Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/25/0006
Jacaranda, Whitehall Drive, Ifield, Crawley, West Sussex, RH11 0LP

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 to install a swimming pool.

RELEVANT PLANNING HISTORY:
None relevant to this application.

STATUTORY BACKGROUND
The Conservation of Habitats and Species Regulations 2017
The Town and Country Planning Act 1990

CONSULTATION
Natural England: Standing Advice issued.

ASSESSMENT
This submission relates to a swimming pool which would be permitted development under Class E of Part 1 within Schedule 2. It is a condition of Permitted Development (Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended) that development likely to have a significant effect on a European Site "must not be begun" until an application has been made to Natural England for its opinion as to whether the development is likely to have a relevant effect. This application has therefore been submitted to seek written notification of the approval of the Local Planning Authority on respect of Regulations 75 to 77 of the Conservation of Habitats and Species Regulations 2017 (General Development Orders).

The site lies within the Sussex North Water Supply Zone. A 2021 Position Statement from Natural England identified that it could not be concluded with the required degree of certainty that new development in the Sussex North Water Supply Zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. As a consequence, and to comply with the legal duties set out in the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations), all new development since has been required to demonstrate water neutrality.

This HRA application was therefore submitted, seeking to demonstrate that the (permitted development) swimming pool would achieve water neutrality. This was to be delivered through initial filling of the pool by tanker sourced from outside the Sussex North Water Supply Zone, with the specification of the pool allowing for any water loss to be captured and maintenance requirements met through rainwater harvesting.

In advance of this strategy being secured by way of a legal agreement, on 31 October 2025 Natural England formally withdrew the 2021 Position Statement, citing a package of measures that they were

satisfied would safeguard the Arun Valley sites. Principal amongst these measures is a reduction in the Southern Water abstraction licence 'by March 2026'. However, given the licence change has not yet taken place Horsham District Council, as competent authority under the Habitats Regulations, cannot yet be certain that new development will not result in adverse impacts on the Arun Valley sites.

To ensure development can come forward as water neutral in the meantime, the Council has agreed with Natural England to use the significant water savings made by Southern Water in 2024/25 through their programme of leakage reduction (amongst other measures). This has generated some 3,240,000 litres per day of water savings that can now be attributed to new development without increasing water abstraction in the Arun Valley beyond baseline. These savings were previously to be used to launch the Sussex North Water Certification Scheme (SNWCS), however following the withdrawal statement SNWCS will no longer be launching.

Officers have undertaken an Appropriate Assessment which demonstrates that the anticipated increase in mains water consumption from this development (on the basis that the identified mitigation has not been secured), alongside all other development granted since the 31 October 2025, will not exceed 3,240,000 litres per day.

Natural England standing advice dated 10 November 2025 raises no objection to using these savings to enable development to come forward. The standing advice clarifies that it functions as Natural England's formal response pursuant to Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 to all relevant planning applications which seek to achieve water neutrality using the above Southern Water savings.

Accordingly, Officers consider that the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

Recommendation: Application Permitted

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 19.11.2025

Authorising Officer sign/initial Guy Everest Date: 19.11.2025