Appendix A-

[redacted]

From: Jason.Hawkes [redacted]
Sent: Tuesday, July 15, 2025 9:37 AM
To: Paul Carnell
Cc: Adrian.Smith
Subject: RE: P2199: DC/24/1699 - Bines Road, Partridge Green.
Attachments: SNOWS Applicant User Guide (Mar 2025).pdf

Follow Up Flag: Follow up
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Categories: Filed by Newforma

Dear Paul

I have replied to your queries below in red.

Kind regards

Jason Hawkes
Principal Planning Officer

[redacted]

Horsham District Council

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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From: Paul Carnell [redacted]
Sent: 14 July 2025 11:01
To: Jason.Hawkes [redacted]
Cc: Adrian.Smith [redacted]
Subject: RE: P2199: DC/24/1699 - Bines Road, Partridge Green.

Dear both,

As we move forward with this decision, I would appreciate it if you can clarify the water neutrality position. The planning statement notes that water neutrality would be achieved via SNOWS or third-party offsetting. For the avoidance of doubt, the following are proposed:

1. **SNOWS access**:

We note the SNOWS (now SNWCS) access guide has been updated as of July 2025. It continues to state that non-qualifying development includes "*housing development outside settlement boundaries on unallocated sites*".

We understand that the site accords with the provisions of FAD. Further, during the course of the application we have addressed outstanding questions from statutory consultees so that there are no outstanding objections. Though located outside the settlement boundary and an unallocated site, the application of FAD by officers would allow a recommendation to approve. However, given the above access criteria, we presume that the application is unable to access SNWCS. Is this correct?

This application would not be eligible for SNOWs. I have attached the SNOWs Applicant User Guide for your info. The guide states that applicants will be able to access SNOWs for their development's water offsetting needs unless:

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)

This proposal for Bines Road is a speculative site which is not in accordance with an adopted development plan, neighbourhood plan or a post-submission local plan.

2. **Water Credits**

The scheme can secure water credits from a 3rd party provider to offset its water demand. It is not possible at the moment to provide the full details of the scheme for the reasons already expressed to HDC. However, a Grampian condition preventing development from commencing until such time until the off-set scheme is in place would ensure mitigation is appropriately secured. Planning permission could not be granted until such time as a legal agreement containing the relevant obligations is secured, and development could not commence until details are provided to HDC that the necessary solution has been implemented. This would be in line with recent appeal decisions and is to our mind an appropriate way to proceed.

We understand though that HDC do not agree with this position.

Where developments meet the access criteria for the SNOWs scheme, the Council is applying grampian conditions to allow applicants to either offset their water demand via SNOWs, or to submit a bespoke solution in the alternative. The certainty provided by the availability of access to SNOWS is deemed sufficient to satisfy the Habitats Regulations. However, as stated, this speculative scheme would not be eligible for SNOWs. As such, the use of a Grampian condition to access SNOWs or an alternative proposal is not acceptable for this proposal.

It is recognised that Nicholls have several borehole schemes in Sussex, however in order for the Local Planning Authority to be satisfied that the requirements of Section 70 of the Conservation of Habitats and Species Regulations 2017 have been met, then full details must be submitted of the proposed boreholes to ensure certainty that the mitigation will be effective in practice and suitably secured before outline planning permission is granted. These details will need to include:

- the location of the borehole or boreholes and the relative aquifer in relation to the Hardham site,
- whether the borehole or boreholes have sufficient quantum of water to offset the water requirements of the proposal (taking into account any other proposals the borehole may be off setting),
- what use the borehole or boreholes will serve and how will this save water usage,
- the quality of the water and whether it is suitable for its use.

Without the above information, the Council cannot ascertain whether or not the boreholes proposed are appropriate. In the event that these details are acceptable, the applicant and offsetting landowner would need to be signatories to a s106 agreement to secure the implementation, operation and maintenance of the boreholes. We have not received sufficient information regarding the proposed boreholes and do not have a completed legal agreement.

As such, the development the proposal has not demonstrated water neutrality and therefore there is insufficient certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 193 and 194. The above takes into account recent appeal decisions.

It would greatly assist if you could clarify our understanding of the position,

I look forward to hearing from you,

Kind Regards

Paul Carnell MRTPI
Associate Planner

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From: Jason.Hawkes [redacted]
Sent: Thursday, July 10, 2025 4:23 PM
To: Paul Carnell [redacted]
Cc: Adrian.Smith [redacted]
Subject: RE: P2199: DC/24/1699 - Bines Road, Partridge Green.

Dear Paul

Thank you for your email clarifying the water neutrality position. It looks as though this can be a delegated refusal on the grounds of water neutrality. I'll have to confirm this can be a delegated decision and the reasons for refusal.

You'll note that I have asked for a further extension of time for the determination of this application by the end of July. If the EOT is approved, a delegated decision would be issued within this timeframe.

Kind regards

Jason Hawkes
Principal Planning Officer

[redacted]

Horsham District Council

Horsham District Council, Albery House, Springfield Road, Horsham, West Sussex RH12 2GB
Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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From: Paul Carnell [redacted]
Sent: 10 July 2025 15:59
To: Adrian.Smith [redacted]; Jason.Hawkes [redacted]
Subject: P2199: DC/24/1699 - Bines Road, Partridge Green.

Dear Adrian / Jason,

Thank you for the response. The position in respect of the applicant's water neutrality strategy has not changed since my email of the 18th June. The information we have provided to date has come from the water credits provider and is the maximum extent we can provide without further (significant and prohibitive) expense. I note your comments on the prospect of taking this to planning committee subject to AA.

My email of the 18th also considered: a) whether Snows may become accessible to FAD compliant schemes (noting the agent's forum where it was stated that the Snows access strategy would need to be changed prior to launch); and b) whether a modified Grampian could be utilised in a situation where an application does not have access to Snows (e.g. where the implementation of a private credit scheme is the only requirement). Unless the Council's position on either of these options has changed (or is due to in the near future), the matter of water neutrality in respect of this application will remain unresolved.

It is my understanding that, aside from some outstanding queries on the veteran tree buffer zone and the Council's EHO (please see comments below), there are no other outstanding objections. We have resolved comments from key consultees including WSCC Highways, the LLFA, Ecology and landscape (noting that the consultees considered some matters could be dealt with via planning condition).

My email of 12th June sets out our position on the Council's arboriculture comments in respect of the veteran tree buffer and the cycle path. Our position remains unchanged. My email concluded – *"On balance, the delivery of the cycle path is considered a significant benefit to be delivered which, along with the benefit of housing and affordable, outweighs any limited impact on the buffer zone."*

Jason has provided me with latest comments from the EHO dated 4th July. We submitted a response to the initial EHO comments on 12th May which was prepared by [redacted] Acoustic South East (the project acoustician who has been engaged on the project from the beginning). We consider that this response addresses the comments and that there is no requirement to re-locate or delete the plot.

Presuming that there is no ability to resolve the water neutrality matter as discussed above, can you confirm that the application will be a delegated decision with water neutrality the main reason for refusal? If this is the case, it would be very helpful to understand what sort of timeframe you would need to issue this decision.

I look forward to hearing from you

Kind Regards

Paul Carnell MRTPI
Associate Planner

ECE Planning

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From: Adrian.Smith [redacted]
Sent: Wednesday, July 9, 2025 5:35 PM
To: Paul Carnell [redacted]
Cc: Jason.Hawkes [redacted]
Subject: RE: DC/24/1699 - Bines Road, Partridge Green.

Hello Paul, I have been advised in the last day by Chichester DC and their SDNP officer that they have no record of having seen or otherwise agreed any offsetting proposal at Battlehurst Farm. I have contacted the SDNP again for any information they have on the Marshalls Fm offsetting scheme but have had no reply.

Do you have any more specific information on these schemes? Assuming not based on your 18 June email then we are at an impasse as we cannot complete a positive Appropriate Assessment without detail to provide certainty of mitigation. I note you have asked us if we could seek a committee resolution to grant subject to resolving WN, however our members will not wish to undertake a presumptive planning balance under NPPF 11d with a key planning issue unresolved, and we as officers would not wish to put them in the unenviable position of considering having to do so.

Kind regards

Adrian Smith
Major Applications Team Leader

[redacted]

Horsham District Council

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Telephone: 01403 215100 (calls may be recorded) www.horsham.gov.uk Chief Executive: Jane Eaton

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