Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
S106/25/0003
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, and to amend the Water Neutrality Statement secured pursuant to the definition of Water Neutrality Scheme.

DETAILED DESCRIPTION:

Permission is sought to firstly, amend the Water Neutrality Statement (WNS) secured pursuant to the definition of the Water Neutrality Scheme in Schedule 1, Paragraph 5.1 of the legal agreement accompanying the Outline permission and, secondly, discharge the obligation to Schedule 1, Paragraph 5.1 as amended.

This is to align the legal agreement with the Water Neutrality Scheme approved at Reserved Matters for 83 No. dwellings, open space and child play provision, residential parking facilities and associated infrastructure, including access arrangements following outline application DC/20/2607, relating to layout, scale, appearance and landscaping. (DC/24/0768).

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	Refused 04.04.2021 Appeal allowed 18th January 2023
DC/22/1947 Dedisham Farm	Erection of an agricultural barn, associated storage tank and infrastructure.	Permitted 09.02.2023
DISC/23/0147 Dedisham Farm	Approval of details reserved by condition 3 (finished floor levels and external ground levels) to planning permission DC/22/1947 (agricultural barn, storage tank and infrastructure).	Permitted 08-08-2023
DC/23/1764 Dedisham Farm	Prior Notification for the installation of a 1No. water tank, pump house, and 2No. underground water tanks	Prior Notification Not Required 18.10.2023
DC/23/1820	Non Material Amendment to previously approved application 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) to Change the wording of Condition 21 to the following: No development approved pursuant to the outline planning	Permitted 19/10/2023

	permission hereby permitted shall commence until planning permission for the works required to deliver the off-site water neutrality measures at Dedisham Farm as set out in the Motion Technical Note TN03 dated 29 September 2023 (subject of planning application DC/22/1947 and DC/23/1764) have been permitted.	
DISC/24/0165 Dedisham Farm	Application for Approval of Details Reserved by Condition 4 to approved application DC/22/1947	Permitted 24-07-2024
DC/24/0768	Reserved matters application for the erection of 83No. dwellings, open space and child play provision, residential parking facilities and associated infrastructure, including access arrangements following outline application DC/20/2607, relating to layout, scale, appearance and landscaping.	Permitted 29.11.2024
DC/24/0948 Dedisham Farm	Variation of Condition 1 of previously approved application DC/22/1947 (Erection of an agricultural barn, associated storage tank and infrastructure) Relating to the design of the barn.	Permitted 01-08-2024
S106/24/0016	Discharge of planning obligation (DC/20/2607) pursuant to Schedule 1, Paragraph 5.1 relating to water neutrality, and to amend the Water Neutrality Statement secured pursuant to the definition of Water Neutrality Scheme	Permitted 16-09-2024
DC/25/0195	Non-Material Amendment to previously approved application DC/20/2607 (Outline Application for the development of 83 residential units and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access) to change the wording of Condition 21 to make reference to updated approved water neutrality report.	Pending Consideration

PLANNING ASSESSMENT

Planning Application DC/20/2607 was granted consent on appeal on 18.02.2023. 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 Neutralty Scheme

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

"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;

Permission was approved under S106/24/0016 (permitted 16-09-2024) that revised the Water Neutrality Statement in the above definition in response to amendments having been accepted under Reserved Matters DC/24/0948 to the design of the new barn at Dedisham Farm, Rudgwick (these amendments increased the roof area of the new barn to 2,926 square metres thereby increasing the rainwater yield of the barn, to offset mains water use of the Duckmoor development).

Now, permission is sought to revise the Water Neutrality Statement in the definition in response to amendments having been accepted under Reserved Matters DC/24/0948 in the WNS dated 13th September 2024 to the schedule of accommodation from outline stage and as consequence, the water budget of the Duckmoor development (from 22,973.75 litres per day to 23,000 litres per day). Whilst these amendments increased the water budget of the Duckmoor development, this was mitigated in the on and off-site measures set out in the WNS dated 13th September 2024 (including the increased roof are of the new barn at Dedisham Farm), which evidenced the scheme was 'water neutral' and hence subject to favourable Appropriate Assessment by the Council dated 04/10/2024 under the Habitat Regulations.

It is therefore considered that the revised WNS is acceptable in reflecting the approved Water Neutrality Strategy approved under Appropriate Assessment under Reserved Matters DC/24/0948. The amended WNS (Motion Technical Note Water Neutrality Statement dated 3th September 2024) is therefore agreed to replace the current WNS, as allowed for within the S106 agreement under the above definition.

<u>Discharge of Schedule 1, Paragraph 5.1</u>
Schedule 1, Paragraph 5.1 reads:

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). This is the same report as submitted for the earlier obligation revision (permitted S106/24/0016) and demonstrates the rainwater harvesting system has been installed at Dedisham Farm and is operational, in accordance with the Water Neutrality Scheme. The latest updated WNS dated 13th September 2024 primarily models the change to the housing mix from outline stage to reserved matters and includes the changes to the roof surface of the barn as detailed in S106/24/0016 which increased water retention capacity off-site at Dedisham Farm mitigation to the change to the housing mix.

The obligation remains therefore satisfied insofar that it relates to the Offsetting Measures at Dedisham Farm (para 5.1). 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 requirement of the s106 obligation being sought to amend at para 5.1 is to certify that the installed system co-ordinates with the requirements of the approved Water Neutrality Scheme specified within the Agreement, and this has been done.

Conclusion

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: S106/25/0003

(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	Water Neutrality Scheme Verification Report by Motion Date 19/08/2024 Issue: Draft Land at Duckmoor, East of Billingshurst RH14 9DZ Dedisham Farm Rainwater Harvesting Scheme		28.03.2025
Supporting Docs	Technical Note 1: Water Neutrality Statement Site: Duckmoor, Billingshurst by Motion Date: 13th September 2024		28.03.2025

DELEGATED

Case Officer sign/initial Matthew Porter Date: 28-03-2025

Authorising Officer sign/initial J Hawkes Date: 01.04.2025