

Home Builders Federation

Matter 5

Matter 5: Other policies

Policy NE5 Biodiversity and Biodiversity Net Gain

Q.122 Is footnote 19 necessary for effectiveness? Is this a matter more properly dealt with in the explanatory text?

No comment

Q.123 Are the suggested MMs necessary for soundness?

Proposed modification CM073 is necessary but overly restrictive as to the delivery of offsite mitigation outside of the Borough. Offsite provision does not have to be in an area of strategic significance identified by the LNRS with government guidance¹ stating that Biodiversity gains may be delivered anywhere in England. As such the approach set out the proposed modification is inconsistent with national policy and unsound. HBF propose CM073 is amended to:

d) Where it is agreed on site provision or delivery within the borough of net gains is not possible, off-site provision outside the Plan Area will be permitted.

Policy NE17 Water neutrality

Q.143 What is the justification for the 85 litres of mains supplied water per person per day as set out in criterion 1 a)?

¹ <https://www.gov.uk/guidance/make-off-site-biodiversity-gains-as-a-developer#choosing-where-to-achieve-off-site-biodiversity-gains>

HBF did not comment on this policy at the time given the relatively small area affected but would like to raise some concerns with regard to the approach taken. It is important to recognise that it is ultimately the responsibility of water companies, working with local authorities and the Environment Agency, to plan for the future demand for water services relating to the development requirements proposed in local plans. If the water company is unable to supply those needs, this needs to be disclosed in the WRMP. If unforeseen events occur after the WRMP is adopted, meaning that the water company is now unable to provide the water services required, then the HBF would agree that the local authority must reflect those problems in its local plan. However, in the Sussex North Water Resource Area the approach being proposed falls heavily on the development industry who must not only reduce water use in new homes to 85 l/p/d but also ensure any residual water use to achieve neutrality is offset. This can be achieved through the Sussex North Water Offsetting Strategy (SNOWS) or through another appropriate offsetting scheme.

The HBF have a number of concerns with this approach. Firstly, it requires developers to provide offsetting of water use to address an issue that is not its responsibility to resolve and is therefore inconsistent with the requirements for planning obligations set out in paragraph 57 of the NPPF and section 121 of the Community Infrastructure Levy Regulations. Offsetting may be required in order to bring forward development, but it is for the water company to pay for not the development industry.

Secondly, even if it is considered sound that offsetting payments are consistent with paragraph 57 of the NPPF we are concerned as to the effectiveness of this strategy, the potential costs and whether it will be effective in securing long term reductions in water use. Whilst this may not impact on the deliverability of this plan it will on the rest of the North Sussex HMA potential increasing unmet needs in Horsham and Crawley. Therefore, any assurances by the Council and its statutory partners with regard offsetting will need to be examined carefully. In particular consideration will need to be given to:

- the degree of risk that the practical implementation of the SNOWS water neutrality strategy will be delayed; and
- Whether there is sufficient capacity SNOWs will be available to all development in affected areas that requires offsetting or whether credits will be rationed.

To conclude, whilst the impact of water ground water abstraction at Pulborough on protected sites known collectively as the Arun Vallery sites must be considered by the Council as part of this local plan, the HBF do not consider a solution that shifts a significant part of the burden for addressing this issue from Southern Water to the development industry to be consistent with current legislation or national policy. It should be for Southern Water to use its resources to secure the necessary solution and not house builders, or indeed others in the development industry. If Southern Water is unwilling to meet its legal duties to ensure sufficient water supplies or fund the level of offsetting required to support local plans, then the only conclusion is that plans reliant on this policy are unsound.

Policy P1 Design Principles

Q.154 Are the suggested MMs necessary for soundness?

HBF consider the suggested modifications to be necessary for soundness.

Policy P6 Amenity

Q.157 Policy P6 proposes that the nationally described space standards should be met as a minimum in housing development (subject to defined exceptions). What is the justification for this? What is the need for the application of the space standards, and what if any implications would this have on viability?

PPG requires there to be evidence of need in relation to the application of space standards. However, HBF could not find any evidence supporting the need for space standards. Without this evidence requirement to meet these standards is unjustified. In order to adopt the space standards, the council must provide the necessary evidence.

Policy P15 Open Space, Sport and Recreation

Q.172 Are the suggested MMs necessary for soundness?

The HBF would agree with the proposed modifications.

Policy I1 Infrastructure Provision

Q.178 Are the requirements of paragraph 2 of Policy I1 consistent with NPPF 56 and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010?

No comment.

Q.179 Are the suggested MMs necessary for soundness?

HBF would suggest that point (vii) is deleted rather than amended given that development is required by building regulations to provide the on-site infrastructure to support access to super-fast broad band where it is available.

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