



**TO:** Planning Committee

**BY:** Head of Development and Building Control

**DATE:** 16<sup>th</sup> December 2025

**DEVELOPMENT:** Erection of 29 dwellings with associated landscaping, open space, parking and creation of new vehicular access

**SITE:** Land To The South of Furners Lane, Henfield, West Sussex

**WARD:** Henfield

**APPLICATION:** DC/24/1538

**APPLICANT:** **Name:** Elivia Homes **Address:** C/O ECE Planning 64-68 Brighton Road Worthing BN11 2EN

**REASON FOR INCLUSION ON THE AGENDA:** The application has returned to Committee to consider the updated circumstance regarding Water Neutrality.

**RECOMMENDATION:** To approve full planning permission subject to appropriate conditions and the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

## 1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality since the resolution to grant full planning permission was made at the 18<sup>th</sup> March 2025 Committee Meeting. The Position Statement was withdrawn by letter on 31<sup>st</sup> October 2025.
- 1.2 This application was last heard on 18<sup>th</sup> March 2025 Planning Committee meeting where Members revolved to grant subject to deferral for further details on off-site highway improvements and the completion of a s106 legal agreement. Since then, the off-site highway details have been agreed (see para 1.6 below) and negotiations have advanced on the s106. At the time of writing the s106 is almost at engrossment stage.
- 1.3 The applicants had submitted a water neutrality strategy which proposed a combination of onsite efficiencies and offsetting of the remaining water consumption by an off-site borehole or through access to the Council's Sussex North Water Certification Scheme (SNWCS), formerly the Sussex North Offsetting Water Scheme (SNOWS). This strategy was agreed as demonstrating water neutrality.

1.4 The relevant committee papers are attached as **Appendix A**, which include the site description and full details of the application along with all consultee comments and assessment of all material considerations at the time.

#### DESCRIPTION OF THE (AMENDED) APPLICATION

1.5 The application, as considered at the previous 18<sup>th</sup> March 2025 committee meeting, sought planning permission for the erection of 29 dwellings with associated landscaping, open space, parking and creation of new vehicular access. The Committee resolution was to approve the application, subject to the recommended conditions and the completion of a legal agreement.

1.6 The resolution was also delegated to the Head of Development to approve, subject to consultation with ward members to explore and improve, where possible, foot & cycle access to and within the site, traffic calming measures to Furners Lane and improvements to the junction with London Road / Furners Lane. Details were subsequently submitted and accepted in consultation with ward members and WSCC Highways. The details were as follows:

- The applicants reviewed the suitability of Furner's Lane as existing to facilitate additional traffic generated by the proposed development.
- The applicants considered the junction capacity at Furners Lane/London Road.
- Additional on-site parking was included along the main spine road to reduce informal parking along Furners Lane.
- Improved pedestrian permeability within the site was provided by an additional footpath connection to FP\_2548 leading to FP\_2548-1.
- The applicant will provide off-site pedestrian improvements, including additional dropped kerbs introduced at several points along Furners Mead to provided accessible level access to the village centre.

1.7 In discussion with councillors, the applicant has also agreed to include a condition requiring details of swift boxes for the proposed houses.

1.8 Following withdrawal of the Natural England 2021 Position Statement, the applicant now seeks removal of the three relevant water neutrality conditions (nos. 10, 23 & 24) which required the applicant implement and adhere to their approved water neutrality strategy.

#### 2. PLANNING HISTORY AND RELEVANT APPLICATIONS

2.1 As set out in the appended report.

#### 3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk)

3.2 **Natural England (standing advice):** No objection

3.3 No further consultation responses have been received since the March 2025 committee resolution.

#### PUBLIC CONSULTATIONS

##### Representations (summarised)

3.4 No representations from identified property addresses have been received since the March 2025 committee resolution.

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENT**

- 6.1 The principle of this development is established through the previous resolution to approve this current outline planning application. No material considerations indicate that a different conclusion as to the principle of housing on this site should be reached.
- 6.2 Therefore, the main consideration since the March 2025 resolution is the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality.

##### **Water Neutrality**

- 6.3 As set out in the August committee report, Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advised the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.
- 6.4 On 31<sup>st</sup> October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. Given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites. It is though recognised that Southern Water have separately made significant water savings in 2024/25 through a programme of leakage reduction which has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline.
- 6.5 Officers have undertaken a new Appropriate Assessment which demonstrates that the anticipated mains water consumption from this development (some 7,558 litres per day), alongside all other development granted since the 31<sup>st</sup> October 2025, will not exceed

3,240,000 litres per day. This is based on all new residential development achieving the Building Regulations Part G Optional Technical Standard of 110 litres per person per day, as required under Policy 37 of the HDPF.

- 6.6 Natural England has been consulted on this approach of using the 2024/25 Southern Water efficiency savings to offset new development. In response, Natural England have provided standing advice which confirms that they consider the 3,240,000 litres per day of water savings made by Southern Water to be reliable such that they have no objection to this capacity being used to offset development proposals.
- 6.7 Accordingly, subject to the imposition of a condition requiring the development to meet the Building Regulations Part G Optional Technical Standard of 110 l/p/d water consumption (see condition 29), the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

#### Section 106 Agreement

- 6.8 Negotiations between the applicants and Officers are nearing the final stages to agree the details of the S.106 legal agreement that would need to accompany any planning permission for this development, with the obligations of the S106 as previously reported in the March Committee Report.

#### **Planning Balance and Conclusions**

- 6.9 The proposed amendments to the application as a consequence of the withdrawal of the 2021 Natural England Position Statement do not materially alter the overall planning balance and conclusions previously reported to the March Committee.
- 6.10 Officers therefore continue to recommend this application be approved, having regard to the material planning considerations as detailed out in this report and the appended committee papers.

### **7. RECOMMENDATIONS**

- 7.1 To approve outline planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

- 1. Approved Plans List**

- 2. Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3. Pre-Commencement Condition:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
  - (a) Details of site management contact details and responsibilities;
  - (b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
    - i. location of site compound,
    - ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
    - iii. site offices (including location, height, size and appearance),
    - iv. location of site access points for construction vehicles,

- v. location of on-site parking,
- vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
- (c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
- (d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

All construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site.
- k) Dust Risk Assessment and Management Plan, including on-sites measures to improve air quality at the construction phase.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

5. **Pre-Commencement Condition:** No development shall commence until a Precautionary Method Statement for mobile protected species has been submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to mobile protected species (including Hedgehog) during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

6. **Pre-Commencement Condition:** Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable

drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. This shall be supported by calculations. The scheme shall then be constructed as per the agreed drawings, method statement, Drainage Strategy Report by Abstract Consulting, 23/01/2025, revision P04 and Flood Risk Assessment by Abstract Consulting, 23/01/2025, revision P03 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy 38 in Horsham District Planning Framework.

7. **Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **Pre-Commencement Condition:** No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until a Construction Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The Construction Arboricultural Method Statement shall accord with the Arboricultural Impact Appraisal and Method Statement dated 5<sup>th</sup> February 2025 [reference 22054-AIA3-DC]. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** No development shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- a) An intrusive site investigation scheme, based on the Geo-Environmental Services Limited Desk Study Report, dated 13.08.24 to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

**11. Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes (including Guidance Note: 08/23) for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme shall be implemented in accordance with the approved scheme and thereafter retained as such. No other external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework, and to safeguard the amenities of the site and surrounds in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

**12. Pre-Occupation Condition:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- (a) Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
- (b) Details of all hard surfacing materials and finishes
- (c) Coordination of planting plans with ecological enhancement measures
- (d) Written specifications (NBS compliant) including ground preparation, cultivation and other operations associated with plant and grass establishment
- (e) Details of minor artefacts and structures – such as public bins, street furniture, play equipment and signage – including location, size, colour and specification

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**13. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a landscape management and maintenance plan (including long term design objectives, management responsibilities, a description of landscape components and specifications, management prescriptions, timetable for implementation, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**14. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024) has been submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

**15. Pre-Occupation Condition:** No dwelling shall be first occupied until the vehicular parking and turning spaces necessary to serve that dwelling has been constructed in accordance with the details shown on the drawing titled Proposed Site Plan: Presentation [reference: PL-04 Rev P9] shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

**16. Pre-Occupation Condition:** No part of the development shall be first occupied until the vehicular access and footway improvements serving the development has been constructed in accordance with the details shown on the drawings titled Proposed Access From Furners Lane General Arrangement [reference 12027\_100 Rev P7] and Proposed Footway Improvements [reference 101 Rev P1]. Once provided the splay shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

**17. Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or garden shed or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

**18. Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling in accordance with drawing titled Detailed Site Plan [reference PL11 Rev P2]. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**19. Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of a minimum 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

**20. Pre-Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

**21. Pre-Occupation Condition:** Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to Condition 6. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

**22. Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 10b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10b), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

**23. Pre-Occupation Condition:** Prior to the first occupation of the development hereby permitted a schedule of air-quality mitigations shall be submitted to and approved in writing by the Local Planning Authority. The air quality mitigation measures to be submitted shall be sufficient to offset the expected damage cost calculation set out within the Air Quality Assessment (Savills, dated September 2024). The agreed mitigations shall be implemented in advance of the first occupation of any approved dwelling and maintained as such thereafter.

Reason: To ensure that the proposed development adequately mitigates against its expected adverse air-quality effects and to avoid duplication where mitigations are otherwise required by compliance with alternative regulatory regimes in accordance with Policy 24 of the Horsham District Planning Framework (2015).

**24 Pre-Occupation Condition:** Prior to occupation of any dwelling hereby permitted, details shall be submitted of proposed swift boxes, including their location, design and fittings, for the approval of the Local Planning Authority in writing. The approved details shall be installed prior to occupation of a dwelling and thereafter retained.

Reason: In the interest of nature conservation and in accordance with Policies 31 and 32 of the Horsham District Planning Framework (2015).

**25. Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the details contained in the Reptile Mitigation Strategy (Sam Watson Ecology January 2025), Precautionary Method Statement for Hazel Dormouse (Sam Watson Ecology, January 2025), Precautionary Method Statement for Great Crested Newts (Sam Watson Ecology, February 2025), and Ecological Impact Assessment and Biodiversity Net Gain Assessment (Sam Watson Ecology, September 2024)). This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

**26. Regulatory Condition:** The materials and boundary treatments to be used in the development hereby permitted shall strictly accord with those indicated on drawings titled

Materials Plan [reference PL-06 Rev P2] and Boundary Treatment Plan [reference PL-09 Rev P2] unless detail of alternative materials have been submitted and approved in writing by the Local Planning Authority prior to development above ground floor slab level commencing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**27. Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**28. Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

**29. Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015), and to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

### **Biodiversity Net Gain Condition**

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

**This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.**

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: [Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

*Statutory exemptions and transitional arrangements*

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

*Irreplaceable habitat*

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.