



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

S106/25/0033

Billhook Farm, West Chiltington Lane, Coneyhurst, Billingshurst, West Sussex, RH14 9DN

DESCRIPTION:

Discharge of planning obligations to approved planning application DC/20/2567

RELEVANT PLANNING HISTORY:

DC/20/2567	Demolition of existing barns and erection of 3 No. residential dwellings and creation of a new access.	Application Permitted on 08.05.2025
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PLANNING ASSESSMENT

Planning Application DC/20/2567 was granted consent on 08.05.2025. This permission was for the following:

Demolition of existing barns and erection of 3 No. residential dwellings and creation of a new access.

Consent is sought to discharge the s106 Agreement on the basis that the water offsetting measures are no longer required.

The Applicant has submitted a Cover Letter which outlines that the obligation relates specifically to water offsetting measures previously required as a result of Natural England's former Position Statement on water neutrality within the Sussex North Water Supply Zone. As Natural England has withdrawn the Position Statement, and there is no current planning policy or legislative basis to demonstrate water neutrality, the Cover Letter argues that the obligation is no longer necessary.

Current Water Neutrality Position

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.

On 31st 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.

Approved Application

The application is subject to planning condition 8 which states:

Pre-Occupation Condition: No dwelling hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority Habitats & Species).

This condition secures water mitigation measures on the development, with the approved Water Neutrality Statement indicating that the development would utilise water efficient fixtures and fittings. The approved Water Neutrality Statement indicates that the 2no. 3-bed dwellings would have a water consumption of 71.55 litres per person per day, with the 1no. 5-bed dwelling having a water consumption of 77.53 litres per person per day. This would amount to a total water consumption across the development of 593.03 litres per day.

Current Proposal

The application seeks to revoke the planning obligation secured under planning reference DC/20/2567 on the grounds that there is no longer a requirement to demonstrate water neutrality.

Policy 37 of the Horsham District Planning Framework (HDPF) states that proposals must seek to improve the sustainability of development through the inclusion of, among other things, limiting water use to 110 litres per person per day.

Following the withdrawal of Natural England's Position Statement, there is no longer a requirement to demonstrate water neutrality, subject to a package of mitigations. As the licence change to Southern Water's abstraction licence has yet to come forward, the water savings brought made by Southern Water in 2024/2025 are identified as water savings that can be attributed to development without increasing water abstraction in the Arun Valley.

Following the withdrawal of Natural England's Position Statement, it is now possible to secure a reduced water consumption by way of a regulatory condition which requires that the development to meet the optional standard within G2 of the Building Regulations.

The proposed water mitigation measures, as controlled by condition 8 of the planning permission, limits water consumption below 110 litres per person per day. This condition would remain enforceable as part of the planning permission and would ensure that the development would not exceed the optional standard. This is considered sufficient to address water consumption within the District.

With Water Neutrality no longer being required to make the development acceptable, consent is sought to discharge the entire original S106 agreement through a Deed of Discharge. The deed of discharge has now been signed and it is considered appropriate for this to be removed / approved.

Recommendation: Application Permitted

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.

DELEGATED

Case Officer sign/initial Tamara Dale Date: 02.07.2026

Authorising Officer sign/initial RHERMITAGE Date: 03/07/2026