Horsham District Council PLANNING COMMITTEE REPORT

TO:	Planning Committee
BY:	Head of Development and Building Control
DATE:	2nd December 2025
DEVELOPMENT:	Outline planning application for up to 79 Dwellings (including affordable homes) with all matters reserved except for access.
SITE:	Land at 508967 124469, Marringdean Road, Billingshurst, West Sussex
WARD:	Billinghurst
APPLICATION:	DC/24/1581
APPLICANT:	**Name:** Mr Asher Ross **Address:** Wates House, Station Approach, Leatherhead, KT22 7SW

REASON FOR INCLUSION ON THE AGENDA: The application has returned to Committee to consider the updated circumstance regarding Water Neutrality.

RECOMMENDATION: To approve outline planning permission subject to appropriate conditions and the completion of the necessary section 106 agreement within four months of the decision of this Committee, or such longer period as is agreed by the Director of Place acting reasonably and properly.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality since the resolution to grant outline planning permission was made at the 22nd July 2025 Committee Meeting. The Position Statement was withdrawn by letter on 31st October 2025.

1.2 This application was last heard at the 22nd July 2025 Planning Committee meeting where Members revolved to grant outline planning permission subject to conditions and completion of a s106 legal agreement. Since then, negotiations have advanced on the s106 agreement and at the time of writing it is almost at engrossment stage.

1.3 The applicants had submitted a water neutrality strategy which proposed a combination of onsite efficiencies and offsetting of the remaining water consumption by utilising existing and proposed water reduction savings at Sumners Pond, Barns Green. This strategy was agreed as demonstrating water neutrality and the application was resolved to be granted subject to conditions and legal agreements at the Planning Committee meeting of 22nd July 2025.

1.4 The relevant committee papers are attached as **Appendix A** (22nd July 2025), which include the site description and full details of the application along with all consultee comments and assessment of all material considerations at the time.

DESCRIPTION OF THE (AMENDED) APPLICATION

1.5 The application, as considered at the previous 22nd July 2025 committee meeting, sought outline planning permission for up to 79 Dwellings (including affordable homes) with all matters reserved except for access. The Committee resolution was to approve the application, subject to a suite of planning conditions.

1.6 Following withdrawal of the Natural England 2021 Position Statement, the applicant now seeks the removal of the two relevant water neutrality conditions (nos. 17 and 22 which required the applicant implement and adhere to their approved water neutrality strategy) and revert the HDPF Policy 37 requirement of 110 litres per person per day.

2. PLANNING HISTORY AND RELEVANT APPLICATIONS

2.1 As set out in the appended report.

3. OUTCOME OF CONSULTATIONS

3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

3.2 **Natural England (standing advice):** No objection

3.3 No other consultation responses have been received not already verbally reported at the 22nd July 2025 committee meeting and subsequent resolution.

PUBLIC CONSULTATIONS

Representations (summarised)

3.4 No representations from identified property addresses have been received since the 22nd July 2025 committee resolution.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENT

6.1 The principle of this development is established through the previous resolution to approve outline planning application. No material considerations indicate that a different conclusion as to the principle of housing on this site should be reached.

6.2 Therefore, the sole consideration since the 22nd July 2025 resolution is the impact of Natural England's formal withdrawal of their 2021 Position Statement on Water Neutrality.

Water Neutrality

6.3 As set out in the July committee report, Horsham District is situated in an area of serious water stress, as identified by the Environment Agency. In September 2021, Natural England released a Position Statement which advised all local authorities within the Sussex North Water Supply Zone that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites near Pulborough. The Position Statement advised the affected local authorities that developments within the Sussex North Supply Zone must not therefore add to this impact, and to achieve this, all proposals must demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

6.4 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'. 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. It is though recognised that Southern Water have separately made significant water savings in 2024/25 through a programme of leakage reduction which 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.

6.5 Officers have undertaken a new Appropriate Assessment which demonstrates that the anticipated mains water consumption from this development (some 18,852.9 litres per day), alongside all other development granted since the 31st October 2025, will not exceed 3,240,000 litres per day. This is based on all new residential development achieving the Building Regulations Part G Optional Technical Standard of 110 litres per person per day, as required under Policy 37 of the HDPF.

6.6 Natural England has been consulted on this approach of using the 2024/25 Southern Water efficiency savings to offset new development. In response, Natural England have provided standing advice which confirms that they consider the 3,240,000 litres per day of water savings made by Southern Water to be reliable such that they have no objection to his capacity being used to offset development proposals.

6.7 Accordingly, subject to the imposition of a condition requiring the development to meet the Building Regulations Part G Optional Technical Standard of 110 l/p/d water consumption (see condition 38), the proposed development will not have an Adverse Effect on the Integrity of the Arun Valley Site, either alone or in combination with other plan and projects, thereby complying with Regulations 63 and 70 of the Conservation of Habitats and Species Regulations 2017, HDPF Policy 31, and paragraph 193 of the NPPF.

<u>Section 106 Agreement</u>

6.8 Negotiations between the applicants and Officers are in the final stages to agree the details of the S.106 legal agreement that would need to accompany the grant of outline planning permission. Given the above changed position on water neutrality, the s106 agreement no longer requires water neutrality obligations, however all other obligations to be included in

the S106 agreement remain as previously reported at the 22nd July 2025 Committee and at the meeting itself, as reported in the minutes. This includes £32,000 towards minor public footway and public transport improvements.

Community Infrastructure Levy (CIL)

6.9 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. It is considered that this development constitutes CIL liable development. In the case of outline applications, the CIL charge will be calculated at the relevant Reserved Matters stage.

Planning Conclusions

6.10 The proposed amendments to the application as a consequence of the withdrawal of the 2021 Natural England Position Statement do not materially alter the overall planning balance and conclusions previously reported to the 22nd July Planning Committee.

6.11 Officers therefore continue to recommend this application be approved, having regard to the material planning considerations as detailed out in this report and the appended committee papers.

7. RECOMMENDATIONS

7.1 To approve outline planning permission, subject to the completion of the Section 106 Agreement and the following conditions:

1. Approved Plans Condition

2. Outline Permission:

(a) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") for each phase shall be submitted to, and approved in writing by, the local planning authority before any development takes place on the relevant phase and the development shall be carried out as approved.

(b) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

(c) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3. Submission of Reserved Matters:

(a) The submission of reserved matters applications pursuant to this outline approval shall demonstrate substantial compliance with the following Parameter Plans submitted as part of the Outline approval to fix the development principles:

21087-RFT-00-00-DR-A-0133 REV P02 Parameter Plan - Access & Movement
21087-RFT-00-00-DR-A-0130 REV P02 Parameter Plan - Building Heights
21087-RFT-00-00-DR-A-0132 REV P02 Parameter Plan - Land Use
21087-RFT-00-00-DR-A-0131 REV P01 Parameter Plan - Density

Reason: To enable the Local Planning Authority to control the development in detail to ensure Reserved Matters compliance with development principles fixed at outline and to comply with Section 92 of the Town and Country Planning Act 1990.

4. **Pre-commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) An intrusive site investigation scheme to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
(b) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (a) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

5. **Pre-commencement Condition:** As part of each reserved matters application, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment and the Surface Water Drainage Strategy by RSK 680210-R1(5)-FRA ISSUE REV R1(5) dated 26th June 2024. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

• Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters. This shall include the following information:
• Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration.
• Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and Policy 16 ofthe Billingshurst Neighbourhood Plan (2021).

6. **Pre-Commencement Condition:** The development hereby approved shall not commence until the following demolition and construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall be limited to the following measures:
(a) Details of site management contact details and responsibilities;
(b) A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
i. location of site compound,
ii. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
iii. site offices (including location, height, size and appearance),
iv. location of site access points for construction vehicles,

v. location of on-site parking,
vi. locations and details for the provision of wheel washing facilities and dust suppression facilities
(c) The arrangements for public consultation and liaison prior to and during the demolition and construction works – newsletters, fliers etc, to include site management contact details for residents;
(d) Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination All demolition and construction activities shall thereafter be carried out in accordance with the details and measures approved.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 24, 33 and 40 of the Horsham District Planning Framework (2015)

7. **Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.
a) Purpose and conservation objectives for the proposed works.
b) Review of site potential and constraints.
c) Detailed design(s) and/or working method(s) to achieve stated objectives.
d) Extent and location/area of proposed works on appropriate scale maps and plans.
e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
f) Where appropriate timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
g) Persons responsible for implementing the works.
h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
i) Where appropriate details for monitoring and remedial measures.
j) Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

8. **Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, any works which will impact the breeding / resting place of Hazel Dormouse, shall not in in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and Policy 31 of the Horsham District Planning Framework (2015).

9. **Pre-Commencement Condition:** As part of each reserved matters application and prior to commencement of development, including demolition pursuant to the permission granted, a Great Crested Newt Mitigation Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newts during the construction

phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve Protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham District Planning Framework.

10. **Pre-commencement Condition:** As part of each reserved matters application and prior to commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
a) Risk assessment of potentially damaging construction activities.
b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
d) The location and timing of sensitive works to avoid harm to biodiversity features.
e) The times during construction when specialist ecologists need to be present on site to oversee works.
f) Responsible persons and lines of communication.
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy 31 of the Horsham District Planning Framework (2015).

11. **Pre-commencement Condition:** No development shall commence for each dwelling until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of the development have been submitted to, and approved in writing by, the Local Planning Authority for that dwelling. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact in accordance with Policies 25, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

12. **Pre-commencement Condition:**
i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
ii) The development hereby permitted shall not be commenced until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [i] and that provision for analysis, publication and dissemination of results and archive deposition has been secured and approved by the Local Planning Authority in writing.

Reason: As this matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015)

13. **Pre-commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing on a plan all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to, and approved in writing by, the Local Planning Authority, and until the following preliminaries have been completed in the sequence set out below: - All trees on the site shown for retention in the approved Arboricultural Method Statement, as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction – Recommendations' (2012). - Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site. - Areas fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone. - Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 25, 31, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL2 of the Billingshurst Neighbourhood Plan (2021).

14. **Pre-commencement Condition:** No development shall commence unless and until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any dwelling shall take place until the approved works required to facilitate that dwelling have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

15. **Pre-commencement Condition:** Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface water Drainage features are adequately protected and to comply with Policy 38 of the Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021)

16. **Pre-commencement (slab level) Condition:** No development shall commence until full details of all underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show coordination with the

landscaping strategy and proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 25, 31, 32, 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

17. **Pre-commencement (slab level) Condition:** As part of each reserved matters application and prior to slab level of any development, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) persons responsible for implementing the enhancement measures; e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy 31 of the Horsham District Planning Framework (2015)

18. **Pre-Occupation Condition:** No dwelling shall be first occupied until an air quality mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The air quality mitigation plan should contain measures equal in value to the calculated environmental damage cost of £9,240 and include (but not be limited to) the measures detailed in Section 7.2 Operational Phase Mitigation of the RSK Air Quality Assessment (Jan 2025).

Reason: To mitigate the impact of the development on air quality within the district and to sustain compliance with and contribute towards national objectives for pollutants in accordance with Policies 24 and 41 of the Horsham District Planning Framework (2015).

19. **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular/pedestrian/cycle site access serving the development has been constructed in accordance with the details shown on the drawing titled ITB13322-GA-009 REV B SITE ACCESS ARRANGEMENT - OPTION 2.

Reason: In the interests of road safety in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy BILL 12 of the Billingshurst Neighbourhood Plan (2021)

20. **Prior to Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the contamination remediation scheme required and approved under the provisions of condition 4 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4, unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

21. **Prior to Occupation Condition:** As part of each reserved matters application and prior to the first occupation of any dwelling, a Landscape and Ecological Management Plan (LEMP) must have been submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.
d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) Ongoing monitoring and remedial measures and future maintenance responsibilities and prescriptions for all areas of land including a plan showing parties responsible for the maintenance of different areas and their contact details including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details and the development shall thereafter be maintained in accordance.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with Policy 31 of the Horsham District Planning Framework (2015) and Policies BILL 2 and BILL 4 of the Billingshurst Neighbourhood Plan (2021).

22. **Prior to Occupation Condition:** As part of each reserved matters application and prior to first occupation of any dwelling, a lighting design scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light and shall have been designed by a suitably qualified person in accordance with the recommendations. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and in accordance with Policy 31 of the Horsham District Planning Framework (2015).

23. **Prior to Occupation Condition:** Prior to the first occupation of any dwelling/unit forming part of the proposed development the developer will, at their own expense, install the required fire hydrants in locations to be submitted to and approved by the Local Planning Authority to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: To ensure fire hydrants are provided for fire safety in accordance with Policy 32 of the Horsham District Planning Framework (2015).

24. **Prior to Occupation Condition:** No dwelling shall be first occupied until Electric Vehicle Charging spaces have been provided for that respective dwelling in accordance with plans and details to be submitted to and approved in writing at Reserved Matters by the Local Planning Authority.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

25. **Prior to Occupation Condition:** No part of the development hereby permitted shall be occupied until full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority for that phase. The details shall include plans and measures addressing the following:
• Details of all existing trees and planting to be retained;
• Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details; and to adhere to the following specifications to tree sizes at key corridors/important links and to reinforce street hierarchy:
• Details of all hard surfacing materials and finishes;
• Details of all boundary treatments;

The approved soft landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. The approved hard landscaping shall be fully implemented as approved following first occupation of the development.

Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and character of the surroundings and in the interests of visual amenity in accordance with Policies 30, 31, and 33 of the Horsham District Planning Framework (2015) and Policy BILL 2 of the Billingshurst Neighbourhood Plan (2021).

26. **Prior to Occupation Condition:** No part of each phase of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved at Reserved Matters in writing by the Local Planning Authority for that phase. No dwelling shall be first occupied until the facilities serving the respective dwelling has been provided. Once provided the facilities shall thereafter be retained for use at all times.

Reason: To ensure that adequate and satisfactory provision is made for refuse and recycling storage clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

27. **Prior to Occupation Condition:** No dwelling shall be first occupied until the car parking, turning, and access facilities serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved at Reserved Matters in writing by the Local Planning Authority. Once provided the car parking spaces, turning and access facilities shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy BILL 14 of the Billingshurst Neighbourhood Plan (2021).

28. **Prior to Occupation Condition:** No part of the development shall be first occupied until details of the communal estate road(s), footways, cycle ways serving that development have been provided in accordance with plans and details to be submitted to and approved at Reserved Matter stage by the Local Planning Authority.

Reason: To ensure safe and suitable access in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy BILL 12 of the Billingshurst Neighbourhood Plan (2021).

29. **Prior to Occupation Condition:** No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved at Reserved Matter stage by the Local Planning Authority.

Reason: To ensure that adequate and satisfactory provision is made for cycle parking in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policies BILL 12 and BILL 14 of the Billingshurst Neighbourhood Plan (2021).

30. **Prior to Occupation Condition:** No dwelling shall be first occupied until the necessary inbuilding physical infrastructure and necessary external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection serving the respective dwelling has been provided.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

31. **Prior to Occupation Condition:** The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,
II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and Policy BILL 16 of the Billingshurst Neighbourhood Plan (2021).

32. **Prior to Occupation Condition:** The development hereby approved shall not be first occupied until a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and BILL 16 of the Billingshurst Neighbourhood Plan (2021).

33. **Prior to Occupation Condition:** No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To promote sustainable transport in accordance with Polices 40 and 41 of the Horsham District Planning Framework (2015).

34. **Regulatory Condition:** If the outline application hereby approved does not commence within one year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:
I. establish if there have been any changes in the presence and/or abundance of protected species and
II. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the erection of up to 79 Dwellings (including affordable homes). Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

35. **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Consultation Responses – Further Information (Ecology Solutions, submitted 24th January 2025) and Ecological Assessment (Ecology Solutions, September 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction.

The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham District Planning Framework (2015).

36. **Regulatory Condition:** All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment, this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework (2015) and BILL 16 of the Billingshurst Neighbourhood Plan (2021).

37. **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

38. **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to no more than 110 litres per person per day. The subsequently installed water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.
For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74- 003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain

Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Effect of Section 73(2D) of the 1990 Act
Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where -
(a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
(b) the conditions subject to which the planning permission is granted:
(i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
(ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

The earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.