

Horsham District Local Plan Hearings 2024/25

Statement by Paul Kornicky BSc (Hons), ACII Horsham District Resident

Matter 8 - Issue 1 - Question 1 – Housing Requirement

Matter 8 - Issue 21 - Question 5 – Buffer

In my R19 submission I pointed out that Policy 37 had inappropriately added a buffer, only used for 5-year land supply checks, to the underlying requirement. This is fundamentally incorrect. The consequence of this was that the total housing requirement of 5 years at 436 plus 12 years at 901 (total 12992) undershot the proposed trajectory total of 13212 by 220 homes (equating to $5 \times 44 = 220$ buffer – correctly removed).

With what I understand to be a proposed ‘supply driven, water constrained’ housing requirement, surely the requirement must be greater than or equal to supply?

The 10% buffer seemed appropriate, and would now also be in accord with the recent adoption of Crawley BC’s local plan. CBC has a similar but different ‘supply driven’ housing requirement, predominantly constrained by land supply, rather than water supply.

Document HDC03 Topic Paper 2: Housing Supply has created a number of questions and issues.

This paper continues the incorrect practice of adding buffer to requirement to assess against actual delivery. The buffer should only be added to assess adequacy of future land supply. Table 3 is therefore incorrect and 88 homes should be removed from the shortfall calculation.

Table 4 is also incorrect, as the Number of Homes Required, for the year 2022/23, will be 1098 (LHN = 948 plus CBC need taken 150). However why is this calculation being done? The NPPF para 223 is very clear that it is the latest published figures that should be used.

Table 5 is also odd in that it imposes a 20% buffer based on a calculation of an HDT metric (that has not yet been published) for 5-year land supply, but then (erroneously) retains the previously desired 10% buffer uplift for the prior years.

However the point made in paragraph 5.10 about delivery in 2028/29 and 2029/30 being lower than envisaged is well made and so a lower requirement for these 2 years is supported.

The revised trajectory is not questioned other than to point out that it now contains a total of 13412 homes, an increase of exactly 200 homes over the 17 year plan period currently proposed.

But the housing requirement put forward (after correctly ripping out the buffer and undersupply adjustment – neither affect the underlying housing requirement) is 7×436 plus 10×950 (see para 5.11) = Total 12552. So the trajectory total now exceeds the requirement by 860 homes. This is not a sound approach; the underlying housing requirement needs to be higher, presuming that the trajectory itself is correct.

In order to address some of these issues then it seems better to start from first principles.

I have submitted a statement arguing for the addition of an extra year at the start of the plan. It also seems that another year will need to be added at the end to give 15 full years after adoption. This would make a plan duration of 19 years (1/4/2022 to 31/3/2041) rather than 17 years.

The HDC proposal to have a step in the requirement at year 2030/2031 seems appropriate and justified for the valid reasons that HDC has elicited.

However I consider that to have the same housing requirement for the policy plan years prior to the establishment of SNOWS as for the 5 years immediately post SNOWS is not justified. In this period Horsham had to comply with the Natural England position statement (September 2021) and this has had a major impact, not just on permissions, but also on delivery (please see my statement on plan period). Even now, water credits via SNOWS are still not available (be it pooled offsetting or arising from Southern Water's water saving initiatives) and so HDC is unable to 'freely' grant permission for any sustainable development (affecting the Sussex North Water Resource Zone) unless the applicants can bring their own robust water neutrality solutions forward.

Once SNOWS is up and running (by 1/4/2025 ?) then plan-led development can achieve permission (as it will be eligible for SNOWS) by accessing these water credits up to the available limits. So 'normal service' will be more or less resumed in respect of 'plan led' development.

I suggest therefore that a sound approach is to have a lower requirement for the years (2022-2025) with a step-up at year 2025/2026 to reflect the fundamentally changed situation that water credits are then available.

This would recognise 3 distinct 'phases' of the plan period:

- 3 years – post the NE statement and prior to SNOWS (pre adoption date years)
- 5 years – post SNOWS implementation but limited benefit from Southern Water initiatives
- 11 years – full benefit of Southern Water initiatives and with new strategic development sites also coming on-stream

So what should be the requirement for the years 2022-2025? Given the unique situation with an effective embargo pending a strategic water neutrality solution, a requirement set to balance against the actual delivery (or exceed by a small margin) seems appropriate. Doing this not only seems equitable but also there is then no (or minimal) shortfall to carry forward, meaning that the preferred Sedgfield method is used (if necessary).

Surely it is unreasonable to impose a requirement on these years that could not legally be met and create an unjustified shortfall? What else could HDC have done? Neither more new site allocations nor bringing forward sites from later in the plan period would have helped. There simply were no water credits available to permit development that otherwise would have detrimentally impacted legally protected habitats.

Taking this approach also means that the HDT Test 2023, when eventually published, would not use a 'homes needed' figure of 1098 (see above) but a much lower figure that would certainly not then trigger a 20% buffer. So the question as to whether or not this test would be published during the plan examination period (and affect plan making) becomes irrelevant.

This would then mean that the original R19 proposal to apply a 10% buffer (in line with Crawley BC) would remain and be fully justified.

This buffer, together with the requirement step-up at year 2025/2026, also has the benefit of potentially increasing the housing requirement for the first 5 years of the plan following adoption. These are the crucial years that apply before the HDLP is mandatorily reviewed.

I have modelled a possible set of figures in the attached spreadsheet and it shows how the requirement for these 5 years could increase from that currently proposed by HDC from 436 to 517 per year. This totals a requirement increase of 81 per year i.e. an increase of 405 homes, comfortably achieved with the documented trajectory.

It also has the later years at 992 whereas HDC has proposed 950.

Surely a higher requirement in years where it can be achieved is justified, and a lower requirement should apply where it simply could not be greater, in order to comply with Habitats Protection Regulations.

Housing Need:

HDC has justified its housing trajectory (and hence housing requirement) with (it appears) the main constraint being that of water neutrality. This would not meet the standard formula minimum need of 917 (annual average). It is worth noting the Government statement in Chapter 3 Paragraph 6 of the recent consultation document relating to the NPPF changes (consultation closed 24th September).

“Local planning authorities will be expected to make all efforts to allocate land in line with their housing need as per the standard method. Authorities would be able to justify a lower housing requirement than the figure the method sets on the basis of local constraints on land and delivery, such as existing National Park, protected habitats and flood risk areas, but would **(as now)** have to evidence and justify their approach through local plan consultation and examination”.

This statement shows how a lower housing requirement can be justified, with appropriate evidence and justification. The constraint of Water Neutrality that has been imposed by NE to prevent harmful impact on protected habitats is surely justification for a reduced housing target in Horsham district.

With the numbers I have modelled for a 19 year plan, the total (unconstrained) minimum need is calculated as 17423. The total housing requirement in the plan is 14598 meaning a total unmet need of 2825 (with year by year figures shown in the spreadsheet). Overall this represents a plan satisfying 83.8% of minimum need. From year 2030/2031 the LHN is more than satisfied as more water credits become available. The plan reflects the reality that water neutrality restrictions may not be lifted until beyond plan end date. The next local plan (after this one) should hopefully be able to build-in when water supply strategic solutions are in place; they will certainly be after this plan is replaced/updated on its review as required by the NPPF.

Conclusions:

- 3 distinct plan 'delivery phases' should be recognised, not just 2
- Post NE position statement and pre SNOWS is a hugely constrained phase for delivery (not just permissions). A lower requirement is justified for these years.
- Post SNOWS higher housing requirements can apply and still meet land supply tests both now and in future years (with a further uplift step in year 2030/2031).
- Including year 2022/2023 is justified and so either a 5% or 10% buffer (preferred) is appropriate; as even publication of 2023 HDT 'now' would then not apply a 20% buffer as the HDT would be recalculated, in accordance with the HDT rule book, using a much lower housing requirement figure i.e. certainly not 1098.
- Housing Requirement at 83.8% of Standard Method Need seems justified. Note that Crawley BC local plan was recently adopted with 41.5% of LHN met. Chichester DC (examination in progress) seems to be at around 90%.

N.B. The Important Footnote submitted as part of my hearings statement in respect of Plan Period (Matter 2 Issue 1 Question 1) applies equally to this submitted statement.

Attached: Spreadsheet with an indication of potential numbers for housing requirement (both pdf and excel versions submitted)

22nd November 2024

END

SPREADSHEET for hearings - submitted by Paul Kornycky - 22nd November 2024

Trajectory, Requirement & 5-Year Land Supply - With an extra year at each end to establish a 19 year plan duration.

N.B.(1) It is thought that the current anticipated Adoption Date requires an extra year added to the plan to give a 'full' 15 years post adoption.

N.B.(2) Including the extra year at the start (2022/2023) is appropriate as it was within Water Neutrality scope.

Yearly Unconstrained Need Met ?	-550	-550	-550	-400	-400	-400	-400	-400	75	75	75	75	75	75	75	75	75	75	75	-2825	Unmet
19 Year Plan	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41		
Buffer	10%	367 Years 1-3 of Plan			517 Years 4-8 of Plan				992 Years 9-19 of Plan											Average	
Requirement	367	367	367	517	517	517	517	517	992	992	992	992	992	992	992	992	992	992	992	14598	768
		Requirement plus Buffer			568.7	568.7	568.7	568.7	568.7	2844 Total Requirement inc. Buffer											
Housing Trajectory	396	452	208	537	642	646	721	640	3186 Total Homes Projected											Trajectory Total	14408
Cumulative Result	29	114	-45	49.5 Shortfall plus buffer																	
		2893 Land Supply Requirement											Shortfall over plan period		190	Should not be negative					
22/23	Added as within scope of Water Neutrality											293 Surplus(Deficit)		(Requirement minus Trajectory)							
40/41	Added as Adoption expected to postdate 31/3/2025 (ideally asap from 1/5/2025)											5.51 Years Land Supply									

HDC latest trajectory (supply)	396	452	208	537	642	646	721	640	838	1192	1345	1244	1123	958	790	730	701	645	600	14408
--------------------------------	-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------	-----	-----	-----	-----	-----	-----	-------

CUMULATIVE	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32	32/33	33/34	34/35	35/36	36/37	37/38	38/39	39/40	40/41	
Requirement	367	734	1101	1618	2135	2652	3169	3686	4678	5670	6662	7654	8646	9638	10630	11622	12614	13606	14598	
Supply	396	848	1056	1593	2235	2881	3602	4242	5080	6272	7617	8861	9984	10942	11732	12462	13163	13808	14408	
Surplus	29	114	-45	-25	100	229	433	556	402	602	955	1207	1338	1304	1102	840	549	202	-190	
Supply/Requirement	107.9%	115.5%	95.9%	98.5%	104.7%	108.6%	113.7%	115.1%	108.6%	110.6%	114.3%	115.8%	115.5%	113.5%	110.4%	107.2%	104.4%	101.5%	98.7%	
	Pre SNOWS but Neutrality, so Requirement 'matches' supply			Constrained SNOWS - See Part C Water Neutrality Horsham unmet need of 400 homes pa total 2,000					SNOWS with full Southern Water savings from WRMP & new strategic site allocations delivering Horsham annual need of 917 is fully met and with 75 homes per year extra (contribution to Crawley unmet need?)											

ANALYSIS of NEED v REQUIREMENT

17423 Total 'Unconstrained Need' in plan
917 LHN at 01/04/2024
19 Years in plan
14598 Total Requirement
2825 Horsham unmet need 16.2%
83.8% Horsham need met by plan requirement
41.5% Crawley need met by plan requirement

NOTES
 NE position statement effective September 2021 so housing supply drastically affected until strategic solution in place (SNOWS)
 Cumulative supply is almost always in excess of cumulative requirement right up the last plan year where it falls behind - so evidences adequate future supply buffer
 10% buffer can be demonstrated for 5 years commencing 2025/26 as part of plan inspection so protection from land supply challenge persists until 31/10/2026

THIS DOCUMENT ACCOMPANIES A STATEMENT BY PAUL KORNYCKY for the HORSHAM local plan hearings in respect of Housing Provision (Requirement and Buffers)