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Planning Support,
Horsham District Council
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By email

07 May 2024

Dear Planning Support,

APPLICATION UNDER REGULATION 77 OF THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 IN RESPECT OF PRIOR APPROVAL CONSENT DC/23/1525

56A HIGH STREET STEYNING WEST SUSSEX BN44 3RD

Please find enclosed a Regulation 77 application for the above development. A previous Regulation 11 application for DC/23/1525 was refused on 15th March 2024 (ref: HRA/23/0024). The reason given for refusing the application was that the incorrect baseline was used for the existing use of the premises. This was confirmed in an email from Guy Everest, dated 26th March 2024. Mr Everest advised that the correct baseline should have been 7-10 employees, not 12 as stated in the Water Neutrality Statement (WNS).

The WNS has now been updated using 7 employees for the baseline water consumption – see WNS Table 1, 'BREEAM Occupant Data'.

The new dwelling and commercial space will require the most efficient taps on the market to be installed to achieve water neutrality. Links to these products are provided in the Appendix on page 13 of the WNS.

I trust the WNS calculations are now correct and the Regulation 77 application can be approved.

Yours sincerely

[redacted]

Debbie Marriage BSc (Hons) MA MRTPI

Email from Guy Everest, 26th March 2024:
On 26/03/2024 13:21, Guy.Everest wrote:

Dear Debbie

Thank you for the email.

The Habitat Regulations do not set out how they should be interpreted, nor do they provide detail as to how they should be interpreted for the purposes of water neutrality. The Council has issued its own guidance on water neutrality which is intended to assist applicants in submitting applications. This is not though adopted policy and is intended to be helpful, rather than setting out a definitive approach which can / should be applied to all cases. In the case of commercial uses this guidance states: -

Commercial uses

The best way to evidence existing mains water consumption is via copies of metered water bills from within the last three years. The bills should cover the period before Covid as well as after as the lockdowns will have affected consumption at many sites. Unmetered water bills will not be accepted. Where there are other uses on a site, or the use is shared across multiple other buildings and land, it will be difficult to evidence with certainty the actual water use from a building unless separately metered. This is particularly the case for agricultural buildings. In such scenarios we will likely only be able to consider existing water consumption as nil. In cases where you are evidencing water consumption from agricultural uses, it will need to be clear that the water consumed is coming from the mains supply, and not watercourses or other rain collecting means.

When evidencing proposed consumption, we recommend you complete a BREEAM Wat 1 water calculator or an appropriate equivalent industry standard water calculator to estimate proposed employee water usage. Where necessary OffPAT employment density figures can be used to calculate average employee numbers a site and use could employ

Water consumption data for commercial uses must also include water consumed in any industrial or cooking process carried out on the site.

We will need to assess each case on its merits. We will also need to consider alternative permitted uses within Class E, or industrial occupiers under class B2, for instance, which could vary considerably in their water consumption, when assessing proposed consumption rates. Conditions may be applied to restrict alternative uses if there is concern they may breach the water neutrality strategy.

Please note this advice may evolve in future as we receive and examine more water neutrality strategies.

The guidance is not intended to provide definitive advice to cover all possibilities and water neutrality has to be considered on a case by case basis taking into account site specific circumstances / considerations.

In the case of 56a High Street I don't see there is any problem in allowing for water consumption to be derived from the existing lawful use of the premises, the main issue is instead how this was calculated.

The submitted information includes a statement which includes a BREEAM Wat 1 water calculator which reflects the above guidance. The derived figure for individual water consumption isn't unreasonable but has been extrapolated into a total daily consumption based on 12 employees, whereas offPAT would suggest employment for a retail premises of this size of between 7 and 10 employees. If you believe the previous occupant would have employed 12 full-time people this would need to be evidenced. In the absence of any evidence to demonstrate 12 employees and in order to be sufficiently precautionary we would expect the lower offPAT employment figure to be used, as otherwise there is a significant risk of overstating likely historical consumption.

The submitted statement therefore gave the impression of using a potentially inflated employment level to derive a higher baseline water consumption. This in my view is the key issue which led to the refusal on water neutrality grounds, as using the Wat 1 figures and the lower employment level suggest the development would have increased consumption (and using relevant figures from the water statement would lead existing consumption of 152.04 (7 x 21.72), versus proposed consumption of 221.38 (65.16 for GF commercial (3 x 21.72) and 156.22 for FF residential).

To move the application forward I'd recommend either appealing the recent refusals, or revisiting the water statement to include a Class E baseline which is more reflective of the worst-case (i.e. lowest) offPAT employment densities and then putting forward additional mitigation / efficiencies to ensure the proposed development would achieve water neutrality.

I hope this is of some assistance.

Kind regards

Guy

Guy Everest
Applications Team Leader

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