From: Lee, Hannah <Hannah.Lee@naturalengland.org.uk>
Sent: 23 April 2024 11:28
To: Tamara.Dale
Subject: FW: 2024-05-07 473198 DC_24_0152 Erection of a detached two storey residential dwelling. Land To The Rear of 8 Station Road Billingshurst West Sussex RH14 9RE
Attachments: DC-24-0152 - HRA APPROPRIATE ASSESSMENT.pdf; DC-24-0152 WNS.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Our ref: **473198**
Your ref: **DC/24/0152**

Hi Tamara,

Thank you for your consultation for the following application:

Proposal: *HRA/AA & WN Statement* Erection of a detached two storey residential dwelling.
Location: Land To The Rear of 8 Station Road Billingshurst West Sussex RH14 9RE.

Natural England concurs with the conclusion the council has drawn in your appropriate assessment that it is not possible to ascertain that the proposal will not result in adverse effects on integrity of the Arun Valley designated sites. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out or to achieve water neutrality. We therefore advise that further information is required.

Kind regards,
Hannah Lee

Sustainable Development Lead Advisor
Sussex and Kent Team
Natural England, International House, Ashford, TN23 1HU
M: (+44) 782 339 6958

Working days: Monday-Thursday (0930-1500)

http://www.gov.uk/natural-england



From: Tamara.Dale <Tamara.Dale@horsham.gov.uk>
Sent: Tuesday, April 16, 2024 4:18 PM
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: WATER NEUTRALITY CONSULTATION - DC/24/0152

You don't often get email from tamara.dale@horsham.gov.uk. Learn why this is important

Hi,

As the Council's system is currently down, I am emailing this consultation request over manually.

Please find enclosed a consultation with regard to water neutrality for the above application.

I look forward to receiving your response in due course.

Kind regards,

Tamara

Tamara Dale
Principal Planning Officer

Telephone: 01403 215166
Email: Tamara.Dale@horsham.gov.uk

Horsham District Council

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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Horsham District Council
Habitats Regulations Assessment (HRA) Screening Matrix and Appropriate Assessment

PLEASE NOTE: This screening relates only for potential impacts from water resources on the Arun Valley SAC/ SPA/Ramsar sites and does not consider impacts on any other designated habitat sites. A separate HRA screening will be required for development affecting other SPAs, SACs, or Ramsar sites.

It is the responsibility of the Competent Authority (in this case Horsham District Council) to prepare a HRA report and it is the responsibility of the applicant to provide information to support this process.

This HRA Appropriate Assessment template is for use where a planning application will result in additional demand for mains water being created in the Sussex North Water Supply Zone that is predicted to adversely impact the Arun Valley SAC/ SPA/Ramsar sites.

The purpose of this HRA screening record is to assess the need for appropriate assessment in relation to the project detailed below.

The Conservation of Habitats and Species Regulations 2017 (as amended) requires that a Habitats Regulations Assessment screening is carried out in relation to any plan or project which is likely to have a significant effect on Habitats (European) sites, either alone or in combination with other plans or projects. Habitats sites are Special Protection Areas and Special Areas of Conservation. Ramsar sites should also be given the same level of protection, as stated within the National Planning Policy Framework.

In line with the Court judgement (CJEU *People Over Wind v Coillte Teoranta* C-323/17), mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a development is likely to result in significant effects on a Habitats site.

Where an Appropriate Assessment is carried out a project may only be authorised after having ascertained that it will not adversely affect the integrity of the site(s) concerned.

Table 1: HRA Screening matrix for water neutrality

Stage 1 HRA screening	
Brief description of the development project	**Application**: DC/24/0152 **Address:** Land To The Rear of 8 Station Road, Billingshurst, West Sussex, RH14 9RE **Description**: Erection of a detached two storey residential dwelling **Type of application**: Full (013 Dwellings)
Details of the development project	**Proximity to Arun Valley SAC / SPA / Ramsar**: Is the application site: A) Within the Sussex North Water Supply Zone (WSZ) **YES** B) Arun Valley SAC / SPA / Ramsar potentially impacted by the planning application: **YES there is credible evidence of a real risk that the proposal will, without measures to minimise water use and water offsetting, result in an increase in water demand.** C) Is the planning application directly connected with or necessary to the management of the Arun Valley SAC/SPA/Ramsar site? **NO**

Brief description of the Habitats sites within scope of this assessment	Arun Valley SAC, SPA and Ramsar site supports rare and diverse plant, invertebrate and bird assemblages as qualifying features. It consists of low-lying grazing marsh, largely on alluvial soils, but with an area of peat derived from a relict raised bog. Variation in soils and water supply lead to a wide range of ecological conditions and hence a rich flora and fauna. Further details are provided in Appendix 1.
Key vulnerabilities / factors affecting site integrity	For applications where increased demand for water resources is the only pathway for impacts, Natural England's substantive advice (Position Statement Interim Approach, September 2021) is that such applications - without mitigation - will result in a likely significant effect on the Arun Valley SAC/SPA/Ramsar site either alone or in combination with other developments in the Sussex North WSZ. As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley sites, developments within this zone must not add to this impact. Therefore, such applications, even where mitigation is proposed, must progress to Appropriate Assessment (AA). Natural England's Position Statement (September 2021) is that the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of; • Arun Valley Special Area Conservation (SAC) • Arun Valley Special Protection Area (SPA) • Arun Valley Ramsar Site
HRA Screening Assessment Criteria	
The individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Arun Valley SAC, SPA and Ramsar site	Based on the threat from water demand identified by Natural England's Position Statement, the development proposals need assessment for hydrological changes to the Arun Valley SAC/ SPA/ Ramsar site. For applications, does the evidence show any likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (either alone or in-combination with other plans or projects)? **YES** Test 1 the significance test below has been completed as the evidence shows a likely significant effect on Arun Valley SAC/SPA/Ramsar site, without mitigation measures (in-combination with other plans or projects).

Test 1 the significance test: – Can a judgement be made as to whether there could be any potential significant impacts of the development on the integrity of the Arun Valley SPA/ SAC/Ramsar.	Following the CJEU ruling People over Wind, it is no longer legal to take into account any avoidance and mitigation measures as part of the application at this stage of HRA. For applications where increased demand for water resources is the only mechanism of impact, Natural England's advice is that such applications - **without mitigation** - will have a likely significant effect on the Arun Valley SAC/SPA/Ramsar site in combination with other developments in the Sussex North WSZ. **YES** Therefore, such applications, even where mitigation measures (minimise water use and water offsetting) are proposed, will progress directly to Stage 2 Appropriate Assessment to consider, with mitigation, the impacts of the development on mains water usage on the above designated sites, either alone or in combination with other plans and projects. **Explanation: All development likely to increase the demand for mains water usage, is predicted to result an identifiable impact on the Arun Valley SAC/SPA/Ramsar sites.** After mitigation has been embedded into the project design, Test 2 – the integrity test then needs to be applied.
Stage 2 Appropriate Assessment	
The above Stage 1 HRA screening has determined that a Likely Significant Effect is predicted at Arun Valley SAC/SPA/Ramsar site as a result of impacts on water quantity. This pathway has been screened in, and the potential for adverse effects on site integrity, either alone or in-combination will be assessed. Therefore, this section of the report to inform HRA Stage 2 only discusses the potential for impacts on water quantity as a result of the proposed development.	
Potential for Adverse Effects On the Integrity (AEOI) of a Habitats site from the development alone or in combination.	Supplementary advice on conserving and restoring site features for Arun Valley SAC/SPA sets a number of targets for the site under the supporting the Conservation Objectives in order that the integrity of the sites is maintained or restored as appropriate, and ensure that the sites contribute to achieving the Favourable Conservation Status of the Qualifying Features. The targets cover hydrology and flow, water quantity, area depth and water quality. The hydrology of the river Arun is the major factor affecting these targets and this is turn is affected by the abstraction at Hardham for the supply of drinking water. Continued or increased levels of groundwater abstraction at Hardham reduces water quantity in the Arun Valley sites and adversely affects water levels and flow within the sites (in combination with other plans and projects in the Sussex North WRZ). Without an alternative sustainable water supply or mitigation measures, the hydrology of the sites will be unable to maintain the types and extents of habitats requited to maintain the Qualifying Features.
Details of Water usage for the development	The Applicant has submitted a Water Neutrality Statement which outlines that water efficient fixtures and fittings would be installed to reduce the water demand of the proposed dwelling to **76.3 litres per person per day**.

	A Part G Water Calculator has been provided to demonstrate the per person per day water usage as suggested. Based upon an average occupancy of 1.88 persons for a 2-bed dwelling, the total water demand would amount to **143.4 litres per day**. Information has also been provided in respect of rainwater harvesting, where it is calculated that a total of 8453.33 litres per month could be collected on average. It has not however been identified what this captured rainwater would be used for, and it is not therefore known whether this would be for potable or non-potable purposes. Insufficient information has therefore been provided in this regard.
Proposed mitigation for the project to secure the mitigation as a condition of any consent	**Summary of mitigation package** Existing Baseline The existing baseline of the site is zero (0). Proposed Baseline As outlined above, the proposed water demand based upon the average occupation of 1.88 persons would be **143.4 litres per day**. Mitigation Measures The Water Neutrality Statement outlines that the proposed dwelling would be fitted within water efficient fixtures and fittings including: - Dual flush toilet - Low flow taps - Low capacity bath - Low flow shower - Water efficient white goods Offsetting Measures The Water Neutrality Statement advises that the Applicant is willing to engage with the Council to offset this water through the Sussex North Offsetting Water Scheme or through contribution to another LPA approved scheme. No specific offsetting measures have been proposed. Paragraph 54 of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy document states that “priority of access to offsetting delivered through the LPA-led Offsetting Scheme should therefore be given to sites allocated in Local Plans and/or identified in the associated, published Local Plan housing trajectories (for example an allowance for Windfall). Speculative development, that may not be compliant with the Local Plan (to be defined individually by the LPAs) would not be prioritised in the Strategy.” Natural England’s Position Statement outlines that whilst a strategic offsetting scheme continues to evolve, decisions on planning applications should await its completion or demonstrate water neutrality by other means. As outlined within the Council’s FAQs, it is established practice that Grampian conditions should only be used where there is reasonable certainty that the condition can be discharged within the lifetime of the permission. Given that an LPA Offsetting Strategy is not currently available, and the specification of priority when available, it is not considered that a Grampian condition would provide the necessary degree of certainty. The application site does not comprise a strategic allocation within the Local Plan and would represent speculative development in this regard. No Unilateral Undertaking has been submitted to secure adherence to the Offsetting Scheme, with no specifically worded Grampian condition suggested. Notwithstanding this, it is not considered that the submission of a UU would provide the required level

	of certainty, and would not therefore secure water neutrality at the point of determination. There is no certainty that the Offsetting Scheme would be in operation over the lifetime of the development, and the development would be unlikely to be prioritised in the Strategy. In considering these matters, it is not considered that reliance on the Offsetting Strategy would provide the necessary certainty, and this cannot be relied upon to make the development water neutral. Conclusion For the above reasons, insufficient information has been provided to demonstrate with a sufficient degree of certainty that an appropriate degree of offsetting would be provided so 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.
Test 2 – the integrity test	**Conclusion:** The HRA Screening has determined that a likely significant effect on the habitat sites is predicted, with the need to undertake an Appropriate Assessment. Insufficient information has been provided to undertake the Assessment and it is not therefore possible for Horsham District Council to concludes that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plan and projects. It cannot therefore be concluded that the development would not be in conflict with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site which include 'maintaining or restoring the population of Qualifying Features'. See Appendix 1. Having prepared this Appropriate Assessment of the implications of the project for the Arun Valley sites in view of their conservation objectives, subject to consultation with Natural England and fully considered any representation received where necessary, the authority can now agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the mitigation has been considered after HRA screening, this HRA Appropriate Assessment is in line with the People over Wind CJEU Court ruling and, being beyond reasonable scientific doubt concerning the effects of the work envisaged on the site concerned, is also in line with the Holohan and Others v An Bord Pleanála court ruling. Having prepared this Appropriate Assessment of the implications of the project for the Arun Valley sites in view of their conservation objectives, subject to consultation with Natural England and fully considered any representation received where necessary, the authority cannot agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Approving Planner: Tamara Dale **Date: 16/04/2024**

DISCLAIMER: This information has been produced by Place Services's Ecology Team on behalf of Horsham District Council, at their request.

Appendix 1 – details of Arun Valley SAC/SPA/Ramsar site

Qualifying Features for SPA/SAC	**Arun Valley SPA** A037 Bewick's swan, *Cygnus columbianus bewickii* (non-breeding). During the time of site notification, the SPA supported 115 individuals representing at least 1.6% of the wintering population in Great Britain (5 year peak mean 1992/93 - 1996/97). During the non-breeding season, the SPA regularly supports an assemblage of waterfowl with the area regularly supporting 27,241 individual waterfowl (5 year peak mean for 1992/93 to 1996/97) including: Shoveler *Anas clypeata*, Teal *Anas crecca*, Wigeon *Anas penelope*, Bewick's Swan *Cygnus columbianus bewickii.* **Arun Valley SAC** 4056 Little Whirlpool Ramshorn snail *Anisus vorticulus* *Anisus vorticulus* occurs across a range of sites in southern and eastern England. The Arun valley is one of the three main population centres for this species in the UK. This proposed site includes two of its core sites in the wash lands of the Arun floodplain (Pulborough Brooks and Amberley Wild Brooks SSSIs).
Qualifying Features for Ramsar	**Arun Valley Ramsar** **Ramsar criterion 2** The site holds seven wetland invertebrate species listed in the British Red Data Book as threatened. One of these, *Pseudamnicola confusa*, is considered to be endangered. The site also supports four nationally rare and four nationally scarce plant species **Ramsar criterion 3** In addition to the Red Data Book invertebrate and plant species, the ditches intersecting the site have a particularly diverse and rich flora. All five British duckweed (*Lemn*a species), all five water-cress (*Rorippa* species), and all three British water milfoils (*Myriophyllum* species), all but one of the seven British water dropworts (*Oenanthe* species), and two-thirds of the British pondweeds (*Potamogeton* species) can be found on site. **Ramsar criterion 5** Assemblages of international importance: Species with peak counts in winter: 13774 waterfowl (5 year peak mean 1998/99-2002/2003)
Conservation Status of the relevant Qualifying Features	**Arun Valley SAC, SPA and Ramsar** In line with the national trend, the number of Bewick's swans wintering in the Arun Valley has declined since the time of designation and is now typically fewer than 50 birds. This may reflect an overall decline in the population of the species and/or be due to the effects of a milder climate in which more are able to winter in continental Europe (The Birds of Sussex, 2014). The waterfowl assemblage numbers fluctuate depending upon conditions in the valley but over the past five years have averaged 40,311, an increase from the five year mean of 27,241 at the time of designation. The Arun Valley is one of the remaining strongholds for the Little Whirlpool Ramshorn Snail.
Conservation Objectives (Only Relevant for SPA/SAC)	**Arun Valley SAC & SPA** Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features

	• The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site.

Water Neutrality Statement

For Horsham District Council Ref:DC/24/0152

Land To Rear of No 8 Station Road Billingshurst postcode Proposed Three Bedroom Two Storey Dwelling

On Behalf of The Applicant: GPR Building Contractors Ltd

1. Introduction

In the pages that follow, we will outline our proposed strategies and initiatives aimed at achieving water neutrality within the Horsham District, guided by the principles of holistic water management, Water consumption values need to reduce from the Building Regulation Part G amount of 105L/pp/day for internal water consumption to 85L/pp/day at most.
To support the application ref: DC/24/0152
Read with dwg nos 18365_3_100000 and 1

2. **Water Efficiency Measures**: Reducing the water usage of new homes

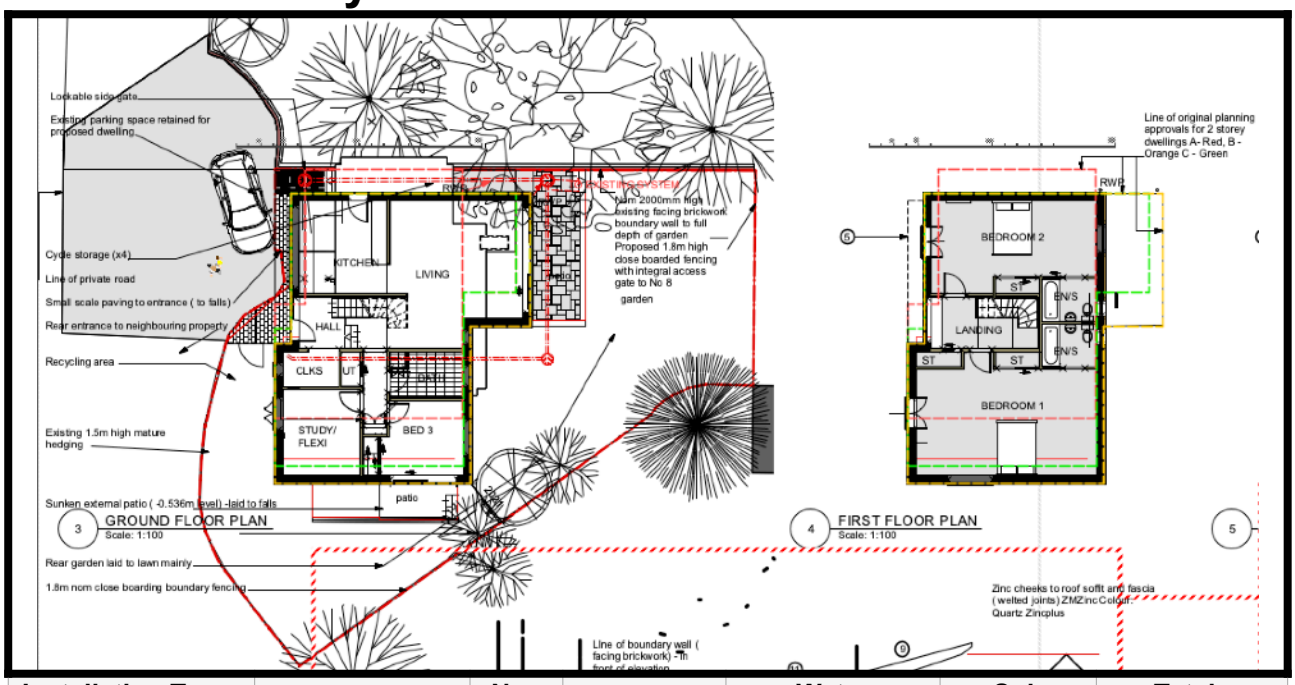
Reduction Management - Internal.

Maximising the water efficiency of toilets, taps, showers, baths, washing machines & dishwashers. An indicative table of the new water consumption values that meet the requirements shows the basis of how this can be achieved.

Installation Type		**Water Capacity/Flow Rate**	
		To achieve 105 l/p/d	**To achieve 85 l/p/d**
WC	Full flush volume	6 litres/flush	4.5 litres/flush
	Part flush volume	3 litres/flush	3 litres/flush
Bath		150 litres	130 litres
Basin tap		5 litres/min	4 litres/min
Shower		8 litres/min	6 litres/min
Kitchen tap		6 litres/min	5 litres/min
Dishwasher		1.25 litres/place setting	0.5 litres/place setting
Washing machine		8.17 litres/kg	7 litres/kg

With reference to the extract of proposed plan 3_100001 the following table shows the proposed loadings of each proposed fitting impact water usage.

Water Neutrality Statement



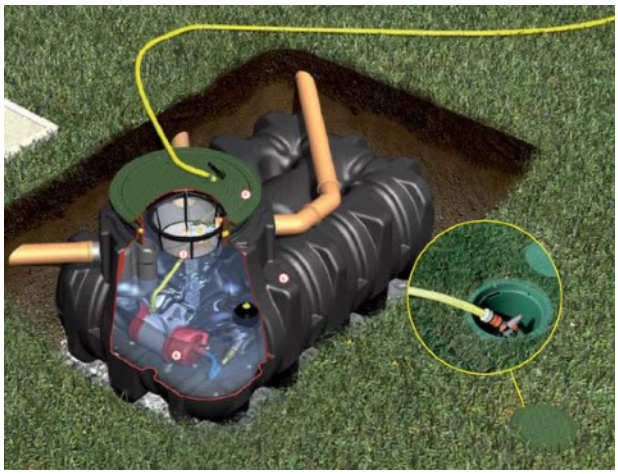
Installation Type		Nos of Fittings		Water Capacity/Flow Rate	Sub totals	Totals
				To achieve 85 l/p/d		
Ground Floor						
Kitchen						
	Sink/2taps	2		5 litres/min		
	Dishwasher	1		0.5 litres/place setting		
Utility Cupb						
	Washing machine/drier	1		7 litres/kg		
Cloakroom						
	WC	1	Full flush volume	4.5 litres/flush		
			Part flush volume	3 litres/flush		
	Basin/2 taps	2		4 litres/min		
Bathroom						
	WC	1	Full flush volume	4.5 litres/flush		
			Part flush volume	3 litres/flush		
	Basin/2 taps	2		4 litres/min		
	Bath inc shower	1		130 litres		
First Floor						
Ensuite (x 2)						

	WC	2	Full flush volume	4.5 litres/flush		
			Part flush volume	3 litres/flush		
	Basin/2 taps	4		4 litres/min		
	Bath inc shower	2		130 litres		
Notes						

Reduction Management - External.

Calculated average annual rainfall (figures taken from Met Office Data 1991 to 2020 North Heath)

Average area annual rainfall (mm) x roof surface area (m2) = 858.70mm x 118.132m2 = 101,439.9484ml (101.440m3)/12 = average monthly rainfall capture = 8453.33 (8.45333 m3) litres per month average.



Rainwater harvesting (included in final calculations)
5000l Shallow Dig Domestic Rainwater Harvesting System by Freeflush Water Management. A larger tank has been proposed so that the amount of available water for reuse remains higher for longer periods.

Greywater recycling systems - Considered but found not to be economically feasible due to limited area of roof and performance of rainwater harvesting system

Onsite wastewater treatment to reduce reliance on municipal water source - not feasible with quantity involved

3. Behavioural Changes and Education:

Advice will be provided to:

- Promote awareness with the next owner (household members) about the significance of water conservation and the environmental implications of water usage, and
- Encourage responsible water behaviours such as shorter showers, fixing leaks promptly, and using appliances efficiently.

Water Neutrality Statement

4. Sustainable Landscaping:

- The outdoor amenity spaces have been designed to minimise water consumption through drought-resistant plants, permeable surfaces, and xeriscaping principles, as well as
- Fostering biodiversity and ecosystem health by creating habitat for native species and minimising chemical inputs.

5. Conclusion (Offsets):

Water Calculator | WC | Taps (Other) | Taps (Kitchen/Utility) | Baths | Dishwashers | Washing Machines | Showers | H2O softeners | Greywater | Rainwater

Installation Type	Unit of Measure	Capacity/Flow rate (1)	Use Factor (2)	Fixed use (litres/person/day) (3)	Litres/person/day = [(1)x(2)] + (3) (4)
WC (single flush)	Flush Volume (litres)		4.42	0.00	0
	Full flush Volume (litres)		1.46	0.00	0
	Part flush Volume (litres)		2.96	0.00	0
WC (multiple fittings)	Average effective flushing Volume (litres)	3.50	4.42	0.00	15.47
Taps (excluding kitchen/utility room taps)	Flow rate (litres/min)	4.00	1.58	1.58	7.90
Bath (where shower also present)	Capacity to overflow(litres)	130.00	0.11	0.00	14.30
Shower (where bath also present)	Flow Rate(litres / minute)	6.00	4.37	0.00	26.22
Bath Only	Capacity to overflow(litres)		0.50	0.00	0
Shower Only	Flow Rate (litres/minute)		5.60	0.00	0
Kitchen/Utility room sink taps	Flow rate (litres/minute)	3.50	0.44	10.36	11.90
Washing Machine	(Litres/kg dry load)	7.00	2.1	0.00	14.70
Dishwasher	(Litres/place setting)	5.00	3.6	0.00	18.00
Waste disposal unit	(Litres/use)	Present	3.08	0.00	0
Water Softener	(Litres/person/day)	0.00	1.00	0.00	0.00
	(5)	Total Calculated use (litres/person/day) =SUM(column 4)			108.49
	(6)	Contribution from greywater (litres/person/day)			0
	(7)	Contribution from rainwater (litres/person/day)			30.17
	(8)	Normalisation factor			0.91
	(9)	Total internal water consumption = [(5)-(6)-(7)]x(8) (litres/person/day)			71.27
	(10)	External water use			5.0
	(11)	Total water consumption (Building Regulation 17.K) =(9)+(10)(litres/person/day)			76.3

Click here to fill in details before printing:

- The above table demonstrates that this new build can achieve strict water targets. Proposed water consumption significantly below the 85 l/p/d target

- Any remaining water footprint would be offset through LPA approved offset investments such as Sussex North Offsetting Water Scheme or contribution to another LPA approved scheme such as retrofitting of council owned properties/ commercial buildings-located within Sussex North or installation of water reduction fittings in Council-owned buildings

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