

**NORTH HORSHAM PARISH COUNCIL
PLANNING, ENVIRONMENT AND TRANSPORT COMMITTEE
THURSDAY 22ND MAY 2025 AT 7.30pm
AT ROFFEY MILLENNIUM HALL**

**CLERK'S REPORT TO BE READ IN CONJUNCTION WITH THE AGENDA
Numbers relate to those on the Agenda.**

3. Public Forum

The Public Forum will last for a period of up to 15 minutes during which members of the public may put questions to the Council or draw attention to relevant matters relating to the business on the agenda. Each speaker is limited to 3 minutes. Business of the meeting will start immediately following the public forum or at 7.45pm whichever is the earlier.

5. Declaration of Interests

Members are advised to consider the Agenda for the meeting and determine in advance if they may have a **Personal, Disclosable Pecuniary or Other Registrable Interest** in any of the Agenda items. If a Member decides they do have a declarable interest, they are reminded that the interest and the nature of the interest must be declared at the commencement of the consideration of the Agenda item; or when the interest becomes apparent to them. Details of the interest will be minuted.

If the interest is a **Disclosable Pecuniary Interest**, Members are reminded that they must take no part in the discussions of the item at all; or participate in any voting; and must withdraw from the meeting chamber, unless they have received a dispensation.

Where you have an **Other Registrable Interest** (which is not a Disclosable Pecuniary Interest), Members are reminded that they must withdraw from the meeting chamber after making representations or asking questions.

Decision: To receive any Declarations of Interest from Members of the Committee.

7. Chairman's Announcements

- i. Members are asked to note no compliance complaint has been received since the last meeting within the North Horsham Parish.
- ii. Members may recall an item on the Agenda at the last PET meeting in April about West Sussex County Council (WSCC) Relevant Area Consultation in relation to School Admissions (PET/149/25 refers). Members **AGREED** that they do not have any observations on the procedure, however, they want reassurance that North Horsham Parish children are able to attend local schools. On Thursday 24th April, the Committee Clerk sent the response to a Team Manager for Admissions at WSCC. On Monday 28th April, the Team Manager replied with the following response:

The Relevant Area is in terms of who Admission Authorities must consult with if they are looking to change their Admissions Arrangements. With regard to the allocation of school places, if an Admission Authority were looking to change e.g. their Published

Admission Number (PAN) or over-subscription criteria, the voice of the Local Parish Council would be sought.

- iii. Members may recall at the last PET meeting when discussing application DC/25/0151 for the Land To The North and South of Mercer Road, Warnham, West Sussex (PET/25/Appendix 1), contact with the developers was discussed, to present to the Parish Council about the development. On Thursday 24th April 2025, the Committee Clerk found the developers via the HDC Planning Portal for the application and reached out to Riverdale Developments via their website with the following comment and question:

I work for North Horsham Parish Council as the Committee Clerk and I clerk the meetings for the Planning, Environment and Transport Committee. At our recent meeting last Thursday we had DC/25/0151 on the Application list for comments, for Land To The North and South of Mercer Road, Warnham, West Sussex.

Our Members were very disappointed to not have had any kind of presentation to do with the proposed Development as they debated the application for some time due to having lots of unanswered questions. Would it be possible at all for the Members to have a presentation from yourselves that are connected to that proposed Development? If so I can send you our next three meeting dates for you to see if you can attend one in person or by zoom.

As of this report being published, no reply has been received from the Developers.

- iv. Members are reminded of the amended application proposal for DC/25/0305 – 5 Coniston Close, Horsham, RH12 4GU, regarding the erection of replacement front porch, demolition of existing conservatory and erection of a two-storey rear extension. Due to the Amended Application being sent to the Parish Council on the 22nd April 2025, with comments to be made within 14 days of that date, it needed to be determined under the Delegated Authority process. Members had until 9am on the 28th April 2025 to send any changes to their previous comment of “*Objection due to overdevelopment of the site and potential detriment to the street scene*”. Six of the twelve Members responded to the email, who wanted to retain the original comment made on the 27th March 2025 (PET/25/Appendix 1). The Clerk emailed Cllrs Davidson, Torn and Turner on the 28th April 2025, to make them aware of no change to the previous comment from six Members, and unless the Clerk heard to the contrary by 9am on Friday 2nd May 2025, HDC would be advised that the Council will not be changing its previous comments, and the decision will be ratified at the Council meeting on 15th May 2025.

On the 4th April 2025, the Case Officer for the application was informed of no changes or additions to the comment already submitted for the original application on the 1st April 2025, which was “*Objection due to overdevelopment of the site and potential detriment to the street scene*”. The decision will finally be ratified at the May Full Council meeting.

- v. Members may recall a decision made at the last PET meeting regarding a potential meeting with Neil Hughes and Jonathan Howes from Network rail (PET/148/25). The Committee Clerk emailed Neil and Jonathan about a meeting with Cllrs. Simmonds, Searle and Turner and heard back about three dates in May that were not suitable due to this PET meeting and annual leave, and potentially all Thursdays in June that Neil may be available for. Since the Committee Clerk went back to Neil, no reply has been received yet about three potential Thursdays in June that may work. Once Neil replies, the three Councillors will be told of the dates to choose from and the most popular date will be selected.
- vi. As was circulated to Members on the correspondence email of 14th May, Sussex Police are recruiting volunteers in West Sussex for the Community Speedwatch initiative, specifically for volunteers to operate a few hours a week in places that the Police have identified complaints around speeding. The campaign will also be promoted via the Parish Council's Facebook page.

8. Planning Appeals

No Appeals have been received or determined since the last meeting.

Decision: To note that there have been no Appeals received or determined since the last meeting

9. Planning Applications

The current list of Planning Applications for comment is attached as **Appendix 1**.

Decision: To consider Planning Applications received since 17th April 2025.

10. Planning Decisions

The current list of Planning Decisions by HDC is attached as **Appendix 2**.

Decision: To note the Schedule of Planning Decisions made by Horsham District Council since the last meeting in respect of previous applications.

11. Horsham District Local Plan

As Members will have been aware from the email circulated to all on 22nd April, after a considerable delay, HDC have now received a letter from the Inspector who unfortunately has concluded that HDC has not met a legal test known as the 'Duty to Co-operate' and on this basis is recommending that the plan be withdrawn from further examination and work commences on the preparation of a new plan.

The full letter, and the initial response from HDC are attached as Appendix 3 and 4. The latter document sets out why HDC do not agree with the Inspector's decision, and furthermore outlines a number of their concerns with the way in which the Local Plan examination has been conducted.

Decision : To note the update on the Local Plan

12. Gatwick Airport Northern Runway Project

As circulated to all Members of the Council as part of the correspondence email dated 30th April, notification of a further consultation on the proposed Northern Runway has been received which can be viewed using the following link

<https://infrastructure.planninginspectorate.gov.uk/document/TR020005-003996> .

Following the completion of the examination on 27th August 2024, the Examining Authority submitted on 27th November 2024 a report and recommendation in respect of its findings and conclusions on the above application. On 27th February 2025, the statutory decision deadline for a decision on the application was extended to 27th October 2025 to allow time to gather further information on several matters.

A submission of additional information dated 24th April 2025 has been received from the Applicant in response to the letter of 27th February 2025 which requested further information. Comments are now invited by the deadline of 9th June 2025.

The additional matters referred to are :

1. Air Noise Limits (Requirement 15)
2. Receptor Based Noise Mitigation (Noise Insulation Scheme) (Requirement 18)
3. Surface Access (Requirement 20)
4. Matters raised by Secretary of State at Paragraph 15
5. Other matters - Requirement 31 and Wastewater; Policy, Need and Benefits; Greenhouse Gas Emissions; Impacts on the Rail network;

Decision : To agree any response to the latest Consultation

NORTH HORSHAM PARISH COUNCIL
SCHEDULE OF PLANNING APPLICATIONS FOR CONSIDERATION
22ND MAY 2025

DC/25/0415	HOLBROOK EAST
Site Address: Former Novartis Site, Parsonage Road, Horsham, RH12 5AA. Proposal: The construction of 244 new homes (Use Class C3) with vehicular and pedestrian access from Parsonage Road, public open space, landscaping, parking and associated works.	
Parish Council Comment 17/04/2025:	
HDC Decision	

DC/25/0629	HOLBROOK EAST
Site Address: Former Novartis Site, Parsonage Road, Horsham, RH12 5AA. Proposal: Residential development comprising approximately 206 dwellings, including the conversion of 'Building 3' and demolition of 'Building 36'. Vehicular access taken from Wimblehurst Road. Car and cycle parking, landscaping and open space and associated works. The replacement of the existing cedar trees at the site.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0596	ROFFEY SOUTH
Site Address: Carpark Adjacent To 31 Sycamore Avenue, Horsham, RH12 4TP. Proposal: Surgery to 2x Oak.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0637	ROFFEY SOUTH
Site Address: Land North of 20 To 42 Roebuck Close, Horsham. Proposal: Surgery to 2x Oak.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0627	HOLBROOK WEST
Site Address: 14 Peary Close, Horsham, RH12 5GD. Proposal: Surgery to 1x Oak.	
Parish Council Comment 22/05/2025:	
HDC Decision	

WSCC/016/25	HOLBROOK WEST
Site Address: North Heath Community Primary School, Erica Way, Horsham, RH12 5XL. Proposal: The continued siting and use of a temporary classroom unit (Variation of condition No. 1 of WSCC/031/20 to allow the continued use and siting of temporary classroom unit for an additional five years).	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0615	HOLBROOK WEST
Site Address: 17 Quail Close, Horsham, RH12 5ZJ. Proposal: Surgery to 1x Oak.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0279	HOLBROOK EAST
Site Address: Horsham Olympic Football Club, Robert Way, Horsham, Proposal: Construction of 4No. 'Football Dugout' enclosures at the side of existing football pitches. Replacement of and installation of new fencing for site boundary and ball stop.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0350	ROFFEY NORTH
Site Address: 8 Highbirch Close, Horsham, RH12 4UP. Proposal: Surgery to 1x Birch.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0650	HOLBROOK WEST
Site Address: 55 Amundsen Road, Horsham, RH12 5GF. Proposal: Erection of a front dormer.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0701	ROFFEY SOUTH
Site Address: 9 Fallow Deer Close, Horsham, RH13 5UH. Proposal: Erection of a part single and part two storey rear extension, and a first floor side extension over existing garage.	
Parish Council Comment 22/05/2025:	
HDC Decision	

DC/25/0718	ROFFEY NORTH
Site Address: 8 Foxleigh Chase, Horsham, RH12 4AX. Proposal: Erection of a front porch and conversion of loft into habitable living space with addition of a rear dormer and 1no. front rooflight.	
Parish Council Comment 22/05/2025:	
HDC Decision	

NORTH HORSHAM PARISH COUNCIL
SCHEDULE OF PLANNING DECISIONS
17.04.2025 – 22.05.2025

S106/25/0005 - Found on Parish Order doc 14/04/25 – Not Required on Return	HORSHAM RURAL
Site Address: Mowbray, Land North of Horsham, Horsham. Proposal: Discharge of Schedule 4, Part 2, Clause 1.1 (Sports Hub Masterplan) to application DC/16/1677.	
Parish Council Comment 17/04/2025: No comment to make.	
HDC Decision	PERMITTED

S106/25/0010 – Found on Parish Order doc 31/03/25 – Not Required on Return	HORSHAM RURAL
Site Address: Mowbray, Formerly Land North of Horsham, Horsham. Proposal: Discharge S106 obligation (DC/16/1677) under Part 16 of the legal agreement relating to the inspection of the East-West Greenspace.	
Parish Council Comment 17/04/2025: No comment to make.	
HDC Decision	PERMITTED

DC/25/0469 - Found on Parish Order doc 07/04/25 – Not Required on Return	
Site Address: Tesco Express, Redkiln Way, Horsham, RH13 5QH. Proposal: Non Material Amendment to previously approved application DC/25/0029 (Replacement of existing fuel tanks, fills, pipework and forecourt with alterations to existing parking arrangements) for the size increase of 2no. Underground Fuel Storage Tanks from 65k to 70k Litres per tank.	
Parish Council Comment 17/04/2025: No comment to make.	
HDC Decision	PERMITTED

DC/25/0303	ROFFEY NORTH
<p>Site Address: 58 Hawkesbourne Road, Horsham, RH12 4EN.</p> <p>Proposal: Demolition of existing garage and workshop, and erection of a single storey rear extension, two storey side extension, front porch and installation of new windows.</p> <p>Amended Proposal 01/04/2025: Demolition of existing conservatory, and garage and workshop, erection of a single storey rear extension, two storey side extension, front porch and installation of new windows.</p>	
<p>Previous Parish Council Comment 27/03/2025: Objection due to overdevelopment for the area.</p> <p>Parish Council Comment 04/04/2025: Decided under Delegated Authority - No changes or additions to the comment already submitted for the original application on 01/04/2025.</p>	
HDC Decision	PERMITTED

DC/25/0316	ROFFEY NORTH
<p>Site Address: Parsonage Farm Industrial Estate, Parsonage Way, Horsham, RH12 4ZF.</p> <p>Proposal: Surgery to 6x Oak.</p>	
<p>Parish Council Comment 27/03/2025: No objection to the surgery of the tree, subject to the comments of HDC's Tree Officer.</p>	
HDC Decision	PERMITTED

DC/25/0331	ROFFEY SOUTH
<p>Site Address: 19 Wood End, Horsham, RH12 4NT.</p> <p>Proposal: Erection of a single storey front, side and rear wrap around extension.</p>	
<p>Parish Council Comment 27/03/2025: No objection.</p>	
HDC Decision	PERMITTED

DC/25/0274	ROFFEY SOUTH
<p>Site Address: 1 Belloc Court, Manor Fields, Horsham, RH13 6SF.</p> <p>Proposal: Conversion of garage to habitable living space with first floor extension above.</p>	
<p>Parish Council Comment 27/03/2025: No objection.</p>	

HDC Decision	PERMITTED
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DC/25/0236	HOLBROOK WEST
Site Address: 44 Broome Close, Horsham, RH12 5XG.	
Proposal: Erection of a two storey side extension.	
Parish Council Comment 27/03/2025: No objection.	
HDC Decision	PERMITTED

DC/25/0337	ROFFEY SOUTH
Site Address: 7 Shelleys Court, Manor Fields, Horsham, RH13 6SE.	
Proposal: Surgery to 1x Oak.	
Parish Council Comment 27/03/2025: No objection to the surgery of the tree, subject to the comments of HDC's Tree Officer.	
HDC Decision	PERMITTED

DC/25/0304	ROFFEY NORTH
Site Address: 58 Hawkesbourne Road, Horsham, RH12 4EN.	
Proposal: Construction of a rear loft dormer, rooflights and a juliet balcony.	
Parish Council Comment 27/03/2025: No objection.	
HDC Decision	REFUSED

DC/25/0419	ROFFEY NORTH
Site Address: 73 Lambs Farm Road, Horsham, RH12 4LE.	
Proposal: Erection of a gabled front porch and a single storey rear extension with flat roof.	
Parish Council Comment 27/03/2025: No objection.	
HDC Decision	PERMITTED

DC/25/0402	ROFFEY SOUTH
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Site Address: 28 Howard Road, Horsham, RH13 6AB. Proposal: Erection of a single storey front extension and pitched roof over existing flat roof to garage.	
Parish Council Comment 27/03/2025: No objection.	
HDC Decision	PERMITTED

DC/24/1901	HOLBROOK WEST
Site Address: 7 Pondtail Close, Horsham, RH12 5HS. Proposal: Installation of a home office (outbuilding) to the side elevation (Lawful Development Certificate Existing).	
Parish Council Comment 27/02/2025: No objection.	
HDC Decision	PERMITTED

DC/25/0255	ROFFEY NORTH
Site Address: 9 Allingham Gardens, Horsham, RH12 4US. Proposal: Surgery to 1x Oak.	
Parish Council Comment 27/02/2025: No objection to the surgery of the tree, subject to the comments of HDC's Tree Officer.	
HDC Decision	PERMITTED

DC/25/0242	ROFFEY NORTH
Site Address: 181 Farhalls Crescent, Horsham, RH12 4BX Proposal: Surgery to 2x Oak	
Parish Council Comment 27/02/2025: No objection to the surgery of the trees, subject to the comments of HDC's Tree Officer.	
HDC Decision	PERMITTED

DC/24/1927	HORSHAM RURAL
Site Address: Mowbray Development Site, Land North of Horsham, Rusper Road, Horsham. Proposal: Application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) pursuant to Condition 5 of Outline Planning Permission reference DC/16/1677 for RM Areas 5 and 6 comprising 206 (C3 Use) residential units, car and cycle parking, new landscaping, drainage, access and internal roads, and associated infrastructure.	
Parish Council Comment 30/01/2025: No objection.	
HDC Decision	PERMITTED



Horsham District Local Plan 2023-2040

Examination Inspector: L Fleming BSc (Hons) MRTPI IHBC

Programme Officer: K Trueman

programmeofficer@horsham.gov.uk

Examination Webpage:

<https://www.horsham.gov.uk/planning/local-plan/local-plan-examination>

4 April 2025

Examination of the Horsham Local Plan 2023-2040

Dear Ms Howe,

Background and Introduction

1. The Horsham Local Plan 2023-2040 (the Plan) (SD01) was submitted on 26 July 2024. I wrote to Horsham District Council (the Council) on 23 August 2024 seeking clarification when outstanding evidence would be submitted, explaining that the Plan would be examined under the National Planning Policy Framework September 2023 version (referred to hereafter as the NPPF) and drew attention to Matthew Pennycook MP's letter to the Planning Inspectorate dated 30 July 2024¹ (ID2).
2. In September 2024, I issued my Matters, Issues and Questions (MIQs) (ID04) for the Examination and set out a provisional four-week programme of hearing sessions (ID05) to take place between December 2024 and January 2025.
3. When opening the hearing and at the end of the first week of sessions, I explained that I had a number of soundness and legal compliance concerns. I stated that even if I was able to find the Council had met the Duty to Co-operate (DtC), addressing soundness issues could require significant further work which could take much longer than 6 months to complete.

¹ Local Plan examinations: letter to the Chief Executive of the Planning Inspectorate (July 2024)

4. On 16 December 2024, I wrote to the Council (ID06) cancelling the remaining hearing sessions and advising that I would, as soon as possible, put in writing my detailed concerns based on my examination of the Plan so far and in response to the completion of the hearing action points.
5. The relevant action points have all now been completed with the new evidence available on the examination website. This letter therefore sets out my legal compliance concerns in relation to the matters discussed at the hearing sessions and in response to the hearing action points. It does not deal with all matters and issues in the same level of detail as an Inspector's Report.
6. My letter focuses on legal compliance with the DtC because it applies to the plan preparation period and therefore cannot be rectified during the Examination. In it, I explain why I conclude that the Plan has failed the DtC and explain why the Council should withdraw the Plan from Examination.

The Duty to Co-operate

7. Section 33A of the Planning and Compulsory Purchase Act 2004 (PCPA) imposes a duty on the Council to co-operate with other planning authorities and prescribed bodies by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation.
8. The PCPA makes clear that sustainable development or use of land that would have a significant impact on at least two planning areas is such a strategic matter.
9. My assessment of DtC compliance is focussed on housing and water supply which are both recognised in the Council's evidence (DC01) as strategic matters.

Housing and Water Supply Contextual Background

10. Horsham District is entirely within the Northern West Sussex Housing Market Area (NWSHMA) which covers the rural districts of Horsham and Mid Sussex and Crawley Borough Council. The rural districts wrap around Crawley's predominantly built-up urban area leaving little space for Crawley to grow within its own administrative boundaries.
11. The Coastal West Sussex Housing Market Area (CWSHMA) overlaps the NWSHMA in the south. Horsham District also forms part of the extensive Gatwick Diamond Economic Area which extends from Croydon, near Gatwick in the north and down the A23 corridor to the south coast.
12. The NWSHMA Assessment 2019 (HO1) endorses the NWSHMA boundary, recognises the overlap with the CWSHMA and notes the growing economic influence of Crawley and Gatwick. It also notes the affordability challenges faced by people wanting to live in the District, noting median house prices in

Horsham at 13.9 times earnings based on 2018 data.

13. The adopted Horsham District Planning Framework 2015-2031 (HDC05) requires 800 dwellings per annum (dpa) with the examining Inspector's report (HDC06) explaining 150 dpa would meet about half of the unmet needs arising from Crawley at that time, with the remainder being met in Mid Sussex. Although, 1,201 homes were built in the district in 2015/16, 1,125 in 2017/18 and 1,369 in 2018/19, showing higher annual housing completion rates have historically been achievable.
14. However, in 2020/21 the supply of water to new homes and the effect this may be having on internationally designated habitats began to emerge as an issue.
15. In September 2021 Natural England (NE) published a document titled Natural England's Position Statement for Applications Within the Sussex North Water Supply Zone (SNWSZ) – September 2021 – Interim Approach (CC08). It states all development within the SNWSZ will need to be water neutral defining water neutral or water neutrality as "the use of water in the SNWSZ before the development is the same or lower after the development is in place". This is because at that time it could not be ruled out with any certainty that new development in the SNWSZ would not affect the integrity of internationally designated habitat sites in the Arun Valley due to the need for associated water abstraction at the Hardham/Pulborough borehole.
16. The Council's Habitats Regulations Assessment, November 2023 (SD07) reflects CC08. It notes at paragraph 6.1 that it is ultimately for Southern Water (SW) working with the Environment Agency (EA) to ensure that water abstraction to supply new dwellings from the Hardham/Pulborough borehole does not result in an adverse effect on the integrity of the Arun Valley sites. It also says that until such time that this issue has been resolved strategically, NE has requested that Horsham, and the other local planning authorities within the SNWSZ, provide for water neutrality within their local plans in order to minimise the burden new development places on local water resources and thus minimise the need for SW to abstract water from the Hardham/Pulborough borehole to its full permitted extent as detailed in the relevant abstraction licence and allowed for in the SW Water Resource Management Plan (WRMP).
17. SW are required by section 37A-37D of the Water Industry Act 1991 to prepare a WRMP every five years and review it annually. SW's WRMP 2024 is in preparation and although delayed, is expected to replace the current WRMP, (WRMP 2019) in 2025. WRMP 2024 will be an extensive, detailed plan covering a period of some 50 years looking at how water is supplied and managed in the region. Its finalisation will inevitably inform, if not provide any possible strategic resolution to water neutrality as referred to in SD07. It will inform whether NE can review its position as set out in CC08, in other words NE will need to decide whether water neutrality will continue to be a requirement for new development going forwards.
18. The Councils affected by CC08 have all worked together with NE, the EA and SW to try and develop consistent water neutrality policies for inclusion in local plans. Strategic Policy 9: Water neutrality (Policy SP9) of the submitted Plan

seeks to ensure water neutrality in line with the conclusions of the Council's Habitats Regulations Assessment and in response to CC08.

19. Policy SP9 says water neutrality will be achieved, firstly by water efficient design and then offsetting water use. It explains a local authority led water offsetting scheme will be introduced to bring forward development and infrastructure supported by Local and Neighbourhood Plans.
20. The local authority led offsetting scheme is the Sussex North Offsetting Water Scheme (SNOWS). This has been developed jointly by the affected Council's following recommendations from an extensive jointly commissioned Water Neutrality Study (CC09-CC11). Section 6 of CC11 under "Offsetting Schemes" says that alternative offsetting schemes are "for the commercial market to develop, using market forces to set the cost of offsetting, and drive technology improvements to improve efficiency. This approach would take some time to develop, and the burden on individual developers early in the scheme could be considerable. There is also no certainty that a market led scheme would deliver sufficient and timely offsetting in order to ensure offsetting is in place prior to development in all cases. Significant monitoring by Local Planning Authorities would still be required". It goes on to explain that there is room for developers to find their own offsetting options and any such offsetting would impact on the amount of remaining offsetting required.
21. Thus, whilst CC11 casts doubt over the ability of the private sector to bring forward offsetting schemes it does not preclude them or suggest they would be harmful in any way. There is also nothing substantive in CC09-CC11 which suggests private water supply boreholes as a way in which a developer could demonstrate water neutrality would not be practicable or would lead to significant adverse impacts.
22. HDC31 provided in response to a hearing action point explains that the EA is undertaking work which will among other things look at the effect of private water supply boreholes (individual and cumulatively) in recognition of increasing developer interest. Furthermore, the use of alternative boreholes to supply water are being considered by SW in developing WRMP 2024. However, that work was commissioned by the EA in October 2024 and has not yet been completed. It is not clear to me how the NWSHMA local authorities have been engaged in it or how it is intended to inform the Examination or any possible strategic resolution to the issue of water neutrality.
23. Criterion 4 of Policy SP9 makes it explicitly clear that development proposals are not required to utilise the local authority led offsetting scheme and may bring forward their own schemes to achieve water neutrality without relying on SNOWS in advance of any strategic resolution to the issue of water neutrality.
24. It is therefore clear that in order to meet the water neutrality requirement of CC08 and Policy SP9 a developer can develop their own entirely private water neutrality scheme which could include any combination of private offsetting and/or private supply sources (private water neutrality schemes).

25. This does not mean that any such private water neutrality schemes will be considered to be acceptable or deliverable as they will need to be considered on their merits. However, it does mean that a development proposal which benefits from a private water neutrality scheme would not be prevented from being constructed for any reasons related to water supply or water neutrality.
26. However, SNOWS has not been delivered as originally anticipated. The Council confirms SNOWS may be able to be formally tested and launched between February and March 2025. However, whilst work is ongoing, at the current time it is still not clear as to the amount of offsetting (in the form of credits) it would provide for developers to access without fully understanding the offsetting measures to be detailed in SW's WRMP 2024. The Councils have clearly found establishing their own offsetting arrangements challenging based on the resources available to them. This is understandable, given water supply offsetting has not historically been something they have ever had to consider in any detail.
27. I accept SNOWS, as a co-ordinated local authority led offsetting scheme would have advantages in managing the issue of water neutrality going forwards over un-coordinated developer led private water neutrality schemes designed to supply water to individual developments. I also acknowledge SNOWS was not operational when the Crawley Local Plan was examined and that Plan was found sound and legally compliant. In addition, I note the Council and others are working on more water and habitats related evidence and there are a number of studies in preparation which may inform how water neutrality should be addressed in examining the Plan and when considered alongside SW's emerging WRMP 2024 could be used to inform a strategic resolution to the issue of water neutrality (HDC31, HDC32 and HDC33).
28. I also acknowledge the commentary in the evidence regarding SW and how it engages with developers wishing to develop their own private water neutrality solutions. I note the Frequently Asked Questions document, how this was developed and the information it provides (HDC29a). I also note the challenges identified in bringing forward independent private water supply sources, particularly in securing the necessary consents. However, there is no substantive evidence in any of the documents before the Examination which lead me to believe it is not possible through detailed technical design to secure a private water supply source. This is irrespective of the size of the development that private water supply source is expected to supply.
29. It is also noted, the Council's draft housing trajectory (HDC20 and HDC03) includes sites which identify "On Site Borehole Supply" as the "Water Neutrality Solution", albeit I acknowledge these are relatively small sites.
30. Even so, the fact remains that currently all housing development in Horsham must be demonstrated to be water neutral in line with CC08 before it can be built, and in principle private water neutrality schemes can be used to demonstrate water neutrality. Clearly the deliverability of such private schemes is relevant because of the necessary degree of certainty required. However, the same degree of required certainty applies to SNOWS as an alternative way in which water neutrality may be achieved at some point in the future when the

scheme becomes fully operational. This is all subject to the matter of water neutrality being strategically resolved at some point over the Plan period, possibly as early as 2025.

31. Against all this contextual background, the submitted Plan sets a capacity-based housing requirement of 777 dpa or 13,212 between 2023 and 2040. This would not meet the District's housing need calculated using the standard method, falling short by some 2,377 homes (DC02).
32. As submitted, the Plan would therefore add to the substantial unmet housing needs in the NWSHMA, which equates to around 7,500 dwellings (DC02) even before accounting for the extent of any shortfall in Horsham or Mid Sussex. The unmet need in the NWSHMA, which mainly arises from Crawley is clearly of a strategic scale which requires a strategic response.
33. The scale of the unmet need arising from Crawley, the limited availability of undeveloped land within Crawley Borough Council's administrative area, the existing housing requirements detailed in the adopted Horsham District Planning Framework 2015-2031 (HDC05) all indicate to me, that the needs of Crawley should continue to be prioritised over meeting any of the substantial unmet housing need arising from the CWSHMA.
34. For the purposes of this letter, I therefore focus on the co-operation which took place between Horsham District Council, Crawley Borough Council and Mid Sussex District Council (referred to collectively as the NWSHMA local authorities) in preparing the Plan. However, I do not need to reach a definitive view on prioritisation for the purposes of this letter, nor do I need to fully assess co-operation between the Council and local authorities within the CWSHMA in any detail. Nevertheless, it is clear that unmet housing need in the CWSHMA is significantly more than that of the NWSHMA.

The Plan Preparation Period

35. The Council published and consulted on a document titled Local Plan Review Issues and Options Employment, Tourism and Sustainable Rural Development between 6 April and 26 May 2018 (CD03), but this did not seek views on any housing or environment related matters which would reasonably be expected to be considered in a Local Plan and instead focussed only on matters related to the District's economy. Between 17 February 2020 and 30 March 2020, the Council undertook a further consultation under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2017 (Local Planning Regulations) on a partial draft Plan (CD01 supported by CD02) where all relevant matters were considered.
36. The Council then prepared a draft Plan, which was completed in July 2021 (the July 2021 Draft Plan) (SS02) covering the period of 2021 to 2038. This was considered by the Council's cabinet on 15 July 2021 but was not published for consultation under either regulation 18 or regulation 19 of the Local Planning Regulations. Instead, the Council decided more evidence was needed and concluded, without any public consultation that the July 2021 Draft Plan could not be taken forward at that time.

37. Thus, between July 2021 and January 2024, the July 2021 Draft Plan was amended into the Plan which has been submitted for Examination. It was published under regulation 19 of the Local Planning Regulations in January 2024 and submitted for Examination without change, some six months later, along with the representations, on 26 July 2024.
38. The Plan was therefore prepared over a period of some six years between 6 April 2018 and 26 July 2024.

Co-operation between April 2018 and July 2021

39. At the regulation 18 stage of Plan making, the Council did not appear to be aware of any significant issues associated with water neutrality and housing delivery because in February 2020 it consulted on a district housing requirement of between 1,000 and 1,400 dpa, a significant increase in the 800 dpa requirement detailed in the adopted plan (CD01). This was clearly intended to allow the District's housing need to be met and contributions to continue to be made towards unmet housing needs outside of the District boundary, particularly those arising from Crawley.
40. Crawley Borough Council responded to the Council's consultation saying that there would be an unmet need for housing in Crawley of 5,925 homes between 2020-2035 based on their own draft Local Plan and associated evidence. They said they "anticipated this outstanding amount will be considered through the review of the Mid Sussex District Plan, such that Mid Sussex and Horsham would both contribute equally to meeting unmet needs arising from Crawley, as agreed in the current Local Plans" (HDC29).
41. Between Spring 2020 and July 2021, the July 2021 Draft Plan was prepared based on a housing requirement of 1,100 dpa. The Council say at that time, it was felt 193 dpa would contribute towards known unmet needs arising from Crawley. Based on the evidence before me, I find it reasonable to conclude, that the NWSHMA local authorities all felt this approach would ensure the housing needs of the NWSHMA would be met in full at that time (HDC29). The annual requirement 1,100 dpa would have also included a small contribution of 20 dpa towards the unmet needs of the CWSHMA.
42. The July 2021 Draft Plan was based on a draft spatial strategy which involved extensions to existing settlements and the construction of a new village through strategic allocation, Buck Barn HA5 (Strategic Allocation HA5). It was expected this would deliver at least 2,100 homes by 2038 although it was recognised in the draft plan that "in total, the new community has been promoted for some 3,000 to 3,500 homes". Paragraph 6.26 also notes Strategic Allocation HA5 was located on the A272 and A24 corridors with good road connections providing links to both the northern settlements within the Gatwick Diamond, and connections to the south coast.
43. Although, the July 2021 Draft Plan, and its spatial strategy was not publicly consulted on, it was highly relevant to any DtC co-operation which occurred up to July 2021. However, I cannot see any substantive evidence which records the co-operation which took place under the DtC up to July 2021 where any

relevant local authority or prescribed body raised any significant specific concerns with regard to the Council's draft spatial strategy or Strategic Allocation HA5. It seems to me, on the basis of the evidence, that neither were discussed in any great detail between the NWSHMA local authorities between April 2018 and July 2021.

44. The Council say the completion of the Gatwick Sub-Regional Water Cycle Study 2020 (CC05) was when they first began to understand the issue of water neutrality. However, the NWSHMA local authorities were also clearly developing their knowledge and understanding of the issue when its water neutrality evidence (CC09) was first commissioned in early 2021. The Council also commissioned a Horsham Local Plan Water Neutrality Technical Note which was completed in March 2021 (CC12).
45. The July 2021 Draft Plan also stated "that much of the South East has now been designated as an 'area of serious water stress' by the EA, with demand for water exceeding supply. Water in Horsham District is supplied from abstraction at Hardham (located in the South Downs National Park), and over abstraction will lead to the loss of integrity of the Arun Valley sites". It also stated that "in order to ensure that water supplies can be maintained, and the environment be protected, the Council propose that all new housing should meet a tighter level of water efficiency and provide measures that contribute to the aim of water neutrality, and as a minimum, does not increase demand for water over existing levels."
46. I accept the Council's understanding of water neutrality as a strategic matter has clearly grown over time. I also accept NE's position was confirmed when CC08 was published in September 2021 effectively placing an embargo on development in the District, unless it can demonstrate water neutrality. However, in my view, the Council clearly had a reasonable level of knowledge of the issues associated with water supply and habitats back in July 2021 when it prepared a draft plan based on a spatial strategy which would meet the housing needs of the District and make a significant contribution towards meeting unmet needs in the NWSHMA, particularly those arising from Crawley.

Co-operation between July 2021 and January 2024

47. The Council amended the July 2021 Draft Plan between July 2021 and January 2024 into the submitted Plan which includes a much lower annual housing requirement of 777 dpa equating to 13,212 homes over the plan period which would not meet the District's housing need or make any contribution towards any known unmet needs arising from elsewhere. The Council's Local Development Scheme September 2023 (SP03) shows the Council expected at that time, that the Plan would be submitted for Examination in June 2024.
48. The housing requirement in the submitted Plan would be delivered through a spatial strategy which relies only on extensions to existing settlements. The submitted Plan does not make any reference to a new settlement anywhere in the District. The reasons the Council gives for the changes to its housing requirement and spatial strategy can be summarised as the capacity of the Horsham District housing market to absorb new development and water neutrality.

49. The Council confirmed at the hearing that the figure of 777 dpa is derived from the Horsham Housing Delivery Study September 2020 (HO2) and the Horsham Housing Delivery Study Update November 2023 (HO3), taking into account the capacity of the housing industry to build new homes in the District against the background of delayed delivery associated with water neutrality. Whilst the DtC evidence shows this study was shared with the NWSHMA local authorities, it was commissioned by Horsham District Council independently and the DtC evidence does not indicate that any substantive discussions took place on its findings.
50. The Sustainability Appraisal evidence completed in December 2023 (SD03a) states “the potential for both water efficiency and offsetting are finite, which may constrain the amount of development possible in an area”. Paragraph 6.31 of SD03a draws on CC11 completed in November 2022 and considers based on the WRMP how much housing growth can be theoretically delivered across the SNWRZ. It notes that if growth identified in relevant Local Plans (at different stages of preparation) is to be delivered, further offsetting beyond measures identified by SW are necessary.
51. Paragraph 6.52 of SD03a, says in summary, that the conclusions of the sustainability appraisal work undertaken up to July 2021 needed to be revisited because housing delivery during the early years of the plan period had been delayed and due to the limited availability of off-setting credits only a lower amount of development could come forward than that identified in the July 2021 Draft Plan. It considers on page 119 in summary, the provision of a new settlement to be less sustainable than growth options which extended settlements. However, in making this comment there is no reference to strategic scale development proposals and the opportunities to support a range of land uses and new infrastructure in the context of the significant scale of unmet needs in the NWSHMA.
52. Paragraph 7.7 of SD03a clearly explains that water neutrality was not considered in the appraisal of large and small sites in SD03b-d, but has been considered in SD03a. However, it goes on to confirm, that the Council retained a neutral impact against the relevant objective (referred to as SA11: Water Resources) because it affects all sites equally. However, as I have explained above, subject to an appropriate level of assessment, in principle a housing development that is supported by a private water neutrality scheme could, subject to detailed assessment, be developed now and would not be constrained by water neutrality whereas SNOWS as an alternative is not fully operational.
53. There is no substantive evidence before the examination, that indicates the principle of developments which rely on private water neutrality schemes and their ability to support development in advance of SNOWS or WRMP 2024 had been considered by the Council or the NWSHMA local authorities between July 2021 and January 2024 in any substantive detail. Such consideration would have needed to be in the context of their ability to address or at least contribute towards addressing known unmet needs during this period. Given the substantial unmet housing needs in the NWSHMA at this time, it was incumbent on the Councils in the HMA to consider the potential of private water

neutrality schemes, as part of the strategy for meeting some, if not all, of the unmet need. Consideration under the DtC does not mean such sites should be included in the Plan.

54. HDC29a provided in response to a hearing action point explains at paragraph 21 that the Council had an open mind to alternatives to SNOWS but had no compelling evidence which indicated resources should be diverted towards considering them in detail. It shows between July 2022 and March 2023 meetings and correspondence occurred between the Council, the Water Neutrality Project Manager, NE, the EA and SW. Whilst concerns related to the technical delivery of alternatives to SNOWS are clearly identified this does not show that subject to further evidence and achieving the necessary consents any of the alternatives could not be definitively delivered.
55. Furthermore, there are no records of any substantive detailed discussions between the NWSHMA local authorities relating to the Council's reasons for amending its spatial strategy between July 2021 and January 2024. Such discussions would have required some detailed consideration of the Council's evidence on market capacity and would have required some detailed consideration on the role of strategic scale developments in principle in addressing the acute need for housing in the area.
56. Because SNOWS had not progressed and there was no strategic resolution as envisaged by the Council's Habitats Regulations Assessment and CC08 between July 2021 and January 2024, any sites, especially a strategic scale site which relied only on a private water neutrality scheme was clearly a possible way in which some housing need could be met. It was therefore relevant to any co-operation on strategic matters of housing and water supply that occurred between July 2021 and January 2024 and required detailed consideration by all NWSHMA local authorities in the context of unmet housing needs.
57. I also heard at the hearing, that in July 2023 Horsham District Council held a developer day which was attended by the site proponents of Strategic Allocation HA5. They indicated at that event that they had evidence to demonstrate the development of their site would benefit from a private water neutrality scheme. It is not clear to me, how the Council used or shared any evidence gathered through this event in preparing the Plan or in its discussions with neighbouring authorities around meeting its unmet housing needs and those of the NWSHMA more widely.
58. All the NWSHMA local authorities knew between July 2021 and January 2024 that water neutrality could not be strategically resolved until at least 2025 because they fully engaged in the consultation on WRMP 2024. It was also widely known that the Council intended to submit its Plan before 2025 as indicated in its Local Development Scheme, at a time when all NWSHMA Authorities would have known SNOWS would not be operational.
59. Thus, before amending its housing requirement and spatial strategy for reasons relating to market capacity and water neutrality between July 2021 and January

2024, the Council should have fully explored all other options with its neighbours in the context of their knowledge of the unmet housing needs at that time.

60. This required detailed consideration of whether any sites were available or could be made available which may not be constrained for water neutrality reasons. DtC engagement between the NWSHMA local authorities during this period, should have also involved some detailed consideration as to whether it was appropriate or not to delay the submission of the Plan in light of what all NWSHMA local authorities knew at that time with regard to the likelihood of a strategic resolution to the issue of water neutrality.

Co-operation between January 2024 and July 2024

61. The Plan was published under regulation 19 of the Local Planning Regulations in January 2024 and submitted for examination in July 2024.
62. Crawley Borough Council responded to the regulation 19 consultation clearly setting out their unmet need of around 7,500 dwellings². Mid Sussex District Council³ responded noting the unmet need in Horsham District and said in summary that they were content that Horsham District Council was maximising housing supply at this time given the constraints imposed by water neutrality. However, they also commented that water neutrality is a temporary position and urged Horsham District Council to “take every opportunity to increase housing supply should opportunities (which are consistent with achieving water neutrality) present themselves within the plan period”.
63. Between January and February 2024, the Council received numerous regulation 19 representations from developers promoting omission sites objecting to the Plan. These are all detailed in the Council’s Consultation Statement (SD12). Some of those sites claimed to benefit from private water neutrality schemes. It is not necessary or appropriate for me to deal with all these representations in detail. However, I use the representations made by the proponents of a site which was, until July 2021, being proposed by the Council as a strategic allocation as an example (Strategic Allocation HA5).
64. Those representations⁴ object to the Plan for soundness and legal compliance reasons and were supported by a number of technical reports covering a range of issues including a “Water resources Report” and a “Water Neutrality Technical Note” dated February 2024. With reference to meetings with the EA, NE and SW the representations conclude, in the developers view, that their site benefits from a private water neutrality scheme. The evidence shows utilisation of NE’s Discretionary Advice Service in the summer/autumn of 2022 and in a letter dated 3 January 2023, NE say “subject to the applicant being able to obtain all the relevant permissions from the EA, the solution proposed is suitable to avoid adding to the risk of adverse effect on the integrity of the Arun

² SD12 (Rep ID:1194005)

³ SD12 (Rep ID:1198343)

⁴ SD12 (Rep ID:1192082)

Valley sites". The evidence suggests a strategic scale site could be water neutral without needing to rely on any form of public offsetting, any credits or any strategic resolution to the issues of water neutrality. Furthermore, the representations include details of meetings held with NE and the EA on 11 January 2024 and with SW on 9 February 2024 where neither the EA, NE nor SW indicated that the developer's private water neutrality scheme as detailed at that time could not be implemented, would not achieve its aims based on the information available or that it would lead to any significant adverse impacts.

65. In response the Council says in summary in evidence provided after the Plan was submitted, that the private water neutrality scheme and associated evidence provided at the regulation 19 stage relating to Strategic Allocation HA5 can only be regarded as conceptual and cannot be regarded as deliverable nor capable of providing the necessary level of reasonable certainty (HDC29a). Paragraph 8 of HDC29a states "It was the Council's judgement that submission of a Plan which included such a strategic site, but which lacked evidence of delivery based on a feasible water neutrality scheme would not have been sound". In reaching that judgement HDC29a shows the Water Neutrality Project Manager met with the EA in February 2024, where the EA raised brief concerns with regard to the specific details of the proposed private water neutrality scheme. It also shows a record of correspondence between the Council and SW in June 2024, but this does not detail any definitive conclusions.
66. I accept that any proposal which utilises a private supply borehole must also secure any necessary consents including water abstraction licences from the EA if it exceeds the relevant thresholds. I also acknowledge detailed and extensive further work would be required to bring forward a water neutral strategic scale new settlement in the District. Furthermore, I also accept that clearly, following detailed work to secure all necessary consents, any private water neutrality scheme could ultimately be found to be undeliverable.
67. However, just because the Council felt a strategic scale site lacked evidence of delivery based on a feasible water neutrality scheme would not have been found sound by an Inspector in Examining the Plan does not mean it was not necessary for it to be discussed in some detail under the DtC with the other NWSHMA local authorities against the background of what was known about unmet housing needs at that time. Or indeed, that an alternative strategy for meeting some, or all, of the District's unmet need which included sites which may benefit from private water neutrality schemes should not have been discussed in detail.
68. I note the Water Neutrality Policy Group met four times between January 2024 and July 2024 but were focussed on progressing SNOWS. HDC29a shows the regulation 19 representations where only discussed generally at those meetings, without any specific reference to any private water neutrality schemes which have been purported to exist by site proponents or any recognition of unmet housing needs.
69. Whilst meeting records do show that the Council's regulation 19 consultation responses were discussed generally at relevant forums, there is no substantive evidence which explicitly shows any record of a new settlement in Horsham or

any other omission sites which claimed to benefit from a private water neutrality scheme being discussed in any significant detail between all NWSHMA local authorities in the context of unmet housing needs. There is also no record of the principle of private water neutrality schemes being discussed as a means by which water neutral homes could be built in the NWSHMA or Horsham District at that time in the context of the scale of unmet housing needs.

70. In my assessment, the Council and the other NWSHMA local authorities all knew between January 2024 and July 2024 that SNOWS was not fully operational and would not be for some time after the Plan was submitted. They all also knew WRMP 2024 would not be in place and NE would be unable to review its position as set out in CC08 at least until further work had been completed some time after the Council intended to submit its Plan.
71. Horsham District Council were clearly not obliged to explicitly discuss every detailed regulation 19 representation it received with all of the NWSHMA authorities. It was for the Council to make an assessment of the representations and initiate co-operation on any information received further to its legal requirement to meet the DtC and having regard to the relevant strategic matters on which co-operation is required.
72. If the reason for the Council not actively initiating detailed discussion on any of these points is because, the Horsham District housing market could not absorb any more development than detailed in the submitted Plan, this ought to have also been explicitly discussed in detail at that time in light of the regulation 19 consultation responses. There is no substantive evidence to suggest this was done in any detail at any of the relevant DtC forums.
73. Thus, between February 2024 and July 2024, all of the NWSHMA local authorities clearly knew the Plan would not meet its own need for housing and would add to known substantial unmet housing needs in the NWSHMA. However, it was only the Council that had the opportunity to consider the representations it received in response to its consultation on the Plan under Regulation 19 of the Local Planning Regulations in any detail unless it explicitly drew attention to any of them before the Plan was submitted for Examination.
74. In my assessment, at the very least, for engagement to be constructive, active and ongoing between February 2024 and July 2024 on the strategic matters of housing and water supply, the ability to deliver any water neutral development without needing to rely on SNOWS or a strategic resolution to water neutrality should have been considered in some detail by all the relevant NWSHMA local authorities before the Plan was submitted.
75. This is because, such schemes could be a way in which the effectiveness of the Plan in meeting housing needs could be maximised. Indeed, Mid Sussex District Council clearly suggested in its regulation 19 consultation response, that Horsham District Council take every opportunity to increase housing supply should opportunities (which are consistent with achieving water neutrality) present themselves within the plan period.
76. For the Council's to have considered such information in sufficient detail the evidence should include a detailed written record, possibly through an update

to the relevant statements of common ground, which explains why the regulation 19 version of the Plan remains sound and legally compliant in light of the representations it received in response to its regulation 19 consultation. Such a record of engagement should explain the detailed discussion that took place and explain the key areas of agreement and disagreement.

77. Ultimately once all NWSHMA local authorities had considered the issues, Horsham District Council would then be required to explain why it felt it still was appropriate to submit the Plan for Examination without amending it in light of the regulation 19 responses prior to submission.
78. I can find no substantive evidence to demonstrate that this type of detailed engagement occurred between the NWSHMA local authorities between January 2024 and July 2024.

Conclusions on the Duty to Co-operate

79. Between April 2018 and July 2021 the Council's draft Plan would have met Horsham District Council's housing need and continued historical contributions towards unmet need from elsewhere, particularly that arising from Crawley.
80. Strategic Allocation HA5 was proposed by the Council in July 2021 as a strategic site allocation policy seeking to address strategic priorities in line with the requirements of Section 19 (1B-E) of the PCPA as an integral part of a spatial strategy which would have not only met the District's housing needs but would have allowed significant contributions to be made towards unmet housing needs which existed beyond the Horsham District boundary.
81. This is sufficient to demonstrate to me that up until July 2021 the Council felt a strategic scale new settlement as part of a spatial strategy which also included extensions to existing settlements was a possible way in which the needs of the NWSHMA could be met.
82. There is no substantive evidence to suggest any of the NWSHMA local authorities had raised any significant concerns with regard to the Council's proposed spatial strategy up to July 2021. However, between July 2021 and January 2024 the Council amended its draft Plan, reducing the housing requirement based on a spatial strategy which relies only on extensions to existing settlements. The Plan consulted on under regulation 19 and submitted in July 2024 does not make any reference to a new settlement anywhere in the District. The reasons the Council gives for the changes to its spatial strategy and reduced housing requirement can be summarised as the capacity of the Horsham District housing market to absorb new development and water neutrality.
83. Between January 2024 and July 2024 all the NWSHMA local authorities would have known that SNOWS would not be operational, and the issue of water neutrality could not be resolved strategically until at some point in 2025 at the earliest. All the NWSHMA local authorities would have also been aware that the Council intended to submit its Plan for examination when it did as it broadly reflected the timetable detailed in its Local Development Scheme published in 2023.

84. Thus, notwithstanding their deliverability or developability any sites claiming to rely on a private water neutrality solution were a possible way in which more housing than that which had already been identified in the Plan could be built in Horsham District. They were therefore a possible solution to meeting at least some of the substantial unmet housing need in the NWSHMA which was fully understood at the time.
85. For the Council's DtC engagement to be constructive between January 2024 and July 2024, in my assessment, it was incumbent on the Council to explicitly communicate the relevant evidence it received at the regulation 19 stage and discuss it in the context of the unmet housing needs identified at that time. This should have been done in some detail through an appropriate forum where all NWSHMA local authorities were able to fully engage and certainly before the Council submitted the Plan for Examination.
86. This did not appear to happen in any meaningful way, instead there are only records of general discussions on the regulation 19 representations between the relevant local authorities, there is no record of what exactly was discussed or whether those discussions led to any agreed outcomes, common ground or uncommon ground.
87. At that time it was still unclear when SNOWS could become fully operational. Thus, SNOWS could not be used to demonstrate water neutrality or the deliverability or developability of any site allocated in the Plan for housing in line with paragraph 68 of the NPPF with any more certainty than a housing proposal which relies on a private water neutrality scheme.
88. Therefore, a general discussion on the regulation 19 responses would not have been sufficient for the NWSHMA local authorities to fully understand the evidence the Council received on private water neutrality schemes or how such schemes may be able to assist in meeting some, or all, of the District's unmet housing needs.
89. Thus, the engagement that took place between the regulation 19 and submission stages of plan preparation between the NWSHMA local authorities was not constructive or active. As such, there is clearly a gap in co-operation between January 2024 and July 2024 such that the co-operation, under the DtC over the plan preparation period cannot be reasonably regarded as ongoing.
90. Whilst I recognise the extreme difficulties faced by the Council in developing the Plan and co-operating on its preparation, I am led to no other conclusion other than to find the DtC has not been met in this case. As the Council will be aware, and as I indicated at the hearing, this cannot be fixed during the Examination because plan preparation ended when the Plan was submitted.

Soundness Concerns

91. Although I have concluded the DtC has not been met, I also have significant soundness concerns in relation to the Plan's housing requirements and spatial strategy based on the discussions held at the hearing sessions and all the evidence before the Examination at this time. Nevertheless, I do not go into any further detail on these soundness concerns in this letter, other than is

necessary to provide detail in respect of the contextual background to my assessment of compliance with the DtC.

Overall Conclusion and Recommendation

92. As I outlined at the hearing sessions already undertaken, I understand how much resource has been invested into preparing the Plan. I fully recognise the supply of water to new homes has been a major issue which the Council has been required to grapple with but cannot control.
93. The Council's affected by water neutrality should be commended for their efforts in trying to develop a local authority led water supply offsetting scheme. However, this has clearly proved more challenging and resource demanding than originally anticipated.
94. It is also my view, that the supply of water as a constraint to much needed new homes for people to live in the area, should have been addressed by bodies other than the Council long before now, especially given CC08 was issued in 2021. Because, it hasn't, the circumstances upon which the Council has had to prepare the Plan have been extremely challenging, with significant Council time and resources needing to be directed at assessing and understanding issues associated with the supply of water to new homes. This is not usually an issue that local plan's need to be concerned with in any extensive detail given the responsibilities of statutory water undertakers.
95. However, even so, under the circumstances I have outlined above, I can only recommend that the Council withdraw the Plan under S22 of the PCPA and focus its resources on rapidly preparing a new Local Plan. In doing so the Council could utilise much of the good and comprehensive work already undertaken before components of the evidence base become out of date.
96. If the Council do not wish to withdraw the Plan, the Council could choose to receive my report on the examination of the Plan so far. This will conclude the Plan is not legally compliant. For me to prepare a report, it would involve additional time and cost to the Council with resources inevitably directed away from preparing a new Plan.
97. I appreciate the Council will need some time to consider the contents of this letter and to decide on a response. However, I ask the Council to provide an early indication of when they are likely to be able to respond fully to this letter. I do not require a response to this letter from representors at this time.

L Fleming

INSPECTOR

HDC Initial Response to Inspectors Initial Findings, April 2025

1. Horsham District Council ('the Council') is writing in response to the Inspector's interim findings letter ("IFL") dated 4th April 2025, in which, at paragraph 6, the Inspector concludes that the Local Plan has failed the Duty to Cooperate (DtC) and advises the Council to withdraw the Plan from Examination.
2. Due to pre-election arrangements that were in place for the Ruster ward by-election that was held on 17th April 2025, we have been unable to publish the letter until today.
3. The Council is extremely disappointed with the conduct of the Examination and the Inspector's conclusion for a number of reasons:

The procedure

4. As the Inspector is aware, the Council submitted the Horsham District Local Plan 2023-40 ('the Plan') to the Planning Inspectorate on 26 July 2024. On 30 July, Luke Fleming BSc (Hons) MRTPI ("the Inspector") was appointed to hold the Examination. The Council received the Inspector's Preliminary Matters letter on 23 August 2024, and hearings were subsequently scheduled for December 2024 and January 2025 to fit with the Inspector's other commitments and venue availability. On 14th October 2024, the Inspector provided guidance ([IDQ3](#)) which included links to further information and a [Procedure Guide](#).
5. A full programme of hearings, was fixed covering all matters and issues. The Council booked a venue, arranged for live-streaming, instructed external witnesses and counsel for the duration.
6. It is important to note that many inspectors adopt an alternative procedure of setting dates for Stage 1 only to look specifically at matters fundamental to soundness and legal compliance. Not only does this mean that the Council's preparation is focused exclusively on Stage 1 but it also means that the Council does not waste human and financial resources by making arrangements beyond Stage 1. Furthermore, it manages expectations of all involved and provides the Council with certainty and clarity once Stage 1 is complete.
7. On Day 3 of the hearings (12th December 2024), the Inspector stated that he had significant concerns regarding the soundness and legal compliance of the Plan. On 16th December 2024, he confirmed this to the Council in writing. This letter outlined that due to the seriousness of his concerns, it would not be efficient to hold the further hearings, and asked that the Programme Officer cancel them.
8. Pausing hearings on 12th December 2024 and cancelling further hearings on 16th December 2024 was short notice. Those decisions wasted time and money with little notice.
9. In the same letter, the Inspector also advised that he would set out his concerns on soundness and legal compliance in detail in a separate letter "as soon as I possibly can".
10. The Council issued an open letter to the Inspector in response (also dated 16th December) setting out the Council's understanding of the potential issues. It outlined that the Inspector's concerns could be met by the Council proactively through further work on the

Plan and evidence base to expediently arrive at a solution within a six-month window, thus maintaining the public interest in having a Plan in place as soon as practicably possible.

11. Council officers continued to work on all action points thus far identified by the Inspector during the 3 days of hearings.
12. The Council was unfortunately not given clear timetables for completing further work requested by the Inspector. A list of Action Points arising from hearing sessions, which included the Council's self-imposed deadlines, was submitted to the Inspector on 13th December 2024. The Council provided responses to the substantive Action Points. However, the Inspector did not give permission to publish the list of Action Points until 6th March 2025, following requests from the Council to do so, and post-dating completion (and publication) of most of the Action Points.
13. The IFL was dated 4th April 2025, approximately 4 months after Examination hearings were suspended.
14. The delay has caused a number of issues for the Council which are detailed below.
15. The conduct of the running of the Examination from December 2024 has been poor and the delays inexcusable especially in the context of the importance of plan-making and the significant resources expended by the Council in the Plan process.

Communication

16. The Council was invoiced £14,209.83 for work undertaken in January 2025. The Council sought to understand from the Inspector (via the Programme Officer) when a response may be received. The Inspector had indicated that he had other commitments and therefore would respond by late February /early March at the earliest. Feedback from the Programme Officer dated 14th March indicated this would hopefully be 'very soon'.
17. In the event, the IFL was dated 4th April 2025, 3 weeks after the communication on 14th March.
18. There was no clear timetable and the vague timetable provided, setting expectations of 'very soon', was not even followed.
19. Communication was only received when prompted by the Council with no unprompted updates forthcoming from the Inspector.
20. The Council and stakeholders have been left in an unacceptable state of limbo.

Adherence to the Planning Inspectorate Code of Conduct

21. Section 3 of the **Planning Inspectorate Code of Conduct**¹ states that (inter alia) the following principle applies specifically to those taking formal decisions in the course of their duties:

Decision-makers must avoid unnecessary delay in reaching decisions and recommendations: *Decision-makers should not be dilatory in completing work assigned to them and, where not governed by a statutory timetable, should make every reasonable effort to ensure that decisions and recommendations are made as soon as possible after the relevant evidence has been considered.*

22. The Council's position is that there was unnecessary and unexplained delay in conflict with the Code of Conduct. It is further noted that the Inspectorate website states in its introduction on 'Examining local plans'² that "*in carrying out the examination, the Inspector will be conscious of the benefits of having a robust and up to date plan adopted as quickly as possible and will apply the principles of openness, fairness and impartiality.*"

Appropriately dealing with early soundness concerns

23. Having regard to paragraphs 3.5 and 3.6 of the Procedure Guide for Local Plan Examinations³, it is considered normal practice for any potential fundamental flaws in the Plan, evidence base or compliance with the Duty to Cooperate to be raised with the LPA as soon as possible. In the first instance this is likely to involve writing to the LPA to ask for further explanation or information. In some cases, it may also be necessary to hold one or more early hearing session(s) focused on the Inspector's concerns, thereby allowing the Inspector to pause the examination ahead of scheduling a full programme of hearings, or to request additional work from the Council.

24. Furthermore, paragraph 3.9 of the Procedure Guide refers to instances where an Inspector decides that one or more key matters raise substantive issues which are likely to affect the progress and timing of the rest of the examination. In such cases, the guidance suggests it is most effective for those matters to be dealt with in a first block of hearings, and for the Inspector to consider them before setting out how the examination will continue.

25. In addition, paragraph 9.5 states that if a plan raises complex technical issues, the Inspector may decide to hold a technical seminar as part of the examination. Given the water neutrality issue has many technical complexities, this approach could have been appropriate to aid the Inspector's full understanding of these.

26. Such hearings also would have allowed the Inspector to hear from, for example, the Environment Agency and neighbouring authorities who could have provided direct evidence to the Inspector.

¹ <https://www.gov.uk/government/publications/code-of-conduct/code-of-conduct#decision-makers>

² <https://www.gov.uk/guidance/local-plans#examining-local-plans>

³ <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice/procedure-guide-for-local-plan-examinations#section-3-initial-assessment-and-organisation-of-the-hearing-sessions>

27. Between the appointment of the Inspector and the commencement of the Local Plan Hearings no such correspondence was received. Furthermore, no specialised or focused scheduling of hearings in stages or blocks was organised.
28. Furthermore, it is also considered that all relevant bodies and local authorities should have been invited to attend the Hearing sessions considered to be relevant to the DtC considerations – the Inspector did not invite them or allow them to attend in a formal capacity, to understand the representations in more detail.
29. Whilst it is recognised that not all issues in a local plan examination may immediately come to light, it is simply not understood what new evidence came to light in the three days of hearings which points to such fundamental flaws in the plan that could not have been previously identified, given the evidence has not, in essence, changed. It is however noted that the Inspector did draw upon third party responses to Matters Issues and Questions in the three hearings days. In the event that these responses were the primary trigger for the Inspector's concerns, there was still a clear window of opportunity for concerns to have been raised by the Inspector with the Council, prior to the commencement of the hearings. This would have saved both the Council, and the Inspector significant time and resources, both of which are funded by the taxpayer, and prevented inconvenience, time and business costs to other examination participants.

Clarity of decisions and transparency of process

30. The Planning Inspectorate's Customer Charter sets out in Section 1 a series of promises to its customers. One of these is to:
 - *Make well-reasoned and informed decisions across all areas of business.*
31. Linked to the Code of Conduct as referred to above, the Council's position is that there have been ongoing failures. At the hearing sessions, the Inspector on several occasions stated or suggested that he had serious concerns, but did not elaborate on these or clearly articulate his reasons in a way that would have allowed the Council to address them. Clarification was finally dated 4th April 2025.
32. As set out above, the work to respond to Action Points was accompanied by no clear timetable. This was surprising given paragraph 5.4 of the Procedure Guide for Local Plans states that where an Inspector decides it is necessary to ask the LPA and/or other participant(s) to prepare further written information or evidence on a particular topic, a deadline will be set for its receipt.
33. The Council contends that the Customer Charter has been breached.

Consistency of advice from the Planning Inspectorate

34. The Council has exercised diligence in liaising with the Inspectorate to help ensure the submission of a sound local plan. The Council has held one unilateral and two joint (with neighbouring local authorities) Advisory Meetings to address potential soundness and legal compliance issues. These were as follows:
 - Advisory meeting with Matthew Birkinshaw, 08.01.2021
 - Joint advisory meeting with Jerry Youle and Richard Hunt, 06.09.2022
 - Joint advisory meeting with Louise Gibbons, 21.06.2023

35. Whilst the advice given by the respective inspectors in these meetings is without prejudice, there is a clear discrepancy in the Horsham District Local Plan Inspector's views on Water Neutrality matters. This is all the more obvious when the same issues have been considered in Crawley Borough (with the plan now adopted), and Chichester District Council (no main modifications in relation to Water Neutrality identified).
36. Furthermore, in advisory meetings held, no legal issues with DtC were raised by the Planning Inspectorate.

Impact of the delays

37. The Council, as well as many other interested parties, has been greatly impacted by the inexplicably long delay in receiving any substantive reasons for the Inspector's decision to halt examination proceedings. Whilst the Council's contention is that the plan could still proceed, the lack of certainty has meant that the Council has been unable to effectively plan for any future work programme for either continuation of the current Examination or should it be necessary, work required to commence a new plan. Four months have been wasted.
38. There are, similarly, ramifications for decision-making on planning applications, given there has been no clarity on weight to be ascribed to the emerging Plan for four months. Meanwhile, our adopted Local Plan (Horsham District Planning Framework, 2015) is now nine years old.
39. The Council also draws to your attention that the development industry has also faced significant uncertainty as a result of this delay, and therefore face challenges in determining the best course of action for their own land interests. This delay therefore goes directly against the government's aim of unlocking growth.
40. The Council further contends that the ongoing delay on the part of the Planning Inspectorate works against the Government's commitment to achieving universal local plan coverage, and therefore boosting housing supply.⁴ We note the letter issued to the Inspectorate on 30 July 2024 by the Minister of State, Matthew Pennycook, setting out the Government's expectations on the duration of examinations, and to which our Local Plan Inspector has directly drawn attention.⁵ Whilst this relates to the timescales for further work to be undertaken by a LPA, it makes clear that delays of more than six months are not usually supported, It is therefore unfortunate (and ironic) that the Inspectorate has itself delayed by almost four months any decision or direction which would enable any further work on the Plan or evidence base to proceed or for the Council to consider its next steps.

Impact on neighbourhood plans

⁴ Ministerial Statement: Building the homes we need (12 December 2024) - <https://questions-statements.parliament.uk/written-statements/detail/2024-12-12/hcws308>; NPPF paragraphs 234-236 - https://assets.publishing.service.gov.uk/media/67aafe8f3b41f783cca46251/NPPF_December_2024.pdf

⁵ <https://assets.publishing.service.gov.uk/media/66aa157b0808eaf43b50dad5/minister-pennycook-to-chief-executive-of-planning-inspectorate.pdf>

41. The delay has also impacted Neighbourhood Plans being prepared in Horsham District on which significant time and resources have already been spent.
42. In Horsham District there are four neighbourhood plans waiting to go to referendum. These referenda have already been significantly delayed due to the Position Statement from Natural England that required that the Plans demonstrate water neutrality.
43. The Council has therefore been unable to provide the affected Parishes with effective advice or clear timescales for the next steps. They are understandably concerned and frustrated. The local MP has now been involved and is raising questions with the Council directly.

The Inspectors Findings Letter

44. Given that the Inspector programmed a full schedule of hearings, given that Advisory meetings did not raise DtC (or other) issues and given that the Inspector gave no indication prior to the hearings that he had DtC concerns, the Council was shocked to note his conclusions in the IFL dated 4th April 2025.
45. The Council does not agree that it failed in the duty to cooperate. The Council engaged thoroughly, actively and continuously with numerous bodies on a regular basis. The fact is that neither the Council, nor any interested body or neighbouring authority, was satisfied that a developer-led, high level proposal, lacking any substantive or technical detail could reasonably offer a solution that was, post Regulation 19 stage, capable of being resolved with any reasonable degree of certainty and within a reasonable timescale having regard to the need to submit and adopt the plan within a timescale that succeeded in meeting Government objectives. On a point of fact, we highlight that the Inspector implied (paragraphs 65-66 of his letter) that delivery of the Buck Barn scheme ('Strategic Allocation HA5) would utilise a private supply borehole: this is incorrect as the proposed scheme would utilise not boreholes but 'peak over threshold harvest' principles, requiring major infrastructure in the form of on-site reservoirs, and (on the basis of evidence before the Inspector) without precedent.
46. Having regard to all representations which were made by site promoters and statutory undertakers at the time and the quality of the information, which was reasonably available, further procrastination could not be justified and extending discussions would not have been warranted given the public interest implications of further delay. This view is strengthened by the lack of planning applications made offering such purported solutions. This was not, in the Council's view a failure in its duty to co-operate, but the legitimate exercise of its discretion to proceed to examination on the basis of the information reasonable available to it as a means of justifying its allocations and planned trajectory (bearing in mind that housing delivery is but one, albeit extremely important, component of the Plan).
47. There is, in the Council's view, no evidence to show that further discussions with relevant authorities pursuant to the DtC would or could have taken the position materially and substantially any further.
48. All interested parties agreed that a strategic scheme was required (SNOWS). Other Inspectors have accepted that position and significant progress has been and is being made on delivering that scheme.

49. Unfortunately, the Inspector's position on the Plan has created new complications for the SNOWS team to address regarding access for applications in Horsham, which may as a consequence further delay the launch of the offsetting scheme, impacting several other local authorities as well as Horsham, ultimately stifling the development so crucially needed across Horsham and the North West Sussex area as a whole.

Next Steps

50. The Council regrets that it is forced to the view that it has been treated unfairly with regards the approach taken to examining its Local Plan due to delays, poor communication and lack of transparency.
51. The public interest has not been well served. Furthermore, this will be exacerbated given the resulting uncertainties with SNOWS in the absence of the proposed allocations and the unexpected void the withdrawal of the Plan would bring.
52. The Council is seriously considering its next steps. At this stage, the Council is continuing to review the contents of your letter and consider all options. Any decision to withdraw the Local Plan is a matter for the Council as a whole, and would need to be considered at a future meeting of the full Council. Further updates on next steps will therefore be provided in due course.
53. In the meantime, the Council reiterates its concerns regarding process, its disappointment at the findings of the Inspector and its recommendations for the conduct of Examinations going forward as has previously been highlighted to PINS in a letter dated 26 March 2025
54. The Council has been left in a state of limbo for over three months and has found it impossible to conduct any meaningful local plan work (on a current or new plan) in the absence of any direction or reasoning from our Plan Inspector. The public interest is not best served by this extended delay in the absence of any compelling reasons, and it is also not conducive to good use of the Council's (or others') resources.

Yours sincerely,

Barbara Childs
Director of Place
Horsham District Council