

Examination of the Horsham District Local Plan

Statement on behalf of Highwood Group

Representation Number(s): 1194363, 1194366, 1194369

Matter 3 – Climate Change and Water

November 2024

Turley

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Client
Highwood Group

Our reference
HIGS3003

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1. Introduction

- 1.1 This statement is submitted on behalf of Highwood Group, who have interests in the assessed reasonable alternative growth option west of Billingham (See Regulation 19. Representations: [Document F](#)).
- 1.2 This statement responds to the Inspectors' Issues and Questions for Matter 3 – Climate Change and Water.
- 1.3 Section 20(2) of the PCPA states that the LPA must not submit their Local Plan unless they think it is ready for independent examination. Paragraph 1.2 of the [Procedure Guide for Local Plan Examinations](#) elaborates, stating:

'Having considered the Regulation 19 consultation responses, the LPA should only submit a plan if they consider it to be sound Before submission, the LPA must do all it can to resolve any substantive concerns about the soundness or legal compliance of the plan, including any raised by statutory undertakers and government agencies. (our emphasis).
- 1.4 Paragraph 1.5 of the same document sets out the procedure to follow if the LPA do wish to make changes to remedy issues of soundness prior to formal submission of the Regulation 19 Plan. Our client submitted representations to the Regulation 19 consultation stage, detailing significant issues pertaining to the plan's soundness, and respectfully invited Horsham District Council (HDC) to explore this option, specifically in relation to Policy HA4 of the plan. This approach would have reduced the prospect of significant modifications having to be made, and then consulted on during the examination process, contrary to the aforementioned guidance.
- 1.5 The Council have opted not to pursue this option. The concerns outlined by our client at the Regulation 19 stage, on issues pertaining to the plan's soundness, have not therefore been overcome in the submitted version of the plan.
- 1.6 Accordingly, we have examined the Inspector's Matters, Issues and Questions and provide responses to those we wish to contribute to debate on. We have also respectfully requested the opportunity to participate in the forthcoming hearing sessions to assist the Inspector further on such matters.

2. Response to Issues and Questions for Matter 3 – Climate Change and Water

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

Question 1. Is Strategic Policy 9: Water Neutrality sound?

- 2.1 No. HDC are proposing a capacity led approach to housing provision under Strategic Policy 37. HDC consider this level to be an appropriate level to plan for in light of water neutrality constraints, and accounting for the approach and mitigations proposed under Strategic Policy 9. The latter includes, amongst other measures, an off-setting credit scheme (SNOWS) to deliver the level of growth proposed in the plan.
- 2.2 However, we are aware of 'suitable' sites not currently proposed for allocation in the Local Plan, which can mitigate part or all of their developments impact without recourse to SNOWS. This would negate the need to use additional credits from the LPA's off-setting scheme.
- 2.3 Given the scale of identified housing needs unable to be met within the plan period, as outlined in Strategic Policy 37 (at least 2,275 homes), we would recommend HDC revisit the potential to allocate such sites in the Local Plan. It is difficult to see how the plan satisfies the '*positively prepared*' test of soundness in the interim, without first exploring the means to meet more of the district's unmet needs, and / or those of adjoining LPAs through such sites.
- 2.4 Land West of Billingshurst comprises such an example. As set out in our representations to [Policy HA4](#) (Document F), HDC conclude this site to be a reasonable alternative option to Policy HA4 – Land East of Billingshurst. Our client has confirmed they are able to deliver a bespoke water neutrality solution for their comprehensive mixed-use proposals for this site, without recourse to SNOWS.
- 2.5 Our client considers there are a range of options are available to achieve this, which include:
 - 2.5.1 Offsite Private Water Credit Solution – This could be delivered by a 3rd party water credit supplier independent of SNOWS, such as:
 - A. A private water credit supplier, Nicholls Water Credits, has a pipeline of credits to support in excess of 1,500 homes and this continues to grow.
 - B. Water credits from Nicholls Water Credits have already been approved by HDC and Natural England on a number of applications in the district, examples of which are, Planning Ref: DC/23/2144, DC/23/0290.

- C. The HDC Planning process for assessing the robustness of Private Water Credit solutions, drafting of Section 106 agreements and monitoring ongoing adherence is already established and operational. This includes a centralised Water Credit record keeping system as part of the planning consultation process.
- 2.5.2 Onsite Private Water Supply Solution – This could be delivered by onsite Boreholes via:
- A. A specialist consultant and borehole provider such as Nicholls can provide the consultancy, Licensing and physical infrastructure required for the onsite solution, this includes ensuring the borehole supply is sustainable and does not affect the Hardham Aquifer and complies with all other regulatory requirements.
- B. Private Water Supplies delivered by Nicholls Licensing & Consultancy and Nicholls Boreholes have already been approved by HDC, licenced by the Environment Agency and accepted by Natural England on a number of applications in the district, examples of which are, planning Ref: DC/22/2141, DC/24/0205.
- C. The HDC planning process for assessing the robustness of Onsite Private Water Supplies and the required planning conditions is already established and operational.
- 2.6 In reference to the proposed West of Billingshurst development site, Nicholls Licensing & Consulting and Nicholls Boreholes have been appointed and instructed by the Highwood Group to develop the onsite private water supply borehole solution.
- 2.7 To deliver an onsite private water supply borehole the team at Nicholls undertakes a phased approach and includes the following high-level aspects:
- Assessment and Feasibility
 - Hydrogeology Investigation
 - Impact Assessment
 - Regulatory Body permissions and compliance – Environment Agency
 - Drilling
 - Testing
- 2.8 For the Billingshurst site the Assessment and Feasibility stage has been successfully completed. This has identified the volumes required by the site in line with the Environment Agency policy, the hydrogeological setting, potential impacts and formal feedback from the Environment Agency under Pre-Application.
- 2.9 The works have entered the next phase to gain Environment Agency permission to drill and test the boreholes onsite.

- 2.10 Based on the work undertaken to date, and their experience it is Nicholls Licensing & Consulting and Nicholls Boreholes professional opinion that the private water supply borehole solution on the Billingshurst site will be able to provide the water volumes required, without impacting the Environment and the Hardham aquifer. The drilling and testing phases will provide the evidence required to sign off with the regulatory bodies and associated consultees, this includes the Environment Agency, Natural England and HDC.
- 2.11 If following the outline process above, the private water supply boreholes are unable to provide all of the required water for the proposed site, there are a number of additional onsite solutions that Nicholls can deliver to meet the remaining demand. These can be in the form of rainwater harvesting, water recycling, reservoir construction. Furthermore, any shortfall could be made up using an offsetting scheme such as Nicholls Water Credits which is covered under 2.4.1 above.
- 2.12 If, as we contend in our representations to Policy HA4, the allocation of Land East Billingshurst is deemed to be unsound, and the more comprehensive proposals for Land West of Billingshurst are subsequently inserted into a revised Policy HA4, through the modification stages of the Examination, the SNOWS credits set aside for the homes proposed under current policy HA4 (c. 650) could be used to deliver much needed additional homes elsewhere. This would help address some of the unmet need outlined in Strategic Policy 37 (Criterion 6).
- 2.13 As seems evident from representations submitted by the HBF and other site promoters, this is not an isolated example. There are many more sites across the district that could similarly mitigate part or all of their sites impacts without recourse to SNOWS. HDC should explore this further through the modifications stages to determine the extent to which they can meet more of their unmet housing need across the district, and indeed assist adjoining authorities with their unmet needs where reasonable to do so, and consistent with the Framework. In the absence of this evidence, and in response to the Inspector's specific question, it is difficult to see how the plan's approach to water neutrality satisfies the '*positively prepared*' test of soundness.

- End -