



Hearing Statement – Matter 3: Climate Change and Water

Horsham District Council Local Plan 2023-2040: Examination in Public

Prepared on behalf of Thakeham Homes Limited

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1.0 Introduction

- 1.1** This Statement has been prepared by SLR Consulting Ltd on behalf of Thakeham Homes Limited in respect of the Horsham District Council Local Plan (2023 – 2040) Examination in Public. The Statement focuses on questions raised by the inspector in their MIQs in relation to Matter 3: Climate Change and Water.



2.0 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?**

2.1 This policy is broadly sound. However, part 2 (b) of the Policy reference to “conservation of water supply to minimise the impact of drought...” is too narrow as it fails to capture the broader set of water management initiatives, such as circular water economy, which could provide significant beneficial impact in terms of reducing the risk of drought.

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?**

2.2 No comment.



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?**

2.3 Policy 8 fails to address water sustainability issues and therefore does not enable the delivery of sustainable development in accordance with the NPPF (in particular it does not take a proactive approach as referred to in paragraph 153) and is therefore unsound. Local water management solutions with potential local water supply provision as well as local wastewater treatment are frequently much more sustainable than options requiring connections to distant supply and treatment facilities. The benefit potential is linked to both construction (minimal distribution network) and energy consumption during operation (minimal pumping of water and sewage).

2.4 Local circular water economy solutions also have the potential for being more flexible to future adoption (as per point 1e of the policy). It would be appropriate for Policy 8 to mirror Policy 7 with strong emphasis on local solutions as set out in Policy 7, point 2 a-c.



3.0 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?**

3.1 As drafted, Policy 9 is not sound, for the reasons explained below. Main Modifications are required to make the policy sound.

3.2 The Council's reliance on SNOWS to deliver the extent of water offsetting that is necessary to deliver the quantum of growth as set out in the plan is unrealistic and undeliverable. To date, no clear evidence has been published by the Council to show how the SNOWS scheme will operate in practice, how much the credits will cost, and whether the scheme offers sufficient capacity to meet the high demand that there will be for the credits on offer.

3.3 The uncertainties over the basic requirements of the scheme relating to how many homes it can offset and whether it is viable, offers the inspector little confidence that the scheme is effective. This means even the reduced housing numbers in the plan are a guess as to what will hopefully be deliverable.

3.4 To demonstrate that the scheme will work effectively to support the level of development proposed to come forward, details of SNOWS (including how credits will be prioritised and how much they will cost) need to be made publicly available now so the development industry can comment on them. This is required to provide a level of certainty for both plan-making and development viability reasons that allocated sites are viable and can be delivered within the plan period in line with the Council's housing trajectory.

3.5 It is apparent from the Council's revised Housing Trajectory (September 2024, HDC03 Appendix 1) that several of the strategic site allocations rely fully on



- SNOWS credits for their delivery. However, the trajectory is silent on what the water neutrality solution is for most of the sites as the box is left blank and one can only assume that they too are relying on SNOWS. Reading some of the site submissions this appears to be the case. Only four sites on the entire spreadsheet have identified an alternative source to address water neutrality.
- 3.6 As SNOWS fails to offer the certainty needed at this time to show it can assist the delivery of the Council’s planned growth; alternative strategies are required in the meantime that allow growth to be delivered without reliance on SNOWS to achieve water neutrality.
- 3.7 Our client’s site at Wealdcross (formerly allocated by the Council and known by the Council as Land at Buck Barn SS02 Strategic Policy HA5; SHLAA reference SA716) offers the opportunity for a significant level of development to be delivered on a site that has already been proven to be deliverable without any in-principle technical obstacles.
- 3.8 As described in our regulation 19 representation, Wealdcross has secured a unique water neutrality solution that would work to serve the needs of future residents without impacting on the water supply levels that are connected to the Arun Valley Sites. The solution has been scrutinised by Officers at Horsham District Council in close consultation with key personnel from the Environment Agency, Southern Water and Natural England; all of whom have confirmed that the proposal is workable and supported (letter from Southern Water attached in Appendix B and from Natural England in Appendix C). A draft Statement of Common Ground has been produced that details points of agreement between the site promoter and the Council (see Appendix A). Thakeham will seek to agree this statement of common ground with the Council.
- 3.9 This solution proposed for Wealdcross is completely separate from SNOWS and does not therefore rely on its uncertain implementation or questions around the future credit purchasing system. Owing to the high degree of certainty and deliverability of the Wealdcross solution, the promoter has a very high degree of certainty about the developability and viability of the scheme and has confidence that it can deliver at least 2,800 homes by 2040.
- 3.10 To allow Wealdcross to come forward and to make the plan sound, it is proposed that a Main Modification is required to the plan. This would add a new policy to allocate Wealdcross as an additional strategic site. The wording for this policy was set out in our regulation 19 representation.
- 3.11 In terms of viability, the Local Plan has failed to adequately take into account the opportunities presented through alternative water supplies being brought to bear to enable developments not reliant on Southern Water’s supply network.
- 3.12 Policy 9 point 6 makes reference to a Water Neutrality Statement being produced that demonstrates “the wider acceptability and certainty of delivery”. This aspect of the policy is unclear. It is not clear what ‘wider acceptability’ means. The inclusion



of those words would allow a very wide range of additional factors to be considered. Further the use of the word 'certainty' in a planning policy introduces a very high bar, which is highly unlikely to be met in practice. As a result, the policy is not positively prepared and is unsound. The defects in the policy could be overcome by omitting the second sentence in point 6. The necessary test, namely that no water is utilised from sources that supply the Sussex North WRZ is incorporated. A decision maker applying that test could require a high degree of assurance that the scheme proposed would meet the policy test. The uncertainty and lack of positivity created by the current wording is removed. That element of the policy would then satisfy the test of being positively prepared and would encourage creative and deliverable solutions to overcome restrictions imposed by water neutrality issues.





**Appendix A Draft Statement of
Common Ground on
Wealdcross water
neutrality solution**

Wealdcross water neutrality solution

1. Thakeham is proposing a water neutrality solution at Wealdcross utilising the concept of a water circular economy which sources water for use in the proposed development using “Peak Over Threshold Harvesting” from Blakes Gill, an onsite watercourse. The proposed solution is set out in full in the West Grinstead Water Resources report (by RPS Consulting Ltd).
2. In summary, the water will be stored, treated, used and recycled as much as possible, prior to discharge back to Blakes Gill, recharging the natural local environment. The following steps would be taken:
 - I. Water Supply - Water is collected from the onsite watercourse during higher rainfall periods and stored in onsite lakes designed to hold the runoff. This collected water supports the needs of the development during drier periods.
 - II. Water Treatment – Drinking water at the Site will be provided from onsite water treatment works drawing water from the lake system, this will make Wealdcross self-sustaining in water.
 - III. Water Reuse/Recycling – The use of water within the development will follow the principles of reduce/reuse/recycle, with residential water efficiency achieving at minimum a policy compliant position. The development proposes extensive rainwater harvesting and greywater recycling to reduce water consumption at source.
3. The proposals contained within the RPS report are fully endorsed by Southern Water (see letter in Appendix B), Natural England (see letter in Appendix C) and the Environment Agency.
4. In a letter from Natural England’ Discretionary Advice Service dated 22 August 2024 (attached at Appendix C) responding to a request for advice from Thakeham; Natural England confirmed its support for the approach proposed for achieving water neutrality at Wealdcross, stating the following:

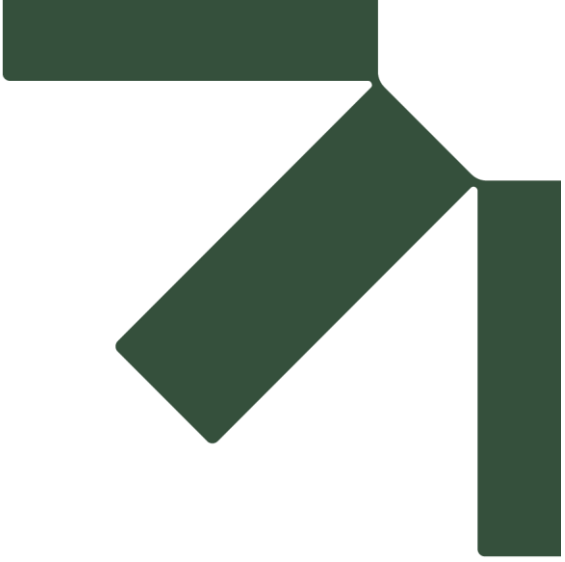
‘As discussed during our meeting in July 2024, I am supportive of the approach that is being pursued with respect to both water neutrality and reducing water usage, as well as the clear environmental considerations that have been incorporated into the design of this development’.

‘Subject to the applicant being able to obtain any relevant permissions from the Environment Agency and Horsham District Council, I am satisfied that the proposed solution is a suitable means of avoiding an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection and Ramsar site, by way of increased abstraction. I would also reiterate my support for the positive approach to addressing water neutrality and the sustainable approach to development that has been incorporated into the proposals’.

5. The Environment Agency have also been supportive of the approach and RPS are now entering detailed discussions with the Permitting Officer from the EA.

Areas of Common Ground

5. It is agreed that the following matters are not in dispute between the parties.
 - a) The site was previously allocated in the Proposed local plan (2021) (SS02) as Strategic Policy HA5: Land at Buck Barn for at least 2,100 homes and necessary infrastructure, demonstrating that there were no in-principle reasons why the site could not, and still cannot, be allocated in planning terms. Wealdcross is a strategic scale development proposal that is able to deliver a water solution capable of sustaining a sustainable new Garden Village whilst also contributing towards the shortfall of housing currently identified in the plan.
 - b) The allocation and future development of Wealdcross would help to address the Council's current and projected housing shortfalls; including housing for market and affordable tenure, and additional pitches for the gypsy and traveller community. The site also offers considerable benefits in terms of new educational facilities.
 - c) Wealdcross is able to offer a private water neutrality solution that does not rely on SNOWS.
 - d) Natural England has confirmed that the water neutrality solution proposed at Wealdcross shows the certainty needed to satisfy the HRA requirements and are supportive of the approach.
 - e) Therefore, Natural England has raised no objection to the water neutrality solution proposed at Wealdcross.
 - f) The Environment Agency has raised no objection to the proposed water neutrality solution and have been supportive of the proposals and RPS are now entering into detailed discussions with the Permitting Officer.
 - g) Southern Water have stated "*Southern Water always welcomes and supports innovative solutions associated with strategic growth that help address issues of water neutrality and water scarcity and which also reduce per capita consumption in this water-stressed region. The Thakeham Homes team and their consultants have shared with us their proposals for a Water Circular Economy-based scheme, as well as with Natural England and the Environment Agency. The proposals appear to address the key issues and would meet water neutrality requirements.*"



**Appendix B Letter from Southern
Water supporting
Wealdcross water
neutrality solution**



THAKEHAM



Mr Luke Fleming BSc (Hons) MRTPI
Planning Inspectorate
Temple Quay
Bristol
BS1 6PN

19 November 2024

Dear Mr Fleming

**Memorandum of Understanding
In relation to the proposed Water Neutrality solution (or 'Water Circular Economy')
at Land at Buck Barn ('Wealdcross'), Horsham**

This Memorandum of Understanding is prepared on behalf of both Thakeham Homes Limited ('Thakeham') and Southern Water, and in support of the innovative water neutrality solution proposed on-site at Land at Buck Barn (also known as 'Wealdcross') – which is promoted for c.3,100 homes and supporting infrastructure and community uses through the Horsham Local Plan 2023-2040 process.

On 14 September 2021, Horsham District Council received a Position Statement from Natural England which outlined that they cannot, without certainty, conclude that groundwater abstraction in the Sussex North Water Supply Zone, has no adverse effect on the integrity of European protected sites in the Arun Valley. It was advised that any new development in the District must not add to this negative impact, and thus be water neutral.

As part of its Regulation 19 representations to the Horsham District Local Plan 2023-2040 (February 2024), Thakeham submitted details of the proposed water neutrality solution at Land at Buck Barn, within the Water Resources Report.

The proposed water neutrality solution at Land at Buck Barn was informed by engagement between Thakeham and Southern Water.

Statement from Thakeham

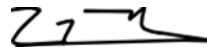
Thakeham and its consultants has received help and advice from the Southern Water Team in relation to developing this scheme and continues to receive support as necessary. Southern Water is open to considering potential adoption or greater involvement in the development of this type of infrastructure at the appropriate stage of its next investment period.

Statement from Southern Water

Southern Water always welcomes and supports innovative solutions associated with strategic growth that help address issues of water neutrality and water scarcity and which also reduce per capita consumption in this water-stressed region. The Thakeham Homes team and their consultants have shared with us their proposals for a Water Circular Economy-based scheme, as well as with Natural England and the Environment Agency. The proposals appear to address the key issues and would meet water neutrality requirements.



Rob Boughton
Thakeham
Chief Executive Officer



Tim McMahon
Southern Water
Managing Director for Water



**Appendix C Letter from Natural
England supporting
Wealdcross water
neutrality solution**

Date: 22 August 2024
Our ref: DAS/A015091
Your ref: Wealdcross Water Neutrality



Emma Bullen
RPS Consulting

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

0300 060 3900

Dear Emma,

Discretionary Advice Service (Charged Advice)

Contract reference: DAS/A015091

Development proposal and location: Wealdcross, Land north of A272, East of A24, West Grinstead, Horsham, West Sussex

Thank you for your consultation on the above dated 17 July 2024, which was received on 17 July 2024.

This advice is being provided as part of Natural England's Discretionary Advice Service and in response to the information contained within the 'Wealdcross Water Neutrality – Technical Note (28th February 2024). This advice is provided in accordance with the Quotation and Agreement dated 30th July 2024.

As discussed during our meeting in July 2024, I am supportive of the approach that is being pursued with respect to both water neutrality and reducing water usage, as well as the clear environmental considerations that have been incorporated into the design of this development.

Having reviewed the Technical Note, it is positive to read that early engagement with the Environment Agency has taken place already, and I would recommend that you continue to seek their advice on the proposal moving forward. I would also recommend that early advice should be sought from [Horsham District Council](#) as to what information is required to demonstrate that any water captured (for drinking purposes) will comply with the Private Water Supplies (England) Regulations 2016 (as amended).

With respect to the predicted water demand calculations, it is noted that a 'worst-case scenario' approach (which assumes that future demand will be 110L p/person p/day for residential properties) has been woven into the calculations. Whilst this will mean that the calculations over-estimate the anticipated future water demand – following the implementation of significant water saving measures in order to comply with [Horsham District Council's emerging local plan](#) policy of 85L p/person p/day – I nonetheless strongly support the precautionary approach that has been adopted within this Technical Note, and the higher degree of confidence that can be attributed to the proposal's ability to secure sufficient water storage capacity.

It is understood that within this iteration of the Technical Note, that local occupancy rates (provided by Horsham District Council) have been adopted, rather than an occupancy rate of 3 people p/unit as per a previous iteration of this technical note (September 2022). Whilst this means that a lower water demand per unit has been assumed this time round, I am satisfied that the inclusion of local census data, is not only an appropriate and robust approach to determining predicted future water

demand but is also more likely to be representative of the actual occupancy rates of the proposed developments.

Subject to the applicant being able to obtain any relevant permissions from the Environment Agency and Horsham District Council, I am satisfied that the proposed solution is a suitable means of avoiding an adverse effect on the integrity of the Arun Valley Special Area of Conservation, Special Protection and Ramsar site, by way of increased abstraction. I would also reiterate my support for the positive approach to addressing water neutrality and the sustainable approach to development that has been incorporated into the proposals.

Whilst I am satisfied that the proposals will not have an adverse impact upon the Arun Valley designated sites, I would nonetheless reiterate that the advice contained within this letter has focused on the issue of water neutrality, and potential impacts to the Arun Valley designated sites. As such, I would advise that consideration should also be given as to whether there are any potential adverse impacts to the local environment and biodiversity that may need considering.

For clarification of any points in this letter, please contact Luke Hasler at luke.hasler@naturalengland.org.uk.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 30th July 2024.

The advice provided in this letter has been through Natural England's Quality Assurance process.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,

Luke Hasler
Senior Officer – Sussex & Kent Area Team

Cc commercialservices@naturalengland.org.uk

Annex 1

European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

