BRETT INCORPORATED
PLANNING AND DEVELOPMENT SERVICES
LIMITED

28 July 2025

Our Refs: 0939.91 & 0939.92

LPA Refs: DC/24/0480 & DC/24/0481

PINS Refs: APP/Z3825/W/25/3359667 & APP/Z3825/W/25/3359671

Dear Mr Devereux,

Appeals by Mr & Mrs Wayne Bayley, Mr & Mrs Wayne Bayley – Delcraven Ltd
Bayley Paddock, Mill Lane, Littleworth West Sussex RH13 8JU
APP/Z3825/W/25/3359667 & APP/Z3825/W/25/3359671

I refer to your email of 25 July 2025 requesting any further comments from the parties about the matters raised therein, which appear to revolve around water neutrality issues relative to these two appeals being considered jointly.

By way of background information, the two current appeal applications sought to address the ecology related reasons for refusal for DC/23/1887 for the conversion and enlargement of the stables on plot 1 into a dwelling and a dwelling on each of plots 2 & 3. A Water Neutrality Statement (WNS) was submitted in support of the application and, following a LPA query about the amount of rainfall capable of being collected, an Addendum to the WNS was submitted. This demonstrates the WNS is based on 650mm of harvested rainfall a year whilst the reality is likely to equate to about 750mm a year. Furthermore, the Addendum clarifies that the lower than average rainfall harvesting rate of

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650mm per annum and a higher than average rate of 135 litres per person a day have been adopted to determine the storage capacity of harvested water to cater for 35 days drought as required by the Council in its own related guidance. It also notes Ecotecture would provide the LPA's required existing and proposed baseline Part G Water Calculations.

In the event, plot 1 resolved itself by other means but the same WNS and Addendum thereto were submitted with the current appeal applications that were both supported by officers. To avoid confusion, because the amendments to the dwellings required by officers did not involve a reduction in the catchment area of the roofs of the development, the same WNS and Addendum used for DC/23/1887 were submitted in support of the appeal applications albeit with minor tweaks to acknowledge separate applications for plots 2 & 3.

As is noted in the appellants' joint submission appeal statement, list of attachments and response to the LPA's appeal case, including its recommended conditions in the event the appeals are allowed, relative to this specific matter, both appeal applications were supported by Water Neutrality Statements (WNS) and Addendum to the WNS. They set out with good accuracy and reliability the amount of rainwater capable of being harvested off the roofs of the respective dwellings and stored in underground tanks with sufficient capacity to cater for the LPA's own standard for drought duration and consumption rates of water for the size of dwellings in question relative to Part G Water Efficiency Calculations for each unit. Provided a condition is imposed on any planning permission limiting the daily consumption of water per person to 110 litres then the requirements of Part G, which limits the consumption rate of appliances within the dwellings, will be tripped and applied through the Building Regulations.

During consideration of the appeal applications, at the request of the LPA in its email of 28 June 2024 regarding matters relevant to water neutrality, the appellants' submitted additional information set out in the email to the LPA

entitled '2024-06-30 to TD with tank size and positions etc'. This has already been submitted in support of these appeals (the LPA's email of 28 June is attached to the appellants' email) and included attachments comprising 15000L-Shallow-Dig-Tank, Decision DC-23-2037 and drawings 0939.83 & 84 Block Plan showing underground water storage tanks for each unit. The email to the LPA of 30 June draws attention to pre-commencement condition 4 of DC/23/2037 relating to the approved rainwater harvesting system approved by the LPA to serve 8 industrial units. The decision notice confirms in condition 1 that the WNS, which included the same data regarding rainfall averages and approach to rainwater harvesting etc as is proposed with these appeals, has been accepted by the LPA. The details required by pre-commencement condition 4 have now been discharged under DISC/24/0284 that is attached to this correspondence.

The Committee reports regarding the appeal applications both note at paragraph 3.7 under the heading ***Natural England "Concur with the conclusion of the LPA's Appropriate Assessment insofar that adverse effects on the integrity of the Arun Valley Designated Sites can be ruled out. No objection subject to the delivery, management, and maintenance of measures identified in the Water Neutrality Statement to achieve water neutrality."***

Under the heading Water Neutrality the committee report addresses that issue at paragraphs 6.52 to ***6.56, the latter of which confirms the officers have undertaken an Appropriate Assessment and concluded the proposal would be water neutral.***

There are various recommended conditions in the committee report relative to water neutrality that appear to have been included in the list of recommended conditions promoted by the LPA for these current appeals. Comment has already been made on the LPA's list of proposed conditions but it is worth noting that proposed condition 9 replicates condition 4 of DC/23/2037 that has since been discharged by the LPA. However, at its own request, the LPA has

already been provided with the details required by proposed condition 11 so this condition is contested, as is proposed condition 12. In this latter respect, once built and occupied, each appeal dwelling will be subject to the controls administered by the Environmental Health Department of the Council through The Private Water Supplies (England) Regulations 2016. It cannot be the case that the requirements of a planning condition can usurp or undermine the controls exercised by the above Regulations. Regarding condition 14, the ability to secure Part G controls on appliance consumption rates of water is more properly exercised through the Building Regulations from which they emanate and which will be applied if there is a planning condition limiting water consumption per person to 110 litres per day. *(It should be noted from the above that sufficient margin has in any case been built into the storage capacity for drought by applying a consumption rate of 135 litres per person per day)*

There is no doubt the LPA has agreed rainwater harvesting on at least one other site for 8 industrial units in two main buildings that was based on exactly the same data etc for rainfall and storage capacity as has been applied here. There is a different way of calculating consumption rates of water for commercial premises as there is for domestic properties but nevertheless the LPA has discharged pre-commencement condition 4 for that commercial development. It seeks to apply the same controls for both appeals through proposed condition 9 in the event of an approval. As demonstrated by condition 4, those controls will be adequate and will be capable of discharge in due course.

Overall, the LPA has raised no objections to the appeals on water neutrality grounds and whilst it has not been possible to locate its related HRA's, there is no doubt they have been produced, that Natural England has seen them and concurred with the LPA's views on the matter and, perhaps more importantly, the planning committee has not contested in any way the views of officers or Natural England on the matter. To be helpful, I attach a Water Harvesting

Schematic that reflects the concept promoted with the rainwater harvesting system in the WNS.

I trust this clarifies the appellants' response to your email that will no doubt be taken into account in determining these appeals.

Yours sincerely,



Simon Brett

Attachments

DISC/24/0284
Water Harvesting Schematic