley SAC, SPA and Ramsar Site in consequence of 45% water neutrality, instead of total water neutrality, is neither assessed nor considered by the HRA Assessment.

Although questions were asked and concerns were expressed about water supply at the Cabinet meeting, held 15 July, no mention was made of Natural England's requirement for 'water neutrality' – and the HRA assessment that the best level of water neutrality that could be achieved was 45%.

A full transcript of the Cabinet Meeting is accessible at:

<https://www.cpresussex.org.uk/news/transcript-of-horsham-district-council-cabinet-meeting-15-july-2021/>

**The impact of 45% water neutrality needs to be assessed, as indeed does the number of new-builds for which total water neutrality could be achieved, and the housing target for the district reduced accordingly.**

The Government's 'Guidance Housing and Economic Needs Assessment' which 'Guides councils in how to assess housing needs' advises that 'There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances' (Paragraph: 003 Reference ID: 2a-003-20190220; Revision date: 20 02 2019)

<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>

The urgent need to achieve water neutrality is an exceptional circumstance.

Dr Roger F Smith

Trustee CPRE Sussex and District lead

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