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Our Ref: 008/24/MS

November 2024

Mr L Fleming
C/O K Trueman
Planning Inspectorate

Dear Sirs,

RE: HEARING STATEMENT
POLICY: 37: HOUSING PROVISION
PROGRAMME: MATTER 8, ISSUE 1 & 2
CLIENT: COLDUNELL PROPERTIES Ltd
**SITE: NORTH HEATH LANE INDUSTRIAL ESTATE, NORTH HEATH LANE
HORSHAM**

D&M Planning Ltd have been instructed on behalf of the freehold owner of the North Heath Lane Industrial Estate (the site) to provide a hearing statement in addition to the submissions made at Regulation 19 of the emerging local plan. Additional comments will be made at the examination session in person.

Coldunell's interest in the matters relating to housing is that they have, as part of the Reg. 19 submission, provided an alternative allocation. Since such submission this has been submitted to the Council as part of a pre-application submission for which the draft response indicates clear support for the site's location, sustainability and quantum of development.

We have been instructed to provide comments within this letter addressing both Issues 1 and 2 of Matter 8

Issue 1

While we acknowledge that the Inspector is not engaging with considerations of alternative sites it is within the scope of the examination that the plan be found unsound for a number of reasons including on the housing allocation, and thus requiring the Council to find additional/alternative provision to meet the unmet need. This was indeed the approach taken at the examination of the Elmbridge Local Plan.

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To this extent we draw the Inspectors attention to the publication of the draft NPPF for consultation and the Written Ministerial Statement (WMS) 'Building the homes we need' both published after the Regulation 19 process. The WMS is a clear indication and direction of travel of Government policy and it can therefore be capable of being a material consideration as part of the examination.

Despite the clear identified need for housing, the draft policy and housing set out in Policy 37 seeks to provide housing for 777 dwellings per annum (dpa) resulting in a significant undersupply of housing when compared to the need identified from the standard method with an undersupply of almost over 2,000 homes over the plan period. The Council's position is that owing to the requirements of water neutrality it is unable over the plan period to meet the identified housing need for the borough, nor can the Council accommodate any unmet need for surrounding areas.

Although not apparently clear within the plan the figure of 777dpa appears based on the realisation of Sussex North Offsetting Water Scheme (SNOWS) which is not yet in place; as confirmed by a review of the examination library and the recent appeal decision at Kilnwood Vale¹. In the absence of the fully worked SNOWS, which we highlight has faced continued delays, we raise concern about the certainty of the rate of delivery.

The text within the plan itself does little to justify how the figure of 777dpa has been arrived. It is presumed that SNOWS would also need to accommodate the employment need and other needs within the plan to allow for the delivery as envisaged; further SNOWS must accommodate the needs of the other authorities reliant on such and how this would be divided is unclear. We therefore contend that should the Inspector consider the housing number to be considered sound that the justification for how such an under delivery has been calculated should be included within the text of the plan. This would be important in a scenario whereby the matter of water neutrality advanced during the plan period to the extent that SNOWS was no longer required.

Further, we are also aware of a number of schemes, some of which are allocated within the plan, which have come forward without future reliance on SNOWS. These schemes have either relied on off setting schemes, outside of SNOWS, or through technologies such as boreholes. We are aware that a number of sites currently allocated within the emerging plan have achieved either approval or recommendations/resolutions to approve on such basis. Given that these schemes are able to operate and accommodate the needs of water neutrality outside of SNOWS we question the soundness of the plan based on the housing allocation.

The plan does not appear to have adequately considered the delivery of housing outside of the SNOWS regime; or if it has the text of the Plan is not clear as to what the allocation is. Given that we are aware of schemes cumulatively proposing 100s of dwellings without the need for SNOWS we question why such an under delivery has been justified.

In the absence of adequate justification, we question the soundness of the plan on this matter. Given the clear governmental focus on the need to increase the supply of housing we contend

¹ APP/Z3832/W/23/3333968

that the Council should be taking greater and more ambitious steps to meet the identified housing needs including a detailed understanding of solutions to the matter of water neutrality which can be provided outside of the Council controlled framework.

We therefore consider that given the clear under delivery of housing when compared to the objectively assessed need based on the Standard Method the plan should be considered to be unsound. To address the matter of soundness it is considered that there would be a need for the Council to consider additional sites not currently allocated within the plan to address the shortfall of housing set out within. As with the determination at Elmbridge Council this could, if the Inspector considers it appropriate, be undertaken by way of Main Modifications.

Whilst we acknowledge that the Inspector is not going to consider alternative sites, it is within their gift to recommend that the Council consider additional sites to allow the plan to progress and to be found sound. To this extent we highlight to the Inspector that existing brownfield sites, such as that at North Heath Industrial Estate, provide an excellent opportunity of potentially achieving such. Given that the existing site has a water usage for the existing uses it would be much easier to demonstrate water neutrality than on a greenfield site with no existing water usage; the comparative starting points of each being very far apart. Such sites can come forward with less or no reliance on SNOWS allowing the Council to achieve a position closer to the identified housing need than is set out in the plan.

Issue 2

With respect of Issue 2 we question the approach to allocations.

We have above raised concern regarding the Council's approach to housing numbers and the reliance on SNOWS and to this extent we highlight that the Council's last call for sites was in 2018; this predates the position statement of Natural England on the matter of water neutrality and the Council's response on the matter within the site assessment provides little evidence that the impact has been considered in anything more than cursory detailing; indeed some sites from the site allocations are seemingly dismissed solely on this basis. As we have set out above a number of sites have come forward without reliance on SNOWS and therefore, we consider that the Council should have engaged with a subsequent call for sites to allow for an informed consideration of all available sites, particularly when looking to justify a significant under delivery of housing compared to the standard method.

We contend that had a new call for sites been undertaken a specific question could have been made regarding water neutrality allowing the Council to filter those reliant on the Council backed SNOWS and those presenting alternative solutions. Such an approach we contend would have favoured a brownfield first approach in line with the objectives of the Government seen in the WMS and draft consultation of the NPPF.

The call for sites also predates COVID and the various lockdowns which have resulted in a change to the behaviour of the wider demographic. The result of such has meant that in some instances land such as North Heath Lane Industrial Estate becoming unviable whilst others would become better or worse located. Again, the Council's timing on the call for sites has prevented this from been thoroughly considered and we therefore contend that the basis of the housing allocations does not stand up to detailed scrutiny.

As part of the main modifications we have suggested above the Inspector, in line with the approach taken in Elmbridge, can invite the Council to consider additional sites at which stage the prospect of water neutrality could be considered in detail.

Conclusions

For the reasons set out above we do not consider that that plan, with the significant under delivery of housing compared to the standard method, can be considered to be sound. There appears to be insufficient consideration and justification as to the role of water neutrality and the capacity of SNOWS to justify the unmet need. It is clear that a number of sites have come forward without reliance on the Council controlled SNOWs but the plans clearly seeks to justify the under delivery on its limited capacity.

Notwithstanding this the allocations made are based on a call for sites which predates the position statement issued by Natural England. Given that this is such a fundamental to the delivery of housing within the plan period the assessment seems to be largely and fatally flawed. There appears to be capacity to deliver more housing on sites, particularly brownfield ones like North Heath Lane Industrial Estate, that have an existing water usage to help address the unmet need.

We invite the Inspector to reach the conclusion as set out above that the Council has failed to adequately justify and evidence the under delivery of housing compared to the need identified from the standard method.