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The Planning Inspectorate
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28 May 2025
Ref: RH/Let/P2090i

Dear Planning Inspectorate,

APP/Z3825/W/25/3363148. Abbots Leigh, Washington Road, Storrington, West Sussex, RH20 4AF.

Further to receiving the local planning authority's (LPA) statement on the above appeal on 20 May 2025, please find enclosed our comments on the points raised, ahead of the deadline (30 May 2025).

Reason for Refusal 1

Within the LPAs Statement of Case, it is acknowledged that the LPA suggest that the site could be considered as previously developed land / brownfield land but that the location is still not acceptable as it is in a *'countryside location, not adjoining the Built-Up-Area boundary'*.

As set out in detail within our Appeal Statement, the site is located in an acceptable location and the re-development of this land is encouraged by Policy 2 of the HDPF by reason of it comprising previously developed land which is not of high environmental value. The land is entirely encased by the neighbouring landfill and restoration site (Sandgate) to the north, east and west, and South Downs National Park to the south. Development of the land would not lead to sprawling or unacceptable development but would comprise a logical site to accommodate a new family dwelling. The site is well located with sustainable transport methods and footpaths available on its doorstep, to access the local and wider area.

We would therefore suggest that in this instance, the development of this brownfield site would be suitable for a new residential dwelling, and fully aligns with the Government's aspirations, as set out in our Appeal Statement in full.

Further to the above and in terms of the Council's 5 year Housing Land Supply (HLS), it is noted that the LPA agree with us in that the LPA cannot currently demonstrate an acceptable supply. It is however noted that the LPA suggest that one new dwelling would not *'significantly and demonstrably outweigh the adverse impacts'*.

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Whilst it is acknowledged that the proposals would comprise a small contribution towards the LPAs housing land supply, it is important for the Inspector to note that the Council can only demonstrate a 1-year housing land supply which is a significant undersupply. This figure has been confirmed in a recent committee report (DC/24/1811 Bucks Green Pig Farm, Rudgwick - copy available at Appendix A). The Inspector should note that this position has significantly worsened since our Appeal submission and since being established by appeal last year (APP/Z3825/W/24/3346736 May 2024). Therefore, whilst we note that the addition of one single dwelling would be a small contribution, it would be a very valuable contribution given the LPAs severe unmet need.

We have reviewed the Appeals sent by the LPA and would suggest that they are not relevant in the determination of this Appeal. We have reviewed the Appeals in turn and note that their locations are vastly different to Abbots Leigh and are not as well connected to the local villages as the Appeal site. As set out previously, the site at Abbots Leigh is located in a sustainable location with access to a number of sustainable transport methods. The site is within walking distance to Storrington Village Centre and which can be accessed via an existing footpath. The location of the Appeal sites are not comparable in this regard.

Further to the above, it should be noted that the Appeal decisions are dated 2023 and 2024. In 2023, the LPA had a HLS of 4 years whilst in 2024, HDC had a HLS of 2.9 years. As previously set out, the LPAs position now is 1-year housing land supply, which is significantly worse than when the other Appeals were determined.

In addition, the LPAs emerging Local Plan (Regulation 19 version) is due to be withdrawn shortly, following receipt of the Inspector's Letter dated 22 April 2025 in which the Inspector recommended to Horsham that the Local Plan should be withdrawn from examination and a new Local Plan should be prepared. The Council therefore have no up to date Local Plan and are unlikely to have one for the next couple of years. The lack of a sufficient housing supply and lack of an up to date Local Plan represents a significant recent change that should be recognised by HDC, who in turn should be positive and proactive in facilitating new homes in the District. HDCs current position, in our view, further undermines their resistance to sustainable development, such as the Appeal site, and we would therefore suggest that the site is completely acceptable to accommodate a new dwelling.

To conclude, the site comprises previously developed land by definition of the NPPF and where development should be encouraged as strongly encouraged by the Government and National Planning Policy Framework. Although the site is located outside of the built up area boundary, the land has good access to the local Village and an abundance of sustainable transport methods. The Council cannot demonstrate a housing land supply and therefore the proposed development to accommodate one additional dwelling should be strongly encouraged and recognised as a small but valuable contribution to the District's significant housing need. Please refer to our Appeal Statement for further information.

Reason for Refusal 2

We have reviewed the LPAs Statement which suggests that the LPA are now satisfied with the specification for how the access would be built and as such, their initial concerns have now been addressed (subject to implementation of conditions).

As a result of the above, we would suggest that Reason for Refusal 2 can be removed as it has now been satisfied.

Other Matters

The LPA have suggested that '*a legal agreement would have been required to secure water neutrality'* and that the LPA are not reassured that water neutrality can be demonstrated on this application without the need for the legal agreement.

Firstly, it is important to note that the matter of water neutrality was not a reason for refusal and therefore should not be raised at this late stage by the LPA.

Secondly, as the Inspector will be aware, a Water Neutrality Statement was issued with the original application and again with the Appeal. This demonstrated that off-site credits would be purchased to demonstrate water neutrality, which was considered to be acceptable by the LPA.

The Appellant would be happy to enter in to a legal agreement but as this has come up at a late stage, we understand from the 'Start Letter' that it is now not possible to submit a copy of a planning obligation in support of the Appeal. Entering in to a legal agreement was also not discussed at planning application stage. As set out in the email correspondence submitted with the Appeal, the LPA did not actively engage with the Agent during the course of the application, despite numerous chasing emails and therefore a legal agreement was not discussed.

As such, we would suggest that a Grampian condition is considered to be appropriate in this instance, to secure water neutrality as part of the Reserved Matters application. For the avoidance of doubt, the Appellant has already contractually agreed to purchase credits from Nicholls and a deposit has been paid. This agreement is set out in the Water Neutrality Statement at Appendix F which was submitted with the application and again with the Appeal. This agreement is provided again at Appendix C of this Letter, for absolute avoidance of doubt. We are therefore confident that the use of a Grampian condition on this occasion is entirely appropriate.

The use of Grampian conditions have been supported by the LPA in recent applications (refer to Condition 7 of Appendix A) where the application seeks to optimise the Sussex North Offsetting Water Scheme (SNOWS), and failing that, a separate site-specific water neutrality mitigation scheme. We understand following recent Counsel Opinion that the use of Grampian conditions should also be supported where SNOWS cannot be accessed but where a private water credit scheme can be used. Refer to Appendix C for the Counsel Opinion which we understand has been sent to HDC directly. In this regard, we would suggest that the following condition could be applied to the Appeal decision, should the Inspectorate be minded to allow the Appeal:

'Pre-Commencement Condition: No development shall commence until either:

i.) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured. or

ii.) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iii.) *The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.'*

To conclude, we would request that the above Grampian condition is used to secure water neutrality should the Inspector be minded to allow the Appeal.

Conclusion

To conclude, the Appellant has reviewed the LPAs Statement of Case and would suggest that the proposals remain acceptable. It is therefore respectfully requested that the Inspector allows this Appeal.

If you have any further queries or require further information, please contact me on 01903 248777.

Yours sincerely
ECE Planning

[redacted]

Chris Barker MATP MRTPI
Managing Director

Encs.

Appendix A – Committee Report for Application Reference DC/24/1811 Bucks Green Pig Farm, Rudgwick

PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	20 May 2025
DEVELOPMENT:	Outline application for the erection of dwellings with associated garages, parking and landscaping with all matters reserved.
SITE:	Bucks Green Pig Farm, Bucks Green, Rudgwick, West Sussex, RH12 3JJ
WARD:	Rudgwick
APPLICATION:	DC/24/1811
APPLICANT:	**Name:** Mr Len Burdon **Address:** C/O Agent

REASON FOR INCLUSION ON THE AGENDA: The application represents a departure from the development plan

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks Outline Permission with all matters reserved for the erection of detached dwellings. As the application is made in outline, details of the layout, scale, appearance, and access are reserved for later consideration.

1.3 The Applicant has submitted an indicative Site Plan showing the likely position of the proposed dwellings, as well as the associated turning and access. Although the site plan indicates 6 dwellinghouses, the Planning Statement submitted indicates that three four-bedroom dwellings would be erected. Notwithstanding this inconsistency, given the site plan and previous officer's report, it is understood that the application intends to apply for the erection of 6 dwellings.

DESCRIPTION OF THE SITE

1.4 The application site is located to the north of the A281, outside of, but immediately adjacent to, the built-up area boundary of Bucks Green. The site measures 0.3 hectares in area and comprises a former Pig Farm. A number of structures remain on-site, albeit in a dilapidated state, with the area overgrown.

1.5 The application site is bound by mature vegetation to all sides, with a number of trees protected under Tree Preservation Orders (TPOs) located along the southern boundary. The site is also registered as Priority Habitat as an unmanaged Traditional Orchard.

1.6 The site is bound to the south and east by residential dwellings, with enclosed agricultural fields located to the north and west.

2 INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

2.2 **National Planning Policy Framework 2023 (NPPF)**

2.3 **Horsham District Planning Framework (HDPF)**
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

2.4 **Rudgwick Neighbourhood Plan 2021 (RNP)**
RNP1: Spatial Strategy
RNP2: Housing Mix
RNP4: Homes for Older People
RNP5: Housing Density
RNP6: Materials
RNP7: Architectural Style
RNP8: Development Height
RNP9: Street Scene
RNP17: Green Infrastructure and Trees

2.5 **Regulation 19 Horsham District Local Plan 2023-2040 (HDLP)**
Strategic Policy 1 – Sustainable Development
Strategic Policy 2 – Development Hierarchy
Strategic Policy 3 – Settlement Expansion
Strategic Policy 6 – Climate Change
Strategic Policy 7 – Appropriate Energy Use

Strategic Policy 8 – Sustainable Design and Construction
Strategic Policy 9 – Water Neutrality
Strategic Policy 10 – Flooding
Strategic Policy 11 – Environmental Protection
Strategic Policy 12 – Air Quality
Strategic Policy 13 – The Natural Environment and Landscape Character
Strategic Policy 14 – Countryside Protection
Strategic Policy 17 – Green Infrastructure and Biodiversity
Strategic Policy 19 – Development Quality
Strategic Policy 20 – Development Principles
Strategic Policy 24 – Sustainable Transport
Policy 25 – Parking
Strategic Policy 37 – Housing Provision
Strategic Policy 38 – Meeting Local Housing Needs
Policy 40 – Improving Housing Standards in the District

2.6 Other relevant documents:
Rudgwick Parish Design Statement 2009
West Sussex County Council Guidance on Parking at New Developments 2020

2.7 Planning Advice Notes:
Facilitating Appropriate Development
Authority Monitoring Report 2022/23 Chapter 3 Housing Land Supply
Biodiversity and Green Infrastructure

2.8 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/20/2070	Outline application for the change of use of agricultural land to residential for the erection of 3no. dwellings, with all matters reserved	Application Refused on 02.07.2021
DC/24/1163	Outline Application for the erection of dwellings and associated garages, parking and landscaping with all matters reserved.	Application Refused on 24.09.2024
DC/15/0336	Erection of 4 x 2 bedroom detached dwellings	Application Refused on 08.05.2015
DC/13/1461	Change of use from pig/poultry farm to residential consisting of 6 x retirement bungalows	Application refused on 01.09.2024

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture**: No arboricultural concerns subject of standard validation requirements for current Tree Survey and Arboricultural impact Assessment to be submitted with any subsequent reserved matters submission. The site has some mature trees and hedging which are principally confined to the boundaries. The submitted tree survey is no longer representative of trees present or their condition. The belt of lime trees alongside the road frontage (originally 17 in total) subject of the Tree Preservation Order (Ref: TPO/0483) has been denuded over time and requires closer inspection of individuals to assess remaining useful life expectancy and potential contribution to a re-developed site.

3.3 **HDC Environmental Health**: [Summary] Further information required in respect of Contaminated land, noise and construction phase.

3.4 **Conservation Consultant**: [Summary] No objection in principle.

OUTSIDE AGENCIES

3.5 **Natural England**: No Objection - subject to appropriate mitigation being secured.

3.6 **WSCC Highways officer**: The existing vehicular access would be used and raises no highways safety concerns subject to the details being acceptable at the reserved matters stage. The Highways authority would raise no concerns in terms of material intensification of movements on the local highway network. Each dwelling would have provision for two parking spaces which is in accordance with Manual for Streets.

3.7 **Rudgwick Parish Council: Parish Council**: Objection: -

3.8 Under the terms of the current HDPF this is an unallocated site in the countryside. The potential housing provision (Planning Statement states 3 x 4 bedroomed detached) also fails to address local need as defined in the made Rudgwick Neighbourhood Plan, see Policy RNP2 and the referred Housing Matters paper.

3.9 The Water Neutrality assessment is inadequate. The submitted figures only show how potable water used for washing machines and WC flushing could be mitigated by rainwater capture. It does not address at all the other many uses of potable water for showers, wash basins, kitchen sink taps etc. Therefore, the water neutrality is unproven.

3.10 The information supplied showing the number of units proposed is inconsistent. The supporting letter states six units and the site plan shows six. The application form, however, states three, and the planning statement states three. How many units are proposed? This must be properly clarified.

3.11 Rudgwick Parish Council (RPC) supports the two site allocations (RD1 and RD2) in the R19 submitted draft Local Plan. However, RPC maintains it desire to see both these sites come forward together, sharing a single access onto the busy A281, avoiding any impact on the lay-by and bus stop (with shelter).

3.12 This outline application, with all matters reserved (including access), therefore has no merit.

PUBLIC CONSULTATIONS

3.13 Two representations were received, objecting to the application on the following grounds:

- The site is outside the village and should not be built on.
- There is a history of flooding on the site which the development will increase.
- Highways access and parking, including visibility.

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 ASSESSMENTS

Background

6.1 Outline planning permission was previously refused on the site for the 'erection of dwellings and associated garages, parking and landscaping with all matters reserved', ref: DC/24/1163. This application was refused for the following reasons: -

1. *Whilst the application site has been allocated for residential development within Policy HA14 of the emerging Horsham District Local Plan, the provision of three dwellings would not be in accordance with the identified housing needs within the locality such that it would not comply with the emerging policy.*

2. *Insufficient information has been provided to demonstrate that the future occupiers of the proposed development would not be subject to unacceptable levels of noise and disturbance arising from the traffic noise along the A281, contrary to Policy 33(2) of the Horsham District Planning Framework (2015).*

3. *Insufficient information has been submitted to establish the protection of the ecological and biodiversity interests of the site and whether suitable mitigations or enhancements are necessary and achievable, contrary to Policy 31 of the Horsham District Planning Framework (2015).*

4. *Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).*

6.2 This current submission is an amended outline planning application, with all matters reserved, for the residential development of the site. The indicative block plan indicates 6 detached dwellings would be provided (in contrast to the 3 dwellings previously indicated) with additional supporting information submitted in respect of the 2nd, 3rd and 4th (above) reasons for refusal.

Principle of Development

Horsham District Planning Framework (HDPF)

6.3 Policy 2 of the HDPF sets out the main growth strategy, focusing development in the main district settlements. Policy 3 of the HDPF directs development within existing settlements which have defined built-up area boundaries (BUAB). Policy 4 of the HDPF states that development will be permitted outside BUAB via the expansion of settlements where, amongst other criteria, a site has been allocated in a local plan or neighbourhood plan. The application site immediately adjoins but is outside of the built-up area boundary of Rudgwick, and the Rudgwick Neighbourhood Plan (RNP) does not include any housing allocations.

6.4 Policy 26 protects the countryside against inappropriate development unless it is considered essential and appropriate in scale; whilst also meeting a specified criteria, (1) supporting the needs of agriculture or forestry; (2) enabling the extraction of minerals or the disposal of waste; (3) providing for quiet informal recreational use; or (4) enabling the sustainable development of rural areas. A residential development would not as a matter of course be essential to its countryside location.

6.5 Policy RNP1 of the Rudgwick Neighbourhood Plan (RNP) supports development outside of the built-up area boundary (BUAB) where it accords with the residential exception policies in the development plan. As the proposed development is for general market housing the proposal would not accord with this policy.

6.6 In view of the above, the principle of the proposed development is contrary to the overarching spatial strategy and principles of the HDPF and the RNP.

5 Year Housing Supply Position (5YHLS)

6.7 The Council is currently unable to demonstrate a 5YHLS (the supply being 1 year as of May 2025). The National Planning Policy (the NPPF) dictates that the absence of a 5YHLS diminishes the weight afforded to Policies 4 and 26 of the HDPF in decision making. The NPPF also dictates (at para 11d) that the absence of a 5YHLS engages the 'tilted balance' presumption in favour of sustainable development in the determination of this application, provided the proposal would not breach any Footnote 7 matters (such as heritage, habitat or flooding policies), and unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

6.8 In addition, the Council has failed its most recent Housing Delivery Test. An updated Housing Delivery Test was published in December 2024 and demonstrates that HDC only delivered 62% of its housing target. This itself triggers the presumption in favour of sustainable development under para 11d irrespective of a Council's 5YHLS.

6.9 In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is dis-engaged, and in accordance with limb (i) the application must be refused. This is discussed later in this report.

Facilitating Appropriate Development Document

6.10 In recognition of the current position in respect of housing land supply and housing delivery, the Council has published interim guidance, the Facilitating Appropriate Development (FAD) document, on how housing proposals are to be considered. The FAD recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. The FAD confirms that applications which meet all the following criteria will be positively considered:

- The site adjoins the existing settlement edge as defined by the BUAB.
- The level of expansion is appropriate to the scale and function of the settlement the proposal relates to;
- The proposal demonstrates that it meets local housing needs or will assist the retention and enhancement of community facilities and services.
- The impact of the development individually or cumulatively does not prejudice comprehensive long-term development; and
- The development is contained within an existing defensible boundary and the landscape character features are maintained and enhanced.

6.11 The application site directly adjoins the BUAB of Bucks Green and is well located for access to some local facilities, including public playing fields, a public house, garage and primary school within walking distance. The locale and quantum of development proposed is judged commensurate with the scale and infrastructure provision of the scale and size of Bucks Green, as a medium village, defined in the HDPF as settlements with a moderate level of services and facilities together with some access to public transport. It is considered that future occupiers of the development would be able to access local recreation facilities, services and employment opportunities.

6.12 The detailed landscape considerations are set out elsewhere in this report, the development would though be contained within an existing defensible field boundary, with the site currently containing low-key structures / uses reflective of an agricultural use. In principle, given the siting directly adjoining the built-up area of Bucks Green development on the site would not, as a matter of course, result in landscape harm.

6.13 It is therefore considered, taking into account all relevant matters, that the proposal would meet the criteria for settlement expansion set out within the FAD.

Emerging Local Plan

6.14 The Horsham District Local Plan 2023-2040 (HDLP/Local Plan) sets out planning policies and proposals to guide development in the district, excluding the South Downs National Park, up to 2040. Examination hearings started in December 2024, however the remaining hearings were then cancelled by the examining Inspector in a Holding Letter dated 16 December 2024. On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, principally due to his view that the Council had failed to satisfactorily comply with the legal Duty to Co-operate.

6.15 The HDLP, through Policy HA14, identifies the application site the application site for 6 dwellings, with the adjoining land to the north and west allocated for 60 dwellings. The allocation for the application site states that development will be supported where proposals, '*ensure that any access into the site does not interfere with the operation of the adjacent bus stop*'. The preceding application on the site was refused, in part, as the level of development did not accord with the above policy, proposing fewer dwellings and therefore resulting in less public benefit. In contrast, the current scheme includes an indicative layout showing 6 dwellings which would accord with HA14 of the emerging plan. The relationship of the access with the bus stop is considered elsewhere.

6.16 Notwithstanding the Inspector's letter, it is the view of Officers that the emerging plan remains the Council's policy position, and the decision to allocate this site is based on an extensive evidence base, including a detailed site assessment report that the Inspector has not identified concerns with. The Inspector's Report does not indicate that there were any concerns over the proposed allocation of this site. The Inspector's concerns were not related to site-specific allocations, but more broadly related to whether sufficient housing was being planned for overall. It is therefore considered reasonable to continue to attach some weight to the relevant site-specific policies of the post-submission HDLP.

Conclusion on Principle

6.17 While the HDLP is not advancing at the present time the application site is nevertheless identified as a sustainable site for this quantum of development and judged to be in proportion to the scale, size and function of Bucks Green. The approach to site selection in the emerging local plan is evidence-based and robust, and underpinned by a professionally prepared assessment of housing needs. As a result, the current application proposal is considered proportionate to the evidence base that supports this site's allocation for housing development in the post-submission HDLP. Within this context the development of this site in the manner indicated is considered to represent sustainable development, subject to the detailed considerations to any site-specific constraints, and the detail of the scheme.

6.18 The absence of a 5YHLS means the conflict with HDPF Polices 4 and 26 is diminished and the tilted balance (NPPF Para 11d) towards a presumption in favour of sustainable development is therefore engaged, provided water neutrality is demonstrated. A housing development on this site of the scale indicated would accord with the aims of the FAD, and taking this into account together with the NPPF the site is considered capable of being supported in principle for development of this quantum irrespective of the site's allocation within the post-submission HDLP.

6.19 As such, the principle of development on the site is considered to be acceptable, subject to the detailed considerations as set out below to any site-specific constraints, and any other policy compliance, conflict and harm. It is noted that the Parish Council representation sets out a desire to see the whole allocation of HDLP Policy HA14 to come forward together, rather than in two separate parcels. While this may be desirable for interested parties there is though nothing within the policy, or other planning grounds, which would justify a refusal of the current application on these grounds. The delivery of housing on the application site would not prejudice future development on the neighbouring site, and access related matters would be considered as part of any future applications.

6.20 The following sections of this report consider all other detailed planning considerations, with the final section considering the overall planning balance.

Matters Reserved:

6.21 The application is seeking outline planning permission with all matters reserved. The application is accompanied by an indicative Site Plan showing the likely position of the proposed dwellings together with the associated turning and access. This plan indicates that 5 dwellings would be orientated on a north – south siting, with 1 further dwelling located to the west with a perpendicular siting. The southern portion of the site would provide parking and turning space, with access making use of the existing field entrance.

6.22 Policy 32 of the HDPF states that good design is a key element in sustainable development and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate

loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.

6.23 Policies RNP2, RNP6, RNP7, RNP8 and RNP9 of the RNP require new development to positively respond to the established character and density of its immediate locality, use materials and be designed to reference surrounding architecture, including being of an appropriate height and being placed to form consistent building lines.

6.24 The following definition of each reserved matter is taken from the Planning Practice Guidance (Paragraph 006, Reference ID: 14-006-20140306): -

Access

6.25 '*the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*'

6.26 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users, with the site allocation within the emerging local plan, and Policy HA14, stating that any new access into the site should ensure it does not interfere with the operation of the adjacent bus stop.

6.27 The matter of access is reserved for later consideration, albeit that the indicative Site Plan illustrates that the existing entrance gate would be used to serve the new development. There are no apparent reasons why suitable visibility could not be provided in this location, and similarly there is a sizeable frontage where the access could be sited to ensure no interference with operation of the bus stop. The Local Highway Authority has advised that the scale of development would not be anticipated to give rise to a significant material intensification of movements to or from the site and that adequate on-site parking can be provided.

6.28 While it is noted that concerns have been raised relating to visibility and traffic, there are no reasons at this outline stage to consider that a safe access could not be provided as part of a subsequent reserved matters application, and no conflict with the above policies has been identified.

Scale and Appearance

6.29 '*the height, width and length of each building proposed within the development in relation to its surroundings', and,* '*the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*'

6.30 This outline application is not accompanied by any indicative details of the proposed buildings, with both scale and appearance reserved for future consideration. At this stage it is noted that the immediate surrounds feature significant variation in building type and appearance, with consistent two-storey semi-detached pairs to the south and bungalows, chalet bungalows and two-storey houses to the east. In this context there are no reasons why an acceptable scale and appearance could not be secured as part of a later reserved matters submission.

Layout

6.31 '*the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*'

6.32 Whilst reserved for later consideration, the application includes an indicative layout plan, illustrating the location of the proposed buildings. The wider surroundings are characterised primarily by linear residential development which fronts, or is set back from, the public highway. It is recognised that most of the residential dwellings to the south of the site have laid hardstanding over the front gardens to provide parking areas. The dwellings to the east are set back at a greater distance from the highway and incorporate landscaped front gardens.

6.33 The application site sits on the edge of this existing residential development and is bound by open countryside to the north and west. While the proposed build pattern would generally reflect the character of the wider locality, there are some concerns regarding the position of the western-most dwelling, particularly as this would noticeably break the recognised build line along the A281. It is however recognised that the application is outline with all matters reserved, and the siting of this dwelling could be appropriately addressed at Reserved Matters stage.

Landscaping

6.34 '*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features*'

6.35 No landscaping plan has been provided as part of this outline permission, and this would instead be considered as part of a future reserved matters application. At this stage, no Objections have been raised by the Council's Arboricultural Officer, subject to the retention of the protected trees and suggested works to limit further deterioration which would be outlined within the reserved matters stage. Overall, the site is capable of being designed in a way in which would be acceptable in terms of landscape design.

Other considerations

Amenity Impacts:

6.36 Policy 33(2) of the HDPF states that development will be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.

6.37 The indicative Site Plan shows that the dwellings would be laid out across the site with five orientated south and one to face more easterly towards the other dwellings. In principle, and subject to later reserved matters approval, there are no apparent reasons why a development of this scale could not be accommodated on the site, and no unacceptable harm has been identified at this outline stage.

6.38 As part of the preceding application on the site (see paragraph 6.1), there were concerns that the future occupiers of the proposed development, and particularly the western-most dwelling, would be subject to unacceptable noise and disturbance given the proximity to the A281. In response to this concern a Noise Impact Assessment has been submitted as part of this current application.

6.39 The Council's Environmental Health Team has reviewed the assessment, and although raising no concerns as to the methodology or results, which set out that the development would achieve relevant noise level requirements. The Environmental Health Team does though suggest that a 3D noise model should be sought with the proposed layout overlaid (to establish noise levels across the site). While this comment is noted as layout is a

reserved matter it is considered that there would be limited benefit in requesting this information at the present time.

6.40 There is a comparable relationship between the indicative siting of dwellings on the submitted plan and the A281 as currently exists with neighbouring housing and the A281. There is no evidence to suggest these existing dwellings suffer unacceptable impacts arising from road traffic noise, and given the findings of the Noise Assessment no unacceptable impacts have been identified as part of this current application, and none have been raised by the Council's Environmental Health Team. It is not therefore considered that road traffic noise would result in a poor standard of accommodation for future occupants. It is though noted that the final noise environment for future occupants of the development would be linked to the eventual layout of the development, which will not be known until the reserved matters stage. It may therefore be necessary to reconsider noise as part of future submissions on the site.

Ecology:

6.41 Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

6.42 Circular 06/2005 identifies that the presence of protected species is a material consideration when considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Therefore, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed application, is established before planning permission is granted. Information on biodiversity impacts and opportunities should inform all stages of development, and an ecological survey is usually necessary where the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.

6.43 Ecological information has been submitted as part of the information and has concluded that the buildings on site have negligible roost potential. As such, no further surveys are required. With the above in mind, the proposal would be acceptable subject to the recommendations within the Preliminary Ecological Appraisal and would be in accordance with Policy 31 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain:

6.44 Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

6.45 The application form sets out that the development would be exempt from Biodiversity Net Gain requirements as the dwellings would be self-build.

Water Neutrality:

6.46 The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

6.47 Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

6.48 As originally submitted the application was not accompanied by a Water Neutrality Statement, resulting in adverse comments from Natural England. This was resolved through the submission of a statement as part of the application process. The statement sets out an approach to achieving water neutrality, which sets out the basis for a bespoke on-site solution to delivering the necessary water efficiencies as part of the development.

6.49 In addition, the Council's guidance sets out that development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNOWS water credits. The application site is, at the time of writing, allocated for development in the post-submission Horsham District Local Plan (HDLP), and the development proposal is compliant with that allocation.

6.50 The applicant therefore has the option to use the forthcoming SNOWS scheme to offset the water demand from this development. An appropriate condition is recommended which gives the applicant the option of addressing water neutrality through either SNOWS or through their own bespoke solution (which entails efficient fixtures and fittings together with rainwater harvesting). This condition would ensure the site is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted in the use of SNOWS and have raised no objection to this approach.

6.51 This condition would ensure the site is water neutral and would enable the Council to conclude as to the absence of potential adverse effects upon the integrity of the Arun Valley SAC, SPA and Ramsar designations. Natural England have been consulted and have raised no objection to this approach.

Conclusion and Planning Balance

6.52 The proposed development is located outside of the BUAB of Bucks Green and is therefore within the countryside. The provision of housing on this site would conflict with Policies 2, 4 and 26 of the HDPF. However, as identified earlier within this report, the application site is in a location where future occupiers would not be solely dependent upon the use of the private car, with existing services, amenities and public transport infrastructure found within reasonable walking/cycling distance of the site. Therefore, the degree of conflict with HDPF Policy 2 in this regard is considered limited in this instance.

6.56 The Local Planning Authority is presently unable to demonstrate a 5-year supply of deliverable housing sites, with the latest published Authority Monitoring Report (May 2025) confirming a 1 year supply against the objectively assessed target. Paragraph 11(d) to the NPPF establishes that where development plan policies are absent or the most important policies to determination are out-of-date, including where an Authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless there is a clear reason to refuse planning permission, through the exercise of policies in the Framework which protect areas/assets of particular importance, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits where assessed against the provisions of the Framework as a whole.

6.57 Paragraph 14 of the NPPF is clear where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five

years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing requirement. Rudgwick Neighbourhood Plan was formally made on 23 June 2021 which is less than five years before a decision is due to be made on this application, however it does not contain housing allocations. Therefore, paragraph 14 of the NPPF does not apply in this case and any conflict with the neighbourhood plan need not be considered to significantly and demonstrably outweigh the benefits of the proposed development.

6.58 Policies 2, 4 and 26 to the HDPF, in respect of the control of development beyond defined BUABs, do act to constrain the availability of land for housing delivery, as such, are the most important policies for the purposes of NPPF paragraph 11(d). In the context of the Authority's housing land supply position the weight which can be assigned to conflict with HDPF Policies 2, 4 and 26 is significantly reduced.

6.59 As detailed earlier in this report, the Council has published interim guidance on how housing proposals are to be considered in its Facilitating Appropriate Development (FAD) document, which recognises that the Council is likely to receive applications outside of defined BUAB and on unallocated sites (such as this proposal) given its housing land supply position. It is considered that the proposed development meets the relevant FAD criteria. The proposals compliance with FAD is afforded moderate weight.

6.60 As also detailed earlier in this report, the emerging HDLP includes an allocation on the application site for 6 houses (HA14), which reinforces the above consideration, and compliance with the FAD, that the principle of residential development on the site should not be resisted.

6.61 The site is capable of being designed in a way which would reflect the landscape, appearance, layout and scale of the prevailing character of the area. The applicant has confirmed that they would be open to engaging in the council's SNOWs scheme which allows the grant of permission with a condition that guarantees the development cannot be carried out without ensuring Water Neutrality.

7 RECOMMENDATIONS

7.1 It is recommended that outline planning permission is granted subject to appropriate conditions as detailed below: -

1 **A list of the approved plans / documents**

2 **Outline Permission**

(a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development, including tree retention measures, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **Pre-Commencement Condition**: No development shall take place until the following construction site set-up details have been submitted to, and approved in writing by, the Local Planning Authority.

i. the location for the loading and unloading of plant and materials, site offices, and storage of plant and materials (including any stripped topsoil)
ii. the provision of wheel washing facilities (if necessary) and dust suppression facilities

The approved details shall be adhered to throughout the construction period.

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

4 **Pre-Commencement Condition**: No development shall commence until a drainage strategy detailing the proposed means of foul water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement Condition**: No development shall commence until a detailed surface water drainage scheme, including a Surface Water Drainage Statement based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

6 **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) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) 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.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

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).

7 **Pre-Commencement Condition:** No development shall commence until either:

i.) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme.
or
ii.) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and
iii.) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National

Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

8 **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).

Background Papers:

Appendix B – Water Neutrality Statement Appendix F Water Offsetting Scheme Agreement

WATER OFFSETTING SCHEME AT THE SOUTH LODGE HOTEL FOR ABBOTS LEIGH, WASHINGTON ROAD, STORRINGTON, PULBOROUGH, WEST SUSSEX, RH20 4AF (DAVID & [redacted] KING)

This statement has been prepared by Nicholls Countryside Construction Ltd who are providing a water offsetting scheme at The South Lodge Hotel, Brighton Road, Lower Beeding, Horsham RH13 6PS ("The Site"). The statement forms part of the Developer's Water Neutrality Statement and sets out the offsetting measures proposed in that statement. It provides the following details.

1. List of scheme participants at date of publication.
2. Description of the Site, actual meter readings and an assessment of existing consumption
3. Proposed offsetting scheme at the Site.
4. Hydrologist's assessment of the hydrogeology, impact on the protected areas, borehole design, yield, sustainability and water quality.
5. Implementation specifications, maintenance regime and water quality assurance.

This report replaces all previously issued reports.

DEVELOPER WATER CREDIT ALLOCATION

David King and [redacted] King ("The Developer") is participating in the scheme alongside other developers and has been allocated 254 credits in the scheme based on their offsetting requirement for this application and or others. The water offsetting requirement for each application is set out in the relevant Water Neutrality Statement. One credit is equivalent to offsetting 1 litre of water per day. The table below lists the developers currently participating in this scheme and their allocation together with any planning reference to which the credits have been applied.

Developer	Planning Reference if Available	Credits
Croudace Homes Ltd	HDC - DC/21/0749	14,086
Garrison Properties (Southern) Ltd	HDC - DC/24/1413	216
Cygnature Homes Ltd	HDC - TBA	159
Michael Casey	HDC - DC/24/1409	315
David & [redacted] King	HDC - TBA	254
Plaxtol Investments Ltd	HDC - DC/23/1685	328
Mr A & Mrs K Walls and Scorpio Property Ltd (Plot 1B)	HDC - DC/22/1594	246
Mr A & Mrs K Walls and Scorpio Property Ltd (Plot 5B)	HDC - DC/22/1711	228
Mr Chris Hayhoe	HDC - DC/24/0104	107
Cullum Capital Investments LLP	HDC - DC/24/0535	706
Philip and Eleanor Morris	HDC - DC/24/0489	186
William and Anita Eastwood	**HDC - DC/23/1485**	**215**
Adam Heslop and Susan Heslop	HDC - DC/24/0218	82
	TOTAL CREDITS IN SCHEME	19,999
	TOTAL CURRENTLY ALLOCATED	17,128
	REMAINING CREDITS (CURRENT SURPLUS)	2,871

OVERVIEW OF OFFSETTING PROPOSAL

The Site has an average daily water consumption in excess of 52m3/day and potentially over 70m3/day. The latter amount is still being assessed as discussed later in the document. Two boreholes have been drilled and yield tested and the supply aquifer is not connected to Hardham.

An EA licence is currently being applied for which, once approved, will allow the whole Site to be removed from the mains supply. The EA application process will take some time and in the meantime one of the boreholes will be used to supply an unlicenced supply (licence not required) of just under 20 m3/day to the Site and remove 19.999 m3/day from the mains supply making it available to offset demand for future housing development. This is Stage 1 of the offsetting scheme.

Stage 1 will provide all of the infrastructure for it and Stage 2 (the full offsetting scheme). Stage I will only turn on the supply to the Main Hotel Area, however all the necessary pipework will be laid to turn on the other Areas as soon as Stage 2 can be brought online.

This offsetting scheme described in this report has been assessed by Natural England and approved under application DC/21/0749 (See Appendix J). Sufficient water credits have been sold to cover the cost of both stages.

OFFSETTING SITE DESCRIPTION

Existing Supply & Consumption

The Site is a luxury hotel and spa with water currently supplied from three existing mains supplies. There are two further metered supplies which are no longer in use. The hotel is located within the Sussex North Water Resource Zone (see location map in Appendix A) and all three supplies are metered mains supplies. Details of each supply points are provided in the table below.

Meter Number	Area Supplied		Usage litres/day
11M50090	Main Hotel Area		46.3
17MS000318	Spa Area		7.4
11AC001166	Gatehouse Area		2
		TOTAL	**52,674**

Actual meter readings were taken over a 12 month period within the last 3 years and these are detailed below with evidence of the meter readings provided in Appendix B.

Existing Water Consumption – Main Hotel Area		m3
Meter Number 11M50090		
	Actual Reading 22/08/2022	163,810
	Actual Reading 16/08/2023	179,340
	Number of days between readings	359
	Consumption in Period	15,530
	Average daily consumption	43.259

Existing Water Consumption – The Spa Area	m3
Meter Number 17MS000318	
Actual Reading 22/08/2022	5,920
Actual Reading 16/08/2023	8,572
Number of days between readings	359
Consumption in Period	2,652
Average daily consumption	7.387

Existing Water Consumption – Gatehouse Area	m3
Meter Number 11AC001166	
Actual Reading 13/06/2022	9,184
Actual Reading 16/08/2023	10,054
Number of days between readings	429
Consumption in Period	870
Average daily consumption	2.028
TOTAL Average Daily Consumption (all three supplies)	**52.674**

52.674 m3 per day equals 52,674 litres/day and converts to 52,674 water credits of which 19,999 are being made available through Stage 1.

The date range used above has been selected as prior to it the hotel was still recovering from Covid. Indeed water consumption for the Spa Area only appears to have begun to return to normal levels in the last two months of the period used. The table below shows readings for a more extended period from 13/092021 to 16/08/2023.

MAIN HOTTEL AREA				SPA AREA				GATEHOUSE AREA			
Date	Reading	Days	L/d	Date	Reading	Days	L/d	Date	Reading	Days	L/d
13/09/2021	149008	-	-	13/09/2021	5835	-	-	13/09/2021	8717	-	-
06/12/2021	153264	84	50.67	06/12/2021	5840	84	0.06	06/12/2021	8830	84	1.35
27/01/2022	155326	52	39.65	27/01/2022	5857	52	0.33	27/01/2022	8893	52	1.21
23/02/2022	156404	27	39.93	23/02/2022	5870	27	0.48	23/02/2022	8927	27	1.26
27/05/2022	160068	93	39.40	27/05/2022	5903	93	0.35	28/04/2022	9015	64	1.38
13/06/2022	160771	17	41.35	13/06/2022	5908	17	0.29	13/06/2022	9184	46	3.67
28/07/2022	162653	45	41.82	22/08/2022	5920	70	0.17	26/07/2022	9314	43	3.02
22/08/2022	163810	25	46.28	29/11/2022	5951	99	0.31	22/08/2022	9457	27	5.30
21/09/2022	165540	30	57.67	17/02/2023	5977	80	0.33	21/09/2022	9507	30	1.67
10/10/2022	166870	19	70.00	07/06/2023	6326	110	3.17	10/10/2022	9538	19	1.63
17/02/2023	171686	130	37.05	25/07/2023	7884	48	32.46	29/11/2022	9617	50	1.58
07/06/2023	176323	110	42.15	16/08/2023	8572	22	31.27	17/02/2023	9739	80	1.53
25/07/2023	178378	48	42.81					07/06/2023	9930	110	1.74
16/08/2023	179340	22	43.73					25/07/2023	10020	48	1.88
								16/08/2023	10054	22	1.55
Average daily in period for Area			43.21	Average daily in period for Area			3.90	Average daily in period for Area			1.90
										AVERAGE DAILY TOTAL IN PERIOD	49.01

The average daily total for this extended period is consistent with the 12 month period selected to provide the current estimate of 52.674m3. The uptick in the Spa's usage during July and August 2023 will be monitored until a full 12 months of normal post Covid usage has been observed. The latest 3 month bills available for February to April show an average daily consumption across all Areas of over 70 m3/day which indicates that the increase has continued.

At this stage the offsetting requirement is for 19.999 m3/day which is well within the extended and latest usage data. The figure of 52.674 m3/day would appear very conservative based on the latest usage data. Actual meter readings are provided in Appendix B for the period in which the 52.674

m3/day was measured as well as the actual readings from 13/09/2021 the beginning of the extended period. Further meter readings are available on request.

When Stage 2 is brought online and once the EA licence has been approved the, it's anticipated that 52.674 m3/day will be increased and appropriate supporting evidence provided at that time. This is not required for this application which is based on offsetting just 19.999 m3/day.

It is important that the maximum level of consumption is understood so that the maximum amount of water can be removed from the mains supply and therefore decrease demand at Hardham. Should water use drop at the Site in the future then this still represents the same reduction in the mains supply, it just means that the private water supply is providing less water to the Site at that time.

Breakdown of Water Use by Area

The Main Hotel Area supply provides water for the following main consumers:

- Staff and guest toilet and washing facilities
- Cleaning and laundry
- Kitchens and bars
- Garden irrigation

The Spa Area supply provides water for the following main consumers:

- Staff and guest toilet and washing facilities
- Cleaning
- Pools and spas
- Kitchen
- Garden irrigation

The Gatehouse Area supply provides water for the following main consumers:

- Staff toilet and washing facilities
- Cleaning and laundry
- Kitchens
- Garden irrigation

Description of Boreholes

Two boreholes (BH) were drilled at the Site between the 11th and 22nd April 2024, both to 62 m depth and into the Upper Tunbridge Wells Sand Formation. The BH's locations are shown in Figure 1 and their respective drill logs are provided in Appendix C. they are labelled BH1 and BH2 for the purposes of this report and to be consistent with the hydrologist's report in Appendix E.

An initial test pump of BH1 was undertaken on 18th April 2024 (see Appendix D) and a maximum flow rate of 71 l/minute was achieved with a starting depth of 22.09m and a finishing depth of 25.95m. The flow rate is equivalent to 102 m3/day.

Assessment of Impact on Protected Areas

A senior hydrologist (Stephen Buss) examined whether the BH's could have an adverse effect on the integrity of Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site is provided in Appendix E. The impact statement in his report clearly shows there would be no adverse impact, stating:

> *"The site is in the catchment of the Cowfold Stream, which flows southwards to join the River Adur (Figure 2). The site is therefore not in the catchment of the River Arun, which at its closest is about 1.7 km north of the boreholes. The net impact of the proposed abstraction on the*

water balance of the River Arun catchment is therefore zero, and the potential impact on the Arun Valley SAC, SPA and Ramsar site is also therefore zero.

Bedrock geology is the Upper Tunbridge Wells Sand, and so the abstraction does not have continuity with the Lower Greensand aquifer of the Arun Valley."

Water Quality

Water quality is deemed treatable for the purposes of potable water and is discussed in detail in the Water Quality later in this report.

Borehole Yield and Sustainability Assessment

To assess sustainable yield BH1 was tested between 7 May 2024 and 9 May 2024 at an average rate of 20.8 m3/day. An EA licence has been applied for but at this stage BH1 has only been tested for an unlicenced supply which is why it was tested at this rate which is slightly above the maximum abstraction rate for an unlicenced supply (<20m3). Details and analysis of this test are documented in the senior hydrologist's report which is provided in Appendix E. The report provides the following conclusion.

"This note reviews the results of a pumping test at the borehole BH1 at South Lodge Hotel. The borehole was pumped over two days. The aquifer response is that of a confined aquifer. Seasonal variation has been considered and the likely drawdown after 60 years of operation has been estimated.

Given conservative assumptions about aquifer properties, there is no indication that the borehole does not offer a sustainable and safe source of at least 20 m3/day groundwater in perpetuity."

At this stage BH2 has not been yield tested as it is not required for Stage 1. Testing of this BH will take place during the EA abstraction licence application process. It is not needed to provide the 19.999 m3/day for the Stage 1 of the offsetting scheme.

Existing Supply Network

Figure 1 below shows the existing supply network. The mains supplies are connected to the local supplier's distribution network in Brighton Road. A existing header tanks for the Main Hotel Area and Spa Area together with distribution pumps ensure a consistent supply to these areas. The Gatehouse is a direct feed from the mains network.

Proposed Offsetting Scheme

BH1 and BH2 are not currently connected to the distribution network within the Site and are not currently filtered or treated. BH1 has a proven supply on an unlicenced basis of 20 m3/day without any effect on the protected sites.

The existing mains supplies provide an average of at least 52.674 m3/day. Stage 1 of the offsetting scheme will provide 19.999 m3/day for potable use within the main Hotel Area. This will reduce demand in the SNWRZ by 19.999 m3/day and allow that amount to be used to offset the future demands of new development. This will be facilitated through the Nicholls water credit scheme.

An EA abstraction licence application is currently in process and at the point that that is awarded Stage 2 of the offsetting scheme will be realised and the remaining demand of at least 32.675 m3/day will be provided by BH1 and BH2 working alternatively. At this stage all three areas of the hotel removed from the mains supply for up to that amount of daily water use. The plant and filtration equipment required to implement the initial 19.999 m3/day scheme will be suitable to provide the full Stage 2 system.

Stage 1 of the offsetting scheme will connect BH1 to a new treatment plant designed to provide a potable supply. This will be connected to the main Hotel Area supply via a new potable water storage tank. Figure 2 shows how the scheme will be laid out. The work will include:

1. Removing the existing storage tank and redundant structures.
2. Installation of appropriate potable water aeration & storage tanks, pumps, filtration, and treatment systems in a self-contained ISO container (see specification at Appendix F)
3. Water treatment design and quality testing to WHO standards and/or the standards set by the local authority's Environmental Health Officer (EHO)
4. Environmental Health Officer (EHO) sign-off and approval
5. Connection of the treated water supply from the new storage tank to the main Hotel Area supply using the existing distribution pipe (see Figure 2)
6. A telematics system will be installed to remotely monitor the borehole and record the amount of water supplied 24/7.

A batch meter will ensure that BH1 is not abstracting more than the limit for an unlicenced supply (<20 m3/day). The mains supply will continue to provide water to the main Hotel area for demand above 19.999 m3/day. This will be facilitated via an air separated feed (to comply with water regulations and ensure no water is fed back into the mains supply network) into the new storage tank. The mains supply will only switch on when the tank level drops below a certain level which will occur when the daily 19.999 m3 BH1 supply has been provided and switched off by the batch meter.

Ongoing Maintenance

Once the works are completed an annual maintenance programme will be set in place to ensure the offsetting measures are kept fully operational and the quality of the potable water supply continues to meets WHO standards and/or the standards set by the local authority's Environmental Health Officer (EHO). This will include periodic testing as specified by the EHO. The maintenance programme is set out in in the section below and will be undertaken by Nicholls Boreholes Servicing Team under annual contract to the Site.



Figure 1 – Existing Supply Network (pipe runs are indicative)



Figure 2 – Proposed Supply Network (pipe runs are indicative)

Water Quality

Appendix I - Groundwater Investigation Report provides a detailed assessment of the groundwater quality and proposed treatment. I addition to that report the physical features to be installed to protect the borehole from contamination are set out below.

The borehole will include the following protection measures.

- 2 external locks – to prevent unauthorised access.
- Twin skin GRP enclosure – to prevent changes in temperature and seal the area directly around the borehole to prevent ingress from the surface.
- Raised Plinth – to prevent external contaminants or surface flows entering the borehole.
- Bolt Down Well Head – to prevent unauthorised access and secure the borehole from the ingress of external contaminates.
- Grouting – to prevent ingress of surface flows or contaminants from the surface and any made up ground.
- Linings – to prevent ingress from geologies not targeted by design.

Ongoing Maintenance

A telemetric system will be installed which will allow the system to be remotely monitored by the Nicholl's servicing team 24/7 using an active alert system. Ongoing maintenance and water quality assurance routines are set out in Appendices G and I. Water quality will be sampled at a minimum on a biannual basis and should the EHO require a more frequent testing regime this will be implemented.

Further details regarding the water quality assurance and testing regime are set out in Appendix I - Groundwater Investigation Report.

Implementation of Measures, Planning Consents & Section 106 Agreements

The measures will be implemented and maintained at the borehole location under The South Lodge Hotel title (WSX331265) and appropriate s106 obligations should be tied to this land. A red edge plan will be provided on request. Separate planning obligations agreements will be entered into with each developer. Suggested s106 obligations on the Site owner and developer are provided in Appendix H.

Sufficient credits have been sold at time of publication with signed contracts in place to provide for the cost of implementing the measures and securing the ongoing maintenance.

The plant treatment room will be housed in a purpose-built ISO container as set out above. This does not require planning permission as it is a temporary structure. Notwithstanding that, it is being installed on an existing concrete hardstanding replacing existing structures.

Summary

The proposed offsetting scheme is based at a site in the Sussex North Water Supply Zone with a proven average consumption of at least 52.674 m3/day per day derived from the mains supplies. Stage 1 of the offsetting scheme will remove 19.999 m3/day from the mains demand with the remainder being removed when Stage 2 is brought online.

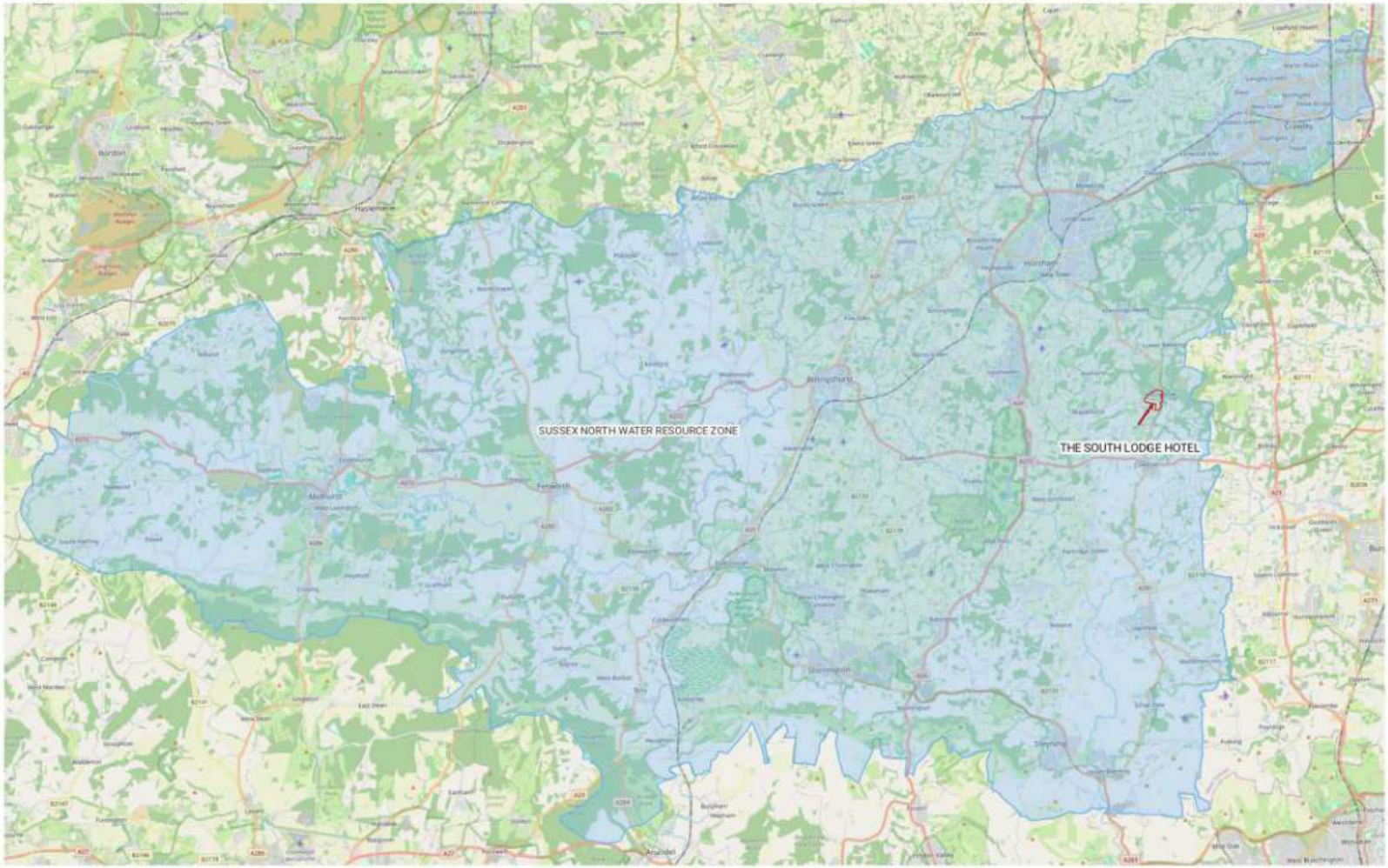
The scheme utilises an existing borehole with a proven yield that is in excess of 20 m3 per day and this has been assessed as having no effect on the protected areas.

The proposed offsetting scheme has be approved by Natural England under HDC application number DC/21/0749 (see Appendix J).

APPENDIX A – SITE LOCATION AND LOCATION PLAN

SITE LOCATION

Land App



Produced on May 24, 2024.
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5 km
Scale 1:190000 (at A4)

N

NICHOLLS WATER CREDITS

LOCATION PLAN

Land App



Produced on May 24, 2024.
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100 m
Scale 1:5011 (at A4)

N

NICHOLLS WATER CREDITS

APPENDIX B – EVIDENCE OF EXISTING CONSUMPTION

WATER 2 BUSINESS BILL FOR METERS 11M50090 AND 17MS000318 SHOWING ACTUAL READINGS ON 22/08/2022

water business

[redacted]

Bill Number 900585032
Date (tax point) 31/08/2022

Details of Premises Supplied

	South Lodge				
Site Name		**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Site Reference	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Water Supply Point ID (SPID)	3019500494W11	3019633230W16	3019633230W16	3019633230W16	301945753XW1X
Sewerage Supply Point (SPID)					
Meter Serial Number	3019500494	11M50090	17MS000318	9M085135	11AC001166
Last Actual Read Date		22/08/2022	22/08/2022	22/08/2022	22/08/2022
Last Actual Read		163810	5920	9177	9457
Meter Readings and Water Consumptions					
Bill Start Date	31/07/2022	31/07/2022	31/07/2022	31/07/2022	31/07/2022
Bill End Date	31/08/2022	31/08/2022	31/08/2022	31/08/2022	31/08/2022
Current Read Estimated	Estimated	Estimated	Estimated	Estimated	Estimated
Total Bill Days	31	31	31	31	31
Bill Start Reading	0	162869	5923	9315	9323
Bill End Reading	0	164198	5922	9177	9476
Gross Consumption (m3)	0	1329	-1	-138	153
Previous YTD Consumption	0	3171	39	138	359
Total YTD Consumption (m3)	0	4500	38	0	512
Charge Details - Water					
Tariff Code	NHH_UW_VAR	NHH_LB1	NHH_LB1	NHH_LB1	NHH_MWVOL
1st Volumetric Rate	[redacted]				
Volumetric Charge					
2nd Volumetric Rate					
Volumetric Charge					
3rd Volumetric Rate					
Volumetric Charge					
Annual Standing Charge					
Standing Charge					
Total Water Charges					
Charge Details - Sewerage					
Tariff Code					
RTS %					
1st Volumetric Rate					
Volumetric Charge					
2nd Volumetric Rate					
Volumetric Charge					
3rd Volumetric Rate					
Volumetric Charge					
Highway & Surface Vol Rate					
Volumetric Charge					
Annual Standing Charge	[redacted]				
Standing Charge					
Highway Drainage Charge					
Tariff Code					
Annual Standing Charge					
Standing Charge					
Surface Water Charge					
Tariff Code					
Annual Standing Charge					
Standing Charge					
Total Sewerage Charges					

NICHOLLS WATER CREDITS

WATER 2 BUSINESS BILL FOR METER 11AC001166 SHOWING ACTUAL READINGS ON 13/06/2022

water business

[redacted]

Bill Number 900576878
Date (tax point) 30/06/2022

Details of Premises Supplied

	South Lodge				
Site Name		**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Site Reference	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Water Supply Point ID (SPID)	3019500494W11	3019633230W16	3019633230W16	3019633230W16	301945753XW1X
Sewerage Supply Point (SPID)					
Meter Serial Number	3019500494	11M50090	17MS003318	9M085135	11AC001166
Last Actual Read Date		13/06/2022	13/06/2022	13/06/2022	13/06/2022
Last Actual Read		160771	5908	9177	9184

Meter Readings and Water Consumptions

Bill Start Date	31/05/2022	31/05/2022	31/05/2022	31/05/2022	31/05/2022
Bill End Date	30/06/2022	30/06/2022	30/06/2022	30/06/2022	30/06/2022
Current Read Estimated	Y	Y	Y	Y	Y
Total Bill Days	30	30	30	30	30
Bill Start Reading	0	160399	5905	9177	9027
Bill End Reading	0	162156	5916	9177	9205
Gross Consumption (m3)	0	1757	11	0	178
Previous YTD Consumption	0	701	21	0	63
Total YTD Consumption (m3)	0	2458	32	0	241

Charge Details - Water

Tariff Code	NHH_UW_VAR	NHH_LB1	NHH_LB1	NHH_LB1	NHH_MWVOL
1st Volumetric Rate					
Volumetric Charge					
2nd Volumetric Rate					
Volumetric Charge					
3rd Volumetric Rate					
Volumetric Charge					
Annual Standing Charge	30 da				
Standing Charge					
Total Water Charges					

Charge Details - Sewerage

Tariff Code
RTS %
1st Volumetric Rate
Volumetric Charge
2nd Volumetric Rate
Volumetric Charge
3rd Volumetric Rate
Volumetric Charge

Highway & Surface Vol Rate
Volumetric Charge

Annual Standing Charge
Standing Charge

Highway Drainage Charge
Tariff Code
Annual Standing Charge
Standing Charge

Surface Water Charge
Tariff Code
Annual Standing Charge
Standing Charge

Total Sewerage Charges

WATER 2 BUSINESS BILL FOR METERS 11M50090, 17MS000318 AND 11AC001166 SHOWING ACTUAL READINGS ON 16/08/2023

water business

[redacted]

Bill Number 900638247
Date (tax point) 31/08/2023

Premises Supplied					
Site Name	South Lodge	South Lodge	South Lodge	South Lodge	South Lodge
Site Reference	South Lodge	South Lodge	South Lodge	South Lodge	South Lodge
Water Supply Point ID (SPID)	3019500494W11	3019633230W16	3019633230W16	3019633230W16	301945753XW1X
Sewerage Supply Point (SPID)					
Meter Serial Number	Unmetered -	11M50090	17MS000318	9M085135	11AC001166
Last Actual Read Date		16/08/2023	16/08/2023	16/08/2023	16/08/2023
Last Actual Read		179340	8572	9177	10054
Meter Readings and Water Consumptions					
Bill Start Date	31/07/2023	31/07/2023	31/07/2023	31/07/2023	31/07/2023
Bill End Date	31/08/2023	31/08/2023	31/08/2023	31/08/2023	31/08/2023
Current Read Estimated	Estimated	Estimated	Estimated	Estimated	Estimated
Total Bill Days	31	31	31	31	31
Bill Start Reading	0	178650	7921	9177	10032
Bill End Reading	0	180021	8688	9177	10080
Gross Consumption (m3)	0	1371	767	0	48
Previous YTD Consumption	0	3871	364	0	145
Total YTD Consumption (m3)	0	5242	1131	0	193

Charge Details - Water

Tariff Code
1st Volumetric Rate
Volumetric Charge
2nd Volumetric Rate
Volumetric Charge
3rd Volumetric Rate
Volumetric Charge

Annual Standng Charge
Standing Charge

Total Water Charges

[redacted]

Charge Details - Sewerage

Tariff Code
RTS %
1st Volumetric Rate
Volumetric Charge
2nd Volumetric Rate
Volumetric Charge
3rd Volumetric Rate
Volumetric Charge

Highway & Surface Vol Rate
Volumetric Charge

Annual Standng Charge
Standing Charge

[redacted]

Highway Drainage Charge
Tariff Code
Annual Standng Charge
Standing Charge

Surface Water Charge
Tariff Code
Annual Standng Charge
Standing Charge

Total Sewerage Charges

NICHOLLS WATER CREDITS

WATER 2 BUSINESS BILL FOR METERS 11M50090, 17MS000318 AND 11AC001166 SHOWING ACTUAL READINGS ON 13/09/2021

water business

[redacted]

Bill Number S00544491
Date (tax point) 30/09/2021

Details of Premises Supplied

Site Name	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Site Reference	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**	**South Lodge**
Water Supply Point ID (SPID)	3019500494W11	3019633230W16	3019633230W16	3019633230W16	301945753XW1X
Sewerage Supply Point (SPID)					
Meter Serial Number	3019500494	SM065135	11M50090	17MS000318	11AC001166
Last Actual Read Date		13/09/2021	13/09/2021	13/09/2021	13/09/2021
Last Actual Read		9177	149008	5835	8717
Meter Readings and Water Consumptions					
Previous Reading Date	31/08/2021	31/08/2021	31/08/2021	31/08/2021	31/08/2021
Current Reading Date	30/09/2021	30/09/2021	30/09/2021	30/09/2021	30/09/2021
Current Read Estimated (Y/N)	Y	Y	y	Y	y
Total Days	30	30	30	30	30
Previous Reading	0	9178	152699	5851	8612
Current Reading	0	9178	150677	5845	8730
Gross Consumption (m3)	0	0	-2022	-6	118
Previous YTD Consumption		0	10865	52	96
Total YTD Consumption (m3)		0	8843	46	214
Charge Details - Water					
Tariff Code	NHH_UW_VAR	NHH_LB1	NHH_LB1	NHH_LB1	NHH_MWVOL
1st Volumetric Rate	[redacted]				
Volumetric Charge					
2nd Volumetric Rate					
Volumetric Charge					
3rd Volumetric Rate					
Volumetric Charge					
Annual Standing Charge					
Standing Charge					
Total Water Charges					
Charge Details - Sewerage					
Tariff Code					
RTS %					

APPENDIX C – BH1520 DRILL LOGS



BH1

Borehole record form

Water Resources Act 1991 (as amended by the Water Act 2003)

A Site details

Borehole drilled for: South Lodge Hotel and Spa

Location: Brighton Road, Lower Beeding, Horsham, RH13 6PS

NGR (ten digits): TQ21748 25498 Please attach site plan

Ground level (if known): metres Above Ordnance Datum

Drilling company: Nicholls Boreholes

Date drilling commenced: 11/04/2024 (DD/MM/YYYY) Completed: 17/04/2024 (DD/MM/YYYY)

B Construction details

Borehole datum (if not ground level): metres (m). Please tick if this is above ☐ or below ☐ ground level.
(point from which all measurements of depth are taken, for example, flange, edge of chamber)

Borehole drilled diameter

300	mm from	0	to	36 m/depth
200	mm from	36	to	62 m/depth
	mm from		to	m/depth
	mm from		to	m/depth

Casing material: Steel diameter: 200 mm from: 0 to: 36 m/depth
and type (for example, if plain steel, plastic slotted). Please record permanent casing details, not temporary casing.

Casing material: Solid UPVC diameter: 125 mm from: 0 to: 35.35 m/depth

Casing material: Slotted UPVC diameter: 125 mm from: 35.25 to: 61 m/depth

Casing material: diameter: mm from: to: m/depth

Grouting details: 68 bags of washed shingled, 20 bags of mikolit seal

Water struck at 1. m (depth below datum – mbd) 2. m (mbd)
3. m (mbd) 4. m (mbd)

C Test pumping summary (Please supply full details on form WR39)

Test pumping datum (if different from borehole datum): m. Please tick if this is above ☐ or below ☐ ground level.

Pump suction depth: mbd

Water level (start of test): mbd

Water level (end of test): mbd

Type of test (for example, bailer, step, constant rate):

Pumping rate: m^3/hour ☐ or litres/second ☐. Please tick as appropriate.
for: days, hours, mins

Recovery to: mbd in: days, hours, mins
(from end of pumping)

Date(s) of measurements: Pump started (DD/MM/YYYY)
Pump stopped (DD/MM/YYYY)

Please supply chemical analysis if available. If you have included this please tick this box ☐

NICHOLLS WATER CREDITS

Project				BOREHOLE No
South Lodge Hotel				1a
Job No	Date	Ground Level (m)	Co-Ordinates ()	
AL162 / BH1520	11-04-24 15-04-24			
Contractor				Sheet
Nicholls				1 of 1

SAMPLES & TESTS			Water	STRATA					Geology	Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thick-ness)	DESCRIPTION			
						0.50	TOP SOIL: Medium soft very moist light brown organic silty CLAY.			
						2.00	Frequent roots and rootlets.			
							Medium firm brown very clayey silty MUDSTONE.			
						(5.00)	Medium firm dark yellow brown very clayey MUDSTONE.			
						7.00				
							Firm light blue silty CLAY and reddish brown MUDSTONE.			
						(11.00)				
						18.00				
							Firm dark brown red silty MUDSTONE.			
						(16.00)				
						34.00				
						36.00	Firm light blue silty CLAY with mudstone.			
							Firm light blue grey silty CLAY with mudstone.			
						(25.00)				
						61.00				
						62.00	Firm pale grey silty CLAY (Grinstead clay)			

Boring Progress and Water Observations						Chiselling			Water Added		GENERAL REMARKS
Date	Time	Depth	Casing Depth	Casing Dia. mm	Water Dpt	From	To	Hours	From	To	Service avoidence procedure followed. Rotary open hole No visual or olfactory sings of contamination.

All dimensions in metres Scale 1:393.75	Client South Lodge Hotel	Method/ Plant Used Massenza	Logged By SP

NICHOLLS WATER CREDITS

BH2

Borehole record form

NICHOLLS BOREHOLES & GROUND SOURCE

British Geological Survey NATURAL ENVIRONMENT RESEARCH COUNCIL

Environment Agency

Water Resources Act 1991 (as amended by the Water Act 2003)

A Site details

Borehole drilled for: South Lodge Hotel and Spa

Location: Brighton Road, Lower Beeding, Horsham, RH13 6PS

NGR (ten digits): TQ21665 25459 Please attach site plan

Ground level (if known): metres Above Ordnance Datum

Drilling company: Nicholls Boreholes

Date drilling commenced: 18/04/2024 (DD/MM/YYYY) Completed: 22/04/2024 (DD/MM/YYYY)

B Construction details

Borehole datum (if not ground level): metres (m). Please tick if this is above ☐ or below ☐ ground level.
(point from which all measurements of depth are taken, for example, flange, edge of chamber)

Borehole drilled diameter

300	mm from 0	to 30	m/depth
200	mm from 30	to 62	m/depth
	mm from	to	m/depth
	mm from	to	m/depth

Casing material: Steel diameter: 200 mm from 0 to 30 m/depth
and type (for example, if plain steel, plastic slotted). Please record permanent casing details, not temporary casing.

Casing material: Solid UPVC diameter: 125 mm from 0 to 32.5 m/depth

Casing material: Slotted UPVC diameter: 125 mm from 32.5 to 61 m/depth

Casing material: diameter: mm from to m/depth

Grouting details: 54 bags of washed shingled, 17 bags of mikolit seal

Water struck at 1. m (depth below datum – mbd) 2. m (mbd)
3. m (mbd) 4. m (mbd)

C Test pumping summary (Please supply full details on form WR39)

Test pumping datum (if different from borehole datum): m. Please tick if this is above ☐ or below ☐ ground level.

Pump suction depth: mbd

Water level (start of test): mbd

Water level (end of test): mbd

Type of test (for example, bailer, step, constant rate):

Pumping rate: m^3/hour ☐ or litres/second ☐. Please tick as appropriate.
for days, hours, mins

Recovery to mbd in days, hours, mins
(from end of pumping)

Date(s) of measurements Pump started (DD/MM/YYYY)
Pump stopped (DD/MM/YYYY)

Please supply chemical analysis if available. If you have included this please tick this box ☐

NICHOLLS WATER CREDITS

Project				BOREHOLE No
South Lodge Hotel				2
Job No	Date	Ground Level (m)	Co-Ordinates ()	
AL162 / BH1520	16-04-24 18-04-24	TQ 21666 25470		
Contractor				Sheet
Nicholls				1 of 2

SAMPLES & TESTS			Water	STRATA				Geology	Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thick-ness)	DESCRIPTION		
						0.50	TOP SOIL: Medium soft very moist light brown orange organic friable silty CLAY. Frequent roots and rootlets.		
						(6.00)	Medium firm dark yellow very clayey MUDSTONE.		
						6.50			
						(11.00)	Medium firm light blue grey silty CLAY and reddish brown MUDSTONE.		
						17.50			
						(12.50)	Firm dark brown reddish silty MUDSTONE with interstitial ferrous staining.		
						30.00			
						(20.00)	Medium firm grey silty MUDSTONE.		
			▼			50.00			
						(12.00)	Firm light blue silty CLAY and MUDSTONE.		
						61.00			
						62.00	Firm pale grey silty CLAY (Grinstead clay)		

Boring Progress and Water Observations						Chiselling			Water Added		GENERAL REMARKS
Date	Time	Depth	Casing Depth	Casing Dia. mm	Water Dpt	From	To	Hours	From	To	
											Service avoidence procedure followed. Rotary open hole No visual or olfactory singes of contamination.

All dimensions in metres Scale 1:393.75	Client South Lodge Hotel	Method/ Plant Used Massenza	Logged By MC

APPENDIX D – BH1 INITIAL TEST PUMPING RECORD

NICHOLLS BOREHOLES & GROUND SOURCE

Test Pumping Record

Client Name	DAH WAIT		Operator Name		M.V. P.S		
Address	SOUTH LODGE HOTEL RH136PS						
Project Number	BH1520		Date		18.04.24		
Installation Method (please circle)	Terex One	Terex Two	Yellow Tow Behind Reeler	Narrow Black Reeler	Wide Black Reeler	By Hand	VEASEL
Left on site? (please circle)	Yes				No		
Pump Used	VS 4/14						
Motor Used	1.1 KW 400 V						
Timer Fitted	Yes/No	Type	On for		Off for		
Well Depth (m)(From dip-meter reading)	61						
Pump Depth (m) (from Team Up and/or PM)	50						
Rest Water Level at Start (m) (From dip-meter reading)	21.90						
	Start stop watch before turning pump on						
Draw Down (please circle)	Static level achieved for at least 1h		To pump				
	Time ran for (min)	30	Time taken (min)				
	Depth (m)	25.95	Depth (m)				
	Max flow rate (L/m)	71	Max flow rate (L/m)				
Pump Restricted	Yes/No	Pump restricted to (L/m)					
Draw Down Test Pumping Regime							
Time taken to draw down (min)	First run						
	10 min rest						
	10 min rest						
	20 min rest						
Recovery rate (m/min)							
Samples Taken (please circle)	Yes/No	Lab sample	Office sample				
Rest water level at end (m)	22.09						

APPENDIX E –HYDROLOGIST'S ASSESSMENT OF IMPACT ON PROTECTED SITES, SUSTABLE YIELD, WATER QUALITY AND TEST PUMP LOGS

Stephen Buss Environmental Consulting Ltd

MEMORANDUM:
Review of Pumping Test Data, South Lodge Hotel

Document reference: 2024-095-025-001 Dated: 28/05/2024

Scope and Introduction

The site is South Lodge Hotel, Brighton Road, Lower Beeding, Horsham RH13 6PT (Figure 1). It has been proposed that abstraction at the site can provide a water offsetting solution to sites within the Sussex North water supply zone. To date all water supply has been obtained from mains water supply, sourced from the Sussex North WSZ. This is to be replaced by a borehole supply from local water resource. The reduction of up to 20 m^3/day from the Sussex North WSZ is to be credited against developments within the WSZ which are unable to otherwise demonstrate water neutrality.

Natural England (2022) believes that groundwater abstraction in the Sussex North water supply zone (WSZ) has a detrimental impact on the Arun Valley SAC, SPA and Ramsar site. To try to prevent further deterioration of the SAC, SPA and Ramsar site, Natural England insists that:

> "For every new development, total water use in the Sussex North Water Supply Zone after the development must be equal to or less than the total water-use in the region before the new development."

Hence each new development will need to demonstrate how that development will achieve no net increase in water consumption, by water efficiency measures, offsetting or not being reliant on groundwater resources that are used for public water supply in the WSZ.

By removing the reliance on mains water from the WSZ at these sites, and drawing water from a source that is not hydrologically connected to the WSZ, it is proposed that the amount of water saved can be used to offset at development sites within the WSZ that do not have the ability to use groundwater.

This report has been written by Dr Stephen Buss MA MSc CGeol, based on the field work and preparatory work of Nicholls Licensing and Consulting. Dr Buss is a UK-based independent hydrogeologist with more than 25 years' consulting experience. Dr Buss's CV and publications list is available at www.hydro-geology.co.uk.

THE GEOLOGICAL SOCIETY
CGeol
CHARTERED GEOLOGIST
Fellow No. 1004065

Water Neutrality Impact Statement

The site is in the catchment of the Cowfold Stream, which flows southwards to join the River Adur (Figure 2). The site is therefore not in the catchment of the River Arun, which at its closest is about 1.7 km north of the boreholes. The net impact of the proposed abstraction on the water balance of the River Arun catchment is therefore zero, and the potential impact on the Arun Valley SAC, SPA and Ramsar site is also therefore zero.

Bedrock geology is the Upper Tunbridge Wells Sand, and so the abstraction does not have continuity with the Lower Greensand aquifer of the Arun Valley.

The Boreholes

The boreholes were drilled between the 11th and 22nd April 2024, both to 62 m into the Upper Tunbridge Wells Sand Formation. The drillers' logs record yellow sand/clay with sandstones to 6.5 m or 7.0 m depth then grey clays and mudstones, with interbedded sandstones and limestones to 61 m depth. The boreholes terminated in greenish grey clay of the Grinstead Clay Formation (Appendix A). Figure 1 shows a schematic diagram of the boreholes.

Pumping Test Analysis

Borehole 1 was tested between 7 May 2024 and 9 May 2024 at an average rate of 20.8 m^3/day, resulting in a drawdown of 0.47 m (Figure 1). There was no response to very heavy rainfall on the 6th May (34 mm fell in total).

Two methods of estimating flow were used: a totalising flow meter, which records the total amount of flow passing through for the duration of the test; and an instantaneous flow gauge, which records the flow at a given time. For estimating average rate the totalising flow meter is the most reliable source, hence the representative average rate in the following calculations is taken as 20.8 m^3/day.

Drawdown for each borehole is plotted on Figure 2. Drawdown, on a semi-log scale, is plotted for Cooper-Jacob analysis of the data in Figure 4, and recovery data, plotted for Theis analysis, is shown on Figure 5. Aquifer parameters are as follows:

	BH1 data	BH2 data
Cooper-Jacob: transmissivity (m^2/day)	31.1	30.5
Cooper-Jacob: storage coefficient (-)	-	$4x10^{-6}$
Theis recovery: transmissivity (m^2/day)	76.1	76.1

Interpretation

The Tunbridge Well Sand Formation is one of the key aquifers of the Wealden District, and supports many minor groundwater abstractions. The BGS memoir for sheet 302 (Horsham) indicates that:

> "Groundwater flow within the Tunbridge Wells Sand is both intergranular and through joints, and well yields tend to be variable… a shaft at Crawley yielded 650 m^3/day from the Upper Tunbridge Wells Sand. Because of variable yields and siltation with usage borehole supplies are… variable with yields varying from 20 to more than 2000 m^3/day. The mean yield for a 300 mm diameter borehole penetrating 30 metres of saturated Tunbridge Wells Sand in the Wealden district has been calculated to be 750 m^3/day for a 10 metre drawdown. The same analysis suggests that there would be a 20% probability that the yield would be less than 300 m^3/day for the same drawdown."

This memo only deals with the potential for the abstraction of 20 m^3/day which is much less that the pessimistic value of 300 m^3/day cited above.

The pumping test results plot close to a straight line on a log-time chart (Figure 5), which is expected for a confined aquifer. The water-bearing formation in these boreholes is the mudstone with interbedded sandstones and limestones: most flow probably comes via fractures in the sandstone and limestone units.

The borehole maintained a constant pumping rate of 20.8 m^3/day for two days, with very limited drawdown at the pumping borehole. Transmissivity values are similar from each borehole. Most of the recovery from the pumping tests was quick after each test. Water levels recovered to levels slightly higher than the starting level, but this was probably due to background groundwater level fluctuation.

The test was undertaken in spring, when groundwater levels were likely high, after a very wet winter. A groundwater level hydrograph from the Environment Agency's Kingstanding observation borehole, near Crowborough, shows that the typical seasonal range of groundwater levels is about 6 m in the Ashdown Sands Formation (which is a similar aquifer to the Tunbridge Wells Sand). Hence a typical summer water level in BH1 might be closer to 28 m depth.

Long-term estimates of drawdown can be made by assuming the range aquifer properties determined above. Using the Theis equation for confined aquifers, these suggest that the drawdown after 60 years would be as shown in Figure 6, for different abstraction rates up to 20 m^3/day. The maximum likely drawdown is 2.3 m. Allowing for a further 6.0 m seasonal drop in levels from the April 2024 peak of 22.1 m, the long-term lowest water level can be estimated at 30.4 m. Clearly, therefore, groundwater will be available from the borehole all year round, and as the open section of the borehole is below 30 m depth there should be no seasonal change in borehole performance.

Water Quality and Potential for Contamination

Water quality from the borehole was tested in May 2024 (Appendix B). The water is soft, with low mineralisation. It is anoxic (elevated ammonium, iron and manganese; low nitrate). There was slightly elevated turbidity and detectable concentrations of coliforms. All of these issues can be dealt with via water treatment.

Since it is anoxic the water is demonstrably old and the upper layers of the subsurface comprise layers of mudstones and clays. Heavy rainfall on 6 May 2024 did not reach the water table during the week following the rain. Water quality in the aquifer will be stable.

There are no potentially polluting land uses in the area around Crabtree. Given this, and since the intake to the borehole source is so deep, and there are many mudstone layers in the upper 30 m of the formation, there is no risk of gross contamination reaching the borehole.

Conclusions

This note reviews the results of a pumping test at the borehole BH1 at South Lodge Hotel. The borehole was pumped over two days. The aquifer response is that of a confined aquifer. Seasonal variation has been considered and the likely drawdown after 60 years of operation has been estimated.

Given conservative assumptions about aquifer properties, there is no indication that the borehole does not offer a sustainable and safe source of at least 20 m^3/day groundwater in perpetuity.

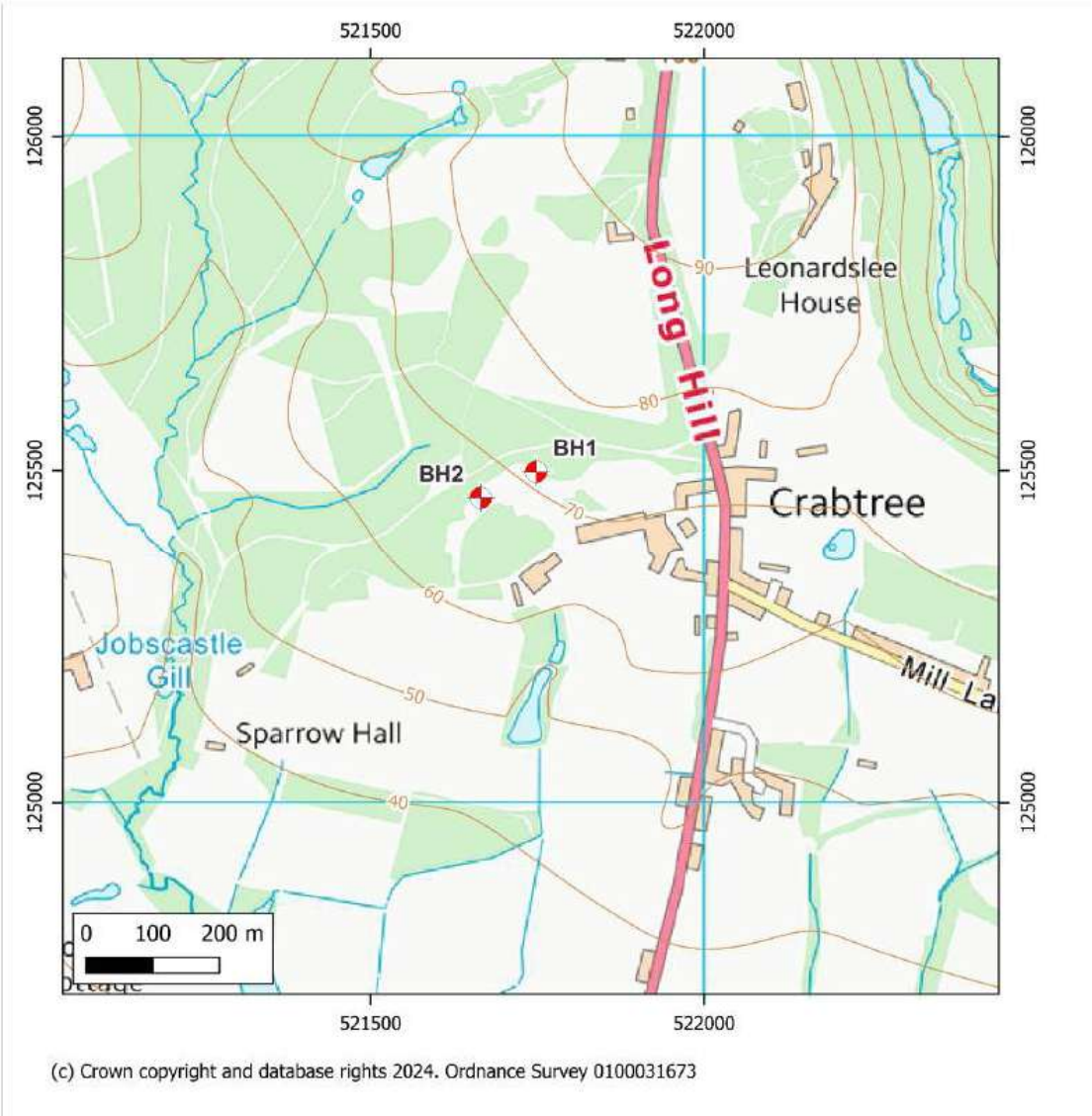
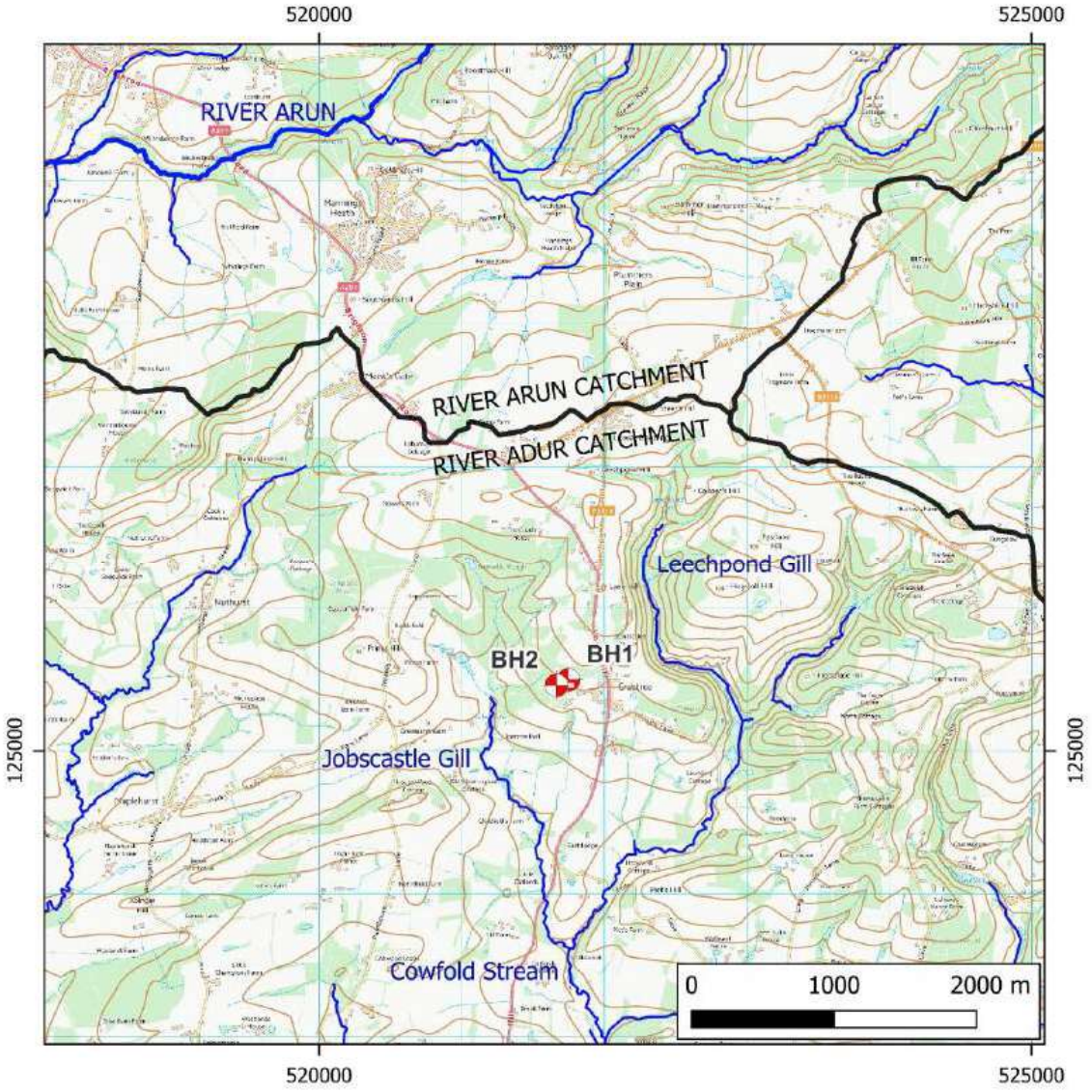


Figure 1: Borehole locations



Contains Ordnance Survey Data (c) Crown Copyright and database right 2024

Figure 2: Watercourses and catchment boundaries

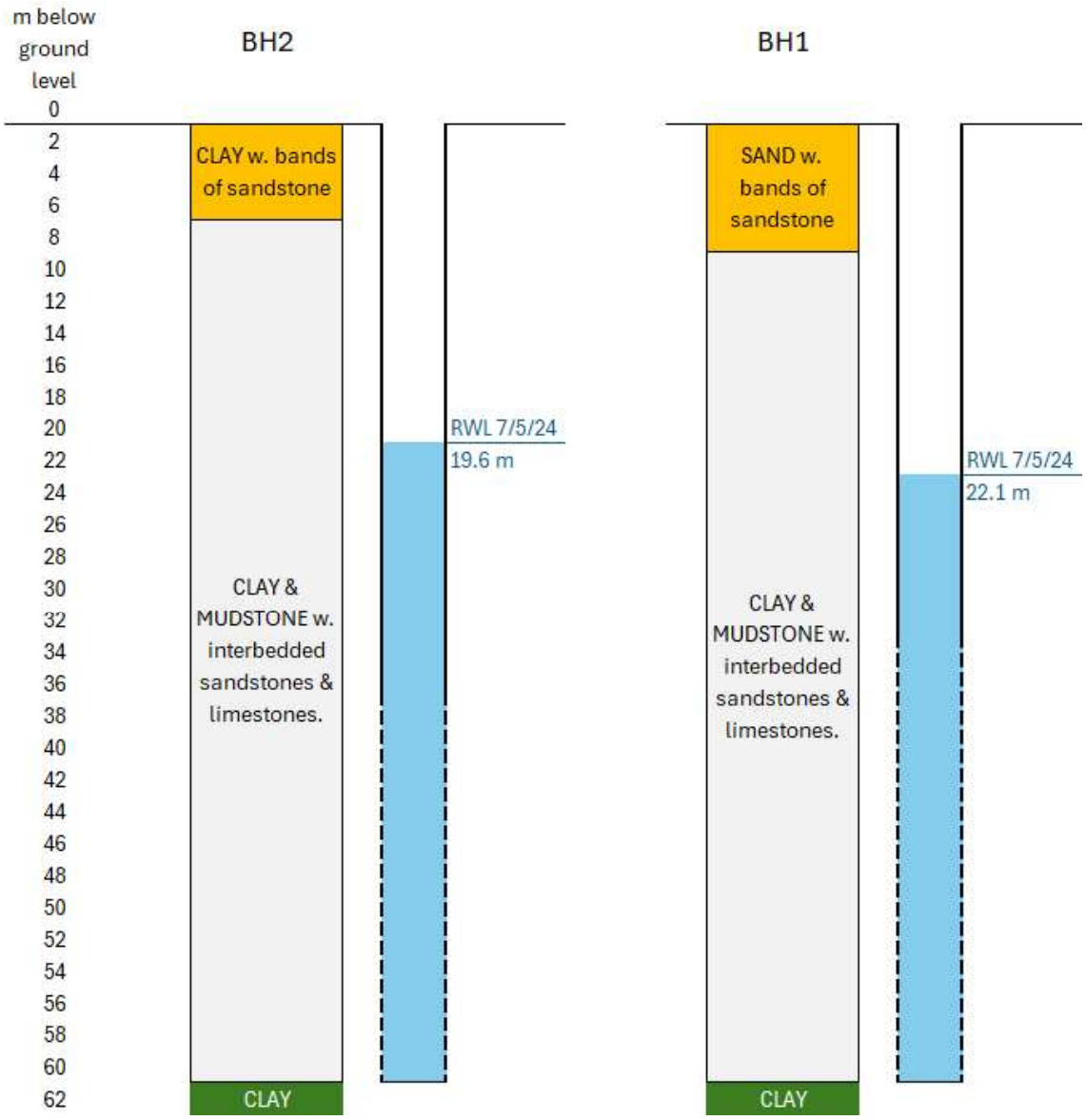


Figure 3: Schematic west-east section through boreholes

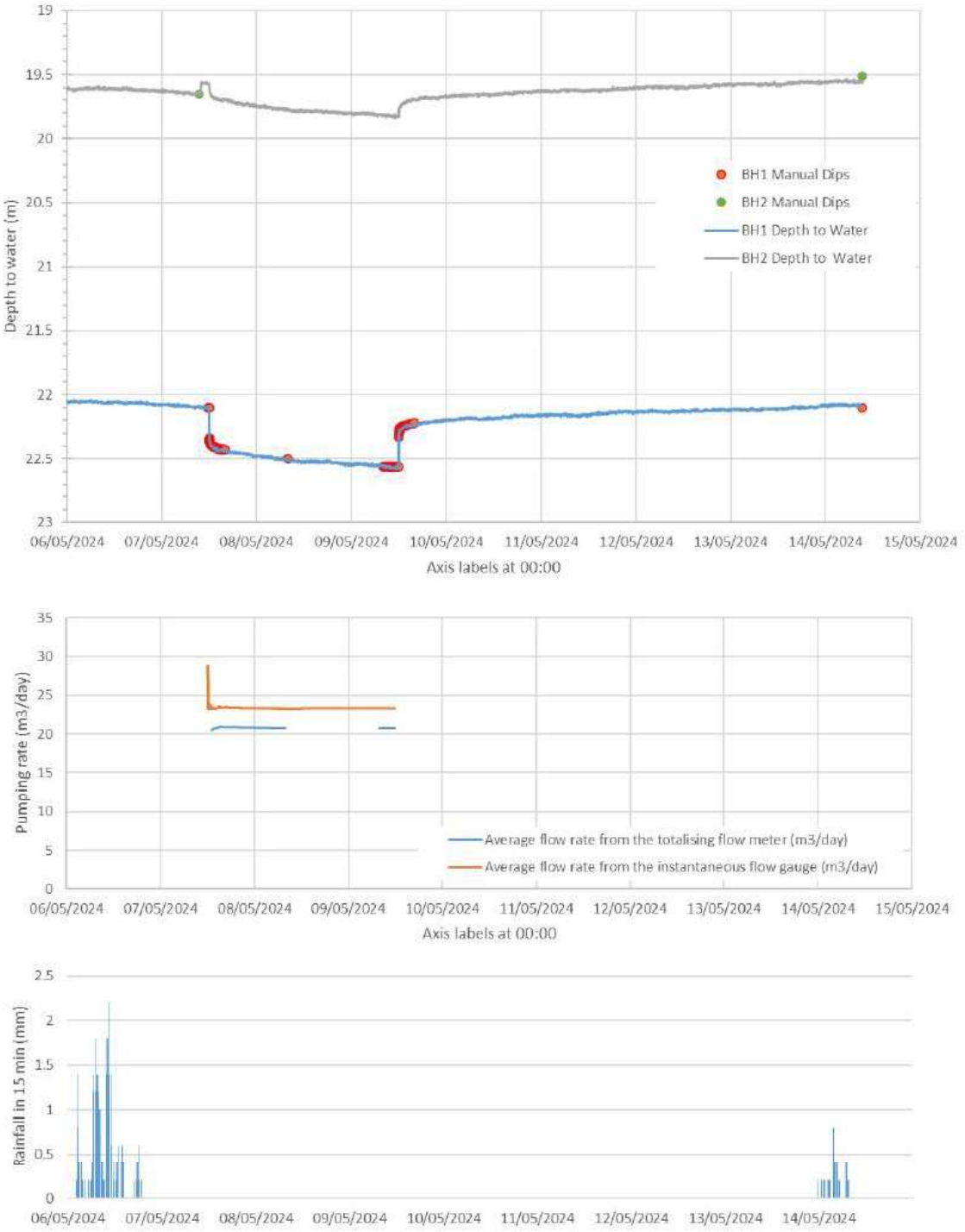


Figure 4: Groundwater levels, pumping rates and rainfall at EA Cowfold gauge

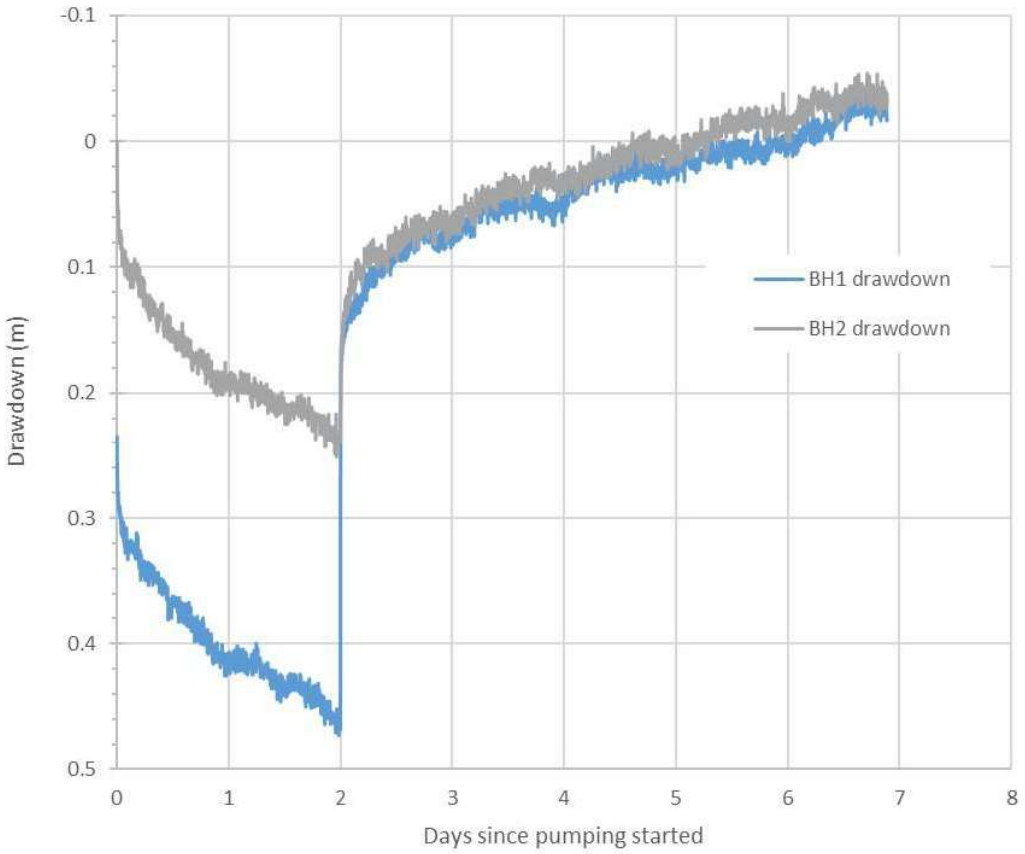


Figure 5: Drawdown

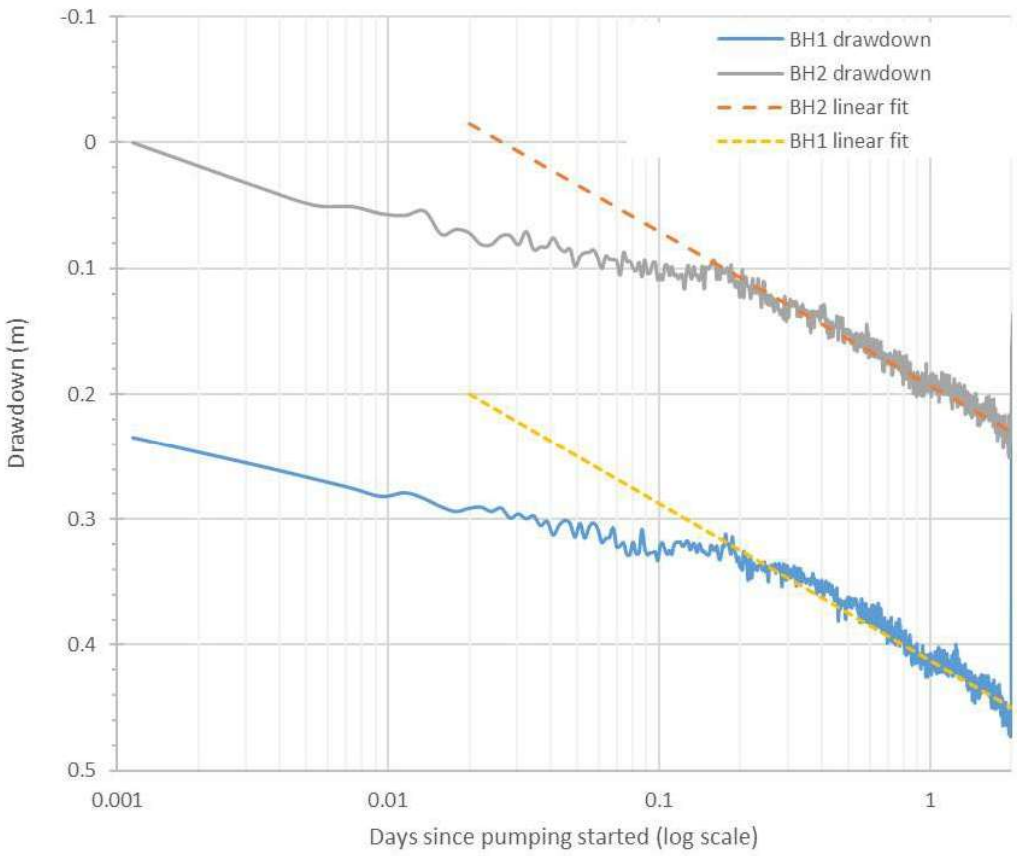


Figure 6: Drawdown on a log-time scale, and linear fit lines

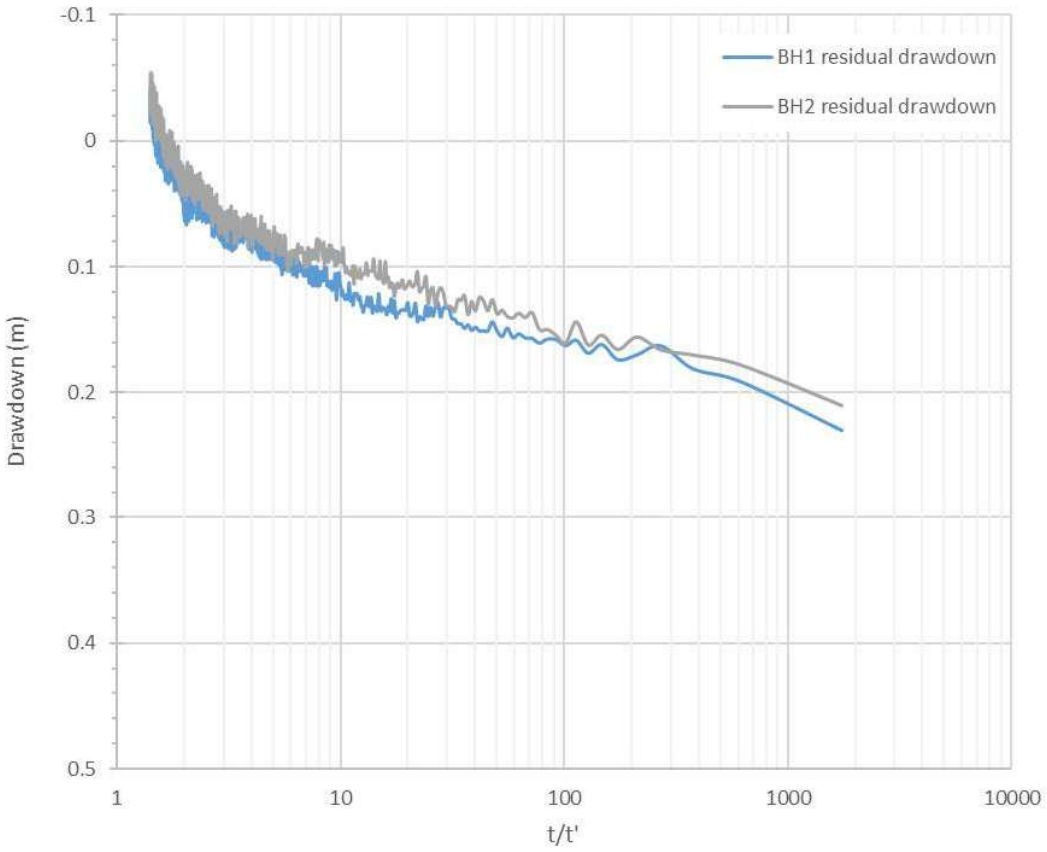


Figure 7: Residual drawdown during recovery on a log-t/t' scale

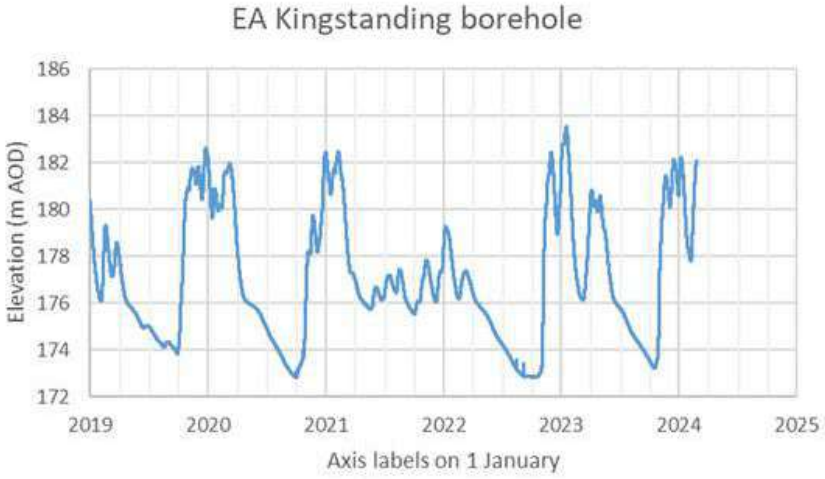


Figure 8: Groundwater levels in the Ashdown Sands Formation

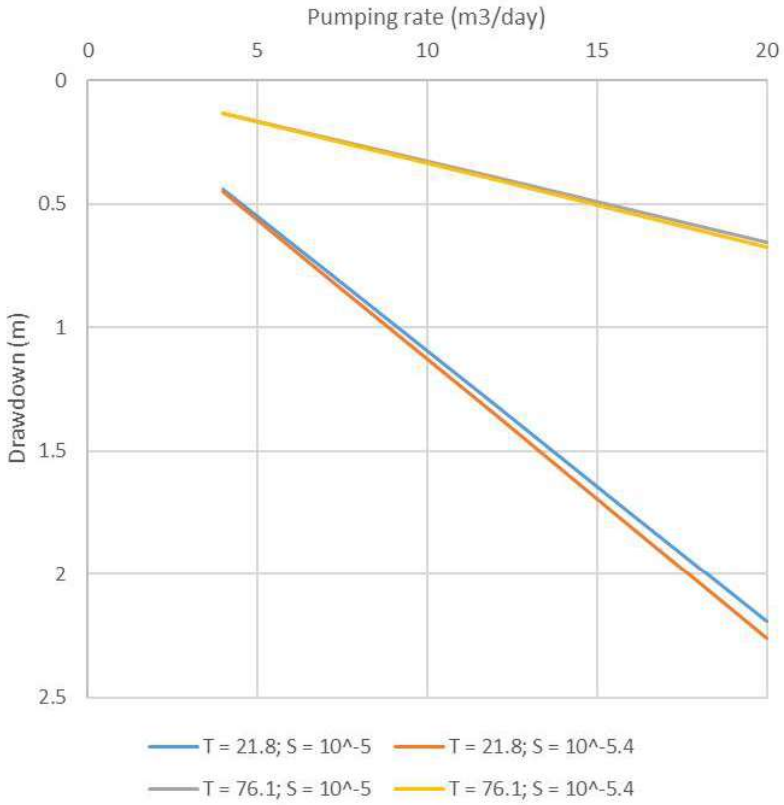


Figure 9: Potential drawdown at 60 years, given different pumping rates and aquifer properties

APPENDIX F – TREATMENT SYSTEM AND PLANT ROOM SPECIFICATION AND WATER QUALITY TEST CERTIFICATE

Purpose

To provide a filtration, storage & delivery system from the borehole at the offsetting site via an underground pipe network to multiple outlets.

High Level Description of the Treatment and Filtration System.

A borehole fed filtration system that comprises contact & resin-based filters with auto backwash, feeding a central reverse osmosis (RO) unit with multiple membranes & concentrate re-treatment for high efficiency.

Post RO water is re-mineralised before passing through a UV/sediment filter & chlorine dosing & monitoring unit into an insulated break tank.

A duty stand by booster pump set will draw from the tank and deliver water at a constant flow and pressure to all users; the control for which is demand based. The entire system is monitored by a multi-point telemetry system which picks up fault outputs from all key components, displays critical system performance indicators, delivers alarm alerts & records flow rates/volumes & overall performance back to a remote monitoring station/person.

Key spare parts will be stored within the plant room & central stores to facilitate swift system support & repair. WSP & service/maintenance manuals all to be available within the plant room.

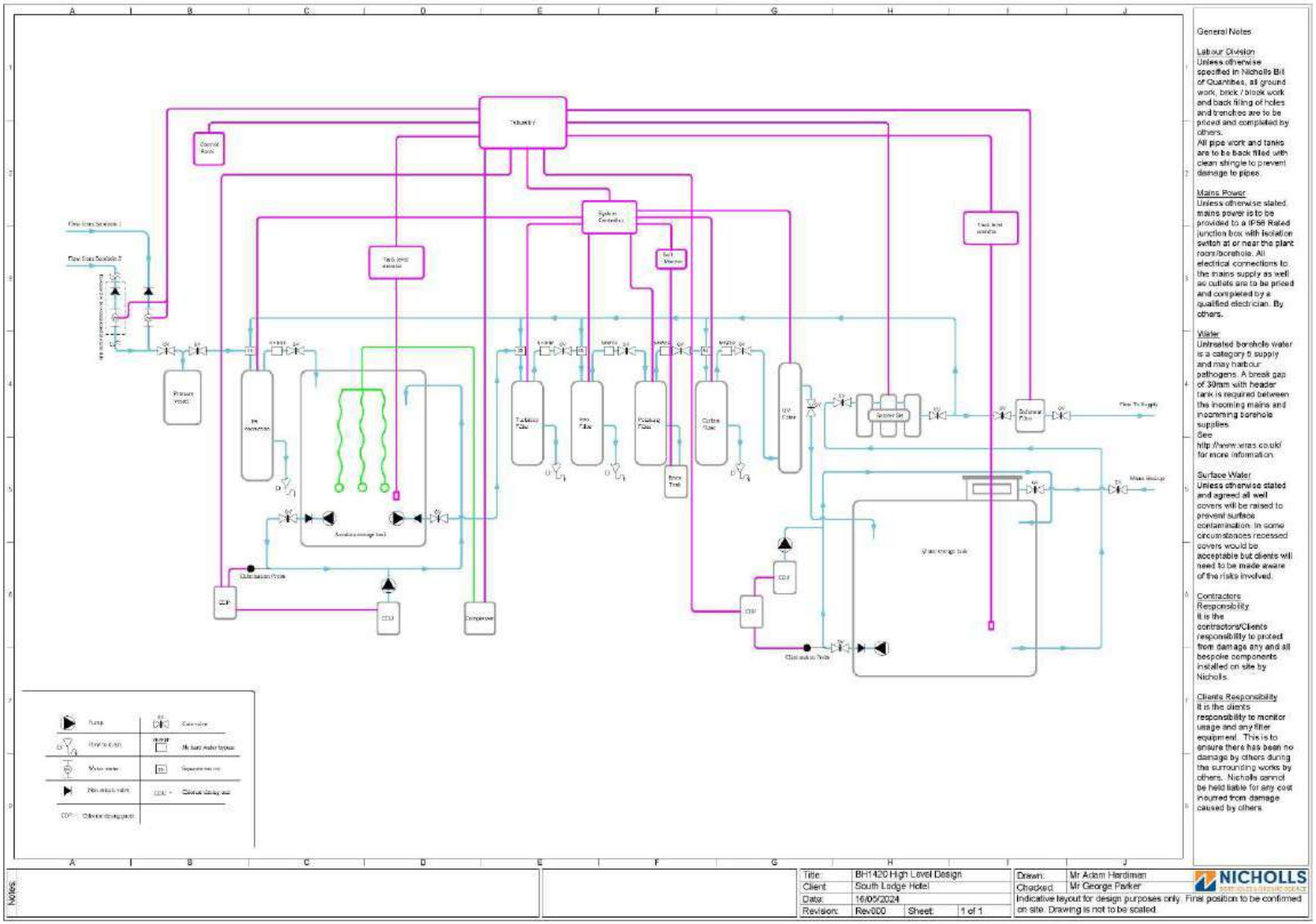
The system will be designed in close collaboration with the incumbent local authority. Following completion of the works the system would be risk assessed & signed off by the local authority's Environmental Health Department.

A suitable bespoke service & maintenance regime (see maintenance section below) would be implemented following commissioning, this service offering would adapt the system for the long term & include interval sampling to monitor system performance.

Primary System Components

- Borehole pump to provide system flow via pressure control.
- 2x Water meters for record keeping and service measurement.
- 1x Particulate & iron contact filer with auto backwash.
- 1x ion exchange unit with auto backwash.
- 1x Reverse osmosis unit.
- 1x re-mineraliser unit.
- 1x pre tank UV & sediment filter.
- 16m3 insulated storage tank.
- 1x chlorine dosing unit with constant PPM level monitoring & adjustment.
- Duty stand-by booster pumps to provide flow & pressure to the network.
- Overarching telemetry system to provide remote monitoring & alarms.

A Filtration System Schematic is shown overleaf and further details of the Water Quality Analysis are provided in Appendix I - Groundwater Investigation Report.


General Notes
Labour Division
Unless otherwise specified in Nicholls Bill of Quantities, all ground work, brick / block work and back filling of holes and trenches are to be priced and completed by others.
All pipe work and tanks are to be back filled with clean shingle to prevent damage to pipes.
Mains Power
Unless otherwise stated mains power is to be provided to a IP56 Rated junction box with isolation switch at or near the plant room/borehole. All electrical connections to the mains supply as well as outlets are to be priced and completed by a qualified electrician. By others.
Water
Untreated borehole water is a category 5 supply and may harbour pathogens. A break gap of 30mm with header tank is required between the incoming mains and incomming borehole supplies.
See http://www.wras.co.uk/ for more information.
Surface Water
Unless otherwise stated and agreed all well covers will be raised to prevent surface contamination. In some circumstances recessed covers would be acceptable but clients will need to be made aware of the risks involved.
Contractors Responsibility
It is the contractors/Clients responsibility to protect from damage any and all bespoke components installed on site by Nicholls.
Clients Responsibility
It is the clients responsibility to monitor usage and any filter equipment. This is to ensure there has been no damage by others during the surrounding works by others. Nicholls cannot be held liable for any cost incurred from damage caused by others.
Notes:
Title: BH1420 High Level Design
Client: South Lodge Hotel
Date: 16/05/2024
Revision: Rev000
Sheet: 1 of 1
Drawn: Mr Adam Herdmen
Checked: Mr George Parker
Indicative layout for design purposes only. Final position to be confirmed on site. Drawing is not to be scaled.
NICHOLLS

NICHOLLS WATER CREDITS

South East Water Scientific Services
3 Columbus Drive, Farnborough
Hampshire, GU14 0NZ
E-Mail: sales@southeastwater.co.uk
Website: www.southeastwater.co.uk

south east water
scientific services

ANALYTICAL REPORT

NICHOLLS BOREHOLES
Brownings Barn
Glasshouse Lane
Kirdford
West Sussex
RH14 0LW

Certificate Number: 1248571-3 Final
Supercedes report 1248571-2

Order Number: BH1520

Collected From: BRIGHTON ROAD, LOWER BEEDING, HARSHAM RH13 6PS

Date Received: 09/05/2024 **Date Reported:** 30/05/2024

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Desc: RAW BOREHOLE WATER BH1520BH1 Collect From: BRIGHTON ROAD, LOWER BEEDING, HARSHAM RH13 6PS Order No: BH1520 Received Date: 09/05/2024 Tested Date: 09/05/2024 Sampling Date: 09/05/2024 11:00 Sample Type: GW : Ground Water Product: SS-DWREGS	255	**Ammonium (Ammonia and Ammonium Ions)**	**0.651**	**mg/l**	**<0.500**	F
		215	Chloride	24.78	mg/l	<250.00	
		245	Nitrate	<0.9	mg/l	<50.0	
		225	Nitrite	<0.004	mg/l	<0.500	
		calc	Nitrite/Nitrate	0.000	mg/l	<1.000	*
		305	Sulphate	67.6	mg/l	<250.0	
		205	Total Hardness	28.1	mg/l		
		230	Odour - Qualitative	None			*
		230	Odour - Quantitative	0			
		430	Colony Count 3 Days at 22°C	>300	cfu/ml		
		400	E coli	0	mpn/100ml	0	
		400	**Total Coliforms**	**1**	**mpn/100ml**	**0**	F
		660	Colour	<2	mg/l Pt/Co	<20	
		660	Conductivity	414	uS/cm		
		660	Hydrogen Ion (pH)	6.8	pH_unit	6.5 to 9.5	
		660	**Turbidity**	**47.000**	**NTU**	**<4.000**	F
		ext	Epichloroydrin	<0.1	µg / l	<0.10	*
		3401	Bromate	<0.8	µg / l	<10.0	
		390	**Enterococci**	**1**	**cfu/100ml**	**0**	F
		5413	Total Cyanide	<4.1	µg / l	<50.0	
		765	Mercury	<0.04	µg / l	<1.00	
		745	Antimony	0.3	µg / l	<5.0	
		745	Arsenic	1.7	µg / l	<10.0	
		745	Selenium	<0.8	µg / l	<10.0	
		740	Boron	0.219	mg/l	<1.000	
		740	Sodium	60.1	mg/l	<200.0	
		3371	Fluoride	0.182	mg/l	<1.500	
		3545	2,4,5-T	<0.007	µg / l	<0.100	
		3545	2,4-D	<0.007	µg / l	<0.100	
		3545	Bentazone	<0.007	µg / l	<0.100	
		3545	Bromoxynil	<0.007	µg / l	<0.100	

Disclaimers:

Unless otherwise stated, all results apply to the sample as received. Information provided by the customer (includes Date, Time, Sample Matrix & Sample Description) can affect the validity of the result.
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*** - denotes non UKAS accredited test**
A result of 0 cfu denotes none found in volume analysed
F - Result Exceeds The Maximum Pcv As Defined In The Water Supply (Water Quality) (Amendment) Regulations 2018
ext - Analysis subcontracted to an external laboratory

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Certificate Number: 1248571-3 Final
Supercedes report 1248571-2

Order Number: BH1520

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Continued from Page 1	3545	Dicamba	<0.020	µg / l	<0.100	
		3545	Dichlorprop	<0.003	µg / l	<0.100	
		3545	Fluroxypyr	<0.008	µg / l	<0.100	
		3545	MCPA	<0.008	µg / l	<0.100	
		3545	MCPB	<0.008	µg / l	<0.100	
		3545	Mecoprop (MCPP)	<0.005	µg / l	<0.100	
		3545	Triclopyr	<0.015	µg / l	<0.100	
		2587	Atrazine	<0.002	µg / l	<0.100	
		2587	Carbendazim	<0.001	µg / l	<0.100	
		2587	Carbetamide	<0.002	µg / l	<0.100	
		2587	Chlortoluron	<0.003	µg / l	<0.100	
		2587	Diuron	<0.004	µg / l	<0.100	
		2587	Epoxiconazole	<0.003	µg / l	<0.100	
		2587	Flutriafol	<0.003	µg / l	<0.100	
		2587	Isoproturon	<0.003	µg / l	<0.100	
		2587	Linuron	<0.003	µg / l	<0.100	
		2587	Oxadixyl	<0.003	µg / l	<0.100	
		2587	Pendimethalin	<0.007	µg / l	<0.100	
		2587	Prometryn	<0.002	µg / l	<0.100	
		2587	Propazine	<0.002	µg / l	<0.100	
		2587	Simazine	<0.003	µg / l	<0.100	
		2587	Terbutryn	<0.002	µg / l	<0.100	
		2587	Trietazine	<0.004	µg / l	<0.100	
		480	Benzo (a) pyrene	<0.003	µg / l	<0.010	
		480	Benzo(1,12)perylene	<0.003	µg / l		
		480	Benzo(11,12)fluoranthene	<0.003	µg / l		
		480	Benzo(3,4)fluoranthene	<0.003	µg / l		
		480	Indeno(1,2,3-cd)pyrene	<0.003	µg / l		
		calc	PAH Total	0.000	ug/l	<0.100	*
		775	1,1,1 Trichloroethane	<0.60	µg / l		
		775	1,2-Dichloroethane	<0.12	µg / l	<3.00	
		775	Benzene	<0.02	µg / l	<1.00	
		775	Dibromochloromethane	<0.50	µg / l		
		775	Dichlorobromomethane	<0.43	µg / l		
		775	Tetrachloroethene	<0.15	µg / l	<10.00	
		calc	Tetrachloroethene/Trichloroethene- Sum	0.00	µg / l		*
		775	Tetrachloromethane	<0.11	µg / l	<3.00	
		calc	Total Trihalomethanes	0.00	µg / l	<100.00	*
		775	Tribromomethane	<0.60	µg / l		
		775	Trichloroethene	<0.10	µg / l	<10.00	
		775	Trichloromethane	<0.50	µg / l		
		730	Aluminium	121.5	µg / l	<200.0	
		730	**Iron**	**5244.7**	**µg / l**	**<200.0**	F
		730	**Manganese**	**610.5**	**µg / l**	**<50.0**	F
		735	Cadmium	<0.12	µg / l	<5.00	

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*** - denotes non UKAS accredited test**
A result of 0 cfu denotes none found in volume analysed
F - Result Exceeds The Maximum Pcv As Defined In The Water Supply (Water Quality) (Amendment) Regulations 2018
ext - Analysis subcontracted to an external laboratory

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NICHOLLS WATER CREDITS

Certificate Number: 1248571-3 Final Supercedes report 1248571-2

Order Number: BH1520

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Continued from Page 2	735	Chromium	<0.5	µg / l	<50.0	
		730	First Draw Copper	<0.009	mg/l	<2.000	
		730	First Draw Lead	<0.9	µg / l	<10.0	
		730	First Draw Nickel	<0.9	µg / l	<20.0	
		360	Clostridium perfringens (including spore	0	cfu/100ml	0	
		calc	Pesticides - Total Substances	0.000	ug/l		*
		4170	Aldrin	<0.007	µg / l	<0.030	
		4170	Dichlobenil	<0.006	µg / l	<0.100	
		4170	Dieldrin	<0.007	µg / l	<0.030	
		4170	Gamma-HCH (Lindane)	<0.005	µg / l	<0.100	
		4170	Heptachlor	<0.008	µg / l	<0.030	
		4170	Heptachlor Epoxide	<0.005	µg / l	<0.030	
		4170	Propyzamide	<0.005	µg / l	<0.100	
		4170	Tri-allate	<0.005	µg / l	<0.100	
		295	Gross Alpha	<0.02	Bq/l	<0.10	
		295	Gross Beta	<0.28	Bq/l	<1.00	
		5374	Tritium	<8.5	Bq/l	<100.0	
		740	Magnesium	7.6	mg/l		
		730	Iron (Free)	<7.3	µg / l		
		ext	Vinyl Chloride	<0.113	µg / l	<0.500	
		ext	Acrylamide	<0.008	µg / l	<0.100	

Job number changed as requested

[redacted]

Richard Brown

Laboratory Manager

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APPENDIX G – MAINTENANCE ROUTINE

BH1520 Bespoke Waterwell Annual Service Programme

NICHOLLS SERVICING & MAINTENANCE

Service Programme MAIN SERVICE

Full day service @ 2 x engineers
Resistance & insulation testing of borehole pump motor & cable
Check well heads
Inspection of controls & adjustment where necessary
Check flowrate & pressure and adjust as necessary
Control panel
Check operation
System controller
Check operation
Pressure vessel
Check pressure vessel settings
Adjust pressure as necessary
pH correction unit
Replace separate source valve service kit
Replace No Hard Water Bypass service kit
Replace clack head service kit
Change memory back up battery
Confirm all settings and times on the head are correct
Run forced re-gen to confirm correct operation of head and valves
Top up juraperle / corosex as needed
Check and record pH levels
Aeration storage tank
Fill aeration tank and flush
Clean bubblers in tank
Compressor
Change compressor service kit
Change compressor filter
Turbidex Unit
Replace separate source valve service kit
Replace No Hard Water Bypass service kit
Replace clack head service kit
Change memory back up battery
Confirm all settings and times on the head are correct
Run forced re-gen to confirm correct operation of head and valves
Filox iron filter unit
Replace separate source valve service kit
Replace No Hard Water Bypass service kit
Change clack head service kit
Change memory back up battery
Confirm all settings and times on the head are correct
Run forced re-gen to confirm correct operation of head and valves
Sodium hypochlorite flush
Check filox media levels and replace as necessary
Filox media will need full replacement every 5-7 years
CR200 Filter
Replace No Hard Water Bypass service kit
Change clack head service kit
Change memory back up battery
Confirm all settings and times on the head are correct
Check crystal right media, top up as necessary
Full media replacement required every 7-10 years
Brine tank
Check salt levels
Top up as necessary
Carbon filter
Replace separate source valve service kit
Replace No Hard Water Bypass service kit
Replace clack head service kit
Change memory back up battery
Confirm all settings and times on the head are correct
Check levels of activated carbon, top up as necessary
Change carbon filter
Ultraviolet System
Replace UV Lamp
Replace UV Quartz
Replace UV Seal Kit
Reset hour counter

Service Programme MAIN SERVICE

DAB Ezybox Booster Set
Check and clear stored error messages

Sediment filter
Replace filters

Chlorine Dosing Unit x 2
Check chlorine levels
Replace chlorine dosing service kits
Check operation
Refill reservoirs

Water storage tank
Check and clean as necessary

Mains Emergency Supply
Check operation of purge system
Check operation of MAV and clean diaphragm

General
Check plant room to ensure it is vermin proof
Dust / wipe down all plant units and equipment
Check water meters
Check all gate valves are back in correct position
Remove all rubbish and redundant parts
Confirm the presence of the WSP and EP
Remote checking of the Telemetry system
Ensure the service and maintenance records are up to date on completion of works

During the service, if any system components are found to be functioning incorrectly, we will make you aware of this, and discuss whether a repair can be undertaken, or a replacement unit is necessary. If any additional materials required are available at time of service, the Engineer will replace as necessary, and you will be invoiced separately.

Service Programme TANK CLEAN

TANK CLEAN
1 x full day @ 3 x engineers

During the tank clean, if any system components are found to be functioning incorrectly, we will make you aware of this, and discuss whether a repair can be undertaken, or a replacement unit is necessary. If any additional materials required are available at time of service, the Engineer will replace as necessary, and you will be invoiced separately.

APPENDIX H – SUGGESTED S106 OFFSETTING SITE OWNER OBLIGATIONS

The obligations below are based on current agreements being negotiated with HDC. These are to be negotiated between:

- the LPA
- the Site Owner (i.e. the owner of the land on which the Water Off-Setting Works are to be carried out ("the Water Neutrality Land")); and
- the Developer/Applicant, the owner of the Development Site the subject of the Application

Part 1

Schedule XX - The Site Owner's Covenants Restrictions and Obligations to the Council

The Site Owner covenants with the Council so as to bind its interest in the Water Neutrality Land to ensure that the following obligations in relation to the Water Neutrality Land are delivered for the lifetime of the Development as follows:

1. Subject to paragraph 2 below:
   1.1 to implement the Water Offsetting Solution on the Water Neutrality Land and provide written and/or photographic evidence to the Council demonstrating that the Water Offsetting Solution has been implemented and is operational prior to the Occupation of any Dwellings on the Development Site . The Council will acknowledge receipt of this evidence and, providing it is satisfactory, confirm in writing to the submitting party that this obligation has been met and is thereby discharged within 30 days of receipt. The Council's discharge of this obligation does not release the Site Owners from the other obligations set out in this schedule; The evidence will be deemed satisfactory providing it includes:
      (a) Photographs of the installed borehole, plant room, storage tank and pipework connecting the storage tank to the Site's distribution network.
      (b) Photographs of the borehole supply meter at the start and end of a five day period showing an average daily consumption equal to the amount specified in the Water Offsetting Solution.
      (c) Evidence of the Environmental Health Officer's approval that the borehole supply meets the required quality standard for potable water
   1.2 to manage and maintain and keep in good repair at all times the Water Offsetting Solution (subject to any minor amendments as may be agreed between the Site Owner and the Council in writing from time to time) for the lifetime of the implementation of the Planning Approval on the Development; and
   1.3 afford the Council (and its agent) access between the hours of 0900 and 1700 on a working day provided that the Council (or its agent) shall give the Site Owner not less than 72 hours' notice to the Site to inspect and assess whether or not the Water Offsetting Solution has been implemented on the Site and is being maintained in accordance with the Water Offsetting Solution provided always that:
      (a) the Council and its agent shall comply fully with the Site Owner's reasonable site rules and regulations applicable as at the time of access throughout the duration of such inspection and with health and safety legislation, policy and best practice; and
      (b) the Council and its agents shall at all times be accompanied by the Site Owner or its agent.
2. In the event that the Council approves in writing that the Water Offsetting Solution is no longer required to be delivered on the Site to achieve Water Neutrality then the obligations in relevant Schedule XX shall determine and cease to have legal effect and the Site shall no longer be bound by the terms of this deed.

Part 2

Schedule YY - The Developer's Obligations

1. The Developer covenants with the Council so as to bind its interest in the Development Site not to permit occupation of an individual dwelling until the on-site water neutrality measures as set out in the Water Neutrality Statement have been implemented in relation to that dwelling, i.e. the subject of the relevant occupation.
2. The Developer covenants with the Council so as to bind its interest in the Development Site not to permit occupation of an individual dwelling until the off-site water neutrality measures as set out in the Water Neutrality Statement have been implemented.

Groundwater Investigation Report – Offsetting Scheme

Site: South Lodge, Hotel and Spa, Brighton Road, Lower Beeding, Horsham RH13 6PS

SOUTH LODGE

Client: South Lodge Hotel and Spa

Report reference: BH1520 GWI Version: 1

Date: 19th August 2024

[redacted]arker – Project Manager Nicholls Boreholes

[redacted].

Co-author: Dr Stephen Buss MA MSc FGS CGeol – Consulting Hydrogeologist

[redacted]

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Appendix A Site location and borehole location plans
Appendix B Borehole logs
Appendix C Water quality analysis results
Appendix D Treatment plant concept design

1.0 Introduction

As part of the water offsetting scheme at South Lodge Hotel and Spa, Brighton Road, Lower Beeding, Horsham RH13 6PS (Appendix A.1) two boreholes are required to provide a duty standby regime for provision of the water supply to the spa. Nicholls Boreholes constructed and tested two abstraction water wells in April 2024 in accordance with EA consent number S/2024/340. Included within the GIC document, a monitoring borehole was required to be drilled in order monitor the influence on groundwater when pumping of the 2 abstraction wells at 2 water sources of interest, c. 250m South-East of the abstraction wells.

Prior to the EA abstraction and the water usage can switch wholly away from mains.

This report describes the site works and includes the results of water quality testing. A factual report was requested by the local authority, Horsham Borough Council, to support the planning application.

2.0 Water Neutrality and Conservation

Lower Beeding is in the catchment of the River Adur, on the southern slope of a broad hill that is formed out of the Tunbridge Wells Sand Formation outcrop. The northern part of the hill, which is in the catchment of the River Arun, is at least 1.9 km distant from the abstraction boreholes. This location is not in the Hardham Basin (Folkestone Beds) or the Chichester and Worthing Chalk.

Being 1.9 km distant from the River Arun catchment means that there is no feasible hydrogeological linkage between the abstraction and the River Arun. Therefore, abstraction will not also take water from the Arun Valley habitat sites, or any river catchment that serves the Arun Valley basin.

The closest conservations sites are 3.7 km to the north of the boreholes: St. Leonard's Forest SSSI. This is so far from the site that it is not feasible that there would be an impact on the conservation site.

3.0 Site Description

A summary description of the site and its general setting is as follows. The site address is South Lodge, Hotel and Spa, Horsham RH13 6PS. The immediate environs of the boreholes are the hotel’s car park, with woodland to the north. The ground around each borehole is fairly flat and level, but overall slopes southwards.

The current site features are shown on the site plan included in Appendix A.1.

3.0 Exploratory Work and Water Quality Testing

All of the Nicholls Boreholes lead drillers are NVQ Level 2 Land Drilling accredited, which is a nationally recognised qualification promoted and run by the British Drilling Association. Nicholls is also a member of the Water Reg UK advisory body.

3.1 Rotary Boreholes

Two abstraction boreholes and one monitoring borehole were constructed in accordance with the instructions on Environment Agency consent number S/2024/340 using rotary flush technique.

Abstraction Borehole 1

Location:	TQ 21748 25498
Ground level:	71.7 m AOD (from Environment Agency LIDAR data)
Drilling date:	04-04-2024 to 11-04-2024
Construction details:	Rotary technique with recirculating mud flush. Drilled at 300mm diameter to a depth of 36m, with 200mm solid steel casing lined to 36m. Drilled at 200mm diameter to a depth of 62m. Slotted 125mm UPVC liner was installed from 61m to 35.25m and solid 125mm UPVC liner was installed from 35.25m to ground level.

Abstraction Borehole 2

Location:	TQ 21665 25459
Ground level:	68.6 m AOD (from Environment Agency LIDAR data)
Drilling date:	16-04-2024 to 18-04-2024
Construction details:	Rotary technique with recirculating mud flush. Drilled at 300mm diameter to a depth of 30m, with 200mm solid steel casing lined to 30m. Drilled at 200mm diameter to a depth of 62m. Slotted 125mm UPVC liner was installed from 61m to 32.5m and solid 125mm UPVC liner was installed from 32.5m to ground level.

Monitoring Borehole

Location:	TQ 21799 25264
Ground level:	55.5 m AOD (from Environment Agency LIDAR data)
Drilling date:	30-04-2024
Construction details:	Rotary technique with recirculating mud flush. Drilled at 100mm diameter to a depth of 15m. Borehole lined with 75mm slotted liner from 15m to 1m. Solid 75mm UPVC liner was installed from 1m to ground level.

4.0 Ground Conditions

Published BGS information (1:50 000 scale maps) indicates that the site is underlain by the Upper Tunbridge Wells formation consisting primarily of sandstone and mudstones. Underlying this is the Grinstead Clay formation. This was confirmed when drilling, although the sandstones were not identified as a discrete layer. The strata encountered are summarised below.

Topsoil

At both boreholes 1 and 2 topsoil comprised c. 0.5 m of medium soft, moist light brown organic silty clay and frequent roots and rootlets. At the monitoring borehole topsoil compromised c. 1.5 m of medium soft, yellow brown clay with interstitial mudstone.

Upper Tunbridge Wells Formation

This stratum was encountered through from 0.5m to 61m in both of the abstraction boreholes, and to 15 m in the observation borehole.

In general, the Tunbridge Wells Formation was found to comprise dominantly clay layers, and mudstone layers, with various degrees of silt as part of the rock matrix and as interbeds.

Grinstead Clay Formation

At 62m in boreholes 1 and 2 Grinstead Clay was encountered as a firm pale grey silty clay. Drilling was stopped at this geology change and the boreholes were backfilled 1 m with bentonite pellets.

4.1 Groundwater

Groundwater observations were not made during drilling as the use of mud flush obscures water strikes. Subsequent groundwater level observations, around the time of pumping tests are tabulated below.

	BH1	BH2	Monitoring BH
Borehole datum elevation	71.7 m AOD	68.6 m AOD	55.5 m AOD
April 2024	21.9 m // *49.80 m AOD*	19.7 m // *48.90 m AOD*	*no data, not completed in this time*
May 2024	22.12 m // *49.58 m AOD*	19.65m // 48.95 m AOD	6.5 m // *49.0 m AOD*
August 2024	22.64 m // *49.06 m AOD*	20.31 m // 48.29 *m AOD*	6.5 m // *49.0 m AOD*

4.2 Pumping Tests

Stephen Buss Environmental Consulting (2024) reviewed pumping test data from borehole BH1, which was tested between 7 and 9 May 2024. The borehole was shown to be easily capable of maintaining an abstraction rate of 20 m^3/day. The conclusion of the assessment was that the borehole would be capable of maintaining that rate in the long term, even when considering seasonal fluctuation.

5.0 Raw Borehole Water Quality Testing

A Group A+B water sample was taken from BH1 on 9th May 2024, BH 2 will be sampled during the EA summer testing window.

BH1 Water samples were collected from the base of the well at pump depth on the 9th May 2024 after a period of over 3 hours of continuous running to ensure a representative sample. These were collected and stored in a refrigerated container and shipped straight to the SE Water Scientific Services lab in Farnborough. The report was produced on the 30th May 2025.

Water samples were taken by a Nicholls engineer certified by CATG to sample boreholes according to the DWI certification of persons scheme. This means that: samples are representative of the water at the sampling point at the time of sampling (the boreholes were purged a minimum three hours before sampling), that samples are not contaminated in the course of being taken; and that samples are kept at such a temperature and in such

condition as will secure that there is no material change in what is to be measured, and analysed without delay.

Water samples were analysed by South East Water Scientific Services, which is a UKAS accredited lab (as shown on the lab certificates in Appendix C). When results shown in Appendix C are compared with the standards in Schedule 1 of the Private Water Supplies (England) Regulations (2016), elevated concentrations of iron, manganese, ammonium, turbidity and coliforms (including enterococci) were apparent.

NB - The bacterium level, is likely to come from the development pump installation process rather than within the well itself because it is seen at such a low concentration. Whilst all our equipment is sanitised prior to each installation, we cannot guarantee low levels of bacteria influencing the results.

6.0 Source Protection

Development of a water supply borehole leads to the creation of a default 50 m radius source protection zone (SPZ). Appendix D shows the 50 m radii over Google Earth imagery from March 2022, with land ownership boundaries from August 2024.

This image shows that the area is mostly woodland around BH2, and to the north of BH1, with parking to the south of BH1 and east of BH2. The parking area is gravel over clayey bedrock and slopes southwards: ground level falls 3 m over the parking area.

Most (87%) of the land within the SPZ is owned by the hotel owner, currently Exclusive Hotels Group. The strip of land to the north of the hotel is a gravel driveway to a private dwelling which also holds a public right of way.

Activities that are prohibited within a SPZ1 are potentially very polluting such as landfilling, construction of filling stations or chemical works etc. none of which are anticipated in this environment. Normal domestic activities are not prohibited within a SPZ1. The construction of SUDS soakaways, for instance, is not prohibited; though unless they are for rainwater only a risk assessment should be submitted to the Environment Agency.

Full details of the activities that are and are not permitted are contained within the Environment Agency's groundwater protection position statements (www.gov.uk/government/publications/groundwater-protection-position-statements) and are frequently updated. These restrictions will be included in the O&M manual for the treatment works. When the abstraction is licensed the Environment Agency will be able to regulate development within the SPZ.

7.0 Concept Design

The filtration system as designed below, will use 20 m^3 per day supplied from the borehole before switching to the mains supply to meet the remainder of the hotel's daily requirements.

This switch of supply has been designed to be compliant with Category 5 regulations. Furthermore, the system is designed to accommodate the higher volume 83 m^3 daily demand once the EA license has been granted. Using the design in appendix D you can follow the flow of water through the system with the text below.

- The pH correction unit will raise the pH of the water, to more effectively treat the parameters above the UK drinking limit.
- The water then fills a contact tank, where both compressed air and chlorine are added. This process will drop the Manganese out of solution in order for it to be filtered more easily later in the system. The chlorination of the water will also convert the Ammonium into chloramines, which will be filtered out later in the process.
- The water is then passed through a turbidity filter to remove particulate, including FEIII iron.
- The water will then pass through an Iron filter unit to reduce the iron content of the water below the UK drinking limit.
- The water then passes through a polishing unit in order to reduce the manganese levels below the UK drinking limit, having pre-treated the manganese in the second stage.
- The water will then pass through a carbon filter, which will remove excess chlorine and the chloramines formed as the by product in the aeration tank.
- The water will be passed through a UV filter in order to kill bacteria including cryptosporidium, before it is passed into a tank.
- The water will then enter the storage tank. A chlorine dosing unit will cycle water through a separate line monitoring chlorine concentration in the water. This dosing unit will maintain a set chlorine level in order to kill the bacteria in the tank and ensure free chlorine levels are kept to the required volume.
- The multistage booster set shown is an existing pump set in the plant room of the hotel, and therefore is sized appropriately. The new filtration system will be plumbed into this existing network.
- Post booster, the water passes through a high flow sediment filter, which will ensure that any sediment that remains in the water after the filtration process or picked up from the tank, is reduced below the UK limit. The water is then distributed through the network.
- Telemetry – throughout the system telemetry links to all the filtration and treatment stages. The telemetry system will input a level of automatic control on the system. Additionally, the telemetry will be monitored remotely, allowing easy diagnostics and system amendments as well as warnings which could help pre-empt potential maintenance requirements.
- The water storage tank will have a CAT 5 complaint turret which will provide an emergency mains backup supply, should there be a system outage or failure within the filtration, ensuring the hotel maintains an adequate supply of water.

8.0 Regulatory Compliance

8.1 Sampling and Testing Regime

In accordance with the Private Water Supplies (England) Regulations 2016 Regulation 9, for which the hotel falls under, monitoring of the parameters will be as listed in Part 1 of schedule 1, analysed twice per year, and monitoring of parameters in part 2 of schedule 1, analysed twice per year. Sampling over the requirements of Part 1 and 2 of Schedule 1 will additionally be carried out as outlined in the local authority risk assessment at the specified intervals. The contaminants that have already been analysed in excess of the standards (as laid out in Schedule C.1) are included within Part 1 of schedule and as such will be sampled twice per year.

In the case of a failure to any of the parameters the Hotel will be supplied with mains water through the compliant mains water backup built into the filtration system. This will ensure that the hotel will maintain a wholesome supply. Once the mains supply has been implicated, the hotel will engage with a competent organization to carry out a full investigation into the cause of the failure and rectify the cause. The outcome of the investigation will ultimately dictate the additional required monitoring and potential maintenance that will be implemented on to area of the system deemed to have failed. Full details of the investigation procedure will be provided within the Water Safety Plan.

8.2 Maintenance and Servicing

Servicing will be required at quarterly intervals throughout the year to ensure the system is maintained to continue to deliver a wholesome supply at all times. In addition to the maintenance, regular visual inspections will be carried out in accordance with the stipulations from the local authority. Servicing arrangements will also include any additional requirements as identified as by the local authority.

Full details of the servicing will be provided within the Water Safety Plan.

In the event of equipment failure, a stock of replacement parts will be kept within the plant room to ensure that the supply can be re-initiated as soon as possible. In the event that the supply from the boreholes is interrupted, the mains backup will be implemented to ensure a wholesome supply to the hotel. Full details of the equipment failure procedure will be provided within the Water Safety Plan.

8.3 Record Keeping

Servicing and sampling records will be completed after each service and a hard copy of these will be kept in the plant room within the Water Safety Plan, with a digital copy being provided to the hotel and retained by the service provider. Full details of the required record keeping will be provided in the Water Safety Plan.

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BOREHOLES & GROUND SOURCE

APPENDIX A.1



APPENDIX B.1

Borehole record form

British Geological Survey
NATURAL ENVIRONMENT RESEARCH COUNCIL

Environment Agency

Water Resources Act 1991 (as amended by the Water Act 2003)

A Site details

Borehole drilled for: South Lodge Hotel and Spa

Location: Brighton Road, Lower Beeding, Horsham, RH13 6PS

NGR (ten digits): TQ21748 25498 Please attach site plan

Ground level (if known): metres Above Ordnance Datum

Drilling company: Nicholls Boreholes

Date drilling commenced: 11/04/2024 (DD/MM/YYYY) Completed: 17/04/2024 (DD/MM/YYYY)

B Construction details

Borehole datum (if not ground level): metres (m). Please tick if this is above ☐ or below ☐ ground level.
(point from which all measurements of depth are taken, for example, flange, edge of chamber)

Borehole drilled diameter

300	mm from	0	to	36 m/depth
200	mm from	36	to	62 m/depth
	mm from		to	m/depth
	mm from		to	m/depth

Casing material: Steel diameter: 200 mm from: 0 to: 36 m/depth
and type (for example, if plain steel, plastic slotted). Please record permanent casing details, not temporary casing.

Casing material: Solid UPVC diameter: 125 mm from: 0 to: 35.35 m/depth

Casing material: Slotted UPVC diameter: 125 mm from: 35.25 to: 61 m/depth

Casing material: diameter: mm from: to: m/depth

Grouting details: 68 bags of washed shingled, 20 bags of mikolit seal

Water struck at 1. m (depth below datum – mbd) 2. m (mbd)
3. m (mbd) 4. m (mbd)

C Test pumping summary (Please supply full details on form WR39)

Test pumping datum (if different from borehole datum): m. Please tick if this is above ☐ or below ☐ ground level.

Pump suction depth: mbd

Water level (start of test): mbd

Water level (end of test): mbd

Type of test (for example, bailer, step, constant rate)

Pumping rate: m^3/hour ☐ or litres/second ☐. Please tick as appropriate.

for: days, hours, mins

Recovery to mbd in days, hours, mins
(from end of pumping)

Date(s) of measurements Pump started (DD/MM/YYYY)

Pump stopped (DD/MM/YYYY)

Please supply chemical analysis if available. If you have included this please tick this box ☐

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BOREHOLES & GROUND SOURCE

APPENDIX B.1 cont'd

Project				BOREHOLE No
South Lodge Hotel				1a
Job No	Date	Ground Level (m)	Co-Ordinates ()	
AL162 / BH1520	11-04-24 15-04-24			
Contractor				Sheet
Nicholls				1 of 1

SAMPLES & TESTS			Water	STRATA				Geology	Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thick-ness)	DESCRIPTION		
						0.50	TOP SOIL: Medium soft very moist light brown organic silty CLAY.		
						2.00	Frequent roots and rootlets.		
							Medium firm brown very clayey silty MUDSTONE.		
						(5.00)	Medium firm dark yellow brown very clayey MUDSTONE.		
						7.00			
							Firm light blue silty CLAY and reddish brown MUDSTONE.		
						(11.00)			
						18.00			
							Firm dark brown red silty MUDSTONE.		
						(16.00)			
						34.00			
						36.00	Firm light blue silty CLAY with mudstone.		
							Firm light blue grey silty CLAY with mudstone.		
						(25.00)			
						61.00			
						62.00	Firm pale grey silty CLAY (Grinstead clay)		

Boring Progress and Water Observations					
Date	Time	Depth	Casing Depth	Casing Dia. mm	Water Dpt

Chiselling			Water Added	
From	To	Hours	From	To

GENERAL REMARKS

Service avoidence procedure followed.
Rotary open hole
No visual or olfactory sings of contamination.

All dimensions in metres Scale 1:393.75	Client South Lodge Hotel	Method/ Plant Used Massenza	Logged By SP

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APPENDIX B.2

Borehole record form

NICHOLLS BOREHOLES & GROUND SOURCE

British Geological Survey
NATURAL ENVIRONMENT RESEARCH COUNCIL

Environment Agency

Water Resources Act 1991 (as amended by the Water Act 2003)

A Site details

Borehole drilled for: South Lodge Hotel and Spa

Location: Brighton Road, Lower Beeding, Horsham, RH13 6PS

NGR (ten digits): TQ21665 25459 Please attach site plan

Ground level (if known): metres Above Ordnance Datum

Drilling company: Nicholls Boreholes

Date drilling commenced: 18/04/2024 (DD/MM/YYYY) Completed: 22/04/2024 (DD/MM/YYYY)

B Construction details

Borehole datum (if not ground level): metres (m). Please tick if this is above ☐ or below ☐ ground level.
(point from which all measurements of depth are taken, for example, flange, edge of chamber)

Borehole drilled diameter						
	300	mm from	0	to	30	m/depth
	200	mm from	30	to	62	m/depth
		mm from		to		m/depth
		mm from		to		m/depth

Casing material and type (for example, if plain steel, plastic slotted). Please record permanent casing details, not temporary casing.	Steel	diameter	200	mm from	0	to	30	m/depth
Casing material	Solid UPVC	diameter	125	mm from	0	to	32.5	m/depth
Casing material	Slotted UPVC	diameter	125	mm from	32.5	to	61	m/depth
Casing material		diameter		mm from		to		m/depth

Grouting details: 64 bags of washed shingled, 17 bags of mikolit seal

Water struck at 1. m (depth below datum – mbd) 2. m (mbd)
3. m (mbd) 4. m (mbd)

C Test pumping summary (Please supply full details on form WR39)

Test pumping datum (if different from borehole datum): m. Please tick if this is above ☐ or below ☐ ground level.

Pump suction depth: mbd

Water level (start of test): mbd

Water level (end of test): mbd

Type of test (for example, bailer, step, constant rate):

Pumping rate: m^3/hour ☐ or litres/second ☐. Please tick as appropriate.
for days, hours, mins

Recovery to mbd in days, hours, mins
(from end of pumping)

Date(s) of measurements: Pump started (DD/MM/YYYY)
Pump stopped (DD/MM/YYYY)

Please supply chemical analysis if available. If you have included this please tick this box ☐

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BOREHOLES & GROUND SOURCE

APPENDIX B.2 cont'd

Project				BOREHOLE No
South Lodge Hotel				2
Job No	Date	Ground Level (m)	Co-Ordinates ()	
AL162 / BH1520	16-04-24 18-04-24	TQ 21666 25470		
Contractor				Sheet
Nicholls				1 of 2

SAMPLES & TESTS			Water	STRATA				Geology	Instrument/ Backfill
Depth	Type No	Test Result		Reduced Level	Legend	Depth (Thick-ness)	DESCRIPTION		
						0.50	TOP SOIL: Medium soft very moist light brown orange organic friable silty CLAY. Frequent roots and rootlets.		
						(6.00)	Medium firm dark yellow very clayey MUDSTONE.		
						6.50	Medium firm light blue grey silty CLAY and reddish brown MUDSTONE.		
						(11.00)			
						17.50	Firm dark brown reddish silty MUDSTONE with interstitial ferrous staining.		
						(12.50)			
						30.00	Medium firm grey silty MUDSTONE.		
						(20.00)			
						50.00	Firm light blue silty CLAY and MUDSTONE.		
						(12.00)			
						61.00			
						62.00	Firm pale grey silty CLAY (Grinstead clay)		

Boring Progress and Water Observations						Chiselling			Water Added		GENERAL REMARKS
Date	Time	Depth	Casing Depth	Casing Dia. mm	Water Dpt	From	To	Hours	From	To	Service avoidence procedure followed. Rotary open hole No visual or olfactory sings of contamination.

All dimensions in metres Scale 1:393.75	Client South Lodge Hotel	Method/ Plant Used Massenza	Logged By MC

Borehole record form

NICHOLLS BOREHOLES & GROUND SOURCE

British Geological Survey
NATURAL ENVIRONMENT RESEARCH COUNCIL

Environment Agency

Water Resources Act 1991 (as amended by the Water Act 2003)

A Site details

Borehole drilled for: South Lodge Hotel

Location: BRIGHTON ROAD, LOWER BEEDING, WEST SUSSEX RH13 6PS

NGR (ten digits): TQ 21799 25264 Please attach site plan

Ground level (if known): 59 metres Above Ordnance Datum

Drilling company: NICHOLLS BOREHOLES

Date drilling commenced: 30/04/2024 (DD/MM/YYYY) Completed: 30/04/2024 (DD/MM/YYYY)

B Construction details

Borehole datum (if not ground level) _____ metres (m). Please tick if this is above ☐ or below ☐ ground level.
(point from which all measurements of depth are taken, for example, flange, edge of chamber)

Borehole drilled diameter

100	mm from	0	to	15	m/depth
	mm from		to		m/depth
	mm from		to		m/depth
	mm from		to		m/depth

Casing material: Solid uPVC diameter: 75 mm from: 0 to: 1 m/depth
and type (for example, if plain steel, plastic slotted). Please record permanent casing details, not temporary casing.

Casing material	Slotted uPVC	diameter	75	mm from	1	to	15 m/depth
Casing material		diameter		mm from		to	m/depth
Casing material		diameter		mm from		to	m/depth

Grouting details: 15 bags of shingle, 6 bags of mikolit. Drilled with mud

Water struck at 1. 13.7 m (depth below datum – mbd) 2. _____ m (mbd)
3. _____ m (mbd) 4. _____ m (mbd)

C Test pumping summary (Please supply full details on form WR39)

Test pumping datum (if different from borehole datum) _____ m. Please tick if this is above ☐ or below ☐ ground level.

Pump suction depth _____ mbd

Water level (start of test) _____ mbd

Water level (end of test) _____ mbd

Type of test (for example, bailer, step, constant rate)

Pumping rate _____ m^3/hour ☐ or litres/second ☐. Please tick as appropriate.
for _____ days, _____ hours, _____ mins

Recovery to _____ mbd in _____ days, _____ hours, _____ mins
(from end of pumping)

Date(s) of measurements Pump started _____ (DD/MM/YYYY)
Pump stopped _____ (DD/MM/YYYY)

Please supply chemical analysis if available. If you have included this please tick this box ☐

APPENDIX B.3 cont'd

WR38: Borehole record form

D Strata log

Geological classification (BGS only)	Description of strata	Thickness m	Depth (to base of strata) m
	yellow / brown clay with insterstitial mudstone	1.5	1.5
	light grey, soft, very fine sand / siltstone with brown mudstone	6.5	8
	medium grey siltstone with brown mudstone	2	10
	grey brown silty mudstone	5	15
	(continue on separate page if necessary)		
	Other comments (for example, gas encountered, saline water intercepted)		

NICHOLLS
BOREHOLES & GROUND SOURCE

APPENDIX C.1

South East Water Scientific Services
3 Columbus Drive, Farnborough
Hampshire, GU14 0NZ
E-Mail: sales@southeastwater.co.uk
Website: www.southeastwater.co.uk

south east water
scientific services

ANALYTICAL REPORT

NICHOLLS BOREHOLES
Brownings Barn
Glasshouse Lane
Kirdford
West Sussex
RH14 0LW

Certificate Number: 1248571-3 Final
Supercedes report 1248571-2

Order Number: BH1520

Collected From: BRIGHTON ROAD, LOWER BEEDING, HARSHAM RH13 6PS

Date Received: 09/05/2024 **Date Reported:** 30/05/2024

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Desc: RAW BOREHOLE WATER BH1520BH1 Collect From: BRIGHTON ROAD, LOWER BEEDING, HARSHAM RH13 6PS Order No: BH1520 Received Date: 09/05/2024 Tested Date: 09/05/2024 Sampling Date: 09/05/2024 11:00 Sample Type: GW : Ground Water Product: SS-DWREGS	255	**Ammonium (Ammonia and Ammonium Ions)**	**0.651**	**mg/l**	**<0.500**	F
		215	Chloride	24.78	mg/l	<250.00	
		245	Nitrate	<0.9	mg/l	<50.0	
		225	Nitrite	<0.004	mg/l	<0.500	
		calc	Nitrite/Nitrate	0.000	mg/l	<1.000	*
		305	Sulphate	67.6	mg/l	<250.0	
		205	Total Hardness	28.1	mg/l		
		230	Odour - Qualitative	None			*
		230	Odour - Quantitative	0			
		430	Colony Count 3 Days at 22°C	>300	cfu/ml		
		400	E coli	0	mpn/100ml	0	
		400	**Total Coliforms**	**1**	**mpn/100ml**	**0**	F
		660	Colour	<2	mg/l Pt/Co	<20	
		660	Conductivity	414	uS/cm		
		660	Hydrogen Ion (pH)	6.8	pH_unit	6.5 to 9.5	
		660	**Turbidity**	**47.000**	**NTU**	**<4.000**	F
		ext	Epichloroydrin	<0.1	µg / l	<0.10	*
		3401	Bromate	<0.8	µg / l	<10.0	
		390	**Enterococci**	**1**	**cfu/100ml**	**0**	F
		5413	Total Cyanide	<4.1	µg / l	<50.0	
		765	Mercury	<0.04	µg / l	<1.00	
		745	Antimony	0.3	µg / l	<5.0	
		745	Arsenic	1.7	µg / l	<10.0	
		745	Selenium	<0.8	µg / l	<10.0	
		740	Boron	0.219	mg/l	<1.000	
		740	Sodium	60.1	mg/l	<200.0	
		3371	Fluoride	0.182	mg/l	<1.500	
		3545	2,4,5-T	<0.007	µg / l	<0.100	
		3545	2,4-D	<0.007	µg / l	<0.100	
		3545	Bentazone	<0.007	µg / l	<0.100	
		3545	Bromoxynil	<0.007	µg / l	<0.100	

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APPENDIX C.1 cont'd

Certificate Number: 1248571-3 Final Supercedes report 1248571-2

Order Number: BH1520

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Continued from Page 1	3545	Dicamba	<0.020	µg / l	<0.100	
		3545	Dichlorprop	<0.003	µg / l	<0.100	
		3545	Fluroxypyr	<0.008	µg / l	<0.100	
		3545	MCPA	<0.008	µg / l	<0.100	
		3545	MCPB	<0.008	µg / l	<0.100	
		3545	Mecoprop (MCPP)	<0.005	µg / l	<0.100	
		3545	Triclopyr	<0.015	µg / l	<0.100	
		2587	Atrazine	<0.002	µg / l	<0.100	
		2587	Carbendazim	<0.001	µg / l	<0.100	
		2587	Carbetamide	<0.002	µg / l	<0.100	
		2587	Chlortoluron	<0.003	µg / l	<0.100	
		2587	Diuron	<0.004	µg / l	<0.100	
		2587	Epoxiconazole	<0.003	µg / l	<0.100	
		2587	Flutriafol	<0.003	µg / l	<0.100	
		2587	Isoproturon	<0.003	µg / l	<0.100	
		2587	Linuron	<0.003	µg / l	<0.100	
		2587	Oxadixyl	<0.003	µg / l	<0.100	
		2587	Pendimethalin	<0.007	µg / l	<0.100	
		2587	Prometryn	<0.002	µg / l	<0.100	
		2587	Propazine	<0.002	µg / l	<0.100	
		2587	Simazine	<0.003	µg / l	<0.100	
		2587	Terbutryn	<0.002	µg / l	<0.100	
		2587	Trietazine	<0.004	µg / l	<0.100	
		480	Benzo (a) pyrene	<0.003	µg / l	<0.010	
		480	Benzo(1,12)perylene	<0.003	µg / l		
		480	Benzo(11,12)fluoranthene	<0.003	µg / l		
		480	Benzo(3,4)fluoranthene	<0.003	µg / l		
		480	Indeno(1,2,3-cd)pyrene	<0.003	µg / l		
		calc	PAH Total	0.000	ug/l	<0.100	*
		775	1,1,1 Trichloroethane	<0.60	µg / l		
		775	1,2-Dichloroethane	<0.12	µg / l	<3.00	
		775	Benzene	<0.02	µg / l	<1.00	
		775	Dibromochloromethane	<0.50	µg / l		
		775	Dichlorobromomethane	<0.43	µg / l		
		775	Tetrachloroethene	<0.15	µg / l	<10.00	
		calc	Tetrachloroethene/Trichloroethene- Sum	0.00	µg / l		*
		775	Tetrachloromethane	<0.11	µg / l	<3.00	
		calc	Total Trihalomethanes	0.00	µg / l	<100.00	*
		775	Tribromomethane	<0.60	µg / l		
		775	Trichloroethene	<0.10	µg / l	<10.00	
		775	Trichloromethane	<0.50	µg / l		
		730	Aluminium	121.5	µg / l	<200.0	
		730	**Iron**	**5244.7**	**µg / l**	**<200.0**	F
		730	**Manganese**	**610.5**	**µg / l**	**<50.0**	F
		735	Cadmium	<0.12	µg / l	<5.00	

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APPENDIX C.1 cont'd

Certificate Number: 1248571-3 Final
Supercedes report
1248571-2

Order Number: BH1520

Lab Ref.	Sample Details	Method	Test	Result	Units	Limit	Flag
4761624	Continued from Page 2	735	Chromium	<0.5	µg / l	<50.0	
		730	First Draw Copper	<0.009	mg/l	<2.000	
		730	First Draw Lead	<0.9	µg / l	<10.0	
		730	First Draw Nickel	<0.9	µg / l	<20.0	
		360	Clostridium perfringens (including spore	0	cfu/100ml	0	
		calc	Pesticides - Total Substances	0.000	ug/l		*
		4170	Aldrin	<0.007	µg / l	<0.030	
		4170	Dichlobenil	<0.006	µg / l	<0.100	
		4170	Dieldrin	<0.007	µg / l	<0.030	
		4170	Gamma-HCH (Lindane)	<0.005	µg / l	<0.100	
		4170	Heptachlor	<0.008	µg / l	<0.030	
		4170	Heptachlor Epoxide	<0.005	µg / l	<0.030	
		4170	Propyzamide	<0.005	µg / l	<0.100	
		4170	Tri-allate	<0.005	µg / l	<0.100	
		295	Gross Alpha	<0.02	Bq/l	<0.10	
		295	Gross Beta	<0.28	Bq/l	<1.00	
		5374	Tritium	<8.5	Bq/l	<100.0	
		740	Magnesium	7.6	mg/l		
		730	Iron (Free)	<7.3	µg / l		
		ext	Vinyl Chloride	<0.113	µg / l	<0.500	
		ext	Acrylamide	<0.008	µg / l	<0.100	

Job number changed as requested

[redacted]

Richard Brown

Laboratory Manager

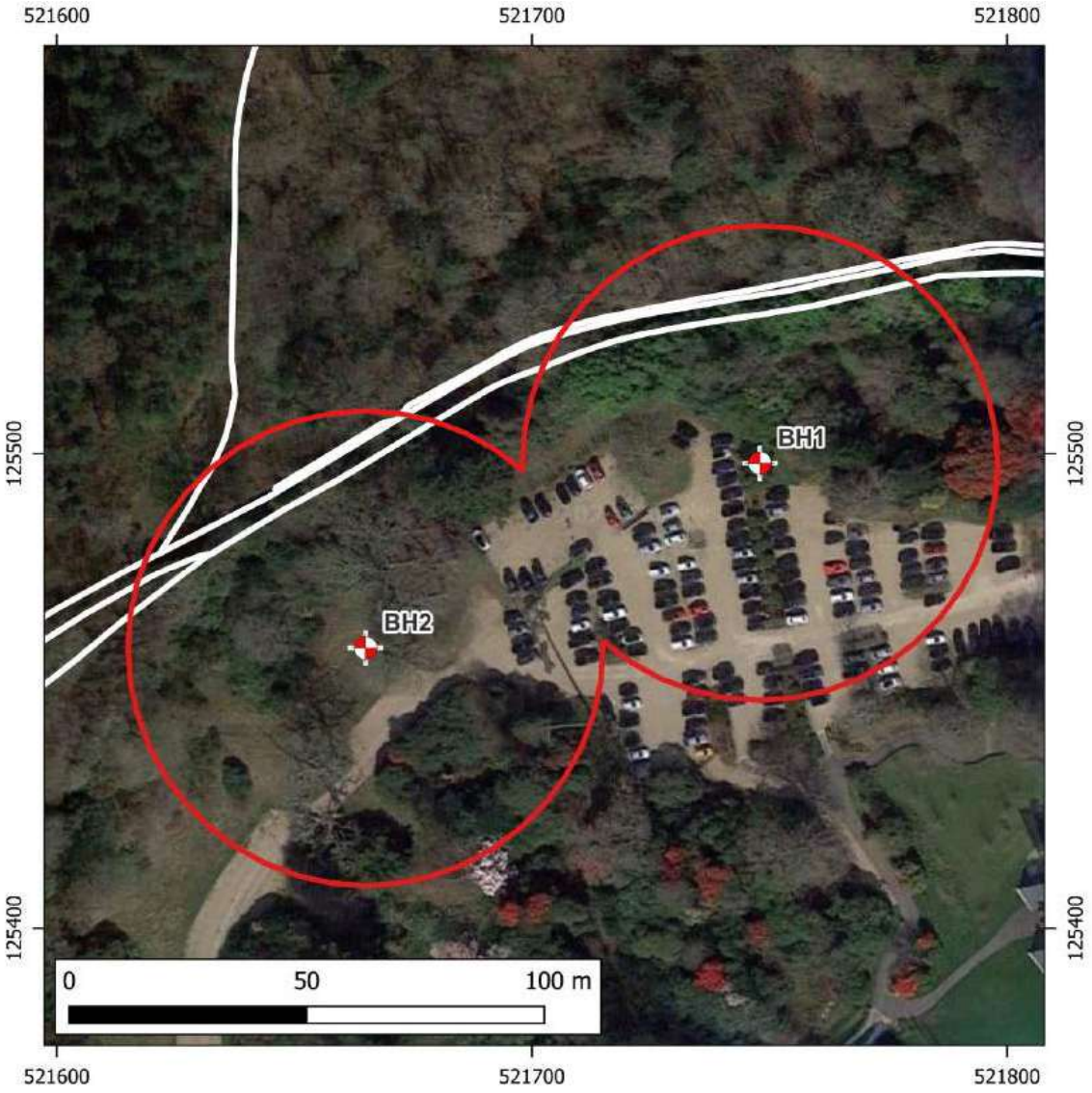
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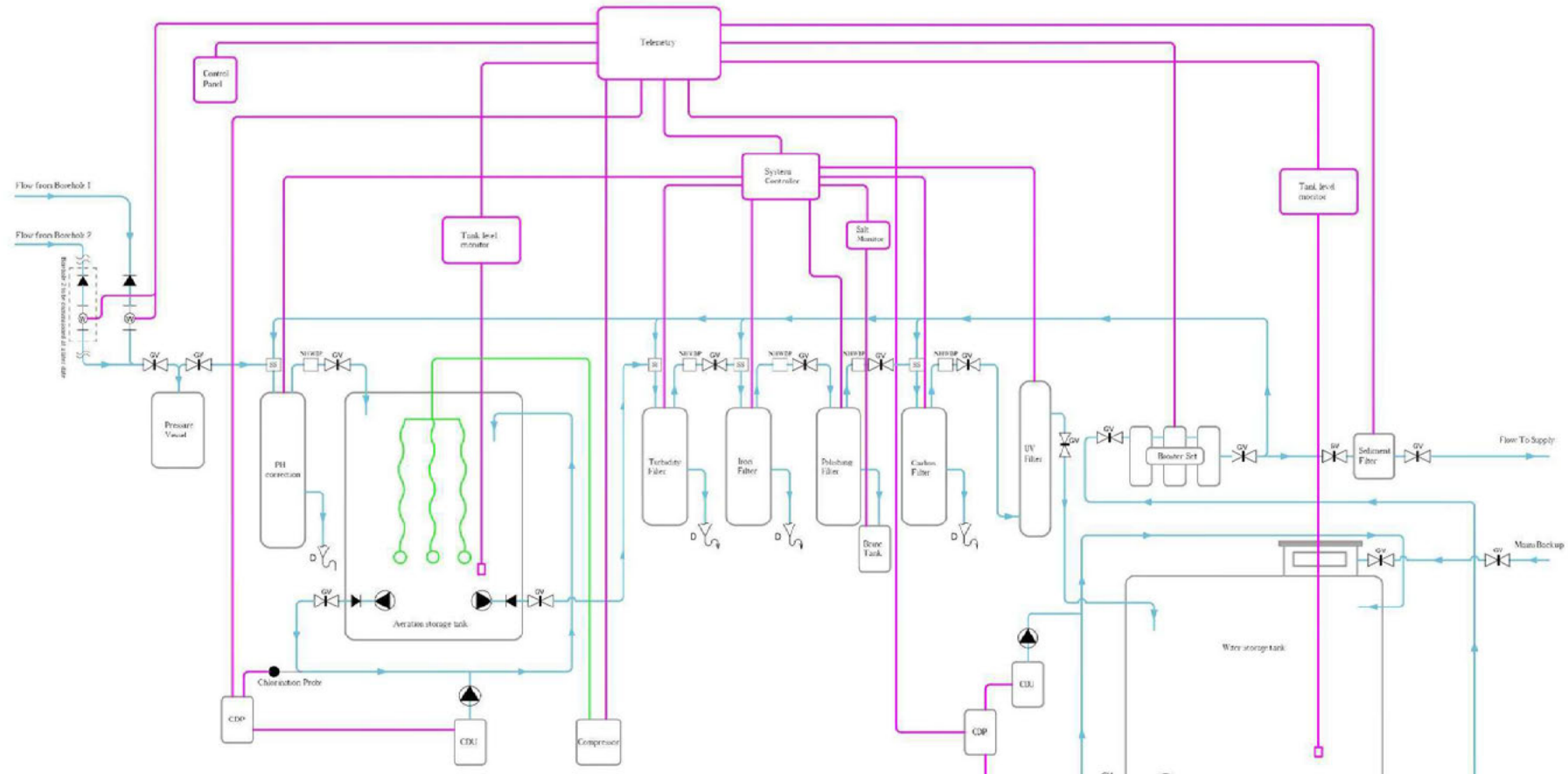
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APPENDIX D



Source protection zone 1 boundaries in red. Land ownership boundaries in white.

APPENDIX E.1



Pump	GV	Gate valve	
D Flow to drain	NRVDP	No hard water bypass	
Water meter	SS	Separate source	
Non return valve	CDU -	Chlorine dosing unit	
CDP - Chlorine dosing panel			

General Notes

Labour Division
Unless otherwise specified in Nicholls Bill of Quantities, all ground work, brick / block work and back filling of holes and trenches are to be priced and completed by others.
All pipe work and tanks are to be back filled with clean shingle to prevent damage to pipes.

Mains Power
Unless otherwise stated, mains power is to be provided to a IP56 Rated junction box with isolation switch at or near the plant room/borehole. All electrical connections to the mains supply as well as outlets are to be priced and completed by a qualified electrician. By others.

Water
Untreated borehole water is a category 5 supply and may harbour pathogens. A break gap of 30mm with header tank is required between the incoming mains and incomming borehole supplies.
See http://www.wras.co.uk/ for more information.

Surface Water
Unless otherwise stated and agreed all well covers will be raised to prevent surface contamination. In some circumstances recessed covers would be acceptable but clients will need to be made aware of the risks involved.

Contractors Responsibility
It is the contractors/Clients responsibility to protect from damage any and all bespoke components installed on site by Nicholls.

Clients Responsibility
It is the clients responsibility to monitor usage and any filter equipment. This is to ensure there has been no damage by others during the surrounding works by others. Nicholls cannot be held liable for any cost incurred from damage caused by others.

Notes:

Title:	BH1420 High Level Design			Drawn:	Mr Adam Hardiman
Client:	South Lodge Hotel			Checked:	Mr George Parker
Date:	16/05/2024			Indicative layout for design purposes only. Final position to be confirmed on site. Drawing is not to be scaled.	
Revision:	Rev000	Sheet:	1 of 1		

NICHOLLS
BOREHOLES & GROUND SOURCE

Date: 31 July 2024
Our ref: 482409
Your ref: DC/23/0290

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

BY EMAIL ONLY

Dear Mr Holbrook,

Planning consultation: Reserved matters application for the erection of up to 62 residential units and the creation of a new vehicle access following approval of outline application DC/19/2015 relating to appearance, landscaping, layout, scale and associated works.
Location: Land Parcel North of Downsview Avenue, Storrington, West Sussex.

Thank you for your consultation on the above dated 15 July 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site *https://designatedsites.naturalengland.org.uk/*.
- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation options should be secured:

- The delivery of mitigation measures outlined in the submitted Appropriate Assessment to achieve water neutrality.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites and advice on other natural environment issues is set out below.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further Advice on Mitigation

Natural England previously gave advice on this application in a response dated 22 September 2023 (our ref. 448792). We note that, although further detail has been provided in the updated Appropriate Assessment, the mitigation strategy remains fundamentally the same. We are therefore satisfied that the strategy proposed is sufficient to conclude no adverse effect on the integrity of the Arun Valley sites.

Sullington Warren SSSI

Please refer to our comments provided in our previous response (our ref. 448792) for our advice on this site.

Final Comments

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me [redacted]

We would not expect to provide further advice on the discharge of planning conditions or obligations attached to any planning permission.

Should the proposal change, please consult us again.

Yours sincerely

Sophie Moore
Higher Officer- Sustainable Development Team

Annex A –Natural England general advice

Protected Landscapes
Paragraph 182 of the National Planning Policy Framework (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes
Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the Landscape Institute Guidelines for Landscape and Visual Impact Assessment for further guidance.

Biodiversity duty
The local planning authority has a duty to conserve and enhance biodiversity as part of its decision making. Further information is available here.

Designated nature conservation sites
Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via Impact Risk Zones or as standard or bespoke consultation responses.

Protected Species
Natural England has produced standing advice to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases.

Local sites and priority habitats and species
The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre,

wildlife trust, geoconservation groups or recording societies. Emerging Local Nature Recovery Strategies may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the NPPF glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

Further information on the timetable for mandatory biodiversity net gain can be found here. Further information on biodiversity net gain, including draft Planning Practice Guidance, can be found here.

The statutory Biodiversity Metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites, the Small Sites Metric may be used. This is a simplified version of the Biodiversity Metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance for the natural environment.

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further

Annex A –Natural England general advice

information is contained in GOV.UK guidance Agricultural Land Classification information is available on the Magic website and the Data.Gov.uk website

Guidance on soil protection is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, separate guidance on soil protection for site restoration and aftercare is available on Gov.uk website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying *Good Practice Guide for Handling Soils in Mineral Workings*.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure
Natural England's Green Infrastructure Framework provides evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 Green Infrastructure Principles. The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

GI mapping resources are available here and here. These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation
Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails
Paragraphs 104 and 180 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in Planning Practice Guidance on the natural environment

Appendix C – Counsel Opinion Dated 22 May 2025

IN THE MATTER OF HORSHAM DISTRICT COUNCIL

AND IN THE MATTER OF A WATER CREDIT SYSTEM

OPINION

1. I am instructed by Marcel Hoad, MRICS- Chartered Surveyor in Planning and Development leading a Consortium of Developers- Houses for Homes who is Surveyor and advising a number of potential site developers in the Horsham area of West Sussex, seeking to meet the requirements of, Horsham District Council, as local planning authority in respect of "water neutrality" .
2. The requirement for applicants to demonstrate that their development proposals would achieve "water neutrality" was introduced in Sussex in September 2021, when Natural England ("NE") issued a "Position Statement" to Local Planning Authorities and West Sussex County Council in the Sussex North Water Supply Zone (the "SNWS Zone") stating that the abstraction of water for new development may be harming biodiversity within internationally designated sites within the SNWS Zone and seeking to prevent new development in the SNWS Zone unless or until it can be shown "*with certainty"* that the development proposed will not cause further deterioration to an environmentally protected area by the abstraction of more water from a particular waterworks .
3. My instructions and my client's objectives dated 23 April 2025 are set out with commendable clarity as follows:

   "1. That the s106 obligation to maintain water saving measures placed on private offsite water offsetting (water credit) schemes are unfair while no such obligations are being applied on households participating in the SNOWS/South Water offsite water offsetting (water credit) scheme. Equally, the s106 obligations on housebuilders and their future occupants to maintain onsite water saving measures is also unfair treatment for the same reason (see attached). Furthermore, that SNOWS does not require households installing water saving measures as part of that scheme to maintain these measures means that SNOWS does not satisfy the NE requirement that water offsetting measures must be maintained in perpetuity/for the lifetime of the development.

2. *That the refusal of HDC to allow Grampian conditions to be utilised other than where applications can access SNOWS is unfair treatment of private water credit providers. To date SNOWS is unable to provide any water credits To date of drafting this opinion SNOWS is unable to provide water credits and when it can these come direct from Southern Water– surely this also must be incorrect- How can a Statutory provider provide private credits when existing customers are losing out . That plan is currently being challenged by NE, the EA and HDC itself so there is no certainty that it will be able to meet the threshold for a Grampian condition. On the other hand private water credit schemes such as Nicholls https://www.nichollswatercredits.co.uk/ are already in operation with a demonstrable track record of supporting successful planning applications and significant capacity to support more. Clearly schemes such as these easily achieve the threshold for the use of a Grampian condition. Allowing such a condition would lower the financial risk for applicants and allow planning applications to come forward.(see attached correspondence between myself and HDC- Water Neutrality)*

Our objectives are:

1. *We do not anticipate that planning obligations on offsetting site owners will go away but it must be that SNOWS is treated in the same way.*
2. *We would like applicants to be able utilise private water credit scheme via a Grampian condition whether or not they can access SNOWS. As stated above this will lower the financial risk for developers and bring planning forward. It would be for the private water credit provider to provide the necessary evidence to HDC to establish that the threshold for a Grampian is met as part of the usual planning application process."*
3. Those instructions were further clarified in a very helpful virtual conference on 8TH May 2025 with Mr Hoad who provided further links to relevant documentation.

Context

4. It is a central plank of Government policy that local planning authorities such as HDC should identify a sufficient amount and variety of land to meet the "identified housing need" of its area . This is to be demonstrated through the provision and maintenance of an up-to-date statutory development plan.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraphs 2 and 11 of the National Planning Policy Framework require that applications for planning permission should be determined in accordance with an up to date development plan.
6. Horsham does not have an up to date local plan and the Examination in Public has recently ground to a halt following and during the examination of the draft Local Plan by the Examining Inspector, L Fleming BSc (Hons) MRTPI IHBC, who has required the Council to withdraw the current emerging plan.
7. In reply, Barbara Childs, Director of Place at Horsham District Council has made a ferocious attack on the behaviour of the Inspector, but which does not provide any answers to the criticisms in the Inspector's Interim Findings and admits that the Local Plan is now "in limbo".
8. The Local Plan Examiner's analysis of the position of HDC in attempting (and failing) to produce an up-to-date Local Plan which meets the identified need is scathing.
9. The position is set out in the Interim Inspector's Findings dated 4th April 2025 where the Inspector's principal concerns are set out in some detail as follows:
   "*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 6 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.[emphasis added JC]

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 (DCO2). 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…….

….. 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. [emphasis added JC]

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 16 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."

10. In my view, this failure by the HDC is fundamental and highly relevant, as the HDC's refusal to grant permission subject to a Grampian Condition or/and a unilateral undertaking, is based on the Council's "policy" that applications for development that access to the existing SNOWS is limited. The application of the "policy" is set out in a document in the HDC website called "*Sussex North Offsetting Water Scheme (SNOWS*)", which describes it as follows:

"*SNOWS is a water management initiative led by the Sussex North authorities (Horsham DC, Chichester DC, Crawley BC, Mid Sussex DC, South Downs National Park Authority & West Sussex CC) located in Southern Water's Sussex North Water Resource Zone (WRZ). The scheme will provide applicants with an affordable, accessible way to demonstrate that their development can be constructed in a water neutral way, allowing the Sussex North authorities to deliver necessary housing and other development to support local plan growth while meeting water neutrality requirements.*

The primary role of SNOWS is to ensure that increased water demand generated by new developments does not exceed the water savings generated by Southern Water in their next Water Resources Management Plan (WRMP) (and therefore

increase pressure for further water abstraction close to the Arun Valley). Where required, we will develop our own capacity by installing, monitoring, and maintaining water saving measures elsewhere in the WRZ.

Whilst water neutrality requirements are compulsory for developers or applicants seeking approval for new water-consumptive development, the use of SNOWS for offsetting is optional. Developers and applicants have the freedom to choose whether they prefer to utilise SNOWS or implement their own water offsetting solutions that align with water neutrality requirements.

Applicants with approved developments (see below) will be able to purchase access into SNOWS to cover any remaining water use of their new developments after they have taken steps to reduce the water use of their developments in line with the Sussex North authorities' local plan water neutrality policies, and subject to the scheme having available capacity."

11. The same document goes on to describe HDC's approach to prioritizing any given development. Under the heading: "*Which developments can access SNOWS*" it states:
"*Applicants will be able to access SNOWS for their development's water offsetting needs, unless it is:*

1. *Development where the principle is not in accordance with an adopted development plan or neighbourhood plan, or a post-submission local plan (all of which have informed the preparation of Southern Water's Water Resources Management Plan 2024 calculations of water demand). This includes housing development on unallocated sites outside settlement boundaries, employment development on unallocated sites and/or outside of existing employment sites (unless supported by economic planning policies), or development not otherwise accepted in-principle by way of specific development plan policies – such policies include: retirement and specialist care, gypsy and traveller sites, tourism, and some minerals and waste development; and/or*

2. *Development permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently amended) (GPDO) [Excluding applications submitted to SNOWS for development by a local authority (as defined in Schedule 2, Part 12 of the GDPO)]*

12. The SNOWS User Guide states:
"*If your application meets this definition, you are open to requesting access to SNOWS during the planning application process. <u>If your application does not meet this definition, you cannot request access to SNOWS and will need to find an alternative solution to meet your application's water offsetting needs</u>*." <u>[emphasis added JC]</u>
13. It is to be noted that the entire policy for prioritizing and granting permission seems to rest on applications concerning water neutrality being "*in accordance with an adopted development plan or neighbourhood plan*."
14. However, Horsham does **<u>not</u>** have a Local Plan which is up to date or emerging, to which any weight can be attributed, following the Examining Inspector's findings that the Reg 19 draft failed on both Duty to Co-operate and also failing the legal soundness test. Although stated in the report, this latter aspect was not the subject of detailed analysis in the "Examining Inspector's Interim Findings" dated 4th April 2025 for the reasons set out at para of the Findings).
15. In the Interim Inspector's Findings, the Examination Inspector sets out, in great detail, the failure of the HDC draft Local Plan to demonstrate at deliverable supply of sites for housing development that meets identified local need and concludes that the Plan has failed the DtC and legal soundness tests and explains why the Council should withdraw the Plan from Examination.
16. The SNOWS policy is not contained in any adopted or emerging Plan, and has not been the subject of the statutory public consultation. There is no certainty that Southern Water will deliver against their WRMP 2024, (which is also running late) and therefore no binding commitment from them.
17. The justification for HDC's approach is set out in correspondence between the Council's officer Clark Gordon Water Neutrality Officer and Marcel Hoad: Mr Gordon states:

"*The capacity available via Southern Water to support new growth is limited. Their Water Resources Management Plan is based – in part – on the local plan growth figures provided by the local planning authorities in Sussex North. We therefore have to be selective about which applications can access SNOWS, which is the reason for the SNOWS access criteria set out on the SNOWS web page, which has been agreed by all of the planning authorities in the Sussex North area*."

18. At the same time as denying access to SNOWS to non-compliant applications. HDC also refuse to accept private third party solutions, such as that promoted by Nicholls as the basis for Grampian conditions or Unilateral Undertakings ("UUs")
19. However, there can be little doubt that the continued reliance on the SNOWS priority policy based upon which refusal on the part of the Council to grant certain applications permissions because they are not in accordance with a development plan which simply does not exist is perverse, unreasonable and unlawful. It fails to have regard to relevant considerations and fails to disregard irrelevant considerations.
20. Not only does the HDC approach prevent access to many smaller sites that could be contributing to the housing land shortfall, it also precludes reliance on third party provision such as the scheme provided by Nicholls that appears to work on the same principles.
21. There is also no clear date for commencement of the SNOWS scheme. The website states:

    "***When will SNOWS launch?***

    We aim to launch SNOWS in Spring 2025. However, we anticipate low credit availability through 2025 until Southern Water's Water Resources Management Plan (WRMP) is adopted."

22. In fact, the launch of SNOWS is repeatedly and continuously delayed and there is currently no revised date for its introduction. It has a history of delays and deferrals over more than 2 years.

Appeal decisions

23. A number of relevant section 78 appeal decisions have succeed in establishing, in the teeth of trenchant opposition from HDC that negative "Grampian conditions"

and unilateral undertakings ("UUs") can secure the degree of certainty necessary to demonstrate that an Appropriate Assessment under the Habitat Regulations can be determined , While such appeal decisions are not binding authority, they are an important relevant consideration, indicating a clear trend towards use of Grampian conditions and UUs to secure the water neutrality that is demanded by the NE Position Statement. Effectively, HDC has been forced by a series of section 78 appeal decisions to concede that permission can be granted in line with the NE statement.

24. The key appeal decisions have taken a consistent approach, despite objections from HDC.

25. I can see no reason why planning permission cannot be granted for applications that do not rely on SNOWS, but are provided by third parties, subject to a Grampian Condition such as condition 16 of the permissions granted on 6 October 2023 on appeal at Ravenscroft, Storrington[2] which provides:
"16. No development shall commence that results in an increased use of potable water when compared with the existing baseline water usage at the site until either:
(1) Water neutrality mitigation has been secured via the Council's adopted Offsetting Scheme (in line with the recommendations of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy, Final Report, December 2022) as set out in the Planning Obligation that accompanies this planning permission and this has been confirmed in writing by the Local Planning Authority; or
(2) The site specific Water Neutrality Mitigation Scheme set out in the Planning Obligation that accompanies this planning permission has been implemented in accordance with the requirements set out in the Planning Obligation and the Local Planning Authority has given its written confirmation of the same."

26. In the appeal decision letter, granting permission, despite the objection from Horsham, the Inspector shrewdly ensured that the appellant has a choice between the Council's scheme and the site-specific Water Neutrality scheme

set out in the appellant's own section 106 obligation.

27. The appeal decisions of Lesley Coffey BA (hons) BTP MRTPI in a decision dated 7th March 2024[1] in relation to Land at Lower Broadbridge Farm, A29 on behalf of Gleesons, in which outline planning permission was granted on appeal for development comprising up to 133 dwellings on land that had not been allocated for development in a Local Plan and which is in open countryside outside the Built Up Area boundary. .

28. The decision letter("DL") is remarkably thorough and deserves careful scrutiny. Paragraph 18 of the DL sets the scene:

"*18. The appellant proposes two alternatives to ensure that the residual water requirement would be offset thus making the proposal water neutral. These are secured by the proposed Grampian condition and the UU. Together these would prevent the implementation of the proposed development until either a water neutrality scheme has been approved by the Council and implemented, or alternatively, in the event that the Council has adopted a water neutrality off-setting scheme and the requisite number of water offsetting credits have been purchased*.

19. The off-site water neutrality measures within the UU prohibit the implementation of the development until the offsetting land has been procured with obligations as set out within the supplemental deed. It also requires evidence to demonstrate that the necessary measures have been implemented and completed.

20. As an alternative the UU and condition provide for the purchase of off-setting credits within the Council's Strategic North Water Offsetting Scheme (SNOWS). The SNOWS scheme is anticipated to be adopted in mid-2024. The offsetting contributions would be used to deliver water efficiencies elsewhere in the water supply zone through the installation of flow regulators in registered provider housing stock, efficiencies in schools, the installation of rainwater harvesting on commercial sites, and/or providing an alternative source of water for golf course irrigation. The aim of the scheme is to allow Local Plan growth to be delivered in

[1] Appeal Decision APP/Z3825/W/23/3321658

compliance with the Habitats Regulations, and therefore any additional water demand must be offset before occupation of new development."

29. After considering a number of issues and objections raised by HDC's witnesses as well as a number of decided cases, the Inspector concludes at paras 54, 55 and 56:

"*54. The hydrology of the Arun River is the major factor affecting the quantity, depth and flow of water within the Arun Valley sites, which in turn contribute to achieving the favourable conservation status of their qualifying features. It follows that any groundwater abstraction that reduces water quantity in the River Arun, could affect water levels and flow within the Arun Valley sites, and thereby associated qualifying features.*

55. In order to achieve water neutrality, the appellant proposes to mitigate the increased demand for mains water from the proposed development through a combination of on-site water reduction measures and an off-site offsetting scheme. The S106 UU and Grampian condition would act to prevent development proceeding until the offsetting scheme is in place, and, therefore, the mitigation is sufficiently secured. As such, there is no reasonable scientific doubt that the proposed development would be water neutral.

56. Taking account of the proposed mitigation, I conclude that the appeal proposal would not adversely affect the integrity of the Arun Valley SAC, SPA and Ramsar sites. Consequently, it would be consistent with Policy 31 of the HDPF which seeks to protect the hierarchy of designated sites and habitats."

30. A further appeal decision recovered by the Secretary of State dated 30th July 2024[2] granted reserved matters on an appeal at Kilnwood Vale Sub-Phase 3DEFG, Kilnwood Vale, Crawley Road, Faygate, Horsham, West Sussex, RH12 0DB

31. There is therefore a consensus between the Local Plan Inspector, the Secretary of State, the Planning Inspectorate that:

    (1) Habitat Regulations compliant permissions and decisions which achieve water neutrality can be achieved by the application and use of Grampian

[2] Appeal Ref: APP/Z3825/W/23/3333968

conditions and Unilateral Undertakings;

(2) There is no practical distinction to be drawn between the SNOWS scheme and the combination of on-site water reduction schemes and an offsite offsetting credits based scheme of the kind being offered by private providers, such as Nicholls LP.

(3) The distinction drawn by HDC between proposals which are in locations which are in accordance with allocations in a Local Plan and those which are claimed to be not in accordance is meaningless, unlawful and unworkable.

(4) Private schemes are workable, and effective.

32. The SNOWS scheme appears to have ongoing operational problems and the date for commencement of use consistently recedes beyond the horizon. If and when it becomes workable, access to SNOWS should be open to all, where, but for the need to secure water neutrality permission would otherwise be expected to be granted.

33. By contrast, private schemes, such as the Nicholls scheme, are already proving to be demonstrably deliverable and can secure water neutral development through the application of Grampian Conditions and unilateral undertakings. They should, at the very least, be treated as being equally capable of being sufficiently certain to form the basis for a Grampian condition or UU to secure water neutrality, so as to meet the requirements of the Habitat Regulations.

The Way Forward

34. From the above analysis, it is clearly high time that HDC recognized that their approach is flawed, both legally and operationally and is unfair, particularly creating barriers to permissions being granted for smaller developers.

35. The Council's discriminatory approach, denying SNOWS access to certain development sites at the same time as refusing to accept private sector mitigation alternatives in section 106 undertakings and Grampian conditions is both misconceived and unlawful.

36. In the meantime, HDC's approach is now directly causing the abject failure to meet housing need in the District and in the NWS area.

37. That failure is graphically described in the Local Plan Examination Inspector's Interim Findings. The most recent reports to planning committee state: "*The Council is currently unable to demonstrate a 5YHLS (the supply being 1 year as of May 2025)"*. There seems to be no proposed remedy for this failure.
38. The Inspector records that HDC has also failed the housing delivery test.
39. In circumstances where there is an acute and compelling shortage of land identified as suitable for new housing, the insistence of HDC that the currently long-awaited but non-existant SNOWS scheme is acceptable to the Council, and on sites which are supported by non-existent policies in a non-existent Local Plan notwithstanding that the Council's approach raises a substantial barrier to identifying and developing sites for much needed housing.
40. By letter of 28 March 2025. Clark Gordon, the Water Resources officer at Horsham replied to an email from my clients in the following terms:

(1) The capacity available via Southern Water to support new growth is limited. Their Water Resources Management Plan is based – in part – on the local plan growth figures provided by the local planning authorities in Sussex North. We therefore have to be selective about which applications can access SNOWS, which is the reason for the SNOWS access criteria set out on the SNOWS web page, which has been agreed by all of the planning authorities in the Sussex North area.

(2) *Unfortunately, I am not in a position to comment on the appropriateness of a condition for any applications. My understanding is that each application will be reviewed on a case-by-case basis by the relevant Development Management team using the appropriate local plan policies to decide on whether a condition would be appropriate in the individual circumstances. This is not a matter that is dealt with by me or my team*.

41. He provided a further answer in a further email to Mr Hoad, my client, where he states:

"*The purpose of SNOWS is to deliver plan-led development only – given the limited availability of water for the foreseeable future. This means development*

supported in principle by policies within either a current or post-submission Local Plan or Neighbourhood Plan. Not all development will therefore be able to use SNOWS, for instance speculative housing development. SNOWS will satisfy the requirements of the Habitats Regulations as it provides certainty of mitigation. The Grampian condition meets the test of the Planning Practice Guidance in that there would be 'a prospect' of eligible development being able to access SNOWS within the lifetime of a permission. A Grampian condition would not be used on speculative development as there would be no prospect of access to SNOWS.

The Grampian condition provides an alternative for the applicant to provide their own bespoke water neutrality solution before development commences. We accept the lack of any detail on a bespoke solution at this stage because there is always the prospect of using SNOWS credits to demonstrate water neutrality. For development not eligible for access to SNOWS, we cannot apply a condition asking for a bespoke scheme pre-commencement, as there will be no certainty on how water neutrality could be demonstrated at the point planning permission is granted, absent of SNOWS.

Further, if an applicant eligible for access to SNOWS still wishes to submit their bespoke solution with their planning application, we will consider it and, if we deem it provides certainty of mitigation, we will adapt the Grampian condition to allow the applicant to either use SNOWS, or their own specified solution.

The email seems to be self-contradictory; on one hand ruling out the attachment of a Grampian condition for any bespoke solution while offering , while at the same time saying "*if we deem it provides certainty of mitigation, we will adapt the Grampian condition to allow the applicant to either use SNOWS, or their own specified solution.*"

42. By email letter dated 6 May 2025 Barbara Childs stated: "*In terms of the SNOWS scheme, we plan to fully launch later this month, enabling development to come forward at pace. We have been undertaking a trial period to test the SNOWS*

processes, which has gone well. Based on our recent engagement with Southern Water, we are confident that SNOWS will have sufficient capacity to meet the needs of eligible development within Horsham District Council and the other Sussex North authorities involved with the scheme (Crawley Borough Council, Chichester District Council, Mid Sussex District Council, South Downs National Park Authority and West Sussex County Council). Further details about SNOWS has been published on the new SNOWS web page (https://www.horsham.gov.uk/planning/water-neutrality-in-horsham-district/sussex-north-offsetting-water-scheme-snows) and we will be publishing further details, including our launch date and costs, in due course."

43. In response to a consultation dated 22nd May 2025 the Council wrote to a local housebuilder saying:
"*We have now added the application to the queue for SNOWS access. By consulting us with this application, you are confirming that the application meets* ***the SNOWS access criteria and is appropriate for a Grampian condition to access SNOWS****. If this is not the case, please let us know as soon as possible. Please note that access to SNOWS cannot be secured until the scheme launches in the next few months. Once the scheme launches, we will contact the applicant directly to discuss access to SNOWS. Once we have confirmed the status of the application's access to SNOWS, we will update you*." [emphasis added]
44. It is clear from this correspondence that the Council continues to operate two-tier limited access to SNOWS, presumably still relying on criteria which arise from the now defunct draft Local Plan, to decide not only SNOWS , but also the right to permission subject to a Grampian condition.
45. However, it seems that capacity for SNOWS will only be sufficient for, at most, "*eligible development*". That term is not defined and there is no suggestion that it would include small sites that are not identified in a Neighbourhood Plan or where the site falls outside a BUAB set in a Neighbourhood Plan., which are my client's principal concerns. Of course, policies in the NPs are likely to be "out of date" within the meaning of paragraph 11 and footnote 8 of the NPPF and the serious failure to achieve an acceptable housing land supply. I would not expect

that the status of a NP's BUAB to override the presumption in favour of sustainable development.

46. Similarly, there is no up- to- date Local Plan and no other source of policy which would preclude the use of Grampian conditions or UUs to allow use of SNOWS, or a privately led water neutrality scheme.

47. In the light of the obstructive and unlawful behaviour of HDC, in applying double standards and in using the SNOWS policy as a means of disqualifying what should otherwise be acceptable development that should be granted planning permission, it is clear to me that the best way of making progress with applications for planning permission remains to appeal refusals under section 78 and ask the inspector on appeal to grant permission subject to a Grampian condition and/or a UU as per the appeal decisions described in this Opinion. So far there is a clear trend in favour of such development being granted permission on appeal. I would expect a costs award to be made for unreasonable refusal in these circumstances.

SUMMARY AND CONCLUSIONS

48. From the above discussion and from my perusal of the actions of the Council it is clear that the LPA's to approach to resolving the water neutrality issue is having a disastrous effect on the town and country planning process in Horsham District, resulting in a comprehensive failure of both the plan-making role of the Council, and abject failure to deliver anything remotely approaching the supply of land needed to address the chronic shortfall in the number of new homes being constructed in their area. .

49. The Council's response to the requirement to meet that need, the Local Plan sought to provide just 777dpa, thus failing to meet the District's housing need calculated using the standard method, which would add some 2.377 homes to the existing substantial unmet need in NWSHMA of around 7500, a total shortfall of around 10,000 homes.

50. The Council's response to the Natural England Position Statement is wholly inadequate. Their obstructive approach to the determination of applications and section 78 appeals has forced applicants and developers to engage in the

overcrowded and delaying statutory section 78 appeal system leading to the grant of permission where, in decision after decision, (usually accompanied by a substantial costs award) the Secretary of State (or her inspectors) have explained in detail to the Council's representatives the reasons why the well-travelled mechanisms in either (or both) a negative "Grampian " condition and/or a statutory unilateral undertaking under section 106 of the TCPA 1990 enable the required Habitat Regs Assessment to reach the necessary certainty that the development would be able to proceed.

51. The failure of the local plan, which the Inspector found the Council to have failed the duty of cooperation and recommended withdrawal of the Plan or, if they prefer it, to receive the Inspector's report, which will conclude that the Plan is not legally compliant[3].

52. The decision letters on the section 78 appeals have been obliged to respond to arguments from the Council that " *a permission based on the Grampian condition could set a precedent for other speculative , non strategic proposals to access the strategic offsetting scheme and compromise the mitigation headroom for strategic developments in the emerging local plans*.", by having to remind the LPA that "*it is a core principle of the planning system that each application is determined on its own merits*[4]".

53. The Council's own proposals for achieving water neutrality through their long awaited SNOWS scheme continue to fail to be delivered'. It is now approaching five 5 years since the issue of the NE "Position Statement " yet the launch of SNOWS is repeatedly deferred. The Council does not appear to have a Plan B.

54. The access to SNOWS is retained only for those schemes which meet the access criteria, which are principally directed at excluding proposals that are not allocated in a Local Plan or identified in the Built Up Area Boundary of a neighbourhood plan.

55. Effectively, the Council's system is designed to exclude all but the Council's preferred and identified strategic sites. Applicants for planning permission are

[3] See LP inspector's interim report paras 95 and 96.
[4] See Ravenscroft decision at para 89.

entitled to have their applications determined on their merits. The HDC approach is one which unlawfully prevents smaller unallocated schemes from gaining planning permission in areas of water neutrality.

56. There is now no emerging Local Plan for Horsham; yet the SNOWS website continues to cite their discredited access approach as being compliant with the Local Plan. Notwithstanding the section 78 appeals, the HDC approach continues to rule out smaller sites from access to SNOWS while at the same time refusing to accept schemes that do not rely on SNOWS and casting doubt on the alternative third party and private sector's suggested means of achieving water neutrality . The advice on the website is self-contradictory and needs to be clarified and rewritten.

57. This leaves the Council stranded with:

(i) no scheme for achieving water neutrality in operation for relevant locations;

(ii) continued attempted exclusion of the private sector's solutions;

(iii) access to the long-awaited SNOWS dependent on identification or compliance with a local plan, but;

(iv) no emerging or up to date local plan;

(v) continued refusal or to use the Grampian / section 106 to justify grant of permissions for development of smaller unallocated "non strategic " sites.

58. The Council does not appear to have any provision for what is perceived as being a complete failure of its misconceived policies for achieving Water Neutrality.

59. I have considered whether there would be a sound basis for seeking judicial review of the behaviour of HDC, described above. JR is often expensive and can be unpredictable and uncertain. The Planning Court would normally expect any applicant to have exhausted the statutory appeal route before applying to the Planning Court.

60. However, section 78 appeals are also expensive and the relative costs of an appeal are disproportionately high for owners or developers of smaller sites. It would be unfair to expect them to suffer due to the failure of the Council to comply with its statutory duties.

61. The Planning Acts are a codified plan-led system. The Council now faces an

extended period while it redrafts and consults over a new or revised Local Plan. In the meantime, it needs an interim strategy for ensuring that housing delivery, including the recognition of the importance of "non-strategic" sites and to ensure that their owners and developers should have access to SNOWS and work together with private operators such as Nicholls Water Credits with the objective of securing planning permission and delivery of development on deliverable sites that are not necessarily identified in a local plan. It should be recognized by the LPA that, as the Ravenscroft inspector pointed out, each site is entitled to be considered on its own merits.

62. The discriminatory approach of giving preferential access to the "approved" strategic sites and denying access to smaller unallocated sites is seen by my clients as grossly unfair and should cease. The Council should ensure that where appropriate, all applicants with sites in "water neutral" areas should be able to have the same access to technology and mitigation techniques.
63. The onus is firmly on the Council to resolve the unenviable position in which HDC finds itself. While it is expected that my clients would wish to assist in finding a way forward, the first step must be for the Council to put smaller scheme applicants on a level playing field with the large site developers and to grant consents for housing developments that wish to use alternatives to SNOWS subject to appropriate Grampian conditions and section 106 planning obligations, at the same time opening up access to SNOWS for those who wish to rely on the HDC scheme.
64. If anything in this opinion requires clarification or if I can assist further in this matter, my clients should not hesitate to contact me.

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22nd May 2025