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The countryside charity
Sussex

Attention: Case Officer Ms A Moore

Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

10 November 2022

Dear Ms Moore,

Representation submitted for and on behalf of CPRE Sussex objecting to

DC/22/1916

Land North West of Southwater

Outline application with all matters reserved for a mixed use strategic development to include demolition of existing buildings and erection of up to 1,500 dwellings, up to 15,750 sqm (GIA) of flexible employment space (Use Classes E/B2/B8), up to 2,900 sqm (GIA) flexible community facilities (Use Classes E/F1/F2); education facilities; sports facilities; 5 gypsy and traveller pitches; public open space; landscaping and related infrastructure.

CPRE Sussex asks that the application which sidesteps the Horsham District local plan making process be refused for the reasons explained below.

1. DC/22/1916 is a significant departure from 'Land West of Southwater', Regulation 19 Pre-Submission Horsham District Local Plan, Strategic Policy HA3.

1.1 'Land West of Southwater', proposed by the applicant for 1200 homes and other development in HDC's Regulation 18 Draft Local Plan and included as an allocation for same in the subsequent put-on-hold Pre-Submission Regulation 19 Local Plan, Strategic Policy HA3, has by sleight of hand morphed into 'Land North West of Southwater' for 1500 dwellings and other development.

1.2 The 300 additional dwellings are a substantial increase (25%) on the original 1200 homes.

2. Approval of this application would remove the proposed development from the local plan process, including Examination in Public by the Planning Inspectorate, and undermine and negate that essential process, setting a precedent for other developers to follow.

3. In the 'Sustainability Appraisal of the 'Horsham District Local Plan Regulation 19 Consultation Final Report, July 2021', the sustainability of Land West of Southwater is assessed as a development for 1200 homes, not 1500.

3.1 The Sustainability Appraisal "*relates to the Regulation 19 version of the Local Plan (September 2021) and should be read in conjunction with that document*" (Sustainability Appraisal paragraph1.2).

4. DC/22/1916 should not be imposed on Southwater, which is already having to accommodate large developments including the building-out by Berkeley Homes of extant permissions. The impact that the imposition of 1500 more homes would have on the stability and cohesion of the community are significant planning concerns.

4.1 HDC's Regulation 18 Draft Local Plan, Chapter 6 Housing, and Pre-Submission Draft of the Local Plan (Regulation 19), Chapter 6 Housing stipulate that

"*The settlements of Horsham, Billingshurst, Broadbridge Heath and Southwater have accommodated large developments in recent years, but pressure for housing development remains. Care needs to be taken to ensure communities can absorb changes that have taken place to allow stable, cohesive communities to thrive and that development can be built out at a rate that is in keeping with market demand*".

Note in particular "*Care needs to be taken to ensure communities can absorb changes that have taken place to allow stable, cohesive communities to thrive*".

WATER NEUTRALITY

5. The applicant's 'Water Reduction Strategy' a**dvises that to achieve Water Neutrality the proposed scheme's water consumption must be less than or equal to zero litres/day/person. The Strategy advises, too, that it is unlikely that the scheme's entire expected water use can be offset using the strategy assessed.**

5.0.1 In other words, water consumption by the proposed scheme, less than or equal to zero litres/day/person is unachievable.

5.1 Water neutrality is defined as: "*For every new development, total water use in the region after the development must be equal to or less than the total water-use in the region before the new development*."

(Water Neutrality Study: Part B – In-combination, Final Report for Crawley Borough Council, Chichester District Council and Horsham District Council, April 2022, page iv).

5.2 The Water Reduction Strategy states under the heading 'Base Line Water Demand' that "*As the site is largely a greenfield site and no known water uses are known to be present (e.g., irrigation), the baseline consumption is zero l/person/day.* ***Therefore, to achieve water neutrality, the water consumption for the proposed site must be less than or equal to this****"* (paragraph 2.2).

5.3 The 'Water Reduction Strategy' considers the practicality and limitations of measures that could be employed to reduce the proposed development's water consumption, and consequent uncertainties:

"*The methodology for assessing the potable water consumption of a new dwelling is encapsulated in the water efficiency calculator in Appendix C. It involves assessing compliance against the water performance targets in the Building regulations 2010 Approved Document G: Sanitation, hot water safety and water efficiency.* ***It is not a design tool for water supply and drainage systems, nor can it calculate the actual potable water consumption of a new dwelling. This is because occupant behaviour also affects the potable water consumption in a home***" (paragraph 3.8).

"Where *feasible, water capture and reuse technologies such as rainwater harvesting and greywater recycling could be considered to further offset water demand. However,* ***it must be acknowledged that the technical and cost implications of these measures may limit the***

practicality of their installation, especially given that these may require significant space and modifications on the sites/buildings of third-party owners" (paragraph 3.31).

"*One such site under consideration for offsetting the water use of the proposed development is Christ's Hospital, a school in proximity to the site, with which discussions are ongoing to develop a water reduction strategy"* (paragraph 3.32).

"***Finally, it is unlikely that the entire expected water use of the proposed development can be offset using the above-mentioned strategy****. This is due to the nature of the site, i.e., it is a greenfield site and the scale of proposed development is extensive. Therefore, a developer contribution will be made to offset the remaining water use. This will be based on a tariff payment mechanism that is expected to be established by the Council their solution to water neutrality is in place, which is awaiting the assessment of further evidence (i.e., Part C report) to develop a mitigation strategy*" (paragraph 33).

6. How the tariff payment mechanism would enable water consumption less than or equal to zero litres/person/day for DC/22/1916 is not explained. It needs to be explained.

7. The dismissal of Appeal Ref: APP/Z3825/W/21/3283648 Woodfords, Shipley Road, Southwater RH13 9BQ, decision date 8 August 2022, and the reasons for the dismissal re Water Neutrality are pertinent and applicable to DC/22/1916.

7.1 The application Ref DC/20/2564, dated 18 December 2020, was refused 29 April 2021. The development proposed was originally described as 'outline planning application (all matters reserved except access) for demolition of existing dwelling and associated buildings and the erection of approximately 78 new dwellings (C3 use) and associated public open space, landscaping, drainage and highways infrastructure works, including vehicular access from Shipley Road.

7.2 The Inspector found that

"*The appeal site is within the* Sussex North Water Supply Zone*. From the information before me, the proposal would have a likely significant effect on the Arun Valley sites* (Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar Site) *either alone or in combination with other plans and projects through additional water abstraction to meet increased water demand on the site associated with the 73 dwellings proposed*" (paragraph 20). And that at paragraph 29:

" …. *the national Planning Practice Guidance on Appropriate Assessment advises that mitigation measures need to be sufficiently secured and likely to work in practice and I need to be convinced the proposal is capable of achieving water neutrality.*

Given my concerns above, I am not satisfied from the evidence before me that there is sufficient certainty that effective mitigation could realistically be secured for the development to offset the additional water demand at the site to achieve water neutrality.

As a consequence, I am not persuaded that this issue could in this case be reasonably deferred to be addressed through the provisions of the UU (the Appellants Unilateral Undertaking dated 29 April 2022) *and I find that there is insufficient certainty to conclude that adverse effects on the integrity of the Arun Valley SAC, SPA and Ramsar Site can be excluded".*

And at paragraph 43:

"*Notwithstanding the shortfall in housing supply and the benefits of the proposal, the adverse effect of the development on designated nature conservation sites and conflict with the Regulations is a matter of overriding concern."*

7.3 Likewise, the Water Reduction Strategy submitted for DC/22/1916 does not provide any certainty that effective mitigation could realistically be secured for the development 'Land North

West of Southwater' to offset the additional water demand at the site, to achieve water neutrality.

8. HDC states at https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/water-neutrality-and-planning-policy **that**

"It is impossible to say with any certainty what impact water neutrality will have on the content of the Local Plan. More needs to be known on how much water the mitigation strategy will be able to offset.

However, it is expected that some of the water neutrality solutions will take some time to implement. This could limit the amount of development that can take place in the short to medium term …. A higher housing target may be possible in the later years of the Local Plan, once there are alternative water supply sources to the abstraction site in the Arun Valley".

8.1 In which event, contrary to the statement in the applicant's Planning and Affordable Housing Statement that "*HDC will need to deliver on average 1,100 homes each year*" (paragraph 6.39), the district's housing target in the short to medium term would not be of that magnitude. And the development of Land North West of Southwater, as proposed by the applicant in DC/22/1916, would not be appropriate.

STORM OVERFLOWS - UNTREATED SEWAGE – IMPACT ON RIVERS

9. Since it is likely that, as is explained below at paragraphs 10, 12, 13 and 14, storm overflows of untreated sewage and storm water in consequence of DC/22/1916 would have a significant adverse impact on water quality, a more detailed assessment than that provided by the applicant of what that impact would be on the water quality, biodiversity and ecology of the River Adur and River Arun should be provided for the application.

9.1 Department for Levelling Up, Housing and Communities 'Guidance Water supply, wastewater and water quality: Advises on how planning can ensure water quality and the delivery of adequate water and wastewater infrastructure' (published 23 March 2015; last updated 22 July 2019) states under the heading 'Assessing impacts on water quality' that

"*Where water quality has the potential to be a significant planning concern an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan or designated sites of importance for biodiversity, and how they propose to mitigate the impacts.*

Where it is likely that a proposal would have a significant adverse impact on water quality then a more detailed assessment will be required. The assessment should form part of the environmental statement, if one is required because of a likely significant effect on water quality".

(Paragraph: 016 Reference ID: 34-016-20140306)

10. Horsham District Council's 'Sustainability Appraisal of the Horsham District Local Plan Regulation 19 Consultation Final Report, July 2021' states that:

"*The effects of climate change in the district are likely to result in extreme weather events (e.g. intense rainfall,* *prolonged high temperatures and drought*) *becoming more common and more intense*" (Table 3.1 Key sustainability issues for Horsham: E. Climate change adaptation and mitigation).

10.1 The Environment Agency has advised that

"*Storm overflows are a necessary part of the current sewerage system. They are designed to discharge sewage to rivers or the sea at times of heavy rainfall or snow melt to prevent it backing up into homes and streets. Their use has increased in recent years*

***as climate change has led to greater rainfall, and water infrastructure has not kept pace with population growth*".**

And that climate change

"***will have far-reaching effects on economies and societies, and major impacts on habitats and species. Climate change will exacerbate risks from regulated industries such as by increased pollution risks during heavy rainfall. The physical and mental health impacts of a changing climate will mainly be felt through flooding, changes in water availability, temperature, disease and pollution*".**

(Environment Agency 'Research and analysis Regulating for people, the environment and growth, 2020'.' Updated 29 December 2021: section 6 A nation resilient to climate change).

11. It is therefore a major cause for concern that the applicant's Environmental Statement Volume I, Chapter 13 – Water Resources, Flood Risk and Drainage (ES Vol 1 Chapter 13) neither mention nor consider storm overflows of untreated sewage and storm water from Wwtw that would treat sewage from the development - and the resultant impact on the water quality, biodiversity and ecology of the River Adur and River Arun, either alone or in combination with other plans and projects.

11.1 Neither does the ES consider the impact of climate change on the intensity and frequency of rainfall and resultant increase in the frequency and duration of storm overflows.

11.2 The resultant impact of overflows of untreated sewage on the water quality, biodiversity and ecology of the River Adur and River Arun is a significant planning concern and must be assessed and considered by decision takers.

12. The applicant's Environmental Statement Volume I - Chapter 13 – Water Resources, Flood Risk and Drainage (ES Vol 1 Chapter 13) states under the heading Existing Surface and Drainage (at paragraph 13.4.17 fifth bullet) that

"*The nearest point where capacity is currently available for reception of flows from the Proposed Development is at Barns Green Wwtw which is located approximately 2 km Southwest of the Site*".

12.1 The ES does not mention that in 2021 storm overflows of untreated sewage and storm water from the Wwtw spilled 40 times, discharging into the adjoining Parson's Brook for a total of 252 hours. https://theriverstrust.org/sewage-map

(The Rivers Trust sewage map shows where the sewerage network discharges treated sewage and **overflows of untreated sewage and storm water** into rivers in England & Wales in 2021)

12.2 Parson's Brook is a tributary of the River Adur, and the Wwtw is located within the Adur West Water Body catchment, which has a 'poor ecological status', apparently due in large part to pollution from sewage discharge (continuous); Category Water Industry.

https://environment.data.gov.uk/catchment-planning/v/c3-plan/WaterBody/GB107041012290

12.3 Sewage received from BH's proposed scheme would add to overflows of untreated sewage from the Barns Green Wwtw and worsen the river's existing poor ecological status.

13. How overflows of untreated sewage from the Barns Green Wwtw (Southern Water, Permit number W00385) would impact on the Adur River Restoration Project, which is one of only 22 nationwide projects to receive funding (£500,000) from DEFRA, needs to be assessed and considered by decision takers.

13.1 Details of the Adur River Restoration Project were published by HDC, 10 October 2022.

https://www.horsham.gov.uk/climate-and-environment/news/articles/funding-secured-to-deliver-vital-landscape-recovery-for-river-adur

13.2 Forming an important part of the Wilder Horsham District initiative, the project "*aims to restore nature, reduce flood risks, improve water quality and boost biodiversity in the River Adur area*', stretching '*from the Knepp estate to Shoreham, where the river meets the Sussex Bay restoration of the sea beds and kelp forests along the Sussex coast".*

https://www.horsham.gov.uk/climate-and-environment/news/articles/funding-secured-to-deliver-vital-landscape-recovery-for-river-adur

13.3 Receiving sewage from BH's proposed development could add to overflows of untreated sewage and storm water from the Barns Green Wwtw thereby worsening the existing pollution problem to the detriment of the Adur River Project, and potentially put kelp forests along the Sussex coast at risk.

13.4 To allow this to happen would be unconscionable.

https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality

14. How storm overflows of untreated sewage and storm water from Horsham Wwtw (Southern Water, Permit number: A00152) would impact on the water quality, biodiversity and ecology of the River Arun, including the Arun Valley sites (Arun Valley Special Area of Conservation ('SAC'), Special Protection Area ('SPA') and Ramsar Site), either alone or in combination with other plans and projects, needs to be assessed and considered by decision takers.

14.1 In 2021, this sewer storm overflow spilled 35 times for a total of 363 hours, discharging into 'the tributary of the River Arun'. https://theriverstrust.org/sewage-map (The Rivers Trust sewage map shows where the sewerage network discharges treated sewage and **overflows of untreated sewage and storm water** into rivers in England & Wales in 2021)

14.2 The Wwtw is shown on Land North West of Southwater Figure 13-1- ES Study Extent Water Resources Flood Risk and Drainage Map.

14.3 The Wwtw is located within the Arun River Water Body, which has a poor ecological status apparently due in large part to pollution from sewage discharge (continuous); Category Water Industry. Arun Horsham | Catchment Data Explorer | Catchment Data Explorer

CPRE Sussex asks that DC/22/1916 be refused for the compelling reasons explained above.

Yours faithfully,

Dr R F Smith DPhil, BA (Hons), FRGS
Trustee CPRE Sussex

Copy to Chair CPRE Sussex