



Horsham  
District  
Council

**Horsham District Local Plan Examination**

# **Response to Action Point 7**

**Matter 1 Issue 2 - Legal and  
Procedural Requirements -  
Whether the Council has complied  
with other relevant procedural and  
legal requirements?**

**HDC32**

Date: December 2024

---

# Contents

Provide note explaining the processes moved through in considering how the habitat impacts, which WN is mitigation for, could be overcome through various solutions. Provide notes / minutes on Policy Working Group discussions where WN solutions to impacts on Arun Valley sites might have been discussed, if they exist. Explain Council's position for discounting site specific solutions - why and when..... 3

Introduction .....	3
Strategic working to resolve an unprecedented Habitat Regulations issue .....	3
Consideration of 'various solutions' .....	4
Conclusion .....	6

**Provide note explaining the processes moved through in considering how the habitat impacts, which WN is mitigation for, could be overcome through various solutions. Provide notes / minutes on Policy Working Group discussions where WN solutions to impacts on Arun Valley sites might have been discussed, if they exist. Explain Council's position for discounting site specific solutions - why and when.**

### Introduction

1. In addressing this question, the Council first highlights the **Water Neutrality Topic Paper** and **Update** (CC14 and CC15 respectively). The first, CC14, is structured to cover the following key areas:
  - Strategic Joint Working (Section 2)
  - Technical Evidence (Section 3)
  - Joint Policy Approach (Section 4)
  - Offsetting Scheme (Section 5)

### Strategic working to resolve an unprecedented Habitat Regulations issue

2. At the time of the Natural England Position Statement (**CC08**), the advice from Natural England was that this was something which should be addressed at a strategic level across the area affected (i.e. across three district/borough authorities to which the Water Resource Zone relates). Furthermore, in order to meet the Habitat Regulations obligations, any approach to achieving water neutrality would need to provide sufficient certainty it will achieve the required outcomes.
3. A key point to understand, which underpins the whole principle of water neutrality, is that **there was clear advice from Natural England that water neutrality was required to avoid being in breach of Habitat Regulations Assessment**, and that **the matter should be resolved in partnership through Local Plans across the affected authorities**, where policy and assessment can be agreed and secured to ensure water use is offset for all new developments within Sussex North. The Position Statement included an underlined clause making absolutely clear what the requirement was on local authorities and the development industry:

“If the application cannot demonstrate, through an appropriate assessment, the required water neutrality, we advise that it is either revised to achieve this in line with the above or awaits completion of the strategic approach.”

4. Therefore, the local planning authorities were clear from the outset that they must focus resources on a strategic cross-boundary approach to facilitating the reliable delivery of plan-led development. This is because **there is a very high bar for planning applications to demonstrate HRA compliance (that is, to demonstrate water neutrality)**. To rely on planning applications on allocation sites demonstrating water neutrality post-Plan adoption, and doing so beyond reasonable scientific doubt, would have put undue faith in various technological solutions which were almost all unprecedented, untested and with little legal precedence. Such reliance at the local plan level would have greatly risked plans being found non-legally compliant at examination, and/or being legally challenged on HRA grounds post-adoption.

5. **The Water Neutrality Study Part C (CC11)** establishes a Water Neutrality Strategy for the Sussex North WRZ. **It was agreed by the Local Authority Executive Board in October 2022 and endorsed by Natural England in November 2022.** It was supported throughout by input from **Southern Water, Environment Agency, Natural England** and the local planning authorities. It was published in November 2022. The study undertook detailed analysis of the degree to which Southern Water would make savings in current water use, thereby 'offsetting' development going forward. It identified a shortfall in this available offsetting 'credit' compared with projections of development, which could be made up by offsetting measures strategically coordinated by the local authorities, whilst working with Southern Water in respect of monitoring and the avoidance of double-counting. Specific means of achieving the required additional offsetting were suggested:
- Flow restrictors in existing properties where the authorities have some influence – council-owned stock in Crawley and Registered Social Landlords across the area;
  - Water efficiency in schools;
  - Non-household rainwater harvesting;
  - Golf course irrigation;
  - Retrofitting in commercial buildings.
6. Consistent and coordinated monitoring is all important to ensure that development cumulatively adhered to Habitat Regulations.
7. It was clear from the outset that only a joint strategic approach would eventually allow strategic-scale development to come forward. The conclusion of the **Local Plan Water Neutrality Technical Note (CC12)** (undertaken as part of the HRA) concluded (very last paragraph):
- “In order to achieve 100% water neutrality within the district a significant funding pool and associated 'delivery plan' would be required, along with more stringent local policy requirements within the Local Plan which would require developers to incorporate reuse technologies within all new homes, regardless of the size of the development.”
8. The **Natural England Position Statement (CC08)** effectively endorsed this view in stating:
- “Natural England has advised that this matter should be resolved in partnership through Local Plans across the affected authorities, where policy and assessment can be agreed and secured to ensure water use is offset for all new developments within Sussex North. To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy.
- Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality. We have provided the following agreed interim approach for demonstrating water neutrality.”
9. The **Water Neutrality Study Parts B & C (CC10 and CC11)** in taking this forward identified as a singular approach that the means to achieve a reliable, measurable and deliverable offsetting scheme to deliver water credits at scale, which utilised the headroom already available from Southern Water thus minimising costs to developers, was a joint LPA-led strategic approach. To achieve this, the local authorities needed to prioritise their resources in setting up a partnership with Southern Water, Natural England and the Environment Agency in order to generate water 'credits' for offsetting. This is the scheme that became known as SNOWS. The setting up of the various processes, including a robust

legal framework, has taken some time to achieve, but has got us to a place where we can very soon see plan-led development coming forward in an HRA-compliant manner.

10. Notwithstanding the context explained above and the detailed context contained in the Joint Topic Paper (**CC14**), the local authorities have been open to considering alternative schemes for water neutrality. It is considered that the records of meetings submitted with this paper provides evidence of that. The most relevant of these are the Policy Group meeting notes: those that are considered relevant are listed below, and appended. As scheme suggestions generally came to the local authorities via email, some of the evidence is contained in those emails which are also appended. Examples of schemes considered are:
- Downstream to upstream transfer at the Hardham Abstraction site. (This is essentially the Ford Recycling Scheme which is confirmed as only operational from 2032 at earliest – see **document 11** in the list below).
  - Alternative market-led water credit trading schemes. These have long been known of and considered by the partner bodies (as evidenced in most of the documents listed below). Some are currently operational and being accepted for demonstrating HRA compliance at the application stage. Natural England were not willing/able to get involved with the details of such proposals (see **document 4** below) which underlines the lack of such schemes being feasibly seen as part of a strategic-scale solution to support local plans.
  - Private boreholes to provide site-specific water supply. Again, these have been known of for some time (for example see **documents 2 and 3** below) and are starting to be put forward as a means to demonstrate HRA compliance at the application stage. A separate note has been prepared on this under **Action Point 6**.
  - Site specific offsetting. These involve introducing water efficiency measures on an agricultural or commercial holding elsewhere in the Water Resource Zone. Again, these have been known of for some time and are starting to be accepted for demonstrating HRA compliance at the application stage.
  - Strategic site conceptual ‘self-containment’ proposals, such as Peak Over Threshold Harvest. These are considered under a separate action/note (Action Point 4b) to follow.
  - Importing water from an alternative Water Resource Zone. This was proposed by promoters of a proposed strategic site Land at Kingswood, but the Council would require a commitment from relevant statutory providers to take forward such a scheme with regards deliverability.
11. The Council and its partners have been, and continues to be, supportive of alternative schemes to SNOWS where it can be demonstrated to be water compliant (see **Water Neutrality Statement of Common Ground, DC05**, paragraph 5.1). At application stage, this can be achieved by submission of a Water Neutrality Statement. All the local planning authorities have taken a positive approach to considering solutions to water neutrality through development management, albeit in the context of all proposals needing to be HRA compliant. Where such schemes are accepted, the details of any offsetting, either direct or through the acquirement of credits, are diligently recorded so as to avoid any double-counting of offsetting sources.
12. Whilst alternative site-specific means such as private boreholes or non-SNOWs offsetting are sometimes accepted on a site-by-site basis, they do not in sum amount to a strategic solution geared towards enabling plan-led development. In short, it is simply not possible to know how much development such schemes can support over a 15 year period, nor where and when sites may come forward on the basis of having a site-specific solution to water neutrality. Nevertheless, the documents listed below demonstrate that such schemes have been considered across the relevant Duty to Cooperate bodies in a timely manner, and have not been ignored or discounted out of hand. The Council rejects any suggestion that it had an obligation upon it to consider in detail the cumulative benefit of all such schemes, firstly as it has no control over where, when and how they come forward, and secondly because it does not have the resources to undertake this level of assessment.

## Conclusion

13. To summarise, the Council has considered various 'solutions' outside of the SNOWS approach, but has no way of quantifying the cumulative outcome of such approaches, and cannot therefore rely on such schemes to demonstrate compliance with Habitat Regulations in respect of local plan preparation. This has been clear since the receipt of the **Water Neutrality Technical Note** forming part of the Council's HRA work (**CC12**) which stated:

"In order to achieve 100% water neutrality within the district a significant funding pool and associated 'delivery plan' would be required, along with more stringent local policy requirements within the Local Plan which would require developers to incorporate reuse technologies within all new homes, regardless of the size of the development."

14. It is clear from the evidence presented in this paper that the Council, together with its partners, considered various other solutions and has accepted that such solutions can and will come forward. The Council therefore rejects the premise that it discounted such solutions as if this were the case, they would not be coming forward for individual sites as is already the case. It cannot however conclude sufficient certainty from these that HRA requirements will be met when assessing their impact, as a mitigation, at the plan-making (or strategic) level.

*Table 1: Index of documentation providing evidence of discussion of alternative schemes to address Arun Valley HRA issue*

Ref	Document	Date	Most relevant part of document
1	Email request from Mark Daly (HDC) to <b>Environment Agency</b> , <b>Natural England</b> and <b>Southern Water</b> for comments on draft 'FAQs' on alternative water neutrality approaches.	30 Aug 2022	Whole email. Note the list, as shown in enclosures for rows below, had also been circulated for comment amongst the Sussex North local authorities.
2	<b>Southern Water</b> response to draft FAQs, including on FAQ 12 relating to Peak Over Threshold Harvest.	20 Sep 2022	Enclosures. (Email for context.)
3	<b>Environment Agency</b> response to draft FAQs, including on FAQ 12 relating to Peak Over Threshold Harvest.	19 Oct 2022	Enclosures. (Email for context.)
4	Meeting between Clark Gordon, Water Neutrality Project Manager, and Nathan Burns, <b>Natural England</b> officer	24 Mar 2023	Third from last paragraph states NE are not going to get involved in the details of proposals.
5	WNLOG meeting note	06 Dec 2023	Highlighted section under Item 7a(i)
6	Email exchange between Clark Gordon (Water Neutrality Project Manager), Huw Davis (Environment	06 Feb 2024	Tom Godfrey's email dated 06 February and Huw Davis' response dated 07 Feb 2024.

	Agency) and Tom Godfrey (Earthchange)		
7	WNLOG meeting note	07 Feb 2024	Highlighted sections under Items 6 and 7.
8	Meeting between Clark Gordon, Water Neutrality Project Manager and Huw Davis, Environment Agency	15 Feb 2024	Whole note.
9	WNLOG meeting note	06 Mar 2024	Highlighted sections under Items 3 and 8.
10	Email exchange between Clark Gordon, Water Neutrality Project Manager and Luke Hasler, Natural England	20 Jun 2024	Clark Gordon's email dated 21 May 2024 and Luke Hasler's reply dated 20/06/2024
11	Briefing Note: Southern Water presentation on Ford Water Recycling Centre (downstream to upstream transfer)	25 Jul 2024	'Timeline' on page 2.



From: Strategic Planning  
Sent: 30 August 2022 18:08

To: 'Ashdown, Marian (NE)' [redacted]; Ian Butler [redacted]; [redacted]; a [redacted]

Cc: Strategic Planning <Strategic.Planning@horsham.gov.uk>  
Subject: Water Neutrality Proposed Solutions FAQs : request for comments  
Importance: High

For the attention of:

Angela Wallis (Environment Agency)  
Cath Jackson (Natural England)  
Ian Butler (Isle Utilities for Southern Water)  
Marian Ashdown (Natural England)

Dear Angela, Cath, Ian and Marian,

Local Planning Authorities affected by Water Neutrality have received a number of approaches from developers or other interested parties putting forward what they consider to be solutions to water neutrality.

Catherine Howe (Head of Strategic Planning, Horsham District Council) has instructed planning officers at HDC to create a list of these in a "Frequently Asked Questions" format with our responses. Technical and non-technical versions of these FAQs are attached.

We would be grateful if you could read these FAQ documents and any feedback, suggestions, comments or amendments you may have would be most welcome,

In addition, on instruction from Barbara Childs (Director of Place) I have attached a detailed document submitted by the developers of Mowbray (Land North of Horsham), outlining their "peak over threshold harvesting" solution. This development is well under way and they (and we) would appreciate your earliest possible comments about this proposed solution.

Best regards

Mark

**Mark Daly**  
Planning Officer

Telephone: [redacted]

Email: [redacted]



---

Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL  
Telephone: 01403 215100 (calls may be recorded) [www.horsham.gov.uk](http://www.horsham.gov.uk) Chief Executive: Jane Eaton



**Matt.Bates**

---

**From:** Ian Butler [REDACTED]  
**Sent:** 20 September 2022 11:38  
**To:** Mark.Daly  
**Subject:** Re: Water Neutrality Proposed Solutions FAQs : request for comments  
**Attachments:** Water Neutrality Proposed Solutions FAQ non technical\_v1a SN\_IB Comments.docx;  
Water Neutrality Proposed Solutions FAQ technical\_v1a SN\_IB Comments.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** [REDACTED]

Mark,

Apologies for the delay in response. Please find attached our comments. Please feel free to contact me if you require any clarifications.

Kind regards  
Ian

On Tue, 20 Sept 2022 at 11:29, Mark.Daly [REDACTED] wrote:

Ian

Regarding the email below. Are there any comments from Southern Water regarding the suggested "proposed solutions"?

We'd would really appreciate some response by this Friday 23<sup>rd</sup> September 2022

Best regards

Mark

**Mark Daly**  
Planning Officer

**Telephone:** [REDACTED]

**Email:** [REDACTED]



---

**From:** Strategic Planning  
**Sent:** 30 August 2022 18:08  
**To:** 'Ashdown, Marian (NE)' [REDACTED] Ian Butler [REDACTED]  
[REDACTED]  
**Cc:** Strategic Planning <[Strategic.Planning@horsham.gov.uk](mailto:Strategic.Planning@horsham.gov.uk)>  
**Subject:** Water Neutrality Proposed Solutions FAQs : request for comments  
**Importance:** High

For the attention of:

Angela Wallis (Environment Agency)

Cath Jackson (Natural England)

Ian Butler (Isle Utilities for Southern Water)

Marian Ashdown (Natural England)

Dear Angela, Cath, Ian and Marian,

Local Planning Authorities affected by Water Neutrality have received a number of approaches from developers or other interested parties putting forward what they consider to be solutions to water neutrality.

Catherine Howe (Head of Strategic Planning, Horsham District Council) has instructed planning officers at HDC to create a list of these in a "Frequently Asked Questions" format with our responses. Technical and non-technical versions of these FAQs are attached.

We would be grateful if you could read these FAQ documents and any feedback, suggestions, comments or amendments you may have would be most welcome,

In addition, on instruction from Barbara Childs (Director of Place) I have attached a detailed document submitted by the developers of Mowbray (Land North of Horsham), outlining their "peak over threshold harvesting" solution. This development is well under way and they (and we) would appreciate your earliest possible comments about this proposed solution.

Best regards

Mark

**Mark Daly**  
Planning Officer

Telephone: [REDACTED]

Email: [REDACTED]



---

**Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL**

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

## Disclaimer

IMPORTANT NOTICE This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Horsham District Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error free. This e-mail does not create any legal relations, contractual or otherwise. Any views or opinions expressed are personal to the author and do not necessarily represent those of Horsham District Council. This Council does not accept liability for any unauthorised/unlawful statement made by an employee. Information in this e mail may be subject to public disclosure in accordance with the law. Horsham District Council cannot guarantee that it will not provide this e mail to a third party. The Council reserves the right to monitor e-mails in accordance with the law. If this e-mail message or any attachments are incomplete or unreadable, please telephone 01403 215100 or e-mail [contact@horsham.gov.uk](mailto:contact@horsham.gov.uk). Any reference to "e-mail" in this disclaimer includes any attachments.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**.

--

**Ian Butler**

**Head of Asset Management Consulting (UK)**

M: [REDACTED]

E: [REDACTED]

W: [www.isleutilities.com](http://www.isleutilities.com)



Water Neutrality Proposed Solutions Frequently Asked Questions –technical version **[for internal officer/Member use only]**

1	<p><b>Can water for a new development be supplied from a new borehole therefore having no impact on the Arun Valley sites?</b></p>
	<p>It's all down to the Geology. If the borehole takes water from underground it has to be from an aquifer that is a) Hydrogeologically separate from the Pulborough Aquifer and b) outside the River Arun Catchment. Also the water from the borehole must be sufficient and continuous enough to supply the water needs of the development all year round. This is likely to just be practical for small developments over most of the Horsham District due to the underlying geology. The water from historic boreholes has proved to be high in iron and manganese and will require treatment to be potable. This has an effect on viability. The borehole and associated treatment works will have to be managed as an “asset” in perpetuity through an appropriate legal mechanism. Also in the event of the borehole supply failing for whatever reason all users have a “right to connect” to the Southern Water supply.</p>
2	<p><b>Why not build new reservoirs to supply water to the area?</b></p>
	<p>This is outside the remit of Local Planning Authorities. Water companies in the South East are jointly preparing a <a href="#">Water Resources South East Regional Plan</a> which is due to be published in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <a href="#">Havant Thicket Reservoir</a>. However a large scale project such as this will not come online until 2029 at the earliest. There have been no new reservoirs built in the UK since 1991.</p>
3	<p><b>Can water be supplied from outside the Sussex North Water Resource Zone?</b></p>
	<p>This is outside the remit of Local Planning Authorities. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing a <a href="#">Water Resource Management Plan</a>. <del>However surplus water capacity from outside the area is sometimes needed to deal with unexpected events. Southern Water have advised that because of this it cannot be used to help with the offsetting requirements within the Water Resource Zone.</del> <b>SW Comment – Please delete the text with strikethrough</b></p>
4	<p><b>Can water be taken from the River Rother instead of the River Arun to reduce abstraction at Pulborough?</b></p>
	<p>This is outside the remit of Local Planning Authorities. The abstraction site is close to the confluence of the Rother and the Arun. It would require Southern Water to investigate the feasibility of this solution. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing a <a href="#">Water Resource Management Plan</a></p>
5	<p><b>Can the unused portion of an existing private borehole or riparian abstraction licence be taken over to supply the water to a new development?</b></p>
	<p>The fact that an existing user is not currently abstracting the maximum amount of water they are licenced for is not relevant. Using the “spare” capacity would still increase the water “take” from the Water Resource Zone over present levels, which is prohibited by the Natural England position statement.</p>
6	<p><b>Can an entire existing private borehole or riparian abstraction licence be taken over and closed down to offset water use in a new development?</b></p>
	<p>It must be proven that the future need would be less than or equal to what is currently being abstracted under the existing licence. Acquisition and relinquishment of the licence will be a requirement for planning consent to ensure certainty for Natural England.</p>

7	<b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b>
	<p>This is outside the remit of Local Planning Authorities. It would require Southern Water to investigate the feasibility of this solution. Any project such as this would take time and resources before it comes online. The emerging <a href="#">Water Resources Management Plan</a> is due to be published in the Autumn of 2022 and also individual companies <a href="#">Water Resource Management Plans</a> will be submitted to DEFRA ahead of public consultation. The Local Authorities have asked Southern Water to consider the feasibility of such proposals, and if feasible and viable the time that would be needed for it to become operational. <i>SW Comment – We are only aware of one consortium of developers asking this question so is this really a frequently asked question.</i></p>
8	<b>Can making existing properties more water efficient offset the needs of a new development?</b>
	<p>This is a key area being investigated as part of the Water Neutrality Study. It would have to be proven that the overall reduction in water use would compensate for the increase elsewhere. Applicants would need surveys of the offsetting properties fixtures and fittings, evidence of water bills, and willing property owners prepared to enter into a section 106 agreement as the water efficiencies obtained will have to be permanent. Natural England have confirmed they will normally only accept metered <i>SW Comment – is this a reference to standard or smart meters?</i> water bills to evidence existing consumption rates.</p> <p>Crawley Borough Council are currently undertaking a pilot retrofitting programme to estimate the savings possible, where flow regulators have been retrofitted into a number of the Council’s residential properties. This initial pilot is aimed at assessing the water savings that can be found, which will be evidenced through meter readings taken before and after the installation of these devices. For other developments the funding arrangements for similar programmes will have to be resolved, probably via Section 106 agreements.</p>
9	<b>Is a change of use from office to residential water neutral?</b>
	<p>Evidence must be presented of the current office water use along with robust calculations of the proposed water use of the development using an appropriate industry standard water calculator. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority. <i>SW Comment – I think this is inconsistent with a comment I saw on the JBA Report C which indicated that the LPA’s did not currently have the competency in house to review water neutrality solution proposed by developers.</i> Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.</p>
10	<b>Is a change of use from agricultural to residential water neutral?</b>
	<p>Evidence must be presented of the current agricultural water use and robust calculations of the proposed water use of the new development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.</p>
11	<b>Is there a water offsetting credit system I could pay into?</b>
	<p>Whilst this currently does not exist, it is a key area being investigated as part of the Water Neutrality Study. The system will have to match demand from parties seeking to offset new developments’ water consumption with an accredited supply of water saving projects. All local</p>



	<p>authorities would have to “sign up” to the scheme. The Local Authorities affected by water neutrality are seeking a strategic solution which would unlock development in the region and an offsetting credit scheme is being considered. One possibility is a “Water Saving Exchange” which would act as a “broker” linking developers and suppliers of water saving schemes, such as a programme to retrofit existing buildings with water saving technologies. The suppliers of these technologies would be paid to implement and maintain the schemes.</p>
12	<p><b>What is peak over threshold harvesting, and has it been considered?</b></p>
	<p>This involves creating very large balancing ponds as part of a new development to store excess flood water in the winter months and releasing it back into the River Arun catchment at a steady rate which exceeds or matches the amount of mains water being used by the development. This could potentially preserve the flow of water to the Arun Valley protected sites while enhancing downstream river supply to the Pulborough abstraction point. It would have to be proven that this method would compensate for the increased water use of the new development. The system will have to be maintained in perpetuity through an appropriate legal mechanism. <del>One suggestion is to turn the “asset” over to Southern Water once built together with money to run it for a number years. Alternatively the “asset” could be managed by another OFWAT regulated entity.</del> <b>SW Comment – Please delete the text with strikethrough. We suggest text along the lines of “long term ownership of the asset would need to be defined at the outset along with suitable funding to maintain and operate.” Southern Water have not agreed to maintain the asset.</b></p> <p>It may be that any excess capacity could be “traded” to other developers who are unable to do the same as they are not in the River Arun Catchment.<b>SW Comment - Has the need for the potential for to a discharge consent and associated monitoring been considered for this option? Holding the water would have some effect on the water quality so releasing unmanaged, untreated water could be an issue, design would need to consider nutrient management as a minimum</b></p>

Water Neutrality Proposed Solutions Frequently Asked Questions – non technical version **[for eventual publication]**

<b>1</b>	<b>Can water for a new development be supplied from a new borehole, therefore having no impact on the Arun Valley sites?</b>
	This can be an option, subject to some strict conditions. If the borehole takes water from underground it has to be from an aquifer that is separate from the current water supply and outside the River Arun Catchment area. Also the water from the borehole must be sufficient and continuous enough to supply the water needs of the development all year round. It also has to be tested for chemical composition, and if passed as suitable will require treatment to ensure it is safe for human consumption and use.
<b>2</b>	<b>Why not build new reservoirs to supply water to the area?</b>
	This is outside the remit of Local Planning Authorities. Water companies in the South East are jointly preparing a <a href="#">Water Resources South East Regional Plan</a> which is due to be published in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <a href="#">Havant Thicket Reservoir</a> . However a large scale project such as this will not come online until 2029 at the earliest.
<b>3</b>	<b>Can water be supplied from outside the Sussex North Water Resource Zone?</b>
	This is outside the remit of Local Planning Authorities. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing a <a href="#">Water Resource Management Plan</a> . <del>However surplus water capacity from outside the area is sometimes needed to deal with unexpected events. Southern Water have advised that because of this it cannot be used to help with the offsetting requirements within the Water Resource Zone.</del> <b>SW Comment – Please delete the text with strikethrough</b>
<b>4</b>	<b>Can water be taken from the River Rother to reduce abstraction at Pulborough?</b>
	This is outside the remit of Local Planning Authorities. The abstraction site is close to the confluence of the Rother and the Arun. It would require Southern Water to investigate the feasibility of this solution. Southern Water already augment the supply from sources other than Pulborough and are preparing a <a href="#">Water Resource Management Plan</a>
<b>5</b>	<b>Can the unused portion of an existing private abstraction licence be taken over to supply the water to a new development?</b>
	The fact that an existing user is not currently abstracting the maximum amount of water they are licenced for is not relevant. Using the “spare” capacity would still increase the water “take” from the Water Resource Zone over present levels, which is prohibited by the Natural England position statement.
<b>6</b>	<b>Can an entire existing private abstraction licence be taken over and closed down to offset water use in a new development?</b>
	It must be proven that the future need would be less than or equal to what is currently being abstracted under the existing licence. Acquisition and relinquishment of the licence will be a requirement for planning consent to ensure certainty for Natural England.
<b>7</b>	<b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b>
	This is outside the remit of Local Planning Authorities. It would require Southern Water to investigate the feasibility of this solution. Any project such as this would take time and resources before it comes online. The Local Authorities have asked Southern Water to consider the feasibility of such proposals, and if feasible and viable the time that would be needed for it to become operational. <b>SW Comment – We are only aware of one consortium of developers asking this question so is this really a frequently asked question.</b>
<b>8</b>	<b>Can making existing properties more water efficient offset the needs of a new development?</b>



	This is a key area being investigated as part of the Water Neutrality Study. It would have to be proven that the reduction in overall water use would compensate for the increase elsewhere. The water efficiencies obtained will have to be permanent. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates. Crawley Borough Council are currently undertaking a pilot retrofitting programme to estimate the savings possible.
<b>9</b>	<b>Is a change of use from office to residential water neutral?</b>
	Evidence must be presented of the current office water use along with robust calculations of the proposed water use of the development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc). This evidence must be then assessed by the Local Authority.
<b>10</b>	<b>Is a change of use from agricultural to residential water neutral?</b>
	Evidence must be presented of the current agricultural water use along with robust calculations of the proposed water use of the new development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority.
<b>11</b>	<b>Is there a water offsetting credit system I could pay into?</b>
	Whilst this currently does not exist, it is a key area being investigated as part of the Water Neutrality Study. The system will have to match demand from parties seeking to offset new developments' water consumption with an accredited supply of water saving projects. All local authorities would have to "sign up" to the scheme. The Local Authorities affected by water neutrality are seeking a strategic solution which would unlock development in the region and an offsetting credit scheme is being considered.
<b>12</b>	<b>What is peak over threshold harvesting and has it been considered?</b>
	This involves creating very large balancing ponds as part of a new development to store excess flood water in the winter months and releasing it back into the River Arun catchment at a steady rate which exceeds or matches the amount of mains water being used by the development. This could potentially preserve the flow of water to the Arun Valley protected sites while enhancing downstream river supply to the Pulborough abstraction point. It would have to be proven that this method would compensate for the increased water use of the new development. The system would have to be maintained in perpetuity through an appropriate legal mechanism. <b>SW Comment – We are on one example of this question being asked so it really a frequently asked question?</b>

**Matt.Bates**

---

**From:** Schnetler, Tom [REDACTED]  
**Sent:** 19 October 2022 16:14  
**To:** Catherine.Howe  
**Cc:** Mark.Daly; Sutton, Caroline; Wallis, Angela  
**Subject:** RE: Frequently asked questions - water neutrality  
**Attachments:** Water Neutrality Proposed Solutions FAQ non technical\_v2nocom  
EAcument.docx; Water Neutrality Proposed Solutions FAQ technical\_v2nocomEA  
comment.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Water

Hi Catherine, Mark

Apologies for the delay, please see some comments and thoughts attached from the EA perspective

Thanks

Tom

**Tom Schnetler**  
Senior Advisor  
Environment and Business - Water resources security of supply  
**Environment Agency** | Manley House, Exeter, Kestrel Way EX2 7LQ  
Phone: 07909 907474  
email: [REDACTED]

See our Water Resources Planning Guideline on [GOV.UK](https://www.gov.uk)

---

**From:** Catherine.Howe [REDACTED]  
**Sent:** 14 October 2022 17:36  
**To:** Schnetler, Tom [REDACTED]  
**Cc:** Mark.Daly [REDACTED]  
**Subject:** Frequently asked questions - water neutrality

You don't often get email from [REDACTED]

Dear Tom,

Some time ago I contacted a number of organisations that have been working on water neutrality including the Environment Agency. Most organisations are receiving questions and queries from developers about possible water neutrality solutions. It was agreed that it would be helpful to collate and publish a collective response from various organisations in the form of an FAQ document, to help reduce direct contacts and manage our respective workloads. My colleague Mark Daly collated this document and circulated it for feedback – the relevant documents and email trails are attached (Note - there is a version for internal use and external publication). This was circulated to your colleague Angela Wallis. I'm aware she has moved on to other responsibilities within the EA, so I'm not sure if the messaging has been passed on to you. Nevertheless but we are still awaiting a response which we had requested by the 23<sup>rd</sup> September.

We have now received feedback from the other affected organisations (e.g. Southern Water and Natural England) and we would like to publish something as soon as possible. It would therefore be helpful to understand if this is an action that the Environment Agency would still find beneficial, and are still in a position to progress. I have been asked to provide an update on progress at the next Chief Executive Meeting on 27<sup>th</sup> October – I would be grateful if you could either give me an indication of timescale (or ideally your feedback) by that date.

Kind regards

**Catherine Howe**

Head of Strategic Planning

Telephone: [REDACTED]

Email: [REDACTED]



---

**Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL**

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

**Disclaimer**

IMPORTANT NOTICE This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Horsham District Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error free. This e-mail does not create any legal relations, contractual or otherwise. Any views or opinions expressed are personal to the author and do not necessarily represent those of Horsham District Council. This Council does not accept liability for any unauthorised/unlawful statement made by an employee. Information in this e mail may be subject to public disclosure in accordance with the law. Horsham District Council cannot guarantee that it will not provide this e mail to a third party. The Council reserves the right to monitor e-mails in accordance with the law. If this e-mail message or any attachments are incomplete or unreadable, please telephone 01403 215100 or e-mail [contact@horsham.gov.uk](mailto:contact@horsham.gov.uk). Any reference to "e-mail" in this disclaimer includes any attachments.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

This message has been sent using TLS 1.2 Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

Water Neutrality Proposed Solutions Frequently Asked Questions –technical version **[for internal officer/Member use only]**

1	<b>Can water for a new development be supplied from a new borehole therefore having no impact on the Arun Valley sites?</b>
	It's all down to the <u>Geology</u> and <u>abstraction licence considerations</u> . If the borehole takes water from underground it has to be from an aquifer that is a) Hydrogeologically separate from the Pulborough Aquifer and b) <u>outside does not impact</u> the River Arun Catchment. Also the <u>abstraction would likely require an abstraction licence from the environment agency, and would be subject to there being water available for licensing to new abstractions at the relevant location.</u> Water from the borehole must <u>also</u> be sufficient and continuous enough to supply the water needs of the development all year round. <u>A developer would have to consider the reliability of the water supply, the rules for becoming a private water supplier and any water quality requirements. Drinking Water Inspectorate (DWI), Ofwat and the local authority will be able to help with this. Further advice can be found in the DWI Website. <a href="https://www.dwi.gov.uk/private-water-supplies/">https://www.dwi.gov.uk/private-water-supplies/</a>.</u> This is likely to just be practical for small developments over most of the Horsham District due to the underlying geology. The water from historic boreholes has proved to be high in iron and manganese and will require treatment to be potable. This has an effect on viability. The borehole and associated treatment works will have to be managed as an “asset” in perpetuity through an appropriate legal mechanism. Also in the event of the borehole supply failing for whatever reason all users have a “right to connect” to the Southern Water supply.
2	<b>Why not build new reservoirs to supply water to the area?</b>
	This is outside the remit of Local Planning Authorities. Water companies in the South East are jointly preparing a <u><a href="#">Water Resources South East Regional Plan</a></u> which is due to be <u>published shared for public consultation</u> in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <u><a href="#">Havant Thicket Reservoir</a></u> . However a large scale project such as this will not come online until 2029 at the earliest. There have been no new reservoirs built in the UK since 1991.
3	<b>Can water be supplied from outside the Sussex North Water Resource Zone?</b>
	This is outside the remit of Local Planning Authorities. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing an <u>updated <a href="#">Water Resource Management Plan</a>, a draft of which will be available for public consultation over the winter in 2022/23.</u>
4	<b>Can water be taken from the River Rother instead of the River Arun to reduce abstraction at Pulborough?</b>
	This is outside the remit of Local Planning Authorities. The abstraction site is close to the confluence of the Rother and the Arun. It would require Southern Water to investigate the feasibility of this solution. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing a <u><a href="#">Water Resource Management Plan</a></u>
5	<b>Can the unused portion of an existing private borehole or riparian abstraction licence be taken over to supply the water to a new development?</b>
	The fact that an existing user is not currently abstracting the maximum amount of water they are licenced for is not relevant. Using the “spare” capacity would still increase the water “take” from the Water Resource Zone over present levels, which is prohibited by the Natural England position statement.

**Commented [ST1]:** Additional info from the below EA Q&As may be helpful for considering here:

**1.What is the Environment Agency’s position on using a local non-public water supply abstraction or private water supply to avoid using public water supplies? Would this allow development to go ahead?**

If a proposed abstraction is over 20 cubic metres per day, it will be subject to the usual licensing requirements and assessment of water availability. This will be informed by the abstraction licence strategy for the area. In many cases water availability would be limited. A licence would not be granted if there could be an impact on a protected site.

Additionally, if the direct abstraction or private supply were from the same source as the public water supply abstraction that is affecting the designated site then it could not be classed as ‘water neutral’.

A developer would have to consider the reliability of the water supply, the rules for becoming a private water supplier and any water quality requirements. Drinking Water Inspectorate (DWI), Ofwat and the local authority will be able to help with this. Further advice can be found in the DWI Website.

<https://www.dwi.gov.uk/private-water-supplies/>.

**2.Would an increase in small on-site abstractions cause problems?**

It could cause a problem if abstraction increases and would depend on where the water would come from.

This is particularly if is the same source of supply as a public water supply that is causing problems to the environment. The local authority and Natural England would need to be satisfied that the planned development met the requirements of Natural England’s advice and the local authority policy.

**3.What is the Environment Agency’s position regarding on-site abstractions where a mains supply is available?**

**Commented [ST2]:** [Check if you need a licence to abstract water - GOV.UK \(www.gov.uk\)](#)

**Commented [ST3]:** As above



<b>6</b>	<b>Can an entire existing private borehole or riparian abstraction licence be taken over and closed down to offset water use in a new development?</b>
	It must be proven that the future need would be less than or equal to what is currently being abstracted under the existing licence. Acquisition and relinquishment of the licence will be a requirement for planning consent to ensure certainty for Natural England.
<b>7</b>	<b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b>
	This is outside the remit of Local Planning Authorities. It would require Southern Water to investigate the feasibility of this solution. Any project such as this would take time and resources before it comes online. The <a href="#">emerging-draft regional Water Resources Management Plan</a> is due to be published in the Autumn of 2022 and also individual companies <a href="#">Water Resource Management Plans</a> will be submitted to DEFRA ahead of public consultation. The Local Authorities have asked Southern Water to consider the feasibility of such proposals, and if feasible and viable the time that would be needed for it to become operational.
<b>8</b>	<b>Can making existing properties more water efficient offset the needs of a new development?</b>
	<p>This is a key area being investigated as part of the Water Neutrality Study. It would have to be proven that the overall reduction in water use would compensate for the increase elsewhere. Applicants would need surveys of the offsetting properties fixtures and fittings, evidence of water bills, and willing property owners prepared to enter into a section 106 agreement as the water efficiencies obtained will have to be permanent. Natural England have confirmed they will normally only accept metered- water bills to evidence existing consumption rates.</p> <p>Crawley Borough Council are currently undertaking a pilot retrofitting programme to estimate the savings possible, where flow regulators have been retrofitted into a number of the Council's residential properties. This initial pilot is aimed at assessing the water savings that can be found, which will be evidenced through meter readings taken before and after the installation of these devices. For other developments the funding arrangements for similar programmes will have to be resolved, probably via Section 106 agreements.</p>
<b>9</b>	<b>Is a change of use from office to residential water neutral?</b>
	Evidence must be presented of the current office water use along with robust calculations of the proposed water use of the development using an appropriate industry standard water calculator. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority.. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.
<b>10</b>	<b>Is a change of use from agricultural to residential water neutral?</b>
	Evidence must be presented of the current agricultural water use and robust calculations of the proposed water use of the new development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.
<b>11</b>	<b>Is there a water offsetting credit system I could pay into?</b>

	<p>Whilst this currently does not exist, it is a key area being investigated as part of the Water Neutrality Study. The system will have to match demand from parties seeking to offset new developments' water consumption with an accredited supply of water saving projects. All local authorities would have to "sign up" to the scheme. The Local Authorities affected by water neutrality are seeking a strategic solution which would unlock development in the region and an offsetting credit scheme is being considered. One possibility is a "Water Saving Exchange" which would act as a "broker" linking developers and suppliers of water saving schemes, such as a programme to retrofit existing buildings with water saving technologies. The suppliers of these technologies would be paid to implement and maintain the schemes.</p>
<b>12</b>	<b>What is peak over threshold harvesting, and has it been considered?</b>
	<p>This involves creating very large balancing ponds as part of a new development to store excess flood water in the winter months and releasing it back into the River Arun catchment at a steady rate which exceeds or matches the amount of mains water being used by the development. This could potentially preserve the flow of water to the Arun Valley protected sites while enhancing downstream river supply to the Pulborough abstraction point. It would have to be proven that this method would compensate for the increased water use of the new development. The system will have to be maintained in perpetuity through an appropriate legal mechanism. Long term ownership of the asset would need to be defined at the outset along with suitable funding to maintain and operate.</p> <p>It may be that any excess capacity could be "traded" to other developers who are unable to do the same as they are not in the River Arun Catchment.</p>

**Commented [ST4]:** This is in the same kind of category as 4, 7 and others, as these are ideas that authorities would need to implement to reduce impacts on the site. Assessment would be needed of if it would work, the benefits to flood risk and low flows. Planning permission and permitting of such a scheme would need to be considered. I'm not sure how developed, if at all this idea is but EA local Flood Risk and water resources staff would need to assess along with Natural England.

Not sure how this, and the other 'authority implemented' potential solutions make it into this list, but might there be merit in combining them somehow and stripping back a bit of detail in the public document to focus on processes under which these schemes are being considered? (i.e. WRMP for some of the others, and not sure about this one!)

Water Neutrality Proposed Solutions Frequently Asked Questions – non technical version **[for eventual publication]**

1	<p><b>Can water for a new development be supplied from a new borehole, therefore having no impact on the Arun Valley sites?</b></p> <p>This can be an option, subject to some strict <del>conditions</del> <a href="#">abstraction licensing considerations and rules around becoming a private water supplier</a>. If the borehole takes water from underground it has to be from an aquifer that is separate from the current water supply and outside the <a href="#">groundwater catchment area of the River Arun Catchment area</a>. Also the water from the borehole must be sufficient and continuous enough to supply the water needs of the development all year round. It also has to be tested for chemical composition, and if passed as suitable will require treatment to ensure it is safe for human consumption and use. <a href="#">The following websites will help you understand some requirements around new borehole abstractions:</a>  <a href="#">Check if you need a licence to abstract water - GOV.UK (www.gov.uk)</a>  <a href="https://www.dwi.gov.uk/private-water-supplies/">https://www.dwi.gov.uk/private-water-supplies/</a></p>
2	<p><b>Why not build new reservoirs to supply water to the area?</b></p> <p>This is outside the remit of Local Planning Authorities. Water companies in the South East are jointly preparing a <a href="#">Water Resources South East Regional Plan</a> which is due to be <del>published</del> <a href="#">shared for public consultation</a> in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <a href="#">Havant Thicket Reservoir</a>. However a large scale project such as this will not come online until 2029 at the earliest.</p>
3	<p><b>Can water be supplied from outside the Sussex North Water Resource Zone?</b></p> <p>This is outside the remit of Local Planning Authorities. Southern Water already augment the supply from sources outside the Sussex North Water Resource Zone and are preparing a <a href="#">Water Resource Management Plan</a>.</p>
4	<p><b>Can water be taken from the River Rother to reduce abstraction at Pulborough?</b></p> <p>This is outside the remit of Local Planning Authorities. The abstraction site is close to the confluence of the Rother and the Arun. It would require Southern Water to investigate the feasibility of this solution. Southern Water already augment the supply from sources other than Pulborough and are preparing a <a href="#">Water Resource Management Plan</a></p>
5	<p><b>Can the unused portion of an existing private abstraction licence be taken over to supply the water to a new development?</b></p> <p>The fact that an existing user is not currently abstracting the maximum amount of water they are licenced for is not relevant. Using the “spare” capacity would still increase the water “take” from the Water Resource Zone over present levels, which is prohibited by the Natural England position statement.</p>
6	<p><b>Can an entire existing private abstraction licence be taken over and closed down to offset water use in a new development?</b></p> <p>It must be proven that the future need would be less than or equal to what is currently being abstracted under the existing licence. Acquisition and relinquishment of the licence will be a requirement for planning consent to ensure certainty for Natural England.</p>
7	<p><b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b></p>



	This is outside the remit of Local Planning Authorities. It would require Southern Water to investigate the feasibility of this solution. Any project such as this would take time and resources before it comes online. The Local Authorities have asked Southern Water to consider the feasibility of such proposals, and if feasible and viable the time that would be needed for it to become operational.
<b>8</b>	<b>Can making existing properties more water efficient offset the needs of a new development?</b>
	This is a key area being investigated as part of the Water Neutrality Study. It would have to be proven that the reduction in overall water use would compensate for the increase elsewhere. The water efficiencies obtained will have to be permanent. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates. Crawley Borough Council are currently undertaking a pilot retrofitting programme to estimate the savings possible.
<b>9</b>	<b>Is a change of use from office to residential water neutral?</b>
	Evidence must be presented of the current office water use along with robust calculations of the proposed water use of the development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc). This evidence must be then assessed by the Local Authority.
<b>10</b>	<b>Is a change of use from agricultural to residential water neutral?</b>
	Evidence must be presented of the current agricultural water use along with robust calculations of the proposed water use of the new development. For example recent metered water bills, water usage analysis, BREEAM assessments, likely occupancy, metering rates and estimates of the water saved by any new offsetting measures (rainwater harvesting etc.). This evidence must be then assessed by the Local Authority.
<b>11</b>	<b>Is there a water offsetting credit system I could pay into?</b>
	Whilst this currently does not exist, it is a key area being investigated as part of the Water Neutrality Study. The system will have to match demand from parties seeking to offset new developments' water consumption with an accredited supply of water saving projects. All local authorities would have to "sign up" to the scheme. The Local Authorities affected by water neutrality are seeking a strategic solution which would unlock development in the region and an offsetting credit scheme is being considered.
<b>12</b>	<b>What is peak over threshold harvesting and has it been considered?</b>
	This involves creating very large balancing ponds as part of a new development to store excess flood water in the winter months and releasing it back into the River Arun catchment at a steady rate which exceeds or matches the amount of mains water being used by the development. This could potentially preserve the flow of water to the Arun Valley protected sites while enhancing downstream river supply to the Pulborough abstraction point. It would have to be proven that this method would compensate for the increased water use of the new development. The system would have to be maintained in perpetuity through an appropriate legal mechanism.

**Commented [ST1]:** This is in the same kind of category as 4, 7 and others, as these are ideas that authorities would need to implement to reduce impacts on the site. Assessment would be needed of if it would work, the benefits to flood risk and low flows. Planning permission and permitting of such a scheme would need to be considered. I'm not sure how developed, if at all this idea is but EA local Flood Risk and water resources staff would need to assess along with Natural England.

Not sure how this, and the other 'authority implemented' potential solutions make it into this list, but might there be merit in combining them somehow and stripping back a bit of detail in the public document to focus on processes under which these schemes are being considered? (i.e. WRMP for some of the others, and not sure about this one!)

*These notes have been taken by the Water Neutrality Project Manager for reference purposes. They have not been reviewed or approved by other attendees.*

**Friday 24 March 2023 - 10:30 - 10:55**

## **Attendees**

Clark Gordon

Nathan Burns - NE

## **Notes**

CG asked NB whether NE has any concerns about the emergence of private marketplaces, or suppliers setting up their own credits and registration systems?

CG highlighted the difficulties for the scheme with this emergence, partly through the loss of offsetting opportunities to private providers, but also because the scheme will still need to maintain a record of the properties that have been used by these schemes if they are used for planning permission, to ensure properties are not used in a private scheme and the LPA-scheme.

NB advised that NE have no comments or particular issues with the private market getting involved, for the LPA it comes down to the certainty at application stage. NB appreciates the impact this may have on the LPA scheme, but the matter is outside of NE's remit.

CG updated NB on the approach that Southern Water are taking to review third party approaches that have been submitted to them through a triage process [see SW 6 Mar meeting notes].

NB suggests that the LPA FAQs are updated.

**ACTION: CG to suggest this at WNLOG.**

NB: Requirements will remain the same. As a mitigation measure - concerns are: does it offset? is it in perpetuity? does it provide certainty? NE are not going to get involved in the details of proposals. It is down to LPAs to determine the exact details of any application. It's for the LPAs to make sure that NE requirements are being met in any private scheme/solutions proposed.

NB noted that the SW part of the offset will sit with the LPA scheme, which should provide developers with an incentive to use the LPA scheme.

NE's main concern is preventing double-counting, and how the scheme will monitor & report on private solutions used.

WATER NEUTRALITY IN SUSSEX NORTH  
WNLOG MEETING - 6 December 2023  
Draft Notes

Chair: Tony Whitty (CDC)  
Notes: Valerie Dobson (CDC)

**Attendees**

Anthony Masson – CBC (*first hour only*)

Tony Whitty – CDC

Valerie Dobson – CDC

Catherine Howe – HDC

Emma Parkes – HDC

Andrew Marsh – MSDC

Katharine Stuart – SDNPA

Richard Ferguson – SDNPA

Caroline West – WSCC

Daire Casey – apologies

Tracey Flitcroft – apologies

Anna Rabone – EA

Huw Davis – EA

Nathan Burns – NE

**1) Actions arising from last meeting – *all now complete***

- **All** to supply **VD** with agenda items for CEx Briefing Note
- **CG** to work with **AM** to schedule 2024 WNLOGs/CEx Boards with sufficient time to allow CEx Board Briefing Notes to be drafted that can relate to matters discussed at WNLOG.
- **MD** to update meeting distribution list.
- **All** to provide **CG** with issues to raise with Southern Water
- **All** to Advise **CG** if wish to attend PAS NN Network Meeting on his behalf

**2) Executive Board agenda & briefing note**

- No meeting has been held since the last WNLOG meeting. The next meeting is on Monday 11 December.

**3) Policy group updates**

**a. Local Plan updates**

**CBC:** The Submission Crawley Borough Local Plan is currently being examined by the Planning Inspectorate, with the 23 November hearing session providing a first 'test' of the joint water neutrality policy prepared by the councils. Planning inspectors sought clarity between the 110l/p/d standard for water stressed areas, and application of 85l/p/d in areas subject to water neutrality.

- Discussion as to how other water efficiency standards (both higher and lower than 85l/p/d) have been considered.

- Viability a key issue – CBC able to refer to real life examples of developers having achieved 85l/p/d or non-residential equivalent.
- Questions about success of offsetting measures to date – CBC able to refer to success of pilot schemes, positive response from residents, and support for them from Natural England
- Relatively little push-back from development industry – Home Builders Federation recognised councils have been pro-active in seeking to address water neutrality.
- HBF keen to include a ‘trigger’ in the policy to remove water neutrality requirements when it is no longer needed (i.e. after Southern Water has a permanent long-term supply source). CBC argued this is not necessary as Plan will be reviewed before Southern Water’s projected 2030 date. Developers may though be anticipating a government removal of water neutrality requirement.
- Discussion about the ‘certainty’ needed that development will not impact on the protected sites, and how best the policy can be worded to secure this – CBC has proposed modifications to this effect.
- Questions about impact of WN on housing delivery – CBC confirmed the total amount deliverable in Crawley is unchanged, although the delivery timeframes in the Housing Trajectory have been extended
- Made clear to inspectors that water neutrality needs to be tackled on a joint cross-authority basis – collective approach is important.
- Excellent support provided by Water Neutrality Project Manager regarding progression on SNOWS

**HDC:** Cabinet and Council to consider the regulation 19 version of the Local Plan on 11 December with a view to publication for 6 weeks from 19 January 2024 and June submission, hearings later in 2024.

**CDC:** Aiming to submit in the early part of 2024 pending transport issues being discussed with National Highways. HRA matters also remain ongoing.

**SDNPA:** No further updates, continuing with evidence gathering and in early stages of Local Plan Review.

**MSDC:** Regulation 19 version of the Local Plan to be considered by Council on 13 December; if agreed then will move to consultation 12 January to 23 February 2024.

**WSCC:** No updates.

#### **b. Water neutrality audit**

CBC has just completed this process and passed as ‘reasonable’ which is the second best on the tier system being used by the auditors.

The focus was on the joint work to date and the governance side of the project. There were a number of recommendations made classed as ‘low priority’ which included use of templates for the WNLOG agenda and notes to provide a consistent record. There was small minor amendment of the member engagement in the governance structure.; this has now been updated.

#### **4) Development Management updates**

**CG Fry:** Further legal advice received by HDC has confirmed that pre-commencement conditions do require an Appropriate Assessment and therefore the development will need to demonstrate water neutrality. Some conditions which require details to be submitted pre-slab will also require water neutrality, and officers are still researching this point. However, the recent legal advice has confirmed that pre-occupation conditions are

not caught and nor are non-material amendments providing they do not impact on the level of water used. This is positive news and will enable some developments to proceed which have been held up since the summer when the C G Fry case was published. The interpretation of the C G Fry case has also been raised at the PAS Nutrient Neutrality Group, and DLUHC have asked PAS to look into this further and potentially publish some legal advice given the C G Fry case will impact all authorities managing Habitat matters.

FAQs will be updated by end of week commencing 11 December and LPAs can then copy across from HDC if they wish.

**Forthcoming public inquiry:** HDC has a forthcoming PI which involves an allocated site that has outline consent but the reserved matters was refused as it failed to meet the requirements for water neutrality. The applicant has disagreed with and is challenging the position statement issued by NE and considers the site to be part of committed development in the current water resource management plan. In order to defend the case HDC is looking for support from NE.

**Action:** EP to contact NB at NE.

**Ravenscroft appeal decision:** meeting to be held with PINS in January; to discuss this decision which is contrary to the established position on how to assess water neutrality. Update to be provided at next WNLOG

**JR received from Fladgate by Homes for Houses Consortium:** a joint letter has now been drafted for issue next week; all affected legal parties are now in contact. CBC have drafted their own separate response.

## **5) Environment Agency updates**

No further updates.

CG asked if the natural environment investment fund would provide an opportunity to apply for funding for the project.

**Action:** AB to advise CG

## **6) Natural England updates**

NE is working on a response to the JR and is open to any direct questions that LPAs may want to ask; send direct to NB. Responses are being shared under an agreed shared common interest protocol.

## **7) Water Neutrality Project Manager updates**

### **a. Comms & Engagement**

#### **i. Engagement over last month**

**Newsletter:** first SNOWS newsletter was published in 6 November; approximate 190 contacts when published and this has risen to around 260 following publication.

**Nicholls Boreholes private credit scheme.** Nicholls are looking to develop their own 'credit' system with the savings that they are generating through installation of boreholes

and are also installing rainwater harvesting systems. They are taking same approach re: submitting information at planning as any other applicant, i.e. they are not seeking a 'global' agreement or for the councils to 'endorse' the credit scheme. As there will now potentially be increasing offset properties submitted through planning, offsetting register data has been completed by HDC and now there is a need for all other LPAs to complete with their relevant data; this has become a more urgent item as there is a need to avoid double counting moving forward therefore completion of the register with LPA data should be undertaken as soon as possible.

**Action:** raise as issue for Exec Board to reinforce importance of completion of register data. (*Post meeting update – action complete*)

Future Homes Hub Water Neutrality Forum (14 November): FHH is associated with the Home Builders Federation (HBF). Been tasked with setting up a WN Forum by Defra and/or DLUHC. Forum to discuss the issues and strategic solutions to WN issues with the 'key players'. funding is still being pursued through this forum but it is difficult to secure government funding. Further meetings proposed to be every 6 weeks or so.

Cenergist meeting (15 November): commercial premises are now also being considered by Cenergist for retrofitting; CG advised them to liaise with Southern Water on their commercial programme and that it is being looked at by SNOWS agreements will need to be reached on any outstanding patent issues with GroundBreaker.

Imperial College meeting (20 November): helpful in offering a portal or other apps to use and opportunities for research which is positive.

Home Builders Federation presentation (22 November): Well received. Hosted by Mark Behrendt who also attended the CBC local plan examination hearing on WN the following day. Usual questions from attendees, e.g. when will it be launched? How much will it cost? Application prioritisation approach etc.

Hoare Lea Exploare article published (23 November):  
<https://hoarelea.foleon.com/exploare/exploare-11/uncharted-waters>

Saxon Weald meeting (27 November): indicated they will be willing to provide some stock but needs further detailed discussion; Looking for a 'social purpose' and conditional credits to be ring fenced.

Environmental Solutions International meeting (30 November): met with Tony Hanson for an update on their outdoor leisure water efficiency project. There may be opportunities for SNOWS to link into this project.

Offset property engagement: through November further engagement with potential offset property providers, including local authority property/asset/facilities teams and golf courses in the area.

## **ii. Engagement this month**

Southern Water meeting (14 December): looking for early sight of WRMP data.

Other forthcoming meetings:

19 Dec: PAS NN Network

19 Dec: Berkeley Homes / Strategic meeting

20 Dec: Southern Water WN webinar – “Christmas Showcase”

### **iii. Any other C&E matters**

SNOWS newsletter and follow up: Next newsletter will be published early February with draft circulated for input and comments in January 2024.

**Action**: all to advise CG of any matters to be included in the next newsletter before or at next WNLOG meeting.

New DEFRA and Housing Ministers: Steve Barclay and Lee Rowley. Robbie Moore has taken over from Rebecca Pow as minister with water brief (our Leaders' letter was addressed to Rebecca Pow). Laura Grant is DEFRA's new water scarcity lead.

**Action**: need to follow letter to Ministers with Exec Board. (*post meeting update - action completed and ministerial response now received*)

### **b. Risks, issues & opportunities (RIOs)**

#### **i. Issues updates**

Agreed the lack funding is increased from a 'risk' to an 'issue' as this is affecting delivery of the project.

*Post-meeting note*: This will be moved back to risks and re-scored since we have successfully secured £250k through the Planning Skills Delivery Fund.

#### **ii. Red/amber risks (post-mitigation) updates**

- a. Forward funding – joint-highest risk (CG risk owner)
- b. Immediate need for new school places – joint-highest risk (WSCC risk owner)
- c. Anti-competitiveness (CG risk owner)
- d. Speed of SNOWS procurement process (CG risk owner)
- e. RPs not willing to offer sufficient stock (CG risk owner)
- f. Launch date delays (CG risk owner)
- g. Local Plan adoption delays (Policy Group risk owner)
- h. SW fail to meet reduction targets (CG risk owner)
- i. Capacity in DM teams (DM Group risk owner)
- j. WSCC infrastructure (WSCC risk owner)
- k. C G Fry High Court decision (DM Group risk owner)
- l. Loss of authority funds (CG risk owner)
- m. Complaints (CG risk owner)
- n. Changes to government policy – (CG risk owner)

#### **iii. New RIOs**

None to report

#### **iv. Closed RIOs**

None to report

#### **v. Any other RIO updates**

Pre-Action Protocol for Judicial Review (WN for residential development)



## c. SNOWS progress

### i. Activities completed last month

- a. Application & offsetting properties registers updated – HDC completed.

**Action:** CG to share with other LPAs and LPAs to complete both registers for applications to date

- b. First draft of SNOWS costs (and water 'credits' costs) - Noted that initial draft of costs suggests a credit cost for developers of ~£9 per litre, which would be slightly above the values we have used for viability testing through the Local Plans. Figures will be refined over time. Split into scheme operating costs and offsetting costs. Offsetting costs have greater uncertainty - need updated SW data, and latest trajectory/water use data from LPAs. The cost is only drawn on data from the Cenergist trial. CG is liaising with the Affinity Water project to see if they have additional cost data for the measures they used on their WN project.

- c. Application prioritisation test results – currently there are around 60 applications that are in the 'test' to provide full coverage of the different types of applications likely to come forward. Critical site infrastructure to be given max points; alternatively, there may be a need for separate 'pot' of money/credits that is built up in SNOWS for this purpose. Raises the question of how this would be paid for? Possibility for WSCC to pay annual need upfront and then recoup monies through CIL; or to build up credits on WSCC properties in a 'side pot' but that would mean there was a period of time when the 'side pot' wasn't yet available. Need considerable further discussion. The matter of 'corporate priority' is difficult to define and determine as this will vary considerably between LPAs.

**Action:** CG to consult WNLOG, DM Group, and OIG with application prioritisation test results for comments.

**Action:** CG to add a second test table with the 'corporate priority' score set to zero for each application.

**Action:** to be raised with Exec Board meeting in February 2024. Will need to be supported by report setting out the pros and cons and what the Exec Board is being asked to adjudicate on.

- d. Updated governance document – Out for consultation to WNLOG (internal contacts only) until 29 December. CG to finalise in January.

**Action:** all to review and provide comments on the updated governance document.

- e. Template WNLOG agenda & notes – Saved on MS Teams channel (WNLOG – Files – WNLOG meetings). Includes attendee list – one of the comments of CBC's audit was to capture attendees to ensure full coverage of roles & authorities. Use going forward for consistency.

### ii. Activities planned for this month

- a. Internal FAQs to be finalised
- b. Finalise & consult Monitoring & Reporting Plan
- c. Develop & consult Costs & Funding Plan
- d. Develop & consult scheme processes

- e. Offset property provider engagement
- f. Develop Full Business Case

**i. Any other project updates**

WSSC buffer/ring fence – how will it be paid for? (*see notes above under application prioritisation scheme*)

**g. Upcoming meetings**

- a. **WNLOG:** 10 January 2024 (HDC to chair)
- b. **Exec Board:** TBC

CG has meeting with AM tomorrow to sort out the admin for the WNLOG meetings and CG will then deal with the Exec Board admin, ensuring that there is sufficient time between WNLOG and Exec Board meetings to produce the briefing note etc. CG will confirm attendees for both groups are correct, especially for the Exec Board, which has a lot of external people on the distribution list, many of whom never turn up and you're not sure if they want/need to be receiving the updates.

AR & NB confirmed that the EA and NE contacts for WNLOG are correct and same as this year.

**h. AOB - none**

---

From: Davis, Huw <[REDACTED]>  
Sent: 07 February 2024 15:53  
To: Clark.Gordon <[REDACTED]>  
Subject: FW: Nature-based Solution for Water Neutrality for the Arun Catchment

Hello Clark

As I mentioned earlier and very similar to what Nathan discussed r.e. external companies offering WN credits, the attached document is from a company who directly approached the EA chair regarding a scheme they want support with. I spoke to them yesterday explaining the process that the need to go through and my understanding that any credit scheme would need to be properly regulated to stop any double counting with other schemes, such as SNOWS. I suggested that before they submit any pre-app to the EA, they may want to discuss with yourself if the credits would actually be realised, but on reflection and taking in to account what you said, would they need to go through SNOWS if they were independent? I think the governance of credits would need to be highlighted to them for sure – who is that through?

Happy to catch up whenever suit you

Many thanks  
Huw

---

From: Tom Godfrey [REDACTED]  
Sent: Tuesday, February 6, 2024 3:52 PM  
To: Davis, Huw [REDACTED]  
Subject: FW: Nature-based Solution for Water Neutrality for the Arun Catchment

[REDACTED]

**Warning: The sender of this message could not be validated. Please use caution when opening any message content such as attachments or links**

Hi Huw

Good to talk to you this morning.

I have included the technical paper for our Nature-based Solution – we understand this is light and will need more research.

I have also included the presentation we made to Southern Water which delivers a Nature-based Solution at scale. It includes the solution to Natural England's objection – "Unfortunately as far as I can tell this does not appear to do anything to recharge the Wealden greensand semi-confined aquifer of the Folkestone beds from which the abstraction that contributes to the risk of adverse effect occurs." -----

- <https://www.dropbox.com/t/JGf0fZ9T8mKln6ZD>

Please don't hesitate to call if you have any questions – hope you have a fruitful conversation with Clark Gordon @Horshan DC.

Best regards  
Tom

Tom Godfrey  
Co Founder  
[REDACTED]



This message has been sent using TLS 1.2 Information in this message may be confidential and may be legally privileged. If you have received this message by mistake, please notify the sender immediately, delete it and do not copy it to anyone else. We have checked this email and its attachments for viruses. But you should still check any attachment before opening it. We may have to make this message and any reply to it public if asked to under the Freedom of Information Act, Data Protection Act or for litigation. Email messages and attachments sent to or from any Environment Agency address may also be accessed by someone other than the sender or recipient, for business purposes.

**WATER NEUTRALITY LEAD OFFICER GROUP**  
**7 February 2024 2pm via Teams**

**1) Actions arising / carried forward from last meeting**

- **All** to update FAQs/websites following CG Fry Case and to reflect that all relevant licenses need to be secured by applicants. **All (except HDC) to update, DM Teams to action**
- **CG** - to consider Southern Water Statement of Responses and revised WRMP for comments (when these become available) **No update yet, now likely May at the earliest**
- **All** - Any items for standard SW meeting to be sent to CG (standing action)
- **CG** – input into WN Newsletter (standing item)
- **CG** – EA draft Technical response for boreholes has been shared by AR - currently with CG to follow up on. **CG has prepared a non-technical summary, EA have returned comments. CG will make these amends before document goes live.**
- **CG** – progress AR request: is there a list being retained of those applications relying on boreholes? Complete
- **All** - local authorities/NPA to check with their respective Leaders to a) say if they want the DEFRA Ministers meeting and b) give their top 3 agenda items – by next WNLOG (07/02/24) Complete: Meeting arranged for 20 Feb.
- CG/All - WNLOG meeting with Defra & DLUHC (25/01/24): CG to circulate draft agenda, and ALL to review and provide comments as needed. Complete: Meeting took place, see Item 7.
- **All** - A Dr Midig has asked for ideas for her Masters project. ALL to provide ideas, if any, to CG. CG has replied. Complete.
- **All** - nominate an attendee for the Greater Cambridgeshire meeting (note there was a small group meeting in Sep 2023 so could be same people). Complete: Meeting took place 29 January. CBC and HDC attended.
- **CG** - contact property and housing officers previously identified when governance first set up with regards OIG attendance. CG has completed.
- **All** – Comment on SNOWS application prioritisation approach by 19 Jan. Complete.
- **DM teams** – complete SNOWS application & offsetting registers sent round by CG by 31 Jan **Ongoing – awaiting CBC, MSDC and SDNPA response.**

**2) Executive Board**

- **Next Meeting is 26 February 2024 (CBC to prepare Briefing Note)**  
 WNLOG discussed whether officers are in position to present to Executive Board on DLUHC funding. CG/CH advised that the MoU is now in place and the funding should arrive soon. It would be useful to have the briefing note prior to the Minister meeting. **Action: AM to add DLUHC funding item to Executive Board agenda. Action: CG to prepare item on funding.**
- **Southern Water proposal to present to Executive Board (CG)**  
 CG raised this at the last monthly catch up with Southern Water. SW view is that any presentation is likely to take place after the next WRMP consultation, so won't be at February Executive Board. **Action: CG to ask what SW wish to present upon at Feb Exec Board. SW to come back to LAs when WRMP timelines are firmed up. CG to suggest that SW present to WNLOG first.**
- **Update on suggested liaison with ministers (CG)**  
 Meeting with Robbie Moore, DEFRA Minister has been arranged for 20 February. CExs have requested a pre-meet for the Local Authorities beforehand. **Action: See below**

### 3) Policy update

- i. Local Plan Updates
  - a. Progress/Timescales (All) Progress/Timescales (All)

#### **Crawley**

CBC received the [Inspectors' Post-Hearing Letter](#) last week. The Inspectors have agreed with all of CBC's main points, and have made few changes to the proposed Modifications.

In relation to water neutrality, the letter recognises the CBC Plan as the first to be tested, with other LPAs are looking to the Crawley Plan so that the approach can be adopted across Sussex North. It commends the council(s) on developing an offsetting programme that is justified in view of water neutrality constraints facing the area.

The Inspectors have recommended that the water neutrality policy (SDC4) should be made a Strategic Policy and that a modification is made to provide clarification in the event that a strategic solution to water neutrality is secured through forthcoming water resource planning (this is the new Part 7, defaulting back to the serious water stress standard of 110l/p/d if water neutrality is no longer required).

CBC commencing Modifications Consultation from 12 Feb to 25 March and anticipating a final Inspectors' report in late May/early June. If received promptly, anticipating adoption in July, or alternatively Autumn 2024.

#### **Horsham**

Currently out for Reg. 19 consultation, which started 19 Jan and runs until 1 March. Some initial representations received, but nothing yet on water neutrality.

#### **Chichester**

Anticipate being able to submit the draft Plan soon, ideally in March or thereabouts.

#### **Mid Sussex**

Halfway through Reg. 19 consultation, and will then be processing reps. No specific water neutrality representations have been received as yet.

#### **South Downs National Park Authority**

Not in attendance, update to Water Neutrality Policy Group was: Currently working through evidence. Will be taking various items to March Planning Committee, including a Project Initiation Document (a requirement under new system) and will be setting out the proposed engagement approach in response to new Regs.

#### **West Sussex**

Consideration regarding review of Waste Plan is ongoing, but no specific updates.

### 4) Development Management update (Emma Parkes)

- CBC is taking legal advice on CG Fry and has agreed to share principles from this.
- HDC awaiting two appeal decisions relating to Grampian Conditions. Have a public inquiry w/c 11 March (ARM at Kilnwood Vale) regarding access to SNOWS and whether the water is already accounted for in current SW WRMP. A risk that if this is lost, SNOWS could be undermined. Raise this as a risk with CExs. **Action Complete: TK has provided a paragraph on the appeals for Executive Board. Action: AM to add to CEx Briefing Note.**
- Post Meeting Note: HDC has received the decision for Land North of The Rise, Partridge Green, which was dismissed. The Inspector did not agree with a Grampian Condition.

## 5) Environment Agency (AR/HD)

No updates.

## 6) Natural England (NB)

- NB will be leaving NE in March, and Rebecca Pearson will be taking as NE WNLOG lead for water neutrality.
- Mitigation proposals – Knight Frank has contacted NE about creating a water credit system, similar to SNOWS. Unknown who they are working with. It is suggesting that SNOWS is only a “trial”. NB has shared the relevant information with CG. The same company had previously proposed an abstraction trading scheme. NE can’t say that SNOWS is the only option, but if a private scheme does come forward, this will need to be evidenced. This is already reflected as two entries on the project’s risk register – one for private credit schemes and one for the loss of RP offsetting properties to the private market.
- NE has also been made aware of a different scheme that is looking at a combi-save device – fits to boiler and heats water quicker. The promoter argues that this saves water. NE has requested additional info, which has now been provided. NE current thinking is that this doesn’t provide a flat saving across the board – it needs a pilot scheme behind it (as SNOWS did) to evidence that a flat rate can be assumed.
- NB will attend PAS in February.
- HD confirmed that the EA has also been approached about a credit scheme – have contacted CG and happy to share the information received.
- TK: the SNOWS model is based on securing SW contributions. Any dilution of this means that SNOWS needs to work harder. This is already covered on the risk register.
- VD asked if RP will be taking over as the NE Local Plan contact for CDC? NB advised that different officers will be involved, with NB attending the meeting on Monday.

## 7) WN Project Manager Update (CG)

### Comms & Engagement

- Engagement over last month
  - **Defra/DLUHC/EA/NE meeting:** A useful session in setting out the risks and challenges and in encouraging greater support from DEFRA. Engagement seems to have improved now DEFRA has its new Water Scarcity team in place. DLUHC engagement a concern, as various different officers attending, but not always the right ones.
  - **Follow-up with Defra Water Scarcity team:** Legal questions have gone back to DEFRA now the new team is in place. Also asked if they have any contacts in national organisations regarding offsetting activities.
  - **SW monthly meeting feedback:** SW keen to update once WRMP timescales are firmed up. Some regional modelling is still required, which is impacting upon the dates. Likely to consult late May but this is not confirmed. Timeframe also assumes no public inquiries. There is an admission from SW that water neutrality was not well reflected in previous draft of WRMP, and they have made fairly substantial updates. Also now looking at water neutrality for some of their own applications.
  - **Southern/Affinity/Defra/Arup meetings:** Interesting meeting, discussed Affinity Water water credit market. DEFRA asked about the trial taking place in Sussex North, and this is being discussed with Southern Water (SW being a potential buyer of the credits). Can ask Affinity/Defra contact to update at next WNLOG meeting – **Action: CG to follow up.**



- **PINS (DM /appeals) meeting:** Discussed Ravenscroft decision and use of Grampian Conditions, in addition to discussion of HDC reasons for not challenging it. Some concerns raised re use of Grampian conditions, which would normally only be used in special cases. Acknowledged that late submission of water neutrality information is recognised by PINS as an issue. HDC offered to provide some training (learning sessions) for Inspectors on WN. SL noted that the CBC Local Plan Inspectors undertook an internal session for PINS colleagues on water neutrality.
- **Whitbread (Premier Inn):** Contacted regarding offsetting opportunities, given corporate ambition to reduce guest water use. CG awaiting feedback.
- **Ecoprod:** CG met with this company, a rainwater harvesting system provider. Ecoprod has asked about selling credits back to SNOWS. SNOWS unlikely to be able to pay market rate though as this affects viability, but the suggestion is that credits would be sold at cost. A potential opportunity.
- **Greater Cambridge Shared Planning Service meeting:** A useful meeting. Gave an update for Sussex North and heard from Cambs. DEFRA seem to be giving mixed messages as to whether Sussex North will learn from Cambs or vice versa. Cambs is at very early stages – unlikely that there will be anything quick (although they did suggest they would like their offsetting scheme set up with six months). Cambs do not have the Hab Regs as a reason for water neutrality.
- **FHH WN Forum meeting:** Some useful messages including on public concerns re tighter water efficiency standards. Will likely be more general work that can be applied nationally. Meeting will be running every quarter. Notes are on the Teams channel. SL set out that it would be worth looking at messaging around water recycling, as discussed some public perception concerns with DEFRA.
- **DLUHC/PAS PSDF workshop:** Discussed Planning Skills Delivery Fund. MoU has been sent back and is signed, so the monies are imminent. Funds need to be committed to be spent by end of financial year. LAs can't practically do this, but DLUHC confirmed it requires a plan to show that work is progressing. A face to face workshop is proposed late March in London. DLUHC will be opening up a document sharing and message board facility shortly. Will also look at BNG resource and Design Codes.
- **SNOWS newsletter:** Published on 5 Feb and went out to 392 addresses, so has doubled the circulation of the first letter. **Action: CG to update Exec Board on this item, including proportion of subscribers who are developers/residents etc.**
  - Engagement this month
    - 8 Feb: SW monthly meeting
    - 9 Feb: Meeting with Droople (a water monitoring company)
    - 14 Feb: HDC Agents' Forum
    - 20 Feb (+ 5 Mar TBC): PAS NN Network meeting
  - Any other C&E matters
  - Leaders' meeting with Defra minister – CBC has shared three possible questions with its to Leader. Ian Duke has suggested a pre-meet. **Action: CH will check if this is being arranged. CG to adapt any pre-existing questions if these were very specific to SW, add CBC questions and re-circulate.**
  - [Waterwise Conference](#) - 11-14 Mar (AM sessions) - free to LPAs
    - Mon 11 Mar: Policy and planning - what more do we need to do?  
**Action: All - This session might be of particular interest should officers wish to attend.**
    - Tue 12 Mar: Getting smarter about saving water

- Wed 13 Mar: Helping organisations save water
- Thu 14 Mar: A journey of water efficiency engagement

## RIOs

- Issues updates
  - **New issue:** Southern Water WRMP24 data for SNOWS calculations – this is causing issues/delays.
  - Legal support – DLUHC funding will help with this. Questions list to DEFRA may also help. Procurement Plan is with Procurement team for comment. CG will look to share with group thereafter. A high priority.
  - DM - appeals decisions
- Red/amber risk updates (post-mitigation)
  - Forward funding - joint-highest risk (CG risk owner)
  - Immediate need for new school places - joint-highest risk (WSCC risk owner)
  - Anti-competitiveness (CG risk owner)
  - Speed of SNOWS procurement process (CG risk owner)
  - RPs not willing to offer sufficient stock (CG risk owner)
  - Launch date delays (CG risk owner)
  - Southern Water fail to meet reduction targets (CG risk owner)
  - Capacity in DM teams (DM Group risk owner)
  - WSCC infrastructure (WSCC risk owner)
  - *C G Fry* High Court decision (DM Group risk owner)
  - Loss of authority funds (CG risk owner)
  - Complaints (CG risk owner)
  - WSCC cumulative infrastructure requirements (WSCC risk owner)
- New RIOs
  - None
- Closed RIOs
  - None
- Any other RIO updates
  - None

## Project progress/schedule

- Activities completed last month
  - Schedule finalised
  - Internal FAQs published (live document) on 31 Jan – this is now available to share internally.
  - Boreholes FAQs non-technical summary produced – subject to internal review and can then be published.
  - Access prioritisation - Scoring Approach updated (SA5a & SA5b) & briefing paper produced for authority execs. CG has made minor updates to scoring approach, shared with OIG. Preparing a note with an Exec Summary. Will set out rationale for scoring approach, areas where further refining is required, other matters to address. SL noted that we may now be at a stage where the outstanding issues can't be resolved at officer level, and needs to go up to Execs. This is more of a corporate discussion (not for externals) so is not for

Exec Board. **Action: CG to share prioritisation note with WNLOG prior to Exec Board circulation (will look to circulate this week).**

- Process agreed at DM Group for capturing water neutrality applications & offset properties until SNOWS launch. **Action: Still waiting CBC response. MSDC to confirm if they will be providing info. SDNPA need to provide info.**

Activities planned for this month (incl. WNLOG consults forecast)

- Defra meeting notes & actions to be finalised - CG to send final draft notes to speakers imminently
- Final Greater Cambridge Shared Planning Service meeting notes to be circulated imminently
- Messaging for 85lpd. Need some local messaging, Future Homes sub group can pick up nationally.
- Consultation on application & offset registers
- Procurement Plan to be re-drafted based on Procurement Team comments (Procurement Team & legal will be consulted with re-draft before WNLOG)
- First draft of Full Business Case to be produced in late Feb - WNLOG consult
- Produce job spec for 'Offsetting Delivery Manager'

Any other major progress updates

- PSDF funding update - briefing paper being prepared for Exec Board
- LPAs to complete app/offset registers - overdue responses from CBC, MSDC & SDNPA

**8) Upcoming Meetings**

- WNLOG: 6 March (CDC to Chair)
- Water Neutrality Executive Board: 26 Feb (CBC to prepare briefing note)
- Ministerial Meeting (DEFRA) 20 February and Execs Pre-Meet (16 Feb)

**9) AOB**

- MB: KCC Sustainability Team keen to learn about 85l/p/d standard and the justification for this. MB has replied. NB confirmed no Habs Regs issues.

*These notes have been taken by the Water Neutrality Project Manager for reference purposes. They have not been reviewed or approved by other attendees.*

**Thursday 15 February 2024 - 10:00 - 10:25**

## **Attendees**

Clark Gordon - WN PM

Huw Davies - EA

## **Notes**

HD: Colleagues in the EA's National Permitting Service have raised concerns about Nicholls Boreholes. They have implemented a water credit scheme (which CG is aware of) and are pushing it hard to applicants in Sussex North. There are a lot of boreholes being drilled that the EA is not aware of, presumably because they are below the permitting threshold. How are local authorities making sure that boreholes provide certainty of supply? i.e. they are not going to run out of water and require access to mains supply again.

CG: There is comprehensive advice for applicants about boreholes on the HDC website. This sets out the requirements that applicants have to meet, including demonstrating certainty of supply. Appreciate that this is a complex issue to identify that there is sufficient supply within an aquifer to supply a particular development. We will rely heavily on advice provided by NE as part of the application (and EA, Southern Water where appropriate). Other suggestions have been made about having an overarching agreement for a 'Water SANG', rather than having lots of S106 agreements, but the LPAs are not keen to endorse other offsetting credit schemes, not least because of the concerns about having lots of different SANGs/approaches across the area.

HD: How will SNOWS record offsetting properties used in any of these third-party credit schemes?

CG: We are aware of a few different proposals for water credit schemes. Presently, DM teams require exactly the same information to be submitted with planning applications using credit schemes as with any other proposed WN solution. This would include details of any offsetting properties used and legal agreements (S106) secured against any offsetting properties.

CG: Almost of the local authorities have now provided details of all WN-affected applications and any offsetting properties used between Sep 2021 to date to CG so that these can be recorded centrally on the SNOWS registers. We have implemented a process to capture these details from LPAs quarterly going forward. We will be discussing at our next DM meeting in early March about how we are going to use the registers to ensure no double-counting of offsetting properties, although there are few enough applications at the moment that this can be done individually by LPAs. We're aware that with schemes like Nicholls' coming online there is an increased risk of double-counting.

CG: Advised by an applicant recently that Nicholls are charging ~£75 a litre for credits. Heard from others that credits are going for up to £100 per litre. These figures are substantially more than the ~£9 a litre currently forecast for SNOWS credits, and we are still hoping to reduce this figure. This is because of the substantial offsetting contribution from Southern Water. We have only stated the ~£9 a litre figure at the FHH WN Forum meeting in Jan, but otherwise that figure is not public. It's likely that many will hold off for SNOWS credits once they realise the price discrepancy. We still think there will be a place for private credits for developers who want them more quickly than SNOWS can provide, or who will not be highly prioritised in SNOWS.

HD: We have been sent a proposal for an aquifer recharge scheme in the Arun Valley. HD has sent details to CG by e-mail. The proposal seeks to capture excess flows in the winter and discharge them back to Hardham in the summer. EA have advised that the discharge would need to be in the Hardham abstraction's cone of depression to be valid. The EA has some concerns about whether this approach would actually generate credits. It's a novel, untested solution.

CG: Recommend that the proposer send the details to Southern Water, who have a triage service for WN solutions. It sounds very similar to a 'peak over threshold' approach that has already been knocked back by SW and NE, which involved storing excess winter flows on site and then discharging to the river over the summer. It's not clear (to CG) that this would meet WN requirements. It suggests that abstraction would still increase over the winter from the existing position, which wouldn't be acceptable.

**ACTION:** CG to review proposals for Arun water credit scheme

WATER NEUTRALITY IN SUSSEX NORTH  
**WNLOG MEETING - 6 March 2024 via Teams**  
**Final Notes**

**Chair: Tony Whitty (CDC)**  
**Notes: Valerie Dobson (CDC)**

**Attendees**

Anthony Masson – CBC  
 Elizabeth Brigden - CBC - apologies  
 Sallie Lappage - CBC – apologies  
 Hamish Walke – CBC - apologies  
 Tony Whitty – CDC  
 Valerie Dobson – CDC  
 Clarke Gordon – HDC  
 Catherine Howe – HDC  
 Matt Bates - HDC  
 Emma Parkes – HDC  
 Andrew Marsh – Mid Sussex DC – apologies  
 Katharine Stuart – SDNPA  
 Richard Ferguson – SDNPA  
 Caroline West - WSCC – apologies  
 Tracey Flitcroft WSCC

Anna Rabone – EA - apologies  
 Huw Davis – EA  
 Natural England – no attendee  
 Julian Webster – Affinity Water  
 Lina Nieto – Affinity Water / Defra

**1) Actions arising / carried forward from last meeting**

- **AM** - add DLUHC funding item to Executive Board February agenda. **CG** - to prepare item on funding *(Complete)*
- **CG** - to ask what SW wish to present on at Feb Exec Board. SW to come back to LAs when WRMP timelines are firmed up. CG to suggest that SW present to WNLOG first. *(Complete)*
- **AM** - Risk associated with HDC appeals and access to SNOWS and whether the water is already accounted for in current SW WRMP. A risk that if this is lost, SNOWS could be undermined. AM to add to CEx Briefing Note. *(Complete)*
- **CG** - Southern/Affinity/Defra/Arup meetings - DEFRA asked about the trial taking place in Sussex North, and this is being discussed with Southern Water (SW being a potential buyer of the credits). Can ask Affinity/Defra contact to update at next WNLOG meeting. CG to follow up. *(Complete)*
- **CG** - SNOWS newsletter: CG to update Exec Board on this item, including proportion of subscribers who are developers/residents etc *(Complete)*
- **CG** - Leaders' meeting with Defra minister - CH will check if this is being arranged. CG to adapt any pre-existing questions if these were very specific to SW, add CBC questions and re-circulate *(Meeting cancelled new date tbc)*



- **All** - Waterwise Conference – 11-14 March: This session might be of particular interest should officers wish to attend. (*No attendees*)
- **CG** - share prioritisation note with WNLOG prior to Exec Board circulation (*Complete*)
- **CBC and SDNPA** - DM Group - capturing water neutrality applications & offset properties until SNOWS launch. Still waiting CBC & SDNPA responses. (*CBC and SDNPA to provide data along with new quarter requested February to April 2024*)
- 
- **Carried over/standing items:**
- **All** to update FAQs/websites following CG Fry Case is obtained and to reflect that all relevant licenses need to be secured by applicants (carried over – HDC and CDC now complete)
- **CG** - to consider Southern Water Statement of Responses and revised WRMP for comments (when these become available) (*Item can now be removed*)
- **All** - Any items for standard SW meeting to be sent to CG (standing action)
- **CG** – input into WN Newsletter (standing item) – *see under item 8 Comms and Engagement*
- 

## 2) Executive Board

- **Next Meeting is 22 April 2024 (HDC to prepare Briefing Note)**

### Feedback from last meeting (26 February)

DLUHC advised planning guidance is to be updated with regard to Habitats Regulations, largely in relation to nutrients but there will be some cross over in to water neutrality. CG suggested that WNLOG could review changes prior to them being made. **CG action from Exec Board to liaise with DLUHC.**

DLUHC – CG/CW to liaise with regard to infrastructure concerns. Keen to develop national standards; could Cambridgeshire work be used to support Sussex North. Would result in change to Government policy/Building Regs to support drive for water efficiency.

NE – raised meeting with Horsham MP (Jeremy Quin) in relation to concerns and misinformation around the figure of 85 l/p/d. NE also advised there would be an updated conditions survey on the Arun Valley published in the next couple of months but they are not anticipating any changes.

Ofwat – efficiency fund to understand customers efficiency and to look for behaviour change of customers.

SW – Have submitted determination letter re WRMP to Defra and anticipate consultation July-September (12 weeks); plan by May 2025.. Water resource levels this year are good and SW do not anticipate any problems this year. Data sharing contract to be out in pace with SNOWS, will link to smart meter programme. In return SW wish to receive applications from LPAs that are in SNOWS so that they can prioritise smart meter introduction in those properties. All LPA legal teams to consider contract prior to signature.

SNOWS – updates on: PSDF funding; private offsetting schemes; access prioritisation; schedule update; procurement update; Feb SNOWS newsletter stats & new issue in the RIO Register for delays to SW's WRMP data. CG also provided an overview of the meeting with Defra, DLUHC etc. at the end of Jan. The Defra ministerial meeting with leaders was cancelled, but Defra rep advised that work is underway to get it re-booked at their end.

### 3) Affinity/Defra Project Zero – Sussex North trial

Presentation by Lina Nieto and Julian Webster of Affinity Water for Project Zero trial for offsetting mechanism for water credit market - aim at April launch.

#### Questions:

CH – how would double counting be avoided, who does the monitoring?

LN – SW are working with Affinity and Arup as a partnership to make sure the collaborative approach works with everyone and is what is expected.

AM – where the is surplus of credits s this being used as offsetting?

LN – no it is just being considered as 'water positive' for now; the trial is to be considered as a 'learning piece'. There is need to establish if it would be sustainable over a long period of time in order to identify benefits and ensue behaviours continues and has positive impact on environment.

CG – is this based on a 'smart solution'?

LN – no it based on AMR data over a 6 month period, meters will give a better understanding.

TW – how long is the trial?

LN – 5 months campaign – April to August 2024, and then will need to consider the September to December readings.

### 4) Policy update

#### i. Local Plan Updates

##### a. Progress/Timescales (All) Progress/Timescales (All)

#### **Crawley**

CBC commencing Modifications Consultation from 12 Feb to 25 March and anticipating a final Inspectors' report in late May/early June. If received promptly, anticipating adoption in July, or alternatively Autumn 2024.

#### **Horsham**

Completed Reg. 19 consultation, (19 Jan until 1 March). Aiming to submit local plan June/July.

#### **Chichester**

Anticipate being able to submit the draft Plan in April, examination autumn 2024.

#### **Mid Sussex**

The Regulation 19 District Plan consultation closed on 23<sup>rd</sup> February. We are now analysing responses with a view to submitting for examination in the spring. We have included the model Water Neutrality policy (identical to CBC on submission) and have received very few comments on it. We will be taking account of the comments made and conclusions drawn on the CBC plan and will suggest modifications to the policy as necessary to ensure it remains identical.

#### **South Downs National Park Authority**

Remain in early stages of plan preparation. Taking Project Initiation Document (PID), a requirement under new system, to members in March and the next step will be with summer engagement activities.

## **West Sussex**

No specific updates.

### **5) Development Management update (Emma Parkes)**

- HDC was awaiting one appeal decisions relating to Grampian Conditions. Have a public inquiry w/c 11 March (ARM at Kilnwood Vale) regarding access to SNOWS and whether the water is already accounted for in current SW WRMP. A risk that if this is lost, SNOWS could be undermined. The decision for Land North of The Rise, Partridge Green, was dismissed and the Inspector did not agree with a Grampian Condition (decision circulated to DM group).
- Need to ensure that care is taken to avoid double counting for mitigation at an early stage in the process.

### **6) Environment Agency (AR/HD)**

Meeting held with CG relating to boreholes, otherwise no updates.

### **7) Natural England (No attendee)**

- CG advised that Luke Hasler would be taking over the lead at Natural England and attending future meetings.
- CG has raised query relating to necessity of WN for schools (from Defra/DLUHC meeting in January) with Luke Hasler.

### **8) WN Project Manager Update (CG)**

#### Comms & Engagement

- o Engagement over last month
  - Further FOI received from Marcel Hoad
  - Defra/DLUHC/EA/NE meeting notes & actions distributed.
  - Greater Cambs Shared Planning Service meeting notes distributed.
  - SW monthly meeting
  - HDC Agents' Forum
  - BBC News item
  - WSP & JBA meeting (+ PA Consulting) re: EA Water Credit Scheme (Cambridge)
  - Affinity Water / Defra project trial – Affinity has requested spreadsheet of Part C data from the JBA study; information is already publicly available and the group agreed, subject to checking with JBA, this could be shared with Affinity.
  - EA - Arun water credit scheme, Nicholls Boreholes & recording offsetting properties – the Arun scheme represents a nature based solution 'Land and Water Services Ltd', has a potential capacity for 2,500 homes, cost would be in the region of £12-15,000 per dwelling clearly much higher than SNOWS. Scheme not formally supported by EA or NE, CG to raise with Southern Water at next week's meeting. CG circulated technical note. CH raised if there was a need for a generic response when schemes came forward as an addition to the FAQs? **Action – CG to coordinate a draft response for the FAQs.**

- Engagement this month
  - 13 Mar: WSCC meeting to discuss infrastructure prioritisation
  - 21 Mar: PAS PSDF in-person workshop (London)
  - CG invited for interview by National Centre for Research and follow up workshop; report due in April
- Any other C&E matters
  - Next SNOWS newsletter to be published in early May
  - Sussex North Water Efficiency Messaging Note

### Risks, Issues & Opportunities (RIO)

- Issues updates
  - SW WRMP data delays are a new issue.
  - Legal support – following meeting with Defra in January CG has sent the group’s question to Defra and this may address mores to the questions. In addition Affinity may also have picked up and addressed the issues raised.
  - Appeal decisions
- Red/amber risk updates (post-mitigation) - **Note: recently updated. Some scores & order changes**
  - Forward funding - highest risk - **now a red risk** (CG risk owner)
  - Immediate need for new school places (WSCC risk owner)
  - RPs not willing to offer sufficient stock (CG risk owner)
  - Anti-competitiveness (CG risk owner)
  - Speed of SNOWS procurement process (CG risk owner)
  - Southern Water fail to meet reduction targets (CG risk owner)
  - C G Fry High Court decision (DM Group risk owner)
  - Launch date delays (CG risk owner)
  - WSCC infrastructure (WSCC risk owner)
  - Loss of authority funds (CG risk owner)
  - **New - re-scored as amber risk:** Disagreement or challenge on development prioritisation (CG risk owner)
  - WSCC cumulative infrastructure requirements (WSCC risk owner)
  - **Removed - re-scored as yellow risk:** Capacity in DM teams (DM Group risk owner)
  - **Removed - re-scored as yellow risk:** Complaints (CG risk owner)
- New RIOs
  - None
- Closed RIOs
  - Risk: LPA non-planning application offsetting requirements (i.e. WSCC competent authority requirements) - closed as not within the scope of SNOWS access
  - Risk: Scheme credit costs exceed private market costs - current estimates suggest that SNOWS credits will be significantly less than open market credit costs
- Any other RIO updates
  - None

## Project progress/schedule

- Activities completed last month
  - SNOWS access prioritisation briefing paper – this resulted in a detailed technical document that will be available for WNLOG; **Action - CG to prepare shorter briefing paper for Exec Board.**
  - Quarterly app/offset prop data collection - data request has now been sent to LPAs for period February to April.
  - Sussex North Water Efficiency Messaging Note
  - Third draft of Procurement Plan – draft sent to HDC legal and finance departments. CH/SL also to comment. Fourth draft to be sent to WNLOG later in March
  - Full Business Case first draft
  
- Activities planned for this month (incl. WNLOG consults forecast)
  - Procurement Plan
  - M&R Plan
  - Full Business Case
  - Offsetting Property engagement, incl. w/LA corporate property teams
  - Access prioritisation
  - ODO (Offsetting Delivery Officer) recruitment
  
  - WNLOG consultation forecasts for Mar:
    - Fourth draft of Procurement Plan (imminently)
    - First & second drafts of Full Business Case (imminently & ~mid-Mar)
    - First & second drafts of M&R Plan (~mid-Mar & late Mar)
  
- Any other major progress updates
  - Application & offset property data required from CBC & SDNPA

### **9) Upcoming Meetings**

- WNLOG: 3 April (HDC to Chair)
- Water Neutrality Executive Board: 22 April (HBC to prepare briefing note)

### **10) AOB**

- None.

**Matt.Bates**

---

**From:** Hasler, Luke [REDACTED]  
**Sent:** 20 June 2024 12:27  
**To:** Clark.Gordon  
**Subject:** RE: Query re: offsetting via River Rother abstraction reduction

Hi Clark,

I've just discussed the query with my colleagues, and unfortunately, it's their opinion that the proposal set out by the Cowdray Park Estate are unlikely to be suitable offsetting measures (for water neutrality). They felt that whilst a proposed reduction in the abstraction from the River Rother would be beneficial for wider environmental reasons and improving its resilience, it would be challenging to directly attribute a reduction in abstraction from the Rother to a reduction in the quantity of groundwater abstracted by Southern Water.

For measures to be considered as 'offsetting measures', we would expect them to deliver a clear reduction in water demand and they had concerns around how this could be robustly evidenced for the purposes of SNOWS. They have however suggested that if the option was to be explored further, then it would be best to discuss it with the Environment Agency and Southern Water in greater detail.

Sorry again for the delays in getting back to you, but I hope that the above is helpful and clear?

Many thanks,

**Luke Hasler**

Senior Adviser – Nutrient & Water Neutrality (Sustainable Development)  
 International House, Dover Place, Ashford, TN23 1HU  
 Sussex & Kent Area Team

---

**From:** Clark.Gordon [REDACTED]  
**Sent:** Tuesday, June 18, 2024 2:42 PM  
**To:** Hasler, Luke [REDACTED]  
**Subject:** RE: Query re: offsetting via River Rother abstraction reduction

Thanks Luke!

**Clark Gordon**

Water Neutrality Project Manager

**Telephone:** | [REDACTED]

**Email:** [REDACTED]




---

**Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL**

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

---

**From:** Hasler, Luke [REDACTED]  
**Sent:** 18 June 2024 14:38  
**To:** Clark.Gordon [REDACTED]  
**Subject:** RE: Query re: offsetting via River Rother abstraction reduction



Hi Clark,

I'm hoping to have a chat with my colleagues on Thursday about this. Sorry for the delays in getting back to you sooner, the colleague I want to discuss it with has been on A/L recently.

Many thanks,

**Luke Hasler**

Senior Adviser – Nutrient & Water Neutrality (Sustainable Development)  
International House, Dover Place, Ashford, TN23 1HU  
Sussex & Kent Area Team

---

**From:** Clark.Gordon [REDACTED]  
**Sent:** Thursday, June 13, 2024 3:27 PM  
**To:** Hasler, Luke [REDACTED]  
**Subject:** RE: Query re: offsetting via River Rother abstraction reduction

Hi Luke,

Do you have an idea of timescales on when you may be able to respond to this query?

Thanks,

**Clark Gordon**

Water Neutrality Project Manager

**Telephone:** | [REDACTED]

**Email:** [REDACTED]



---

**Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL**  
Telephone: 01403 215100 (calls may be recorded) [www.horsham.gov.uk](http://www.horsham.gov.uk) Chief Executive: Jane Eaton

---

**From:** Hasler, Luke [REDACTED]  
**Sent:** 29 May 2024 18:36  
**To:** Clark.Gordon [REDACTED]  
**Subject:** RE: Query re: offsetting via River Rother abstraction reduction

Hi Clark,

Thank you for sharing this with me. I have some initial thoughts on the question/approach, but I would like to check with a technical colleague before providing you with a formal response if that's okay?

Many thanks,

**Luke Hasler**

Senior Adviser – Nutrient & Water Neutrality (Sustainable Development)  
International House, Dover Place, Ashford, TN23 1HU  
Sussex & Kent Area Team

---

**From:** Clark.Gordon [REDACTED]  
**Sent:** Tuesday, May 21, 2024 2:41 PM

To: Hasler, Luke [REDACTED]  
Subject: Query re: offsetting via River Rother abstraction reduction

Hi Luke,

I am currently in discussions with the Estates Manager at the Cowdray Park Estate about potential offsetting opportunities on the estate that we may be able to incorporate into our SNOWS scheme. Cowdray Park is situated between Midhurst and South Ambersham on the River Rother, ~10 miles upstream of the confluence of the Rother and Arun at Pulborough.

One of their proposals is to make improvements to their existing irrigation systems, which I understand are fed from an abstraction from the River Rother. These improvements could, for example, be through installing smart irrigation systems, or providing better/new on-site storage.

**The question that has been raised by them – and we would appreciate NE’s view on – is whether a reduction in abstraction from the Rother could provide water neutrality offsetting?**

I am mindful of the advice in your 2022 FAQs for developers – the relevant section is copied below. However, I still raise the question because it would seem that if there is more water reaching the Arun Valley sites from the Rother, this could provide offsetting. We recognise that this would need to be secured – for example through the abstraction licence being amended or revoked.

We’d welcome your thoughts on this.

**NE advice from FAQs:**

**How should existing land uses be considered in water neutrality calculations? Can existing uses on sites be made more efficient as a means of offsetting development? For example, where greenfield land is currently subject to irrigation.**

Existing water consumption can be used to offset new build in the water budget if it is supplied by Sussex North public water supply. Irrigation of agricultural land is rarely supplied by public water supply and Natural England is not aware of any irrigation boreholes into the Pulborough groundwater aquifer from which Southern Water abstract. It is therefore unlikely that farmland on greenfield would have much offsetting potential for water neutrality.

Thanks,

**Clark Gordon**  
Water Neutrality Project Manager

Telephone: | [REDACTED]

Email: [REDACTED]



---

**Horsham District Council, Parkside, Chart Way, Horsham, West Sussex RH12 1RL**  
Telephone: 01403 215100 (calls may be recorded) [www.horsham.gov.uk](http://www.horsham.gov.uk) Chief Executive: Jane Eaton

**Disclaimer**

IMPORTANT NOTICE This e-mail might contain privileged and/or confidential information. If you have received this e-mail in error, please notify the sender and delete the e-mail immediately; you may not use or pass it to anyone else. Whilst every care has been taken to check this outgoing e-mail for viruses, it is your responsibility to carry out checks upon receipt. Horsham District Council does not accept liability for any damage caused. E-mail transmission cannot guarantee to be secure or error free. This e-mail does not create any legal relations, contractual or otherwise. Any views or opinions expressed are personal to the author and do not necessarily represent those of Horsham District Council. This Council does not accept liability for any

unauthorised/unlawful statement made by an employee. Information in this e mail may be subject to public disclosure in accordance with the law. Horsham District Council cannot guarantee that it will not provide this e mail to a third party. The Council reserves the right to monitor e-mails in accordance with the law. If this e-mail message or any attachments are incomplete or unreadable, please telephone 01403 215100 or e-mail [contact@horsham.gov.uk](mailto:contact@horsham.gov.uk). Any reference to "e-mail" in this disclaimer includes any attachments.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**.

This message has been sent using TLS 1.2 This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

This message has been sent using TLS 1.2 This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.

This message has been sent using TLS 1.2 This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, store or copy any of its contents and you should destroy it and inform the sender. Whilst this email and associated attachments will have been checked for known viruses whilst within the Natural England systems, we can accept no responsibility once it has left our systems. Communications on Natural England systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.



# Briefing note

## Ford Water Recycling Project

### Background

The south-east of England is classed as an area of severe water stress. By 2050, the Environment Agency predicts the region will need an extra 2.5 billion litres of water supply per day to protect and enhance the environment while meeting the demands of a growing population and a changing climate.

The Ford Water Recycling Project is part of Southern Water's response to this challenge. It will maintain supplies for Sussex's growing population and support the Western Rother River by replacing the water that is taken from it to supply homes and businesses during a drought.

The project is part of a suite of measures being undertaken by Southern Water under its Water for Life – Sussex programme, including fixing leaks, improving water efficiency and working with farmers and landowners to reduce the impact of pesticides and fertilisers on watercourses.

### Project overview

The Ford Water Recycling Project includes the construction of a new water recycling plant capable of producing up to 20 million litres of recycled water a day and the associated pipework and pumping facilities.

The project involves pumping some of the treated wastewater produced at the Ford Wastewater Treatment Works to the new water recycling plant where it would undergo several stages of advanced treatment. These include reverse osmosis filtration, where special membranes filter out dissolved impurities in the water.

The purified recycled water would be transferred north to Hardham Water Supply Works via a new 23km underground pipeline and released into the Western Rother River downstream of the drinking water abstraction point. The purified recycled water would mix with the river water as it flows downstream, replacing the amount taken upstream and maintaining levels in the river for wildlife.

Up to 78% of the treated wastewater from Ford Wastewater Treatment Works would be sent to the water recycling plant during a drought.

About 20% of the source water is filtered out when impurities are removed through the reverse osmosis process. This water, called the reject stream, would be mixed with treated wastewater from the wastewater treatment works and released more than 3km out to sea through the existing long sea outfall, with the remainder of the treated wastewater from Ford Wastewater Treatment Works.

The Ford Water Recycling Plant is intended to provide resilience and would be operated primarily during periods of drought. It would be capable of providing up to 20 million litres of purified recycled water a day during a drought.

### About water recycling



Water recycling is a tried-and-tested treatment technology that is widely used elsewhere around the world. Currently, 10 UK water companies are developing plans to use water recycling to help keep taps and rivers flowing around the country.

Water recycling plants use advanced treatment techniques to turn treated wastewater into purified recycled water. This purified recycled water can be used to supplement water sources used for drinking water supplies or, as is the case at Ford, to replace the water taken from rivers for public supplies during a drought.

The water recycling treatment process proposed for the Ford Water Recycling Plant begins with a combined biological and filtration process technology called a membrane bioreactor. The membrane reactor removes remaining organic matter and impurities from the treated wastewater.

The next stage is to use reverse osmosis where special membranes with perforations more than 50,000 times smaller than the width of a human hair to remove dissolved impurities.

After reverse osmosis, the water would be treated using ultraviolet light and hydrogen peroxide in a process called ultraviolet advanced oxidation (UVAOP).

The water recycling process effectively removes impurities including bacteria and pharmaceuticals. In fact, the water produced has been cleaned so thoroughly that some minerals would need to be added back in. Initial studies predict the purified recycled water would be cleaner than the river water it replaces.

To find out more about water recycling, visit: [Water recycling Hub \(SouthernWater.co.uk\)](https://www.southernwater.co.uk/water-recycling-hub).

## Planning application

A public consultation will be held in 2025 to get additional feedback on the developing proposals before we apply for planning permission. The results of the initial Environmental Impact Assessment and water quality assessments will be shared at the public consultation events along with the latest information on the plans, including the proposed pipeline route and traffic assessments.

Southern Water is continuing to meet with Local Planning Authorities, regulators, stakeholders and other specialists to help refine the plans. The project team will hold meetings and briefings for local environmental groups and parish councils throughout 2024 and 2025.

For the latest updates on the project, visit [Ford Water Recycling Project \(southernwater.co.uk\)](https://www.southernwater.co.uk/ford-water-recycling-project).

## Timeline

Milestone	Target date
Planning applications submitted to West Sussex County Council and South Downs National Park Authority	Mid 2025
Planning permission granted	Late 2026
Discharge permit granted	Late 2027/early 2028
Construction begins	Late 2027
Beneficial use	2031 (earliest)

Although water recycling is a well-established process around the world, it is relatively new to the UK,



leading to ongoing discussions between stakeholders and regulators to establish the necessary criteria for releasing recycled water into the environment.

The application process of applying for and obtaining a discharge permit from the Environment Agency, which is required to release the recycled water into the environment, is expected to take four years. However, this could be extended due to the complexity of the project, regulatory changes, or resourcing challenges within the Environment Agency. A delay to receiving the discharge permit could also delay procurement processes required to construct and operate the facility.

There is also some uncertainty around the time required for the new procurement model introduced by Ofwat in 2019, called Direct Procurement for Customers (DPC). In the draft determinations for Price Review 2024, Ofwat indicated that the Ford Water Recycling Project should go through DPC. This will require a four-stage process to gain approval from Ofwat to competitively tender and appoint a third-party to design, build, finance, maintain and potentially operate the new infrastructure.

Southern Water is committed to keeping stakeholders informed throughout the progression of the Ford Water Recycling Project. As part of this commitment, we will provide regular updates on project progress and will notify Horsham District council of any substantial delays to the expected delivery date of 2031.