

# Horsham Local Plan 2023-2040 Examination

Matter 1: Legal and Procedural Requirements

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## Issue 1: Whether the Council has complied with the duty to cooperate in the preparation of the Plan?

### Q.4: How has the Council co-operated to establish and meet a housing need? How specifically have development constraints influenced that co-operation, particularly water neutrality?

1. It is apparent that the Council has engaged with each of its neighbouring authorities<sup>1</sup>.
2. The Statements of Common Ground (documents ref. DC01-DC18) agree that the Plan sets a housing target based on an average delivery of 777 dwellings per annum across the Plan period.
3. Table 2 of the North West Sussex Housing Market Area Statement of Common Ground (July 2024 – document ref. DC02) identifies clearly that the Local Housing Need for Horsham District derived via the Standard Method is 917dpa. Paragraph 6.9 and 6.10 of the North West Sussex Housing Market Area Statement of Common Ground set out that Horsham District Council cannot meet its own housing need nor any unmet needs from adjoining authorities as a consequence of water neutrality constraints.
4. Table 3 of the North West Sussex Housing Market Area Statement of Common Ground identifies that the Plan would result in an under-supply of 2,377 dwellings. For context, Crawley Borough is anticipated to have an under-supply of 7,505 dwellings whilst Mid Sussex has an over-supply of 935 dwellings. Cumulatively, this results in a total under-supply of 8,947 dwellings across the North West Sussex Housing Market Area.
5. Paragraph 6.24 of the North West Sussex Housing Market Area Statement of Common Ground indicates that the three Councils of the North West Sussex Housing Market Area have been cooperating to seek to identify mitigation with respect to the water neutrality issue. This suggests that there is a longer-term solution, but information on this is not available to inform the Plan. Paragraph 6.36 of the North West Sussex Housing Market Area Statement of Common Ground states, inter alia: “*all parties confirm they are committed to seeking opportunities to further boost housing supply beyond the Plan targets (a ‘floor’ not a ‘ceiling’)*”. This is a fundamental soundness requirement for Local Plans<sup>2</sup>, so is welcomed. However, as identified within our Matter 2 Statement, this is not facilitated by the strategic policies contained within the Plan.
6. Notably, Arun District Council does not consider that the Plan does enough to meet its own identified housing need and consider the potential of accommodating unmet needs. Paragraph 2.5 of the Statement of Common Ground with Arun District Council<sup>3</sup> states:

*“Whilst understanding that HDC is taking an environmentally constrained approach, ADC takes the view that this gives rise to significant potential cross-boundary implications. It is considered that the Horsham District Local Plan should not regard water neutrality as an absolute constraint on housing supply, and that it should set out a commitment to deliver the identified housing need and contribution towards unmet need, as originally evidenced in the earlier versions of the emerging plan.”*

7. Brighton and Hove City Council state the following at paragraph 2.7 of the Statement of Common Ground that it agreed with Horsham District Council<sup>4</sup>:

<sup>1</sup> Noting the respective Statements of Common Ground – documents ref. DC01-DC18

<sup>2</sup> Paragraphs 35a and 35d of the Framework, having regard to the provisions of paragraph 61 of the Framework (September 2023)

<sup>3</sup> Document ref. DC16

<sup>4</sup> Document ref. DC07

*“BHCC note the position of HDC but does not agree with the prioritisation set out above<sup>5</sup>. BHCC’s view is that, given the scale of unmet housing need in the Coastal West Sussex HMA and those of Brighton & Hove in particular, options to explore meeting unmet need within the Coastal West Sussex HMA should not be secondary or contingent upon the consideration and/or resolution of unmet housing needs elsewhere.”*

8. Accordingly, the Duty to Cooperate discussions have concluded the following:
- There is a very substantial level of unmet housing need within the North West Sussex Housing Market Area that is not proposed to be accommodated;
  - There is discontent with respect to the Plan’s approach in relation to exploring all options to meet its housing needs and potential to accommodate unmet needs;
  - There is disagreement in relation to the prioritisation of accommodating any unmet needs.
9. As indicated by the Statement of Common Ground with Arun District Council, it is evident that the Duty to Cooperate discussions have been significantly influenced by water neutrality matters. The Council has treated this matter as an absolute constraint on the level of housing development that can be accommodated by the Plan, which is lower than the minimum Local Housing Need and does not accommodate for any unmet needs from adjoining authorities.
10. As discussed within the Regulation 19 representations (representor ref. 1211284), we do not consider that a proactive approach has been taken by the Council to exploring all opportunities to mitigate the water neutrality impacts.
11. Furthermore, as discussed within our Matter 2 Statement, the policies of the Plan do not facilitate the delivery of otherwise acceptable development where a bespoke mitigation strategy is available that could help the Plan meet the minimum Local Housing Need and, potentially, accommodate some unmet needs from adjacent authorities.

**Q.5: In overall terms has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? Are the ongoing partnerships and joint working arrangements between all the relevant bodies accurately reflected in the Plan?**

12. As outlined in response to Question 4 of this Matter, the Duty to Cooperate discussions have been heavily influenced by the water neutrality matter and the Council’s position that this acts as an absolute constraint on the delivery of a greater supply of housing<sup>6</sup>. This has hindered the ability to maximise the effectiveness of Duty to Cooperate discussions.
13. Paragraph 35c) of the Framework<sup>7</sup> identifies that for the Plan to be concluded to be effective, it should demonstrate that cross-boundary strategic matters have been dealt with rather than deferred.
14. As referenced in response to Question 4 of this Matter, paragraph 6.24 of the North West Sussex Housing Market Area Statement of Common Ground<sup>8</sup> outlines that the constituent councils of the North West Sussex Housing Market Area are deferring the matter of identifying a solution to the water neutrality matter and, consequently, meeting the minimum Local Housing Need across the Housing Market Area. On this basis, the Plan cannot be concluded to be effective (in accordance with paragraph 35c of the Framework) with respect to dealing with cross-boundary matters.

<sup>5</sup> Prioritise accommodating unmet need as follows: 1. Northern West Sussex HMA, 2. Coastal West Sussex HMA, 3. Other adjacent and nearby HMAs

<sup>6</sup> A conclusion also set out within the Sustainability Appraisal Update December 2023 (document ref. SD03a) – paragraph 6.47

<sup>7</sup> Framework paragraphs referred to are from version published in September 2023 which Local Plan is being examined against

<sup>8</sup> Document ref. DC02

15. Moreover, paragraph 4.8 of the Plan reflects the Duty to Cooperate discussions, and suggests:

*“These discussions have taken account of the geographical relationship Horsham District has with the wider sub region, to establish how unmet needs from these areas can be most effectively met in the context of Horsham District, now or in the future, once a longer term solution to water resources is found.”*

16. The same paragraph of the Plan then states that the prioritisation of unmet needs would be as follows:

- a) North West Sussex (Crawley)
- b) Coastal West Sussex (Worthing)
- c) Surrey Green Belt / other authorities (Mole Valley)

*[Brackets indicate authorities where direct requests to accommodate unmet needs have been received at the time of publication]*

17. The Council has not amended this paragraph since the Regulation 19 consultation following the agreement of the Statements of Common Ground<sup>9</sup>. Furthermore, it is not clear whether the Council have responded directly to the requests to accommodate unmet housing needs.
18. As identified in response to Question 1 of this Matter, it is apparent that there is not agreement regarding the prioritisation of unmet needs<sup>10</sup>. Accordingly, paragraph 4.8 does not accurately reflect that there is not a general consensus regarding an approach to delivering unmet needs at a time when a solution to water neutrality is found.
19. This further emphasises that the Plan does not effectively tackle cross-boundary matters as required by paragraph 35c of the Framework.

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<sup>9</sup> As is apparent from document ref. SD14

<sup>10</sup> See the Statement of Common Ground with Brighton and Hove City Council – document ref. DC07



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