20 June 2025

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Becky Rayner
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Dear Giles,

Kilnwood Vale Phase 3DEFG (DC/23/0856) Application for discharge of details reserved by condition:

Pre-Commencement Condition 5 and 6

By Crest Nicholson

Please find enclosed an application for the discharge of details reserved by condition to DC/23/0856. This application is made solely in relation to Phase 3DEFG of the Kilnwood Vale development.

We wish to make it clear that the submission of this application to discharge conditions is made entirely without prejudice to Crest's ongoing position in relation to the judicial review proceedings currently underway in respect of Phase 3DEFG (DC/23/0856). This application should not be interpreted as an acceptance of the lawfulness of the permission, nor should it be taken to imply that Crest waives any rights or arguments being pursued through the court.

Reserved Matters Condition 5

Condition 5 notes that:

No development above ground floor slab level shall commence until full details of the water efficiency measures required to achieve a maximum of 91.4 l/p/d have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the specification of all fixtures and fittings to be included in all dwellings, and a completed Part G calculator confirming the targeted water consumption is achieved.

i. No dwelling hereby permitted shall be occupied until the approved water efficiency measures to serve that dwelling have been installed and made available for use in accordance with approved details, with evidence of installation submitted to and approved in the writing by the Local Planning Authority.

ii. The installed water efficiency measures, or any subsequent replacement of measures over the lifetime of the development, shall achieve equivalent or higher standards of water efficiency to those approved unless otherwise agreed in writing with the Local Planning Authority.

Please find enclosed 'Discharge of Conditions 5 and 6 Report' which sets out the full details of the water efficiency measures required to achieve a maximum of 91.4 l/p/d, including the specification of all fixtures and fittings to be included in all dwellings and a completed Part G calculator confirming the targeted water consumption is achieved.

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Reserved Matters Condition 6

Condition 6 states:

No dwelling hereby permitted shall be first occupied until written agreement from the Local Planning Authority has been provided that either:

i) A water neutrality mitigation scheme has been secured via Horsham District Council's adopted Offsetting Scheme (in line with the recommendations of the Sussex North Water Neutrality Study: Part C – Mitigation Strategy, Final Report, December 2022). OR

ii) A site-specific water neutrality mitigation scheme has been (a) agreed in writing with the Local Planning Authority as being equivalent to Horsham District Council's adopted Offsetting Scheme AND (b) implemented in full

Following the approval of the SNOWS Charging Schedule, Crest is seeking part i) of condition 6 to be discharged.

Accessing SNOWS

Following the approval of the SNOWS Charging Schedule at HDCs Cabinet Meeting on 21st May 2025, it is understood that qualifying applicants are able to pay a one-off SNOWS access charge of 80 pence per litre of water used in a development.

Applicants are able to access SNOWS for their development's water offsetting needs, unless it is:

1. Development where the principle is not in accordance with an adopted development plan or neighbourhood plan, or a post-submission local plan (all of which have informed the preparation of Southern Water's Water Resources Management Plan 2024 calculations of water demand). This includes housing development outside settlement boundaries on unallocated sites, employment development on unallocated sites and/or outside of existing employment sites (unless supported by economic planning policies), or development not otherwise accepted in-principle by way of specific development plan policies – such policies include: retirement and specialist care, gypsy and traveller sites, tourism, and some minerals and waste development; and/or

2. Development permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or as subsequently amended) (GPDO)

The wider site of Kilnwood Vale was identified as a strategic allocation for a new neighbourhood of 2,500 dwellings and associated uses, in both Horsham District and Crawley Borough Councils' Core Strategies. Subsequently, a Joint Area Action Plan (JAAP) was prepared by both authorities and adopted in July 2009. Outline planning permission was subsequently granted on 17 October 2011 and an Minor Material Amendment (MMA) was subsequently permitted in April 2016 (ref: DC/15/2813).

As such, it is understood that Kilnwood Vale and its subsequent RMAs qualify for access to SNOWs as it is fully in accordance with both Horsham District and Crawley Borough Councils' Core Strategies.

Within the SNOWS Applicant User Guide (Mar 2025), it is stated that the SNOWS application process is to be initiated at planning application stage, prior to consent being received. However, now that the Phase 3DEFG permission has been granted by the SoS, the appropriate mechanism for addressing this issue is through the discharge of Condition 6.

SNOWS Prioritisation

Crest has been able to review the Council's published prioritisation for SNOWS access, which provides four criteria related to residential applications:

1. Whether the application is affected by the C G Fry court decision.
2. Whether the application is a local authority 'corporate priority', which includes schemes in council plans or those approved by the council's political leadership.
3. The extent to which water efficiency measures have been included in the application to maximise on-site water savings and minimise offsetting requirement.
4. Whether the application is policy compliant in the delivery of affordable housing units and states that applications delivering 100% affordable schemes made by registered or approved affordable housing providers will be given greater weighting.

Crest would like to make the following observations on the Council's prioritisation criteria:

- **Criterion 1**: On the basis that Kilnwood Vale is an implemented scheme with an extant consent, it seems odd that applications that are not (and may never be) implemented but have conditions outstanding may get priority over schemes like Kilnwood Vale under this criterion. Kilnwood is around 50% delivered but the balance simply remains 'fallow' which is highly substandard for existing residents, particularly when key community, commercial and leisure infrastructure is currently on hold.

- **Criterion 2:** Given that Kilnwood Vale is a long-term allocation in the Council's Local Plan, which benefits from outline planning permission, and has Reserved Matters discharged on three future phases, it would be useful to understand if Kilnwood Vale would be considered a 'corporate priority' under this criterion.

- **Criterion 3:** In the remaining phases of Kilnwood Vale, Crest has accepted a new planning condition on water efficiency as proposed by officers for all remaining Reserved Matters consents.

- **Criterion 4:** All phases of Kilnwood Vale are compliant with the quantum of affordable housing that was accepted and consented by HDC under the extant consent.

Confirmation was also received from Barbara Childs that Kilnwood Vale benefitted from SNOWS prioritisation within the Kilnwood Vale Steering Group meeting in 28th April 2025.

As such, it is understood that Kilnwood Vale will receive prioritisation for SNOWS credits.

The original application was accompanied by a Water Neutrality Statement (WNS). The final WNS included calculations of the volume of water demand anticipated to be generated by the Proposed Development, based on details of water efficiency measures, which resulted in a maximum water efficiency of 91.4 litres/person/day of consumption across the development. This equates to the volume of water which needs to be offset in order for it to be considered water neutral.

Please see the enclosed Discharge of Conditions 5 and 6 Report which seeks to scale the results of the Part G calculation against the SNOWS charging schedule to state the volume of water which is required to be offset by SNOWS and the monetary value that this equates to.

We believe that condition 5 and 6 can now be discharged. If you have any questions or require any further information, please do not hesitate to get in touch.

Yours sincerely



Becky Rayner
Savills Planning