DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0999
Land at Brook Hill Cowfold RH13 8AH

DESCRIPTION:
Variation of Condition 6 (Private water supplies), 7 (Private Water supply Management Plan), 19 (DWI certification for water sampling), 20 (risk assessment of Private Water Supplies), 40 (Source Protection Zone) and 41 (supply from mains water supply) and Condition 1 (Approved Plans) of previously approved application DC/22/1815 (Erection of 35 dwellings with associated engineering operations and works) to enable an alternative water neutrality strategy to access the Sussex North Offsetting Water Scheme (SNOWS) and to add to the approved plans list elevation and floorplan drawings of plot 26 house type 4A submitted at application stage.

DETAILED DESCRIPTION:

This application is made under Section 73 of the Town and Country Planning Act seeking the vary the conditions relating to the permission granted under DC/22/1815 and regarding the strategy by which the proposed development demonstrates water neutrality.

The justification for the variation is to bring the decision in line with those taken more recently and considering the Council's current position concerning Grampian Style conditions where certain development proposals can access the emerging Sussex North Water Offsetting Scheme ("SNOWS") to address the requirement for all new development to achieve water neutrality. This would be in the alternative to the previously approved borehole proposed on the site.

The variation sought to the conditions would afford the scheme the same amount of flexibility as other schemes recently permitted that can equally access SNOWS and result in a more consistent decision when compared with those. The proposed condition variations are listed below:

Approved Wording

HDC Water Neutrality Grampian Condition:

'No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Certification Water Scheme;

or

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

The development shall not be first occupied until

Applicant's Proposed Wording

Imposed New Condition:

No development shall commence until either:

i. Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme or a suitable alternative;

or

ii. Confirmation has been submitted to and been approved in writing by the Local Planning Authority that the water demand from the proposed development will be served from the onsite borehole(s) in accordance with the submitted water neutrality statement.

The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved borehole(s) has been fully implemented

evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.	and is operational. The approved borehole(s) shall thereafter be retained, maintained and operated at all times
6. Pre-Commencement Condition: No development shall commence until a mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall implement the recommendations detailed in the Membrane Consultancy Associated Ltd 'Review of a Water Source Proposal for Brook Hill Borehole' dated 24.10.23 and shall ensure that the components of the proposed treatment system are compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.	Subject to condition [number of new condition], no development above ground floor slab level of the dwellings hereby permitted shall take place until a mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall a) provide sufficient detail on the management and maintenance of the proposed treatment system to ensure it can prevent fouling of the RO membranes and reduce the parameters identified as elevated in the sampling to date to acceptable concentrations and b) ensure that the components of the proposed treatment system are compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.
7. Pre-Commencement Condition: No development shall commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information: • Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed. • Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA. • Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of	Subject to condition [number of new condition] no development above ground floor slab level of the dwellings hereby permitted shall take place until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information: i. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed. ii. Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the LPA. iii. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will

servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of use. • Full specifications and details, including a plan or schematic, showing the supply - storage tanks, treatment etc, and means to record the total water consumption of each unit • Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested. • A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply (to be approved in writing by the Local Planning Authority). The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority. Any necessary changes to the management plan shall be agreed in writing by the local planning authority and the premises shall operate in accordance with the revised management plan thereafter.	be taken in the event of equipment failure. This should include sufficient detail on proposed maintenance to address the risks from fouling. iv. Full specifications and details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit v. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested. vi. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply; Detail on the continuity of supply during dry periods extending beyond 35 days and continuity plan to ensure any failure's or reported concerns with the supply are investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority. The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.
19. Pre-Occupation Condition: No dwelling shall be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) has been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).	Subject to condition [number of new condition] No dwelling shall be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) has been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).
20. Pre-Occupation Condition: No dwelling shall be occupied until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.	Subject to condition [number of new condition] no dwelling shall be occupied until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and experienced person has been submitted to and approved in writing by the Local Planning Authority.
40. Regulatory condition: Prior to first use of the borehole system, details of the Source Protection Zone for the borehole shall be provided to the Local Planning Authority and Environment Agency, alongside evidence that all landowners within the Source Protection Zone have been notified of the borehole and their responsibilities to avoid contamination of the borehole supply.	Subject to condition [number of new condition] prior to first use of the borehole system, details of the Source Protection Zone for the borehole shall be provided to the Local Planning Authority and Environment Agency, alongside evidence that all landowners within the Source Protection Zone have been notified of the borehole and their responsibilities to avoid contamination of the borehole supply.

41. Regulatory condition: No dwelling unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational. The occupiers of each dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.	Subject to condition [number of new condition] no dwelling unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 8 until such time as the system is fully operational. The occupiers of each dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Additionally, it became apparent post decision of DC/22/1815 at the time the Council calculated Community Infrastructure Levy, that the elevation and floorplan drawings for plot 26, house type 4A submitted and considered at application stage had not been included in the approved plans list (condition 1). The proposal is to add these drawings to the approved plans list on the issue of the s.73 in order to correct this administrative error.

SITE AND SURROUNDINGS:

This is unchanged from the details previously set out in the 21st November 2023 committee papers for DC/22/1815, and for the sake of brevity is not repeated here.

RELEVANT PLANNING HISTORY:

DC/22/1815	Erection of 35 dwellings with associated engineering operations and works.	Permitted 31-12-2024

RELEVANT PLANNING POLICIES

Except for the NPPF which was updated Dec 2024, the listed policies/guidance/advice notes set out below are unchanged from November 2023 committee papers.

The National Planning Policy Framework (NPPF Dec 2024)

Horsham District Planning Framework (2015):
Policy 1: Strategic Policy: Sustainable Development
Policy 2: Strategic Policy: Strategic Development
Policy 3: Strategic Policy: Development Hierarchy
Policy 4: Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 18 - Retirement Housing and Specialist Care
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 27 - Settlement Coalescence
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (April 2014)

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)

Planning Advice Note:
Biodiversity and Green Infrastructure Planning Advice Note (2022)
Facilitating Appropriate Development Advice Note (2022)

REPRESENTATIONS AND CONSULTATIONS RESPONSES
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

Consultations:

Natural England: Awaited

HDC Archaeology and Ecology; Environment Agency; WSCC Local Lead Flood Authority; WSCC Local Highway Authority; WSCC Minerals and Waster; Sussex Police; WSCC Water & Access: All No comment/No Objection
Variations do not relate to remit of our specialism

Representations:

3 no. objections received (summarised):

Highway Matters
Reiterate concerns regarding all traffic from site onto A281. Will result in numerous accidents due to speeding traffic on Brook Hill. Very, very few people take notice of 30 mile an hour limit and exiting at this point, as we do, is becoming extremely dangerous. Very little line of sight in either direction.

Water Neutrality
HRA Appropriate Assessment notes 'a prospect' of purchasing credits on a scheme not yet operational is a low bar. Object to potential delay. Revised conditions in HRA Appropriate Assessment, requiring agreement to one of options ahead of work commencing, broadly supported as addresses concern about delays to construction period. All conditions were originally put on by your professional experts and debated at length so no reason why they should be removed otherwise a mockery of it all.

Residential Amenity
Construction traffic and building work likely to be prolonged due to delays in approvals and subsequent completion of works.

HUMAN RIGHTS AND EQUALITY:
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.

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.

PLANNING ASSESSMENT

Water Neutrality

The affected local authorities within the Sussex North Water Supply Zone have been jointly producing a water offsetting scheme- the Sussex North Offsetting Water Scheme (SNOWS) (with imminent re-branding as Sussex North Water Certification Scheme (SNWCS)).

The purpose of SNWCS is to utilise demand capacity generated by Southern Water efficiency savings, allied with other water saving projects identified by SNWCS, to generate 'credits' for applicants to purchase to offset their water demand. Not all development will be eligible for access to SNWCS, as the purpose of SNWCS is to enable plan-led development to come forward only. As it currently stands access will be limited as follows:

SNWCS eligibility criteria
Applicants will be able to request Sussex North Water Certification Scheme (SNWCS) certification for their development's water offsetting needs, unless it is:

1. *Development where the principle is not in accordance with: an adopted or a post-submission local plan; or a made or post-examination neighbourhood plan; and/or*

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

** Excluding applications submitted to SNWCS for development by a local authority (as defined in Schedule 2, Part 12 of the GDPO)*

Cowfold Parish have produced a neighbourhood plan which has been subject to successful Examination but cannot proceed to Referendum because of the legal requirements in relation to Water Neutrality and the Habitat Regulations. To unlock the Cowfold Neighbourhood Plan, further work has been commissioned to address the issue of water. This work and the modifications to the Cowfold Neighbourhood Plan was subject to a focussed consultation. The consultation ran from 2 September 2024 to the 14 October 2024 for 6 weeks. The consultation has now concluded. The Council has considered the representations it received during the focussed consultation on Water Neutrality. The Council has completed a Decision Statement recommending the plan proceed to Referendum and published on 8 November 2024. Further details on the Referendum will be announced shortly.

The permission site is a site allocation in a post-examination neighbourhood plan. Accordingly, the applicants are able to request Sussex North Water Certification Scheme (SNWCS) certification for their development's water offsetting needs.

Progress on implementing SNWCS is nearing its conclusion. Recent evidence derived from the Southern Water 2024 draft Water Resources Management Plan ("WRMP") indicates that Southern Water will likely be able to provide water capacity for the development within the next three years, the lifetime of any planning permission. This water capacity will form approximately 88% of the capacity of SNWCS.

The test for a Grampian-style condition is set out in the national Planning Practice Guidance. The key test in applying a Grampian-style condition is whether there is 'a prospect' of the required action being carried out within the lifetime of a development. 'A prospect' is a low bar.

In recent appeal decisions planning inspectors have determined that Grampian-style conditions can be applied to development proposals as, despite SNWCS not yet being operational, there is 'a prospect' of a development being able to purchase SNWCS credits within the lifetime of the planning permission (normally 3 years). These appeals can be found under appeal refs: 3308455, 3321658 and 3333968.

Given these appeal decisions, the progress of SNWCS, and the prospect of SNWCS having capacity to mitigate the impacts of new development over the next 3 years, it is proposed that the following

Grampian-style condition (and any minor variations thereof) be applied to all development that is eligible for access to SNWCS:

'No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Certification Water Scheme;

or

ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iii) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the HDPF, Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge 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 will enable qualifying applications for planning permission to be permitted as water neutral. The condition operates to ensure no water demand generating activity (such as housing occupations) can take place until either SNCWS credits have been purchased, or an alternative bespoke water neutrality solution has been submitted, passed through a separate successful Appropriate Assessment, and has been implemented. In this way development proposals can gain the certainty of obtaining planning permission with a suitable mechanism to avoid harm to the affected habitat sites.

As planning permission DC/22/1815 was subject of an approved bespoke water neutrality strategy comprising water efficient fixtures and fittings and rainwater harvesting to the new development and on-site boreholes, the preceding Grampian condition wording can be amended to reflect this approved water neutrality strategy so the applicant will have either/or options on how to demonstrate water neutrality (i) access to SNCWS credits; ii) implementation of the previously approved bespoke on-site water neutrality strategy; iii) an alternative site-specific water neutrality mitigation scheme to submit for approval).

In regard to other variations sought to associated conditions on the delivery and maintenance and management of on-site water neutrality measures (should the applicant decide to implement the previously approved site-specific water neutrality strategy), the changes proposed relate to the triggers for implementation of mitigation (from pre-commence to pre-commence slab level) and minor refinement and update to technical specification requested information (to update with details previously approved under DC/22/1815 and to reflect the Council's most recent endorsed version of the condition) rather than alter the substance of the mitigation, and are accepted.

Council's Appropriate Assessment

The Council, as competent authority under the Habitat Regulations, has assessed the applicant's amended water neutrality proposal. As required it has completed an HRA Appropriate Assessment (AA), with favourable conclusion. Natural England have been consulted but to date have not responded. Nevertheless, Natural England have previously accepted access to SNCWS as being suitable mitigation on multiple applications and have previously raised no objection to the borehole mitigation strategy, which remains unaltered. As such, Officers have confidence that Natural England would have no objection to the proposed amendments to allow mitigation via SNCWS.

Horsham District Council concludes that, with mitigation, the project will not have an Adverse Effect on the Integrity of the Arun Valley SAC/ SPA /Ramsar site, either alone or in combination with other plans and projects. This development would therefore not conflict with the conservation objectives for the Arun Valley SPA, SAC and Ramsar site which include 'maintaining or restoring the population of Qualifying Features'. On this basis the development complies with s.70 of the Conservation of Habitats and Species Regulations 2017 as well as with Policy 31 of the HDPF and paragraph 186 of the NPPF.

Other Material Considerations

Since planning approval was permitted other material planning considerations have arisen, set out below.

Principle

In the intervening time between November 2023 Committee Resolution to approve and completion of the s.106 legal agreement, the Horsham District Local Plan 2023 - 2040 (HDLP) had progressed to public hearing sessions, and the National Planning Policy Framework (NPPF) was revised on 12 December 2024 setting out the government's planning policies for England and how these are expected to be applied.

Both these material considerations were considered in a post-committee report. It was judged that neither fundamentally changed the basis of acceptance of the development by which the application was previously considered under the titled balance of national policy with weighted balance of benefits and harms (as reported in the Nov 2023 committee papers), with limited weight afforded to the HDLP given its progression to Examination. Planning Permission was duly issued (31st Dec 2024).

Since issuing of planning approval the remaining public hearings were cancelled by the Inspector in a Holding Letter dated 16 December 2024. On 22 April 2025 the Council published the Inspector's subsequent Interim Findings Letter which has recommended that the Plan be withdrawn, due to his view that the Council has failed to satisfactorily comply with the legal Duty to Co-operate. The Council is considering its position in response to this Letter. Accordingly, the weight attributed to the HDLP is unchanged, at limited.

Housing Mix

Whilst the district housing need register have been updated since November 2023, the basis of unmet need and demand in the district has not y changed in the intervening time to such an extent as to render the previously permitted mix (market and affordable) unacceptable or lessen the weighted benefits of its provision to meeting local housing need, as set in the Nov 2023 Committee papers.

Flood Risk

Since permission was granted, the Environment Agency has updated national flood risk mapping and there has been change in national plan policy/planning practice guidance to how flood risk and allied drainage considerations are applied in decision-making. However, the application site is at no worsened risk of flooding (from all sources, including surface water) compared to November 2023.

High Weald National Landscape

On 16th Dec 2024, Government issued guidance on how the Protected Landscapes duty is intended to operate and provides broad principles to guide relevant authorities in complying with it.

Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in Protected Landscapes. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes.

The LURA test was satisfied in decision-making by Members; the Nov Committee papers identified the scheme provided benefits of public appreciation and access to views of the High Weald setting;

ecological enhancement; and avoidance and/or mitigation to qualities for consideration in the High Weald Management Plan (2024 – 2029).

Summary on all other Material Considerations

The scheme is unchanged in respect to all other material planning considerations beyond those listed above, including development layout, townscape design, residential amenities, accessibility and parking, and ecology matters separate of water neutrality. The conclusions on all other material planning considerations, including these, are set out in the November 2023 committee papers and is unchanged.

Conditions

A decision notice describing the new permission made under section 73 should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.

DC/22/1815 was subject to a suite of conditions imposed to make the development acceptable by adequate provision of measures to deal with a host of environmental considerations, securing various mitigations and enhancements via prescriptive requirements. This relates to both the construction and operational phases of the development.

Regarding these, it continues to be that all conditions imposed other than those sought to be varied as set out in preceding paragraphs, continue to meet the statutory tests for re-imposing and this will be the case when planning permission is re-issued. The ordering of these will change from the original decision notice in reflection of the imposing of the new SNCWS access condition and the other condition variations sought.

Conclusion:

The variations sought would not change the wider considerations of the scheme judged acceptable in November 2023 nor the matters of principal; the variations would not change the substantive nature of the conditions of relevance.

The two drawings for plot 26 house type 4A (elevations and floorplans) were submitted at application stage and considered in its determination; the proposal to add these to the approved plans list simply corrects an administrative error in their original omission from the list.

There are no other changes proposed to the development, nor have there been any material changes to policy either nationally or locally that would alter the overall decision- or weighted decision-making process undertaken by Planning Committee in their resolution to approve the planning application.

The proposal would continue to be delivered in a water neutral way and deliver the full range of other intended benefits against the harms that continue not to be identified as substantial or demonstrable in the context of the titled balance under paragraph 11d of the National Planning Policy Framework.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. This development continues to constitute CIL liable development, to the calculated gain that was previously detailed in the committee report.

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change. Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development. If planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

Recommendation: Application Permitted

Conditions:

1. **Approved Plans list**

2. **{\b Regulatory (Time) Condition}:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **{\b Pre-Commencement Condition}:** The development hereby approved shall not commence until the following construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following measures:

   i. Details of site management contact details and responsibilities;
   ii. A plan detailing the site logistics arrangements on a phase-by-phase basis (as applicable), including:
   a. location of site compound,
   b. location for the loading, unloading and storage of plant and materials (including any stripped topsoil),
   c. site offices (including location, height, size and appearance),
   d. location of site access points for construction vehicles,
   e. location of on-site parking,
   f. locations and details for the provision of wheel washing facilities and dust suppression facilities
   iii. 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;
   iv. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination

   The construction shall thereafter be carried out in accordance with the details and measures approved.

   Reason: To conserve protected and Priority species in accordance with Policy 31 of the Horsham District Planning Framework 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).

4. **{\b 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).

5. **{\b Pre-Commencement Condition}:** No development shall commence until a scheme for the incidental extraction of the safeguarded mineral resources underlying the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

i. an assessment of the extent, volume and practicability for incidental extraction, which shall be based on detailed ground investigations; and,
ii. the methodology for which any identified incidental mineral extraction would be carried out, which shall include a detailed programme/phasing of extraction, the recording and monitoring of any safeguarded resource extracted and details of the proposed destination/use of the mineral.

Reason: To ensure the incidental extraction and recovery of any underlying safeguarded mineral resource, where practicable, in accordance with Policy 24 of the Horsham District Planning Framework and Policy M9 of the West Sussex Joint Minerals Local Plan (JMLP) and the National Planning Policy Framework.

6. **{\b Pre-Commencement Condition}:** No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme /Sussex North Certification Water Scheme
or

ii) Confirmation has been submitted to and been approved in writing by the Local Planning Authority that the development hereby approved will be served by the approved site-specific water neutrality mitigation scheme (comprising the WATER NEUTRALITY STATEMENT by D&M Planning received 20/06/2023 and Private Water Supply at Brook Hill Site – Borehole Water Treatment System Conceptual Design, Operation & Maintenance – Rev A 22/06/23 by Invicta Water Treatment)

or
iii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and

iv) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme under either ii) or iii) has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

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

7. **{\b Pre-Commencement Condition}:** No development shall commence 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 in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. 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 and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8. **{\b Pre-Commencement Condition}:** No development shall commence until full details of 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 accordance with the landscaping

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 33 of the Horsham District Planning Framework (2015).

9. **{\b 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 the following preliminaries have been completed in the sequence set out below: i. All trees on the site shown for retention on approved Tree Protection Plan drawing 1689-KC-XX-YTREE-TPP01 Rev 0, 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). ii. 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. iii. Areas so 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.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site and to ensure a satisfactory development that is sympathetic to the landscape character of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **{\b 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 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. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details. 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.

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 33 of the Horsham District Planning Framework (2015).

11. **{\b Pre-Commencement Condition}:** Any works which will impact the breeding / resting place of Hazel Dormouse shall not 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 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 LPA 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.

12. **{\b Pre-Commencement Condition}:** No development shall commence until a Biodiversity Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- Detailed designs to achieve stated objectives; • Locations of proposed enhancement measures by appropriate maps and plans; • Persons responsible for implementing the enhancement measures;
- Details of initial aftercare and long-term maintenance (where relevant).

The works shall have regard to the Horsham District Council 'Biodiversity and Green Infrastructure' Planning Advice Note (October 2022). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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).

13. **{\b Pre-Commencement Condition}:** No works related to external lighting shall commence until a lighting design scheme for biodiversity has been submitted to and approved in writing by the local planning authority. 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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).

14. **{\b Pre-Commencement Condition}:** No development shall commence until a Drainage Strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency, Southern Water and Local Lead Flood Authority. The means of disposal shall be informed by the submitted Flood Risk Assessment & Water Neutrality Assessment (Revision 2, Price & Myers, dated 20th September 2022) and secure an acceptable means of water supply and secure foul water disposal and include a maintenance programme of the facilities to be provided. As part of the details required, a Surface Water Drainage Scheme should be submitted (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) which should demonstrate how surface water run off would be disposed of with storage calculations to account for the existing pond and proposed new pond. The development shall be fully implemented and subsequently maintained in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development, including groundwater abstraction, does not harm the water environment in line with the National Planning Policy Framework (2024) and Position Statement N5 of the Environment Agency's approach to groundwater protection, to ensure the development is properly drained, and to prevent increased risk of flooding, in accordance with Policies 24 and 38 of the Horsham District Planning Framework (2015).

15. **{\b 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).

16. **{\b Pre-Commencement Slab-Level Condition}:** Subject to condition no. 6, no development above ground floor slab level of the dwellings hereby permitted shall take place until a mitigation scheme, undertaken by a suitably qualified and competent consultant, has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water from the borehole(s) will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall a) provide sufficient detail on the management and maintenance of the proposed treatment system to ensure it can prevent fouling of the RO membranes and reduce the parameters identified as elevated in the sampling to date to acceptable concentrations and b) ensure that the components of the proposed treatment system are compliant with Regulation 31 of The Water Supply (Water Quality) Regulations 2016 (or subsequent superseding equivalent) and Water Regulations Approval Scheme (or subsequent superseding equivalent). The mitigation scheme shall be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

17. **{\b Pre-Commencement Slab Level Condition}:** Subject to condition no. 6, no development above ground floor slab level of the dwellings hereby permitted shall take place until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the Local Planning Authority. The PWSMP shall include, but not necessarily be limited to, the following information:
i. Detail on the sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), with detail on how any failure of any samples will be investigated and managed.
ii. Confirmation that a Regulation 6 risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, shall be undertaken before the private water supply is brought into use and at least once every five years thereafter with the findings of the risk assessment submitted to the Local Planning Authority.
iii. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include sufficient detail on proposed maintenance to address the risks from fouling.
iv. Full specifications and details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
v. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, maintenance and for making these records available to Local Authority officers when reasonably requested.
vi. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply; Detail on the continuity of supply during dry periods extending beyond 35 days and continuity plan to ensure any failure's or reported concerns with the supply are

investigated and rectified as soon as possible, including timeframes. This should include notification of the investigation and corrective actions to the Local Planning Authority.

The management plan shall be implemented as approved and maintained for the lifetime of the development. The management plan shall be reviewed annually and any revisions shall be submitted to and approved in writing by the local planning authority.

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), 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).

18. **{\b Pre-commencement (Slab Level) Condition}:** Notwithstanding the plans hereby approved, no development above ground floor slab level of any of the buildings hereby permitted shall take place until revision to the house type designs have been submitted to and approved in writing by the local planning authority in consultation with local ward members and works must not be executed other than in complete accordance with these approved details. The revisions shall include architectural detailing to reflect local distinctiveness in relation to roof ridge, hips, valleys, eaves, verges, bargeboards; chimneys; samples or specifications of external materials and surface finishes including walls, windows, roofs and doors.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and local distinctiveness in accordance with Policy 33 of the Horsham District Planning Framework (2015).

19. **{\b Pre-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 remediation scheme required and approved under the provisions of condition 15(b) 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 15(b), 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).

20. **{\b Pre-Occupation Condition}:** Subject to condition no. 6, no dwelling shall be occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) has been a) sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies, b) has been analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and c) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent).

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), 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).

21. **{\b Pre-Occupation Condition}:** Subject to condition no. 6, no dwelling shall be occupied until a risk assessment compliant with regulation 6 the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent) undertaken by a suitably competent and

experienced person has been submitted to and approved in writing by the Local Planning Authority.

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), 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).

22. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be first occupied until full details of all hard and soft landscaping works have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

i. Details of all existing trees and planting to be retained
ii. Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details.
iii. Details of all hard surfacing materials and finishes including surface treatments to differentiate street hierarchy and reduce extent of kerbing.
iv. Detail of re-alignment of plot demarcation of plots 7 and 17 for enhanced landscaping to attenuation pond and mature tree belt
v. Details of all proposed play equipment
vi. Details of any street furniture, including benches, bins, signage etc. vii. Details of all external lighting viii. Details of the design of the attenuation ponds to achieve multi-functional purpose (including gradients, planting, etc)
ix. Details of the design of the pedestrian links to Public Right Of Way 1744, including proposed all-weather surfacing, and illumination.

The approved 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.

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 townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be occupied until details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

24. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be first occupied until a 10-year landscape management and maintenance plan for the Public Open Space (as shown on drawing (01)010 Rev D Proposed Site Plan) has been submitted to and

approved in writing by the Local Planning Authority. The plan shall demonstrate public open space compliance to natural and semi-natural greenspace standards (as defined in the HDC Open Space, Sport and Recreation Review (OSR) or equivalent amendment or re-enactment of the same) and full integration of landscape, biodiversity and arboricultural considerations, and include:

i) aims and objectives;
ii) details and design principles of landscape components including the following; seated viewpoint to the High Weald Area of Outstanding Natural Beauty, a pedestrian link to Public Right of Way 1744 via the northwest corner of the open space, circulation paths, interpretation boards, community orchard; naturalised play equipment
iii) details of hard and soft landscape proposals and implementation of the landscape components and aftercare management prescriptions;
iv) details of maintenance operations and their timing;
v) details of the parties / organisations who will maintain and manage the site, including a plan delineating the area(s) that each is to be responsible for; and
vi) a timetable for its implementation.

The public open space laid out in accordance with the approved scheme and 25 year Plan shall be implemented as approved.

Reason: To ensure a satisfactory functional public open space and development that is sympathetic to the landscape and townscape character, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

25. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be first occupied until a Landscape and Ecological Management and Maintenance Plan (LEMMP) has be submitted to and approved in writing by the Local Planning Authority. The content of the LEMMP shall include the following:
i. Description and evaluation of features to be managed.
ii. Ecological trends and constraints on site that might influence management.
iii. Aims and objectives of management.
iv. Appropriate management options for achieving aims and objectives.
v. Long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility for all communal landscape areas
vi. Prescriptions for management actions.
vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
viii. Details of the body or organisation responsible for implementation of the plan.
ix. Ongoing monitoring and remedial measures.

The LEMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with 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.

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 and s40 of the NERC Act 2006 (Priority habitats & species).

26. **{\b Pre-Occupation Condition}:** No dwelling unit hereby permitted shall be first occupied until provision for the storage of refuse and recycling related to that dwelling unit has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The refuse facilities shall thereafter be retained as such for their designated use.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

27. **{\b Pre-Occupation Condition}:** No dwelling unit hereby permitted shall be occupied until covered and secure cycle parking spaces related to that dwelling unit have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles as an alternative travel option to use of the car in accordance with Policy 40 of the Horsham District Planning Framework (2015).

28. **{\b Pre-Occupation Condition}:** No dwelling unit or the public open space hereby permitted shall be first occupied and/or used until the car parking spaces (including visitor spaces, and garages where applicable), and turning and access facilities related to that dwelling unit and/or public open space have been constructed and made available for use in accordance with details submitted to and approved by the Local Planning Authority. The car parking spaces, turning and access facilities hereby permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking and turning space for the use in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

29. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be occupied until the access arrangement serving the development, including stopping up of the existing vehicular access to the site, has been implemented in accordance with the details shown on plan drawing 17036-002 REV B Option one proposed priority junction and associated visibility splays in the TRANSPORT STATEMENT 17036HO - Brook Hill, Cowfold 30 SEPTEMBER 2021 by Vision Transport Planning, and shall be thereafter retained as such.

Reason: In the interest of road safety, and to ensure adequate access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

30. **{\b Pre-Occupation Condition}:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto the A281 Brook Hill in accordance with the approved drawings in the TRANSPORT STATEMENT 17036HO - Brook Hill, Cowfold 30 SEPTEMBER 2021 by Vision Transport Planning. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

31. **{\b Pre-Occupation Condition}:** Prior to the first occupation or use of any part of the development hereby permitted, a revised scheme of air quality mitigation measures shall have been submitted to and been approved in writing by the Local Planning Authority. The measures shall be to the value of the damage cost in the submitted AIR QUALITY ASSESSMENT LAND AT BROOK HILL, COWFOLD Final 06 March 2023 by WSP No: 70106077, and have regard to the air quality and emissions mitigation guidance for Sussex (2021) or equivalent as amended. The approved scheme of air quality mitigation shall be implemented in accordance with the approved details.

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

32. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

33. **{\b Pre-Occupation Condition}:** No part of the development hereby permitted shall be occupied until fire hydrant(s) to BS750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

34. **{\b Pre-Occupation Condition}:** The relevant dwelling unit hereby permitted shall not be occupied unless the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the related dwelling unit.

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).

35. **{\b Pre-Occupation Condition}:** Prior to the first occupation (or use) of any part of the development hereby permitted, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed on the site. The verification report shall be submitted and approved, 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).

36. **{\b Regulatory Condition}:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours of the same day 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)

37. **{\b Regulatory Condition}:** Repair and maintenance of the borehole(s) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed borehole construction does not harm groundwater resources in line with Policy 24 of the Horsham District Planning Framework and paragraph 174 of the National Planning Policy Framework and Position Statement N7 of the Environment Agency's approach to groundwater protection.

38. **{\b Regulatory Condition}:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Survey 2022-2023 (The

Ecology Partnership, May 2023), Update Preliminary Ecological Appraisal (The Ecology Partnership, January 2023), Reptile Survey (The Ecology Partnership, January 2023), Bat Activity Surveys Report (The Ecology Partnership, December 2022) and Great Crested Newt eDNA Testing (The Ecology Partnership, July 2022). 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: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and 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)

39. **{\b Regulatory Condition}:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

40. **{\b Regulatory Condition}:** The garages hereby permitted shall be made available for the parking of vehicles and not for other purposes other than incidental to the use of the related dwelling.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

41. **{\b Regulatory condition}:** Subject to condition no. 6, prior to first use of the borehole system, details of the Source Protection Zone for the borehole(s) shall be provided to the Local Planning Authority and Environment Agency, alongside evidence that all landowners within the Source Protection Zone have been notified of the borehole(s) and their responsibilities to avoid contamination of the borehole supply.

Reason: To ensure the quality of water is maintained and 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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

42. **{\b Regulatory condition}:** Subject to condition no.6, no dwelling unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the borehole system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition no. 17 until such time as the system is fully operational. The occupiers of each dwelling shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

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), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

NOTE TO APPLICANT

As a Section 73 application, the obligations of the Section 106 Legal Agreement attached to planning permission DC/25/1815 have effect to this planning permission.

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.

Plans list for: DC/25/0999
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Supporting Statement	Planning	NONE	17.06.2025
Supporting Statement		NONE	17.06.2025
Location plan		(00) 003	19.06.2025
Plans	PROPOSED SITE PLAN - TREE PROTECTION	(01)003 REV D	
Plans	PROPOSED SITE PLAN	(01)002 REV F	
Plans	SITE PLAN - CAR PARKING	(01)004 REV E	
Plans	PROPOSED SITE PLAN - SITE SURVEILLANCE VIEWS	(01) 005 REV D	
Plans	PROPOSED SITE PLAN - KEY PLAN	(01)006 REV D	
Plans	PROPOSED SITE PLAN - ROOF PLANS	(01)007 REV D	
Plans	PROPOSED SITE PLAN	(01)010 REV D	
Plans	1 BEDROOM FOG FLOOR PLANS	(02)001FOG-2	
Plans	2SD BEDROOM HOUSE FLOOR PLANS	(02) 002SD REV A	
Plans	3 BED AND 1 BED FOG Plans AND ELEVATIONS	(02) 003FOG-2	
Plans	3SD BEDROOM SEMI-DETACHED FLOOR PLANS	(02)003SD REV A	
Plans	4 BEDROOM HOUSE FLOOR	(02)004 REV A	

	PLANS		
Plans	4B BEDROOM HOUSE FLOOR PLANS	(02) 004B REV A	
Plans	1 BEDROOM FLAT OVER GARAGES ELEVATIONS	(03)001FOG-2	
Plans	2SD BEDROOM SEMI-DETACHED ELEVATIONS	(03)002SD REV A	
Plans	3SD BED SEMI-DETACHED ELEVATIONS	(03)003SD REV A	
Plans	4 BEDROOM HOUSE ELEVATIONS	(03)004 REV A	
Plans	4B BEDROOM HOUSE ELEVATIONS	(03)004B REV A	
Plans	STREETSCENE 1 CUL-DE-SAC	(04)011 REV A	
Plans	DRAINAGE PLAN	SK650 REV 1	
Plans	EXISTING SITE PLAN	(01)001 Rev A	
Plans	site LOCATION PLAN:	(00) 001	
Plans	site LOCATION PLAN	(00) 003	
Plans	EXISTING SITE PLAN	(01) 001	
Plans	Type 4 - 4 Bedroom House Floor Plans	(02) 004	
Plans	Type 4C - 4C Bedroom House Floor Plans	(02) 004C	
Plans	Double Garage Floor Plans & Elevations	(02) 010	
Plans	Linked Garage Plans & Elevations	(02) 011	
Plans	Type 4C - 4 Bedroom House Elevations	(03) 004C	
Plans	SOLAR PANELS ELEVATIONS 1	(03) 011	
Plans	SOLAR PANELS ELEVATIONS 2	(03) 012	
Plans	EXISTING SITE SECTIONS	(04) 001	
Plans	STREETSCENE 2	(04) 012	
Plans	STREETSCENE 3	(04) 013	
Plans	STREETSCENE 4	(04) 014	

Plans	PROPOSED SITE SECTION 1	(04) 021	
Plans	PROPOSED SITE SECTION 2	(04) 022	
Plans	TREE PROTECTION PLAN	1689-KC-XX-YTREE-TPP01 REV 0	
Plans	FOUL WATER DRAINAGE LAYOUT OPTION 2	26357/SK6001 REV 2	
Supporting Docs	SAMPLE ANALYSIS CERTIFICATE by Portsmouth Water Ltd		
Supporting Docs	Private Water Supply at Brook Hill Site - Borehole Water Treatment System Conceptual Design, Operation & Maintenance - Rev A 22/06/23 by Invicta Water Treatment		
Supporting Docs	EMAIL RE: BOREHOLE dated 04 Nov 2022		
Supporting Docs	WATER NEUTRALITY STATEMENT by D&M Planning		
Supporting Docs	DORMOUSE SURVEY 2022 - 2023 Land at Fronting Brook Hill, Cowfold, West Sussex (May 2023) by The Ecology Partnership		
Supporting Docs	Letter - RE: Response to Natural England by D&M Planning March 2023		
Supporting Docs	Figure 1.2 LOCATION OF ABSTRACTIONS IN RELATION TO PROTECTED SITES		
Supporting Docs	AIR QUALITY ASSESSMENT LAND AT BROOK HILL, COWFOLD Final 06 March 2023 by WSP No.: 70106077		
Supporting Docs	Update Preliminary Ecological Appraisal Land at Fronting Brook Hill, Cowfold, West Sussex (January 2023) by The Ecology Partnership		
Supporting Docs	Reptile Survey 2022 Land at Fronting Brook Hill, Cowfold, West Sussex (January 2023) by The Ecology Partnership		

Supporting Docs	Bat Activity Surveys Report Land at Fronting Brook Hill, Cowfold, West Sussex (December 2022) by The Ecology Partnership		
Supporting Docs	Dormouse Survey 2022 Land at Fronting Brook Hill, Cowfold, West Sussex (JANUARY 2023) by The Ecology Partnership		
Supporting Docs	Great Crested Newt eDNA Testing - Land to the west of Brook Hill 29/07/2022 by The Ecology Partnership		
Supporting Docs	PHASE 1 DESK STUDY Site LAND AT BROOK HILL, COWFOLD, WEST SUSSEX RH13 8AH (December 2022) Report Ref Issued 22/12521/GO by ALBURY S.I. LTD Geotechnical and Environmental Consultants		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 31 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 32 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 33 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 34 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 35 by Elmhurst Energy		
Supporting Docs	TRANSPORT STATEMENT 17036HO - Brook Hill, Cowfold 30 SEPTEMBER 2021 by Vision Transport Planning		
Supporting Docs	Update Preliminary Ecological Appraisal Land at Fronting Brook Hill, Cowfold, West Sussex (April 2021) by The Ecology Partnership		
Supporting Docs	Feasibility for Part L1A Compliance and Reduction via on Site Renewable Energy & Low Carbon Technology SEPTEMBER 21, 2021 by Green Heat Ltd		

Supporting Docs	MINERALS RESOURCE ASSESSMENT Brook Hill, Cowfold, Horsham 21st September 2021 26357/Min by Price&Myers		
Supporting Docs	1689-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevB TREE SURVEY AND IMPACT ASSESSMENT for land at Brooks Hills Cowfold West Sussex October 2021 by Keen Consultants		
Supporting Docs	Flood Risk Assessment & Water Neutrality Assessment Brook Hill, Cowfold REV 2 and Appendix A and b 20 September 2022 by Price&Myers		
Supporting Docs	Flood Risk Assessment & Water Neutrality Assessment Brook Hill, Cowfold REV 2 Appendix C - E 20 September 2022 by Price&Myers		
Supporting Docs	STATEMENT OF COMMUNITY INVOLVEMENT September 2021 by communique.me		
Supporting Docs	PRE APPLICATION LETTER		
Supporting Docs	COVER LETTER 1ST October 2021: HEYLO HOUSING GROUP		
Supporting Docs	ECOLOGICAL IMPACT ASSESSMENT Land at Fronting Brook Hill, Cowfold, West Sussex, by The Ecology Partnership (APRIL 2021)		
Supporting Docs	ARCHAEOLOGICAL DESK BASED ASSESSMENT STUDY OF LAND AT BROOK HILL, COWFOLD, WEST SUSSEX August 2021 by DEVELOPMENT ARCHAEOLOGY SERVICES LTD		
Supporting Docs	COVER LETTER Our Ref: 101/21/MS September 2022 by D+M PLANNING		
Supporting Docs	Dormouse Survey 2019 Land at Fronting Brook Hill, Cowfold, West Sussex (November 2019) by The Ecology Partnership		
Supporting Docs	Update Preliminary Ecological Appraisal (June 2019) Land at Fronting Brook Hill,		

	Cowfold, West Sussex by The Ecology Partnership		
Supporting Docs	PLANNING STATEMENT D&M REF: 101/21/MS September 2022 by D&M Planning		
Supporting Docs	Reptile Survey 2019 Land at Fronting Brook Hill, Cowfold, West Sussex by the Ecology Partnership ltd		
Supporting Docs	Landscape and Visual Impact Assessment Land at Brook Hill, Cowfold, West Sussex and Figures 1- 7 by Land Management Services October 2021		
Supporting Docs	Landscape and Visual Impact Assessment Land at Brook Hill, Cowfold, West Sussex Figure 7cont. by Land Management Services October 2021		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 1 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 2 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 3 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 4 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 5 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 6 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 7 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 8 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 9 by		

	Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 10 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 11 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 12 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 13 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 14 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 15 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 16 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 17 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 18 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 19 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 20 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 21 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 22 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 26 by Elmhurst Energy		

Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 23 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 24 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 25 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 27 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 28 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 29 by Elmhurst Energy		
Supporting Docs	PREDICTED ENERGY ASSESSMENT - PLOT 30 by Elmhurst Energy		
Plans	Type 4A - 4 Bedroom House Elevations	(03) 004A	
Plans	Type 4A-4A Bedroom House Floor Plans	(02)004A	

DELEGATED

Case Officer sign/initial Matthew Porter Date: 16-07-2025

Authorising Officer sign/initial Adrian Smith Date: 16/07/2025