

Horsham District Local Plan Hearings 2024/25

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

Matter 2 - Issue 1 - Question 1 – Plan Period

Extending the plan by adding an extra year at the end seems appropriate to meet NPPF requirements.

But what is the correct start date for Horsham's new local plan, the HDLP ? Is a start date of 1st April 2023 justified ?

Apparently there is nothing in the NPPF or in national planning practice guidance on this particular aspect.

The existing local plan (HDPF) was adopted in November 2015 with a start date of 1/4/2011.

The Regulation 18 of the HDLP had a start year of 2019.

The initial R19 draft was published (Summer 2021) with a start date of 1/4/2021 but was then delayed due to NPPF changes despite previous Cabinet approval.

After the Natural England (NE) position statement of September 2021, by December 2022 a second R19 draft had been prepared (encompassing the strict water neutrality requirement) with a start date of 1/4/2022, but was never brought to Cabinet/Council (the scheduled meetings to approve were cancelled at somewhat short notice).

The latest R19 version (also addressing water neutrality requirements) is currently proposed with a start date of 1/4/2023.

Is this really justified or has it just been dated as such due to the passage of time, without due consideration of the alternatives and the effects?

The evidence base would appear to remain completely valid with an earlier start date, certainly by one year.

One way of looking at the question is, when is the appropriate time for the HDPF to be superseded by the HDLP? The HDPF did acknowledge 'water stress' and consequently imposed a 110 litres per person per day water limit. However the NE announcement of September 2021 'changed the world' in Horsham district completely, meaning that, overnight, Horsham could not generally determine any planning applications unless they were water neutral.

This very soon also had an impact on housing delivery, as was noted in HDC's Authority Monitoring Report for the year 1/4/2022 to 31/3/2023 where the following was noted:

"It remains the case, however, that the constraints of water neutrality, which have been placed on Horsham District by Natural England's Position Statement of 14 September 2021, have had a significant impact on the ability of the Council to grant planning permissions since then and this has subsequently impacted housing completions.....In addition, it has been noted that some of the larger developers have built fewer dwellings because of the current economic conditions, and in some cases, have had to stop building entirely on site while they attempt to find their own solution to water neutrality issues"

In the year 2022/2023 just 396 homes were delivered in Horsham district, the lowest since the very first year of the plan (2011/2012), and barely half the plan's annual requirement of 800 that had (on average) been exceeded over the previous 11 years with a cumulative surplus of 487 homes.

It is also worth noting that Crawley BC published the following on 30th August 2024 under the heading 'Water neutrality impacts housebuilding in Crawley':

"The number of houses built in Crawley has fallen below the annual target for the first time since 2015 due to water neutrality rules which stop development. In 2022/23, only 190 homes were completed in the town instead of the target of 340. The single biggest factor has been the imposition of water neutrality by Natural England because of the impact of water extraction on the local environment. This prevents any development or change of use that increases water usage in Crawley".

This evidence shows the significant impact on delivery, not just on permissions, in that particular year.

The HDLP is the new local plan to replace the HDPF, and, if adopted, will be Horsham's first local plan to apply the strict constraint of water neutrality. This will mean policies not only to require even more stringent water efficient development but also to set appropriate housing requirement(s) as constrained by the 'additional' water availability. Such water availability will undoubtedly vary over the period covered by the local plan.

This being the case then surely the start date for the HDLP should be 1/4/2022 being the first full year following the imposition of water neutrality by NE. Leaving this year (2022/2023) out would mean that the year is then, by default, covered by the HDPF. This would seem unsound as the HDPF did not address the water neutrality statement by NE, how could it possibly have done so?

The HDLP addresses water neutrality and so it is right and proper that the plan period commences asap after when water neutrality was mandated (September 2021).

Also by this year (2022/2023) the HDPF was more than 5 years after adoption, and so (at present) delivery for that year would eventually be assessed against the LHN of 948 plus 150 homes unmet need taken from Crawley, total 1098 homes (via the HDT). This quantity of homes could not legally or feasibly be delivered in that year as a consequence of the NE position statement the previous year (even with further site allocations). This is further evidence that the year should be included in the HDLP and with appropriate requirements set.

It is accepted that the HDLP will not retrospectively alter planning decisions made previously, but the NPPF has a 'test on delivery' (the HDT) which is (understandably) backward looking. Not therefore having the plan period set to cover all of the period significantly affected by the NE position statement of September 2021 to allow proper consideration of the appropriate housing requirement(s) during its strict impacts, is surely not sound.

Finally it is worth noting that both the Chichester and Mid Sussex R19 plans are proposed with an even earlier start year of 2021 and with adoption also expected after 31st March 2025, in line with the HDLP.

In conclusion, starting the HDLP from 1/4/2023 is not justified. It is an incorrect strategy and has not taken account of the reasonable alternative of commencing the plan from 1/2/2022. Proportionate evidence (please also see further evidence in my hearing statement on Housing Requirement that is also highly relevant) shows that the appropriate start date should be 1/4/2022 i.e. to embrace the whole period of 'strict' water neutrality.

An Important Footnote

Not including year 2022/2023 within the plan period of the HDLP would potentially have another major consequence that would be very difficult to consider equitable in the context of a newly adopted plan.

If this highly constrained year for housing were not included in the HDLP, with an appropriate requirement, then the figures below would feature in the HDT results for 2023, 2024 and 2025 before finally dropping out.

The metrics for this year are (if not embraced by the HDLP and given a lower requirement):

- 1098 – Homes Required
- 396 – Homes Delivered
- 36% - Delivered/Required percentage for this year alone

The 2023 HDT result would then be 63% and further modelling shows that the HDT figures for 2024 and 2025 would likely both be under 55% due to the disproportionate impact of the above figures for the single year 2022/2023. All figures are well under the 75% threshold for an HDT consequence of 'presumption'.

The highly undesirable outcome of this is that the HDLP could be approved by the inspector (with necessary modifications) having satisfied the 5-year land supply checks (with appropriate buffer), adopted by the council and then 'immediately' have the 'presumption of sustainable development' (tilted balance) imposed by the 2023 HDT for decision making.

This situation is not, I would respectfully suggest, what the community expects when a new local plan is adopted, having been 'signed off' by a planning inspector. It could be seen by the community to bring the whole plan making process into disrepute as the tilted balance would encourage non plan led development to come forward for some 2+ years after adoption of a 'brand new local plan'. The district, having not had a 5-year land supply since Autumn 2021 has suffered from numerous speculative development applications. The expectation of the district's residents is surely that an adopted local plan, **meeting its new targets**, would avoid that situation.

To have an immediate penalty driven purely by historic failure to deliver an 'impossible/illegal' housing requirement target that did not reflect the strict water neutrality rules in place at the time would surely undermine the whole concept of plan led development.

This is of course the impact of having a wholly inappropriate housing requirement of 1098 for a year in which the NE position statement was significantly affecting housing delivery.

This would appear to be readily remedied by the inclusion of year 2022/2023 in the plan and ensuring that it attracts a housing requirement that reflects the reality of the situation then in place for housing delivery.

22nd November 2024

END