

Horsham Association of Local Councils (HALC)

Chair: Cllr Malcolm Eastwood (Henfield Parish Council)
Clerk: Anna Beams, Mulberry & Co, 9 Pound Lane, Godalming, GU7 1BX
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Minutes of the Meeting of Horsham Association of Local Councils held on Wednesday 16th March 2022 at 7.00pm by Zoom.

Present:

Karen Dare	Ashington Parish Council
Cllr Terry Kearney	Ashington Parish Council
Cllr Graeme Acraman	Billingshurst Parish Council (Vice Chair)
Cllr Ann Blakelock	Bramber Parish Council
Cllr Geoff Clark	Broadbridge Heath Parish Council
Beverley Clayden	Colgate Parish Council
Cllr Jane Jones	Henfield Parish Council
Cllr Malcolm Eastwood	Henfield Parish Council (Chairman)
Cllr Ian Botting	Horsham Denne Neighbourhood Council
Cllr Alan Britten	North Horsham Parish Council
Cllr Donald Mahon	North Horsham Parish Council
Cllr Heather Cartwright	Parham Parish Council
Cllr Elaine Kipp	Pulborough Parish Council
Cllr Paul Thompson	Rudgewick Parish Council
Cllr Paul Kornycyck	Rudgewick Parish Council
Cllr Philip Baxter	Shipley Parish Council
Tracey Euesden	Storrington & Sullington Parish Council
Cllr Anna Worthington-Reece	Storrington & Sullington Parish Council
Cllr Norman Prince	Thakeham Parish Council
Cllr Dick Scott Kerr	Thakeham Parish Council
Cllr Owen Richards	Thakeham Parish Council
Cllr Morag Warrack	Trafalgar Neighbourhood Council
Louise Shaw	Warnham Parish Council
Cllr Chris Fagan	West Chiltington Parish Council
Elaine Hunt	West Chiltington Parish Council
Cllr Jane Bromley	West Grinstead Parish Council
Cllr Olivia Izzard	West Grinstead Parish Council
Cllr Jonathan Chowen	Horsham District Council
Barbara Childs	Horsham District Council
Catherine Howe	Horsham District Council
Trevor Leggo	West Sussex Association of Local Councils, CEO
Anna Beams	Clerk

1. Welcome and apologies

The Chairman welcomed members and guest speakers from Horsham District Council; Cllr Jonathan Chowen (Leader), Barbara Childs (Director of Place) and Catherine Howe (Principal Planning Officer).

Apologies were received and accepted from Cllr Sally Pavey (Warnham Parish Council), Cllr Peter Cozens (Amberley Parish Council), Cllr John Evans (Coldwatham Parish Council), Cllrs Hydes and Chaytor (Nuthurst Parish Council), Cllr Steve Davies (Colgate Parish Council), Cllr Ian Hare (Pulborough Parish Council) and representatives from Wiston Parish Council and Rusper Parish Council.

2. Approval of Minutes of the previous meetings held on 4th August 2021 and 30th November 2021

The Minutes were accepted approved as a true and correct record of the previous meetings.

3. Matters arising from the previous meeting held on 30th November 2021

There were no matters arising from the previous meeting.

4. Motion to amend the date of the AGM from March to July – proposal to hold the AGM in July to enable the completed finances and updated list of voting members to be presented at the meeting

It was unanimously **AGREED** to amend the date of the AGM from March to July.

5. Title of the Association – to consider whether the title of the Association should be Horsham Association of Local Councils (HALC) or Horsham District Association of Local Councils (HDALC)

The Chairman explained that a suggestion had been made at a previous meeting that the association could be renamed as HDALC to avoid confusion with the Horsham County Association (HALC). Following discussions it was unanimously **AGREED** to retain the title of Horsham Association of Local Councils (HALC) as it was felt by members that they were familiar with the title as it currently stands.

6. Constitution Review

As no comments or questions had been submitted prior to the meeting, the Chairman advised that the final draft version of the Constitution would be presented for adoption at the AGM in July.

7. Financial update

Anna Beams reported that she was now able to access the bank account along with the Chairman and Vice Chair and that the current balance is £1966.85. One subscription payment remains outstanding and all invoices have been paid to date.

8. WSALC Members report

The Chairman reported on the WSALC Board meeting held on 21st January 2022:

- Becky Shaw, CEO, Lee Harris, Executive Director of Place Service and Emily King, Director of Communities of West Sussex County Council were in attendance to provide a general update. In particular, they updated the Board on the County Councils internal procedures and response to the pandemic.

- The Mulberry & Co service provision was reviewed and the Board agreed to renew it for a further year on the same terms.
- WSALC finances are in a healthy position with a good level of reserves.
- Training has been well attended by WSALC members. During Quarter 3, 129 WSALC members attended training of which 54 attended Councillors, 25 Clerks, 4 Finance and 46 Planning.
- A Mulberry & Co Legal & Finance Day is being planned for the summer which WSALC members will be able to book on at a discounted members rate.

Trevor Leggo added that WSCC plan to post a re-settling page on their website to assist those wishing to offer support to Ukrainian refugees. The County Council need to address the issue of safeguarding and available school places before the page can be publicised. He added that as a priority, WSCC wish to draw knowledge from all tiers of Local Government regarding the impact of the cost of living increase, particularly in rural areas. A survey may therefore be circulated by WSALC to gather relevant information from member councils.

9. WSCC – to receive feedback on County Forums

The Chairman advised that he had attended a forum on Monday 14th March and that representatives from 6 parishes had been present. Topics of discussion had included speeding, lorries and cars parking on verges, Highways rights, how to reduce anti-social behaviour in young people and the possibility of vacant family centres being re-purposed as refugee shelters.

The Chairman urged councils to support and attend the forums.

10. To receive reports from outside bodies

HDC Standards' Committee – The Chairman referred to the report received from Cllr Philip Baxter, Parish Representative (Appendix A). Cllr Baxter added that a further meeting had taken place on the morning of 16th March, a report is attached (Appendix B).

11. HDC Local Plan – to receive an update from Cllr Jonathan Chowen (Leader HDC), Catherine Howe (Principal Planning Officer) & Barbara Childs (Director of Place)

Catherine Howe and Barbara Childs delivered the attached presentation (Appendix C).

Cllr Chowen thanked the Chairman for inviting him to the meeting and members for attending. He added that HALC are very important to HDC and stated that he would encourage all councils within the district to be members. He referred to page 4 of the attached presentation, Local Plan Implications, and stated that HDC will be challenging the standard methodology moving forwards. Member councils will be kept up to date with any progress.

Cllr Chowen intends to hold 'town hall meetings' called the big conversation, with 3 to 4 meetings to be held across the district focussing on matters such as the environment, water neutrality and the local plan. Environmental issues remain at the top of agenda. If water neutrality issues are resolved, local neighbourhood plans will continue to be pursued along with other economically important local sites but he wanted to see more input from communities around the most appropriate sites.

Questions raised by attendees included:

Q: Re the big conversation meetings, Cllr Chowen had previously stated that meetings would be held with Parish Councils regarding specific sites. Was that still the intention?

A: HDC are happy to talk to all parishes individually as required and discuss in more detail specific sites and housing numbers.

Q: How is the required five year supply of housing numbers being managed?

A: From a development management perspective, the NPPF is clear that where are sites protected by the Habitat Regulations, this 'trumps' any lack of five year supply. Whilst speculative applications could theoretically come forward if a solution to water neutrality can be demonstrated, this is a high bar and has not been effectively demonstrated and is therefore a theoretical risk. It also assumes that there are no other policy objections to a site.

From a Local Plan perspective HDC are raising our concerns about the impact of water neutrality on our 5 year supply with central government, although this is proving challenging in terms of a definitive response to date.

There are also challenges as to confirming exactly what area falls within the North West Sussex water supply area. We are still awaiting a definitive response from Southern water on this issue. HDC are taking the lead across the whole of West Sussex as the issue also affects other districts.

The HDC officers confirmed that it is expected that the water neutrality mitigation strategy will limit the level of homes which can come forward and the priorities for development once an acceptable mitigation strategy is agreed remain the sites with outline planning permission but no detailed permissions in place. These include partly completed developments such as North Horsham. At this stage, we don't know what the housing numbers will be and the team are working to progress the local plan alongside the water neutrality issues. Once a mitigation plan and timescale is in place, we will be ready to progress the Local Plan but this will be some months ahead.

Q: There is a lack of confidence in Southern Water, with examples of existing problems leaks and sewerage outflows causing difficulties. Will HDC be more stringent in reviewing Southern Waters comments on future planning applications?

A: Absolutely we can. Where specialist organisations give comments, they are generally accepted as they are providing a specialist view on the particular organisations area of expertise (eg water supply, highways, nature conservation). Natural England's comments in relation to water neutrality in effect currently trump our assessment of all other issues at this time.

Q: When plans start to be approved for developments, will they all come through at once or be staggered over a period to allow parish councils to properly consider their responses?

A: From a development management perspective, HDC are still determining planning applications. Applicants now know they must demonstrate water neutrality. If they don't, they are being refused. If they go to appeal and are then overturned as a mitigation strategy is put in place, they may then be allowed. However there is no timescale for this strategy to be in place in the short term and water neutrality matters remain a very high bar. HDC remains legally required to determine applications within the legal timescales.

Q: How much progress has been made on developing the water neutrality mitigation strategy?

A: As outlined in the presentation, there have been initial problems engaging with Southern Water. We're working with other local authorities, but the timescales are beyond the direct control of HDC. Elsewhere in the country, a solution was found relating to nutrient neutrality although that took around eighteen months. We are the first area to experience this particular issue so there is no 'off the shelf solution'; we are learning and building one which takes time.

Q: Could HDC provide some wording to support parish councils in lobbying the relevant government departments and organisations?

A: Yes, all voices are welcome and some supporting wording can be provided when the time is right.

Q: Could there be some legislation introduced for appeal inspectors to put breaks on applications that go to appeal due to water neutrality?

A: Planning inspector decisions are bound by the same legislation as the determining authority (in this case Horsham District Council) and must take into account the position statement of Natural England. Developers would have to be able to demonstrate water neutrality to overturn a decision – this is proving to be a very high bar.

Q: Do water neutrality issues apply to gypsy pitches, as a recent appeal decision suggests not?

A: Yes, water neutrality applies to all applications which will increase the demand for drinking water above existing levels. The Planning Inspector in this case did not follow the requirement to consider Water Neutrality and HDC is therefore seeking to challenge these two decisions. HDC are approaching the Secretary of State to appeal two instances where an Inspector has ignored water neutrality. HDC is able to challenge in this instance as the process for determining applications has been followed incorrectly. We are not able to challenge where we disagree with the judgement that an inspector has reached.

Update: since this meeting, the Secretary of State has agreed to quash the two decisions.

The chair thanked Cllr Chowen and the HDC officers for attending.

12. Members issues

No items were raised.

13. Date of next meeting – AGM – Wednesday 13th July 2022 at 7pm by Zoom

Meeting closed at 20:31

Signed:

Date:

Notes: HDC Standards' Committee 1st December 2021

Most of the meeting was devoted to discussion of the newly-drafted **Councillor Code of Conduct**.

The Standards' Committee was requested to consider minor amendments and corrections made to the draft (reflecting corrections that had been recognised as necessary by the Local Government Association); and to recommend adoption of the Councillor Code of Conduct, as amended, to Full Council. Adoption would bring the HDC Code into line with the LGA Code. Following lengthy discussion (of some 90 pages of material comprising the Code and Guidance associated with it) it was so decided.

The Guidance material was considered very useful (albeit lengthy). It was suggested that all Councillors should be trained in its application; that they should sign to say that they have read, studied or been trained in application of that guidance; and that such training should be refreshed annually. The material will appear on the HDC website.

The Committee noted that 70% of Parish Councils had adopted the Code and the remainder were in the process of doing so.

The Committee was also asked to consider the revised draft procedure for dealing with Code of Conduct complaints and to recommend its adoption to the Full Council. In particular, the role of the Independent Person (there are two appointed in Horsham) has been strengthened; and when formal investigations are undertaken the decisions will be published with the names of the persons complaining and those complained against. A suggestion that meetings of Sub-Committees that consider complaints should be held in public was rejected because it was felt that the present system worked well, the presence of Independent Persons ensured fair play and protected the public interest; putting personal material into the public domain could cause reputational damage to individuals even when no breach of the Code had been found; and because publication of decisions and naming of names was felt to be a sufficient sanction given the powers available.

Standards Update

The Monitoring Officer reported that that Office now had two Deputies, a reflection of the considerable amount of work that HDC Officers had had to do in respect of complaints cases – an average of 20 in any financial year with 30 in the current year. (Full details with associated costs are to be presented at the next meeting of the Standards' Committee). The 30 current cases were mainly against Parish Councillors (75% from one Parish) with only two or three against District Councillors. It was noted that the procedure for dealing with Code of Conduct complaints was designed primarily for members of the public who wished to make a complaint, not for Councillors complaining about other Councillors. In this latter case, the process should be a last resort after the Parish Council in question has exhausted its own complaints' procedures. (HDC did ensure that Parishes' own procedures had been followed before processing cases).

Phil Baxter
2nd December 2021

Standards Update and Code of Conduct Complaints: the vast majority of complaints on Standards' matters related to one Parish Council (Steyning PC). In the current financial year, HDC had received 32 'Code of Conduct' complaints, of which 26 related to Steyning: the remaining six were in respect of Horsham (3), West Chiltington (2) and Henfield (1). All have been dealt with except 16 outstanding at Steyning. There had been no need for investigations.

There was a long history of complaints relating to Steyning PC (8 in 2019, 15 in 2020 and 26 in 2021). Behaviour there had deteriorated – more than 70% of complains received by the MO related to Steyning and that translates into over 80% of the time spent on Standards' matters. The costs of this were estimated to have been around £65,000 per year, based on notional hourly rates for the various people involved. Officers were keen to limit the number of words and number of pages in each complaint. There were more than 1600 pages of complaint documentation, rebuttals, rebuttals of rebuttals, all at different stages in the process – some could be dealt with relatively quickly but others needed further consideration. The Monitoring Officer was asking the committee to support a proposal to deal with these complaints in a way that was different from the usual process and which would 'draw a line' under the activity.

The Monitoring Officer asked the Standards Committee to recommend to full Council a proposal to deal with underlying issues and to provide an action plan: it was that Hoey Ainscough Associates Ltd (a specialised service-provider in the field) be asked to undertake a review of Steyning Parish Council and provide support for it – and to provide a report. That report would be published. No further action would be taken in relation to any of the outstanding complaints pending this alternative resolution. Adoption of this proposal was estimated to cost no more that £20,000.

Following its 'exempt session' the Committee voted on recommendations in the paper headed 'Steyning Parish Council' dated 16th March, to: (1) approve that the MO instructs Hoey Ainscough Associates to undertake a review of Steyning PC and to provide support for SPC (unanimous); (2) to approve no further action be taken in relation to outstanding complaints pending this alternative resolution (unanimous); and (3) to recommend to full Council, approval of a budget sum of £20,000 to pay for the review to be conducted by Hoey Ainscough Associates Ltd (unanimous).

Phil Baxter
(Parish
Representative)
18th March 2022



Horsham
District
Council

HALC – Water Neutrality Update

16 March 2022

Background

- Natural England have evidence which indicates that increasing rates of water abstraction are harming the protected habitats in the Arun Valley (near Pulborough)
- Local Plan was being prepared to be 'water neutral'
- 'Position Statement' issued to affected authorities September 2021
- The Habitat Regulations require that before deciding to consent / authorise a plan or project, which **is likely to** have a significant effect on SPA /SAC the 'competent authority' (HDC)
- **Must** undertaken an 'Appropriate Assessment' of the implications of the plan / project on that site. It must show no adverse effect to proceed.



Water Neutrality Update

- Natural England – have provided all Local Authorities with FAQs setting out their background evidence and why they sent the Position Statement. This is available on our website:
https://www.horsham.gov.uk/_data/assets/pdf_file/0019/111781/02032022-Arun-Valley-Water-Neutrality-Frequency-Asked-Questions-Developer-FINAL.V2.pdf
- HDC have now provided information for Planning Policy, Development Management and Neighbourhood Plans:
<https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district>
- This will continue to evolve and be updated as we learn more.

Mitigation Strategy – progress / issues

- What individual authorities will generate in increased water demand? (Part A)
- What is the combined increase in demand for water? (Part B)
- What is the overarching strategy to offset this increase in demand? (Part C)
 - Requires detailed consideration – quantities of water involved, available technologies, timescales for delivery, governance arrangements
 - This is heavily reliant on 3rd parties (Southern Water / Natural England) so timescales are hard to predict.
- Issues are complex and resource intensive. Some additional support secured from the LEP, and the issues and need for government assistance has been raised with both DULHC and DEFRA.



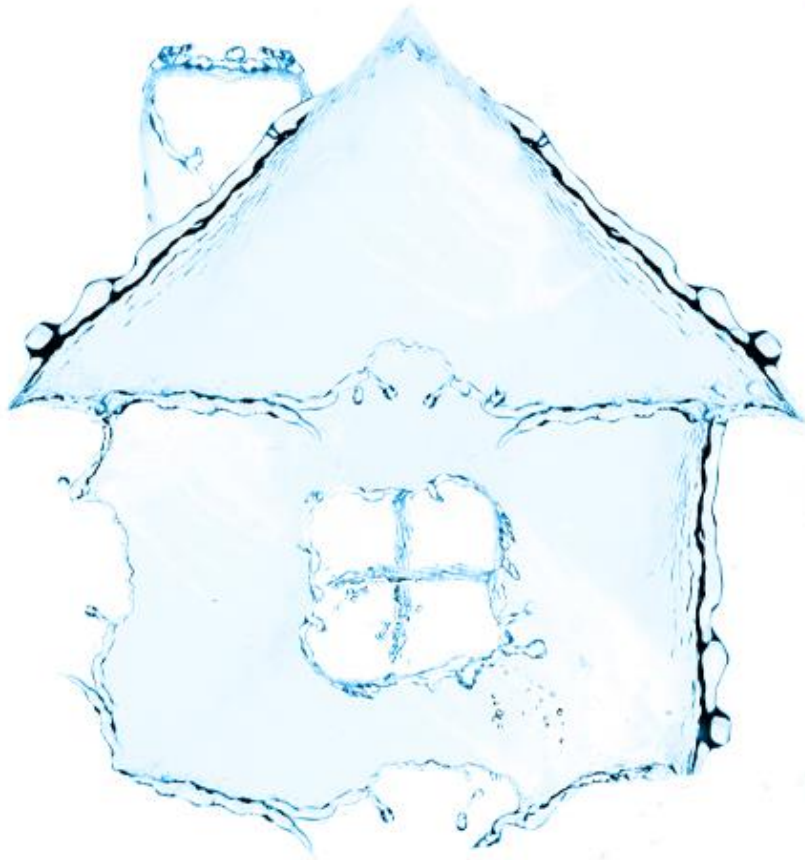
Local Plan – Implications

- Timescale remains uncertain
- Indications from Government that proposed changes to the planning system unlikely to proceed – we still need a plan
- The Standard methodology remains our starting point but the number included in the plan will depend on outcome of the mitigation strategy.
- Will need to keep guidance / legislation under review (e.g. Environment Act)
- Environmental / social focus – what more can we do, within context of NPPF requirements
- Cabinet Member Meetings (May)

Neighbourhood Plan – Implications

- Plans which are already ‘Made’ – any planning applications which come forward must be water neutral
- Plans which do not allocate land for housing – should be able to proceed – any ‘windfall’ applications considered on a case by case basis (again they must be water neutral).
- Plans which have passed Examination – must demonstrate that they are water neutral.
- HDC will assist with further appropriate assessment work
- Legal case in Chichester District, impacting our ability to appoint consultants in the short term

Neighbourhood Plan – Review Implications



- All Plans currently based on current Local Plan which requires ‘at least 1,500 homes’ from Neighbourhood Plans
- Until a strategic solution to Water Neutrality is available – **all** new plans must demonstrate Water Neutrality
- Development ‘on top’ of Local Plan targets – may require further water neutrality measures
- Given that our housing target may drop, sites may not be deliverable in the shorter term

Water Neutrality and Speculative Applications

- We are aware some developers are submitting speculative applications
- These must still demonstrate full water neutrality – it is a high bar
- We recognise there is potentially a risk re 5 year supply at the point a mitigation strategy is found
 - Lobby DLUCH government – water neutrality is not in our control – it is imperative the solution does not undermine plan led system
 - Once a strategic solution is in place – our priority will be to take plans through the final stages – protection in these areas will therefore be in place very quickly.