

Home Builders Federation

Matter 3 – Climate Change and Water

Issue 1 – Whether the approach to climate change and energy use, sustainable design and construction is justified, effective, consistent with national policy and positively prepared?

Q1. Is Strategic Policy 6: Climate change sound?

- a) Is this policy consistent with national policy, justified and effective particularly when read alongside Building Regulations?
- b) Does the justification accurately reference “net zero carbon”?
- c) Is criterion 2 d) effective?
- d) is the reference to “sustainable transport infrastructure” effective and consistent with other policies in the Plan?
- e) Does this policy appropriately deal with the demolition of buildings?

As set out in our representations the HBF consider this policy to lack the necessary clarity to be an effective decision making tool. For example, part of the policy suggests that all development proposals will only be supported where they include measures which contribute to achieving net zero carbon across the district by 2050. All new homes already include such measures following the adoption of the Part L Building Regulations 2021 which reduces carbon emissions from new homes. This will be further enhanced with the adoption of the Future Homes Standard. Given that all development is currently contributing to this outcome through enhanced building regulation it is not clear what is meant by criterion 1 of the policy and whether the Council expect development to go beyond current regulations leading to conflicts with current or future regulations.

Criterion 3 of the policy is equally vague, and it is not clear what ‘responses’ development is meant to avoid and will cause confusion for applicants and decision



makers alike. The Council must provide clarity as to what it means before representors can even consider whether this part of Strategic Policy 6 is sound.

Q2. Is Strategic Policy 7: Appropriate Energy Use sound?

- a) Is the cascade set out in criterion 1 justified and effective?
- b) Is the order of preference set out in criterion 2 c) justified and effective? Should any other “means” be identified and are the “means” identified justified and effective?
- c) Is the reference to energy from waste in the justification text justified?

HBF consider the inclusion of the energy hierarchy in part 1 of the policy to be unjustified. New homes built to current and future standard will be significantly more energy efficient than the existing housing stock. New homes emit 65% less carbon than the average older property with the average new build having energy bills that are £130 cheaper per month. For the average house the savings rise to £165 per month, over £1,980 per year. The inclusion of the energy hierarchy suggest that development should be doing more, for which no justification is provided and as such HBF consider it necessary for the hierarchy to be deleted.

With regard to part 2 the HBF do not consider it necessary to have this as a hierarchy. Whilst the council may prefer a development to connect to a local heat network this should not be seen as any more preferable to the use of heat pumps or other source of renewable energy. All are likely to have similar outputs with regard to carbon emissions and as such there is little reason to include these as hierarchy.

Q3. Is Strategic Policy 8: Sustainable Design and Construction sound?

- a) Is this policy consistent with national policy, justified and effective particularly when read alongside Building Regulations?
- b) Is it consistent with national policy and legislation with regard to its approach to heritage assets?
- c) Is it consistent with Strategic Policy 9: Water Neutrality?

As set out in our representations it is unnecessary to state in policy that new build homes should meet as a minimum building regulation. These as are required does not need to be reiterated in national policy. Part 1a must be deleted.

Issue 2 – Whether the approach to water neutrality and flooding is justified, effective, consistent with national policy and positively prepared?

Q1. Is Strategic Policy 9: Water Neutrality sound?

- a) Is the geographical application of this policy accurately identified on the submission Policies Map?
- b) Is the restriction for residential development of 85 litres of mains supplied water per person per day justified and effective?
- c) Is it clear how this policy would be applied to non-domestic buildings?
- d) Is the approach to water off setting justified and effective? Has any further progress been made on implementing the Sussex North Offsetting Water Scheme? When realistically is it likely to be in place? Will it be effective?
- e) Has achieving water neutrality been adequately assessed as part of the viability evidence and is this policy flexible enough to deal with changes in circumstances with regard to water neutrality?

HBF has significant concerns regarding the soundness of strategic policy 9 with regard to water neutrality in Horsham. HBF does not consider it the responsibility of the development industry to offset the impact of water abstraction at Hardham in order to ensure that there is no further harm to the Arun Valley SAC. It is the legal responsibility of Southern Water to provide potable water and for the Council in its decision making on planning applications to assume that this statutory duty will be fulfilled without harm to the SAC. As we set out in our representations it is ultimately the responsibility of water companies, working with local authorities and the Environment Agency (EA), to plan for the future demand for water services relating to the development requirements proposed in local plans.

Equally, Southern Water and the EA operate under a legal duty to ensure that activities do not have an adverse effect on European sites, under Regulation 63(5) of the Habitat Regulations. It is the HBF's view, that the Secretary of State can rely upon the WRMP 19, which has passed that legal test, although we acknowledge that a different conclusion was reached by the Secretary of State in the Kilnwood Vale decision.

If the water company is unable to supply those needs, this needs to be disclosed in the WRMP. If unforeseen events occur after the WRMP is adopted, meaning that the water company is now unable to provide the water services required, then the HBF would agree that the local authority must reflect those problems in its local plan. However, it

is then incumbent on the water company to address these issues of supply in subsequent WRMPs, in this case the WRMP. It should not be the case that the water company through the WRMP places additional burdens on the development industry in order to offset its own use in order to ensure that there is no impact on a protected habitat.

In the case of the Sussex North Water Resource Zone this may require the closure of abstraction at Hardham. HBF are aware that a Sustainability Study is being undertaken by Southern Water as part of the preparation of the WRMP 2024. Commitment to this review is set out in Annex 22 of the draft WRMP24 and will consider the scale of the impact of abstraction at Pulborough on the Arun Valley SAC. The outcomes of this study we understand will not be known until next year. This may conclude that there is no harm to the SAC from abstraction. In this case the Natural England position statement will fall away, and offsetting will not be required. If it is concluded that there is harm, then logic must dictate that the EA will require abstraction to be halted at Hardham. Once abstraction is halted the Natural England position statement is no longer necessary and the need for offsetting again falls away.

HBF recognises that this will require Southern Water to find alternative sources of supply, but this is its statutory duty under S37 and S94 of the Water Industry Act 1991 (WIA 1991) which impose a statutory duty on all water companies to provide and maintain adequate infrastructure and potable water supplies. If there is insufficient water in such a scenario then the only conclusion that can be reached is that this plan is unsound, the lack of water infrastructure is a show stopper to new development. Southern Water cannot rely on the development industry to offset water use rather than ensuring sufficient supply of water to meet its statutory responsibilities.

To conclude, it cannot be left to the development management element of the planning system to determine such an issue, it must be for plan making and the WRMP with decision makers able to rely on statutory providers to ensure a sufficient supply of water. Decision makers are entitled to assume that those statutory bodies operating under a separate regulatory regime, in this case statutory bodies operating within the WIA, that those bodies are operating in accordance with their statutory duties under the water regime, including their duties under the Habitats Regulations in respect of protected sites in carrying out these statutory duties to supply water.

In order for the plan to be found sound the Council must be able to show that there is sufficient headroom from other sources to ensure the development needs across Horsham can be met in full in the absence of abstraction at Hardham. If this evidence cannot be provided the only conclusion that can be reached is that the plan is unsound as the plan is not deliverable.

Even if it is considered appropriate for all new homes to achieve water neutrality through limiting water use and offsetting HBF are concerned that SNOWS will not deliver the necessary offsetting to address these needs. No evidence has been presented by the Council to date to show that there is or will be sufficient capacity to meet the demand for credits in Horsham. Without this evidence it is not possible to show that the local plan and the development proposed within it is deliverable across the plan period.

With regard to accessing SNOWS the latest position is that access to credits will be managed with the Council not providing access to credits for development where:

- the principle is not in accordance with an adopted development plan, or in a post-submission local plan or neighbourhood plan; and/or
- Development permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently amended) (GPDO)

This approach is not set out in the local plan but has been agreed with regard to allocation of credits. HBF consider the approach to be unsound and the plan should set out the principle that credits will be made available to all development that has a planning permission approved for development. The assumption must be that all development coming forward can access SNOWS on a first come first served basis. The Council must not be allowed to use access to credits it manages as a means of controlling what development can come forward, which should be assessed solely on the planning merits of that development.

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