DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/24/0016
Duckmoor Farm, Wooddale Lane, Billingshurst, West Sussex, RH14 9DZ

DESCRIPTION:
Discharge of planning obligation (DC/20/2607) pursuant to Schedule 1, Paragraph 5.1 relating to water neutrality (in respect of the Offsite Water Neutrality Measures only), and to amend the Water Neutrality Statement secured pursuant to the definition of Water Neutrality Scheme.

RELEVANT PLANNING HISTORY:

DC/20/2607	Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.	Application Refused on 06.04.2021 Appeal Allowed

REPRESENTATIONS
One letter of objection has been received on the following grounds:

'Having read the two commissioned reports by The Diary Group and GWP Consultants it is clear that the Water Neutrality Statement is not reliable, definitive or precise. Far from it.

It is apparent Horsham District Council should never have given assurances to NE and the Planning Inspector that the scheme was Water Neutral nor could it be secured as Water Neutral given the conclusions of these reports. Horsham District Council should have refused the Water Neutrality Statement based on the information presented to it.

The Authors with their great many number of years of experience and technical expertise between them, state in no uncertain terms that based on the information provided the Water Neutrality Statement lacks proper rigour and credibility and is not reliable. Collectively these reports show the Water Neutrality Statement cannot be relied upon as a sound document based on their conclusions.

It is evident from both reports that a number of technical points have been completely overlooked or not even considered; fundamental industry protocols have been confused and conflated in the Water Neutrality Statement. Why did HDC not seek professional advice and proper technical opinion at the time of the original application to derive their conclusion and this latest application?

These two professional technical reports raise so many questions about the feasibility and validity of the Water Neutrality of this scheme it poses serious questions about process and the validity of decisions made.

Furthermore, it also seems wholly inadequate that a member of the public had to pay privately for these reports in order to unveil the technical inadequacies of the Water Neutrality Statement and Horsham District Council's inability to properly analyse the Water Neutrality of the scheme.

Based on previous representations, and these commissioned reports there is now a substantial base of evidence that the scheme is not Water Neutral, nor can it be proven that the scheme is Water Neutral in practise, let alone being precise, definitive and beyond reasonable scientific doubt. It also confirms that the Water Neutrality cannot be secured reliably or scientifically.

To accept this scheme as Water Neutral would be simply wrong and HDC should reject the application accordingly

PLANNING ASSESSMENT

Planning Application DC/20/2607 was granted consent on appeal on 11.02.2020. Consent is sought to discharge the details required by Schedule 1, paragraph 5.1 of the s106 agreement, and to agree a minor amendment to the Water Neutrality Scheme secured within the definitions.

Amendment to the Water Neutrality Scheme:

The s106 definition of Water Neutrality Scheme (WNS) states:

> **"Water Neutrality Scheme"** means measures to be implemented and shall include but not limited to the terms of the Motion Technical Note 3: Water Neutrality Statement dated 21 October 2022 Rev H appended to this Deed at Annex 1 containing the Water Neutrality Measures required to secure Water Neutrality at the Development and for the avoidance of doubt shall include provision for the water consumption needs of any livestock on the Water Neutrality Land and such amendments as shall be agreed between the Owner and Council from time to time;

The revised WNS is in response to amendments having been granted under application DC/24/0948 to the design of the new barn at Dedisham Farm, Rudgwick. These amendments have increased the roof area of the new barn from 2,860sqm to 2,926sqm thereby increasing the rainwater yield of the barn. The rainwater yield is required to water the cattle on the Farm to offset mains water use of the Duckmoor development. No other changes to the WNS have been proposed, with the WNS referring to the same housing mix and water budget as previous.

It is therefore considered that the revised WNS is acceptable in maintaining (and indeed improving) the effectiveness of the water neutrality strategy approved under appropriate assessment under planning permission DC/20/2607. The amended WNS (Motion Technical Note 3: Water Neutrality Statement dated 19th July 2024 Rev J) is therefore agreed to replace the current WNS (rev H), as allowed for within the S106 agreement under the above definition.

Discharge of Schedule 1, Paragraph 5.1:

Schedule 1:

'The Owner undertakes to the Council as follows:……

5. Water Neutrality

5.1. Not to Occupy or permit Occupation of a Phase of the Development until

5.1.1. the Water Neutrality Measures relevant to that Phase of the Development have been delivered in accordance with the Water Neutrality Scheme and are fully operational at all times in accordance with the Water Neutrality Scheme so that such Phase of the Development is Water Neutral

5.1.2. evidence of the implementation and operation of the relevant Water Neutrality Measures to that Phase of the Development contained in the Water Neutrality Scheme has been submitted to the Council.

5.2. To manage and maintain the Onsite Water Neutrality Measures at all times in accordance with the Water Neutrality Scheme

To comply with the requirements of paragraph 5.1 above, the applicant has submitted a Water Neutrality Scheme Verification Report (Motion, dated 19/08/2024). The Report sets out that a series of site visits were undertaken during construction of the new barn and rainwater harvesting system, with an Officer of the Council joining the visit of the 30th July 2024 to view progress. The Report includes a series of appendices setting out the site layout for the system, location of the installed (and required) 49,000 litres storage tank, the pipe system to field troughs, and progress reports throughout construction including site photographs. From the officer site visit it was clear that pipes within exposed

trenches linked the roofs to the pumping system and main 49,000 litres storage tank which at the time of the site visit was already approx 20-25% full.

Overall, the evidence is sufficient to demonstrate that the rainwater harvesting system has been installed at Dedisham Farm and is operational, in accordance with the Water Neutrality Scheme. The obligation is therefore satisfied insofar that it relates to the Offsetting Measures at Dedisham Farm. Subsequent obligations within the S106 agreement require the Farm to operate and maintain the system moving forward, and allow the Council to inspect at any time.

The objection received is noted, however the requirement of the s106 obligation is to certify that the installed system co-ordinates with the requirements of the approved Water Neutrality Scheme specified within the Agreement. It offers no opportunity to revisit the merits of the Scheme.

Recommendation: Application Permitted

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: S106/22/0013
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Motion Technical Note 3: Water Neutrality Statement dated 19th July 2024 Rev J	N/A	29.08.2024
Supporting Docs	Water Neutrality Scheme Verification Report (Motion, dated 19/08/2024).	N/A	29.08.2024

DELEGATED

Case Officer sign/initial Adrian Smith Date: 13/09/2024

Authorising Officer sign/initial J Hawkes Date: 16.09.2024