



Horsham  
District  
Council

## **Horsham District Local Plan Examination**

# **Response to Action Point 4b**

**Matter 1, Issue 1 - Legal and  
Procedural Requirements -  
Whether the Council has complied  
with the duty to co-operate in the  
preparation of the Plan?**

## **HDC29a**

Date: December 2024

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With reference to relevant meetings (providing appended records of what was agreed/disagreed) where any cooperation took place in response to the Councils Regulation 19 consultation response, particularly with regard to strategic scale new village proposals (not identified in the Regulation 19 Plan) which claimed to have water neutrality solutions without needing to rely on SNOWS..... 3

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## With reference to relevant meetings (providing appended records of what was agreed/disagreed) where any cooperation took place in response to the Councils Regulation 19 consultation response, particularly with regard to strategic scale new village proposals (not identified in the Regulation 19 Plan) which claimed to have water neutrality solutions without needing to rely on SNOWS.

### Habitat regulations

1. In responding on this action, the Council suggests that its response to Action Point 7 is read first for context of how the Council and its partners more generally considered means of achieving water neutrality that did not involve SNOWS. It is also important to understand the full context of how and why the Councils' resources were focused on SNOWS, again as set out in Action Point 8 response, and also in the **Water Neutrality Joint Topic Paper (CC14)** and **Update (CC15)**.
2. It is important to highlight the fundamental reason why water neutrality exists in the Sussex North area. The issue of water neutrality potentially having an impact on European protected sites was first evident when the **Gatwick Sub-Regional Water Cycle Study (CC05)** was issued in 2020. This was followed by the **Natural England Position Statement (CC08)** highlighting that impacts on the Arun Valley sites due to water abstraction at Pulborough cannot be ruled out (in other words, the requirements of Habitat Regulations cannot be achieved in plan-making without strategic mitigations being in place). Work commissioned by affected Plan-making authorities as part of their HRAs, as evidenced in the **Water Neutrality Study – Part A: Individual Local Authority Areas (CC09)** and the **Horsham Local Plan Water Neutrality Technical Note (CC12)**, further explain the context of HRA requirements when applied to water abstraction.
3. The plan-making authority needs to ensure a Plan's legal compliance, including the Habitat Regulations 2017. The Government's guidance on Habitat Regulations Assessment (HRA), **Habitats regulations assessments: protecting a European site**<sup>1</sup>, is clear on the principles applicable to HRA. In particular, it is a requirement to "*consider possible combined effects on the site with other plans and projects*". There is a section in the guidance titled '**Take a precautionary approach to decisions**' which includes the statement, "*For example, if you cannot rule out all reasonable scientific doubt of an adverse effect on a site's integrity at stage 2: appropriate assessment, you must refuse the proposal unless an exemption (stage 3: derogation) is justified.*"
4. It is acknowledged that if a planning application were to be submitted with a bespoke 'non-SNOWS' solution to water neutrality, and this was deemed to be sufficiently evidenced by way of a project-level HRA and suitably acceptable conditions, the situation may be different, and a grant of planning permission may be possible.
5. However, to ensure the plan is sound, the plan as a whole, including all allocations contained within it, must demonstrate a high degree of certainty that a water neutrality solution exists. Local planning authorities cannot therefore take forward a development strategy which includes strategic sites reliant on a bespoke water neutrality scheme for which the technology is untested and its feasibility uncertain. Furthermore, such an approach would not in its view provide sufficient certainty for HRA purposes. Specifically, there must be sufficient certainty that a bespoke scheme will be delivered to enable an allocation to come forward along with a firm idea of the timing of its delivery (consequent on obtaining cooperation and consents from the EA and others). This is necessary to understand where

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<sup>1</sup> <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

in the Council's housing trajectory the contributions from the site should sit. Without this certainty, the allocation cannot be sound.

6. With regards the HRA certainty point, the Council highlights the letter attached as **Appendix 1**. This confirms the position of Natural England – that “*an appropriate assessment should not take into account mitigation measures which are uncertain at the time of the assessment*”, regarding “*both the measure's scientific certainty as well as its practical certainty*”. It also notes concern around reliance on measures that are not secured by an appropriate legislative or regulatory framework. Whilst the letter subject is about voluntary reductions in abstraction on the part of Southern Water, the principle of reasonable certainty is common to all appropriate assessments.
7. The Council, in its role as plan-making authority, has not received any detailed technical evidence to support any of the strategic site / new settlement promoters' water neutrality schemes. For on-site strategies such as proposed for Buck Barn (Wealdcross), the Council has especially had regard to the lack of any assurance that the necessary Environment Agency permits can be obtained or when, as further detailed in the paragraphs below. The schemes referred to at the hearing sessions can only therefore be viewed as conceptual, and not at the stage of being either deliverable, nor capable of providing reasonable certainty as regards HRA requirements or soundness for draft allocation purposes, irrespective of the issue whether the Council could have maintained extremely high delivery rates consistently over the entirety of the five- to fifteen-year period of the plan. The Council is particularly concerned that the uncertainty apparent in the conceptual solutions put forward do not meet the requirements in paragraph 73 of the NPPF, part (d) of which expects that before a new settlement site can be allocated, a realistic assessment of likely rates of delivery, including consideration of lead-in times, should be made.
8. To summarise, **it was the Council's judgement that submission of a Plan which included such a strategic site, but which lacked evidence of delivery based on a feasible water neutrality scheme, would not have been sound.**

#### [Duty to Co-operate Discussions – New settlements and Water Neutrality solutions](#)

9. The Inspector has asked for records of Duty to Cooperate discussions that considered strategic new settlement proposals claiming to have water neutrality solutions. This was actively considered throughout the process of plan preparation and is summarised in Table 1. Whilst pre-dating Regulation 19, the Council can confirm it discussed such matters with Natural England (NE) and with the Environment Agency (EA), as evidenced below:
  - Appendix 2A – Email from HDC which identifies a number of alternative water neutrality solutions that had been proposed to HDC / other LPAs and suggesting FAQs/ common response be considered. NE confirm they had seen the information sent by the Council and supportive of the approach suggested.
  - Appendix 2B – EA response including on the concept of 'Peak Over Threshold Harvest' (which is the technical terminology used to describe the proposal from promoters of Land at Buck Barn (Wealdcross)).
  - Appendices 2D and 2E – Record of NE and EA's respective views on the specific 'Peak Over Threshold Harvest' strategy proposed by the Buck Barn (Wealdcross) promoters.
10. The Council draws particular attention to Appendices 2C and 2E, which record the need for Environment Agency permits to enable any such scheme to come forward. From the Council's perspective, there is no supporting framework as yet agreed, and therefore no assurance that such permits can be identified, or granted, to support timely delivery of the scheme during the plan period.
11. With regards to proposals from other strategic sites, such as privately procured offsetting or boreholes, the Council refers to its response to Action Point 7. Such solutions may be supported given the appropriate level of detail and assurances on delivery. Whilst smaller scale developments may in some cases be delivered using these mechanisms, the Council does not have the evidence before it



that offsetting or boreholes are feasible to support strategic scale sites. This is precisely why the Sussex North partners have pursued SNOWS which has the full support of the EA, Southern Water and Natural England and was considered to be able to generate sufficient offsetting for the purposes of the plan's housing requirement, by using the savings generated by Southern Water's WRMP.

#### New settlements – discussions with partner local authorities

12. It is appreciated that the Inspector is also interested in discussions held with other partners, such as neighbouring local authorities. The Inspector will be aware that the Council meets regularly with its partner local authorities, as set out in the **Joint Topic Paper (CC14)**. Meetings of the Water Neutrality Policy Officer Group and the Water Neutrality Lead Officer Group (WNLOG) were held monthly over 2024. Four meeting cycles took place between Regulation 19 and Regulation 22 submission. Notes of these meetings are maintained, but they are actions-focused and not intended to pick up every point of discussion.
13. It is also important to understand that these groups are focused on joint outcomes, and as SNOWS was already identified as the key to unlocking growth across all the Sussex North authorities and had the active support of Natural England, the Environment Agency and Southern Water, this was naturally the focus of discussions. Nevertheless, the meeting notes for Policy Officer Group of 7 May 2024, Item 1b (Appendix 2I) and WNLOG (Appendix 2J), Item 3.i(b) evidence that the responses of the development industry to Horsham's Regulation 19 Plan were considered by these groups. WNLOG is attended by both Natural England and the Environment Agency.
14. Before this period, discussions had already occurred between the Water Neutrality Project Manager (on behalf of the local authorities) and Southern Water and also Natural England on Thakeham Homes' proposed Peak Over Threshold Harvest scheme, for example as evidenced in **Appendices 2D and 2E**, and demonstrates that despite there being a limited amount of technical and procedural evidence this matter was considered seriously.
15. Approaches including Peak Over Threshold Harvest (Buck Barn/Wealdcross) and private offsetting (Adversane/Kingswood) had also been discussed in 2022 as part of a jointly produced set of draft FAQs (**Appendices 2A, 2B & 2C**). The responses provided as part of the Regulation 19 consultation did not provide new or additional information to the Council which had not previously been considered. As there was nothing new to report to WNLOG in the Spring/Summer of 2024, it was not raised as a specific agenda item at those meetings. Nevertheless, the Council is confident that the Sussex North partner authorities were aware of such alternative approaches, and not one partner suggested at Regulation 19 stage that any more could, at this point in time, be done to augment the levels of water neutral development coming forward through local plans.

#### Statements of 'endorsement' for Buck Barn (Wealdcross) 'Peak Over Threshold Harvest' strategy

16. It is suggested by other parties that weight should be given to a letter appended to Thakeham Homes' **hearing statement M3.20** as Appendix 2C, dated 22 August 2024. This letter is a response from Natural England (but seemingly drafted by RPS Consulting) to a pre-application meeting with Natural England and the Environment Agency in July 2024. This was raised and discussed under Matter 1 Issue 2 (compliance with procedural and legal requirements) albeit the letter was submitted as part of the response to Matter 3 Issue 2.
17. Firstly, the Council points out that the letter is dated **22 August 2024** which is some **4 weeks after the Plan was submitted**. There is, therefore, no way that the Council had of changing the course of the Plan strategy on reliance of this, it being post-submission. It would, in our view, be entirely unreasonable to attach any weight to this, given it is essentially new evidence that was not available to the Council or the Inspector before the submission of hearing statements. As outlined above, it is notable that **no equivalent evidence was submitted at the Regulation 19 stage** (i.e. no letter from any statutory body, nor any technical report on the Peak Over Threshold Scheme) (Representation Reference number 1191084) which would have enabled the Council to have undertaken additional investigations.

18. Secondly, the Council draws attention to the lack of any specific 'endorsement' of the scheme put forward in the letter. Rather, Natural England say they are generally supportive of the approach, but also recommend that Thakeham Homes seek early advice from Horsham District Council as to what information is required to demonstrate that any water captured (for drinking purposes) will comply with the Private Water Supplies (England) Regulations 2016 (as amended). Support is also subject to the applicant being able to obtain any relevant permissions from the Environment Agency and Horsham District Council.
19. Further to the above, the Council's understanding is that both compliance with Private Water Supplies regulations, and securing of Environment Agency permissions, is complex and the outcomes highly uncertain. Based on our discussions with Southern Water, the Environment Agency, and Natural England, providing non-mains supply to strategic-scale sites adds potentially significant additional complexities over providing supplies to just a few houses. Any such proposals would likely require a new private water company set up (or an existing private company engaged) as a 'New Appointment or Variation' (NAV) to oversee the operation of water (and potentially wastewater) supplies. Any private water supply would also need to have a backup supply in case of failure of the primary source.
20. Thirdly, the Council appreciates that Thakeham Homes has been engaged in separate pre-application discussions with the Council's Development Management team under a Planning Performance Agreement (PPA). The Council is not at liberty to share comments made under the confidentiality clauses of the PPA agreement.

### Summary

21. The Council had an open mind on schemes alternative to SNOWS but received no compelling or indeed adequate evidence that attention should be diverted to an alternative scheme or schemes. The Council had to prioritise its resources but did not at any stage rule out alternative approaches, as made clear in Strategic Policy 9, whilst also bearing in mind that the technologies being presented were unproven. As evidenced in this paper, alternative approaches to SNOWS were considered with key Duty to Cooperate partners including Natural England and the Environment Agency, but significant concerns remain as to their deliverability at scale, and partner within the Sussex North grouping has suggested they provide any deliverable alternative to the local plan strategies currently being proposed.

Table 1: Dates of information received

Ref	Date	Nature of information received/discussed	Summary of outcome including Council's response
Appendix 2A – Email from Natural England dated 15.07.2022.	15 Jul 2022	Email in which <b>Natural England</b> confirm they will support development of Frequently Asked Questions relating to alternative water neutrality schemes proposed to the water neutrality LPAs.	The Council, together with the other LPA partners, proceeded to prepare a set of FAQs (see next row).
Appendix 2B – Email and attachment from Ian Butler dated 20.09.2022.	20 Sep 2022	<b>Southern Water</b> response to draft FAQs, including on FAQ 12 relating to Peak Over Threshold Harvest.	This provides evidence of unresolved asset ownership and management issues highlighted by Southern Water.
Appendix 2C – Email and	19 Oct 2022	<b>Environment Agency</b> response to draft FAQs, including on FAQ	This provides evidence of the doubts being raised by the

Ref	Date	Nature of information received/discussed	Summary of outcome including Council's response
attachment from Environment Agency dated 19.10.2022.		12 relating to Peak Over Threshold Harvest.	Environment Agency regarding the legal setup and efficacy of a Peak Over Threshold Harvest solution.
Appendix 2D – Email exchange between Water Neutrality Project Manager and Natural England, last email dated 13.06.2023.  Appendix 2E – Email exchange between HDC and Environment Agency, last email dated 25.11.2024.	01 Dec 2022	Post this date, the Council was made aware that a pre-application discussion had taken place between <b>Thakeham Homes, the Environment Agency and Natural England</b> on 01 December 2022.	The Council was not present at this meeting but subsequently sought feedback from the Environment Agency and Natural England. This indicates that whilst there was support from both bodies for the concept, the scheme could only progress with the benefit of multiple Environment Agency licenses. The emails appended demonstrate that the Council has engaged with the relevant agencies in respect of the Wealdcross Peak over Threshold Harvest scheme.
Appendix 2F – meeting note between Water Neutrality Project Manager and Natural England	24 Mar 2023	Meeting between Clark Gordon, Water Neutrality Project Manager, and Natural England officer	Natural England advised they won't get into the details of schemes, but do not object in principle to privately provided water neutrality schemes. It's for the LPAs to make sure that NE requirements are being met in any private scheme/solutions proposed.
Appendix 2G – meeting note drafted by Water Neutrality Project Manager	15 Feb 2024	Meeting between Water Neutrality Project Manager, and Environment Agency officer	Environment Agency express concern over proposals for an approach whereby excess winter flows are captured and discharged back into the river system in summer. Water Neutrality Officer refers to earlier discussions whereby Natural England 'knocked back' such approaches.
Appendix 2H – email from Southern Water dated 14 June 2023.	14 Jun 2023	Email discussion between the Council and Southern Water regarding the Wealdcross Peak over Threshold Harvest Scheme.	The Council drew to Southern Water's attention the Wealdcross Peak Over Threshold Harvest scheme, Southern Water stated in response that they had not been approached by the scheme's promoters.

Ref	Date	Nature of information received/discussed	Summary of outcome including Council's response
Appendix 2I – Notes from Water Neutrality Policy Officer Group	09 May 2024	Note of meeting.	Item 1b – the Council flag nature of representations at Regulation 19 stage.
Appendix 2J – notes from Water Neutrality Lead Officer Group		Note of meeting.	Item 3i.a – the Council flag nature of representations at Regulation 19 stage.

Issued 02 March 2023



**With regard to the voluntary adoption of measures intended to mitigate adverse effects on the integrity of European and Ramsar sites, such as the voluntary reduction of existing groundwater abstractions to mitigate impacts on the Arun Valley designated sites, Natural England's advice is provided below:**

Natural England's general view is that an appropriate assessment should not take into account mitigation measures which are uncertain at the time of assessment. We note that a competent authority's decisions regarding the certainty of any given measure should consider both the measure's scientific certainty as well as its practical certainty; while scientific certainty is concerned with how likely a measure is to be effective, practical certainty is concerned with how likely a measure is to be delivered and secured in the long term.

While it is for the competent authority to satisfy itself regarding the certainty of any given measure our view is, and shall remain, that voluntarily adopted measures, which are not secured by an appropriate legislative or regulatory framework at the time of the permission, are not likely to be sufficiently certain to be considered as mitigation measures for any adverse effects on internationally designated sites. We note that this view is consistent with caselaw and Natural England's approach to cumulative impact mitigation on designated European sites.

Our view specifically concerning utilisation of voluntary abstraction reductions to mitigate water neutrality requirements is that, given the lack of practical certainty, these are not suitable to consider as mitigation measures as they are not secured. This is unless the relevant abstraction reductions proposed are suitably secured, such as through the established mechanism of a licence change. The competent authority in any particular case should satisfy itself as to whether any measure is sufficiently certain.

Whether any proposal is significant enough to justify undergoing the various regulatory considerations and assessments required to secure a licence change, remains a decision for the consideration of the Environment Agency and Southern Water.

We are not presently aware of any other suitable frameworks to appropriately secure a reduction in abstraction, however if any alternative frameworks should be proposed the competent authority should seek the view of the Environment Agency, as the relevant regulator, whether any such reduction is robustly secured for the lifetime of the proposal they intend to offset.

Yours sincerely,

Nathan Burns  
Senior Adviser  
Sussex and Kent Team



**Matt.Bates**

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**From:** Jackson, Cath [REDACTED]  
**Sent:** 15 July 2022 15:21  
**To:** Catherine.Howe  
**Cc:** Twizell, Heather; Seymour, James  
**Subject:** Water Neutrality FAQs on potential water neutrality solutions

Dear Catherine

I am a newly appointed manager in the Sussex and Kent team and will be picking this up from Jim Seymour. Apologies for the delay in getting back to you. This sounds like a good idea and one which we would support. Let me know how we can help you and (ideally) when our help will be required so we can have the right resources in place.

If you want to give me a call please don't hesitate.

Yours

Cath Jackson  
Manager  
Sussex and Kent Team

Mobile: [REDACTED]

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)



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**From:** Catherine.Howe <[REDACTED]>  
**Sent:** 08 July 2022 15:22  
**To:** Seymour, James [REDACTED]; Pearson, Rebecca [REDACTED]; Price, Nicholas [REDACTED]; Fuller, Catherine [REDACTED]; Wallis, Angela [REDACTED]; Caroline West [REDACTED]; Katharine Stuart [REDACTED]; Lappage, Sallie [REDACTED]  
**Cc:** Frost Phillimore, (DEFRA) [REDACTED]; Stanworth, Hazel [REDACTED]; A [REDACTED]; Brigden, Elizabeth [REDACTED]; Matt.Bates [REDACTED]; Tal Kleiman [REDACTED]; Mark.Daly [REDACTED]; Valerie Dobson [REDACTED]; Andrew Marsh [REDACTED]; Emma.Parkes [REDACTED]; [REDACTED]  
**Subject:** Water Neutrality FAQs on potential water neutrality solutions



[REDACTED]

Dear All

I hope you are well.

A number of you may be aware that the Local Authorities affected by Water Neutrality have recently received a number of approaches from developers or other interested parties putting forward what they consider to be strategic solutions to water neutrality. These usually boil down to one / a combination of the following approaches listed below:

- New boreholes away from the Hardham aquifer
- A mechanism of some sort (the precise suggestions vary) to increase flow in the Arun / Rother which would allow more water to be abstracted from the this source and to reduce the need to abstract from the aquifer at Hardham
- Offsetting credits
- Purchase / use of alternative of alternative water sources.

These approaches have led to a number of issues for the affected authorities. Firstly, many of the suggestions raised have been technical in nature. Recently we have had to refer these on elsewhere (e.g. Southern Water) before we can respond which is impacting on the time and resource of all parties. Secondly, the suggestions to the authorities have been made in a 'scattergun' manner – to different authorities, sometimes others (e.g. via Natural England), and to different individuals (officers, and elected members). This has led to challenges in providing co-ordinated responses despite regular meetings and ongoing discussions on this topic.

Whilst it is important that we consider all potential solutions to water neutrality, from our perspective this looks to be an issue which is creating additional time and resource demands for a number of different organisations, when we are already considering the issues raised, and actively limiting the time we all have on developing the wider strategic solution and local plan preparation.

We are therefore of the view that to help reduce the number of 'ad-hoc' approaches we are all receiving and to better manage our workloads, it would be sensible to pull together some further FAQs to provide a consistent response to the various organisations that are putting forward ideas. This is something that HDC are happy co-ordinate, but it would require a input from others in developing some of the responses to the queries.

I would therefore welcome your views on this suggestion. I would be grateful for your thoughts by 15<sup>th</sup> July to allow us to progress to the next steps.

Kind regards

**Catherine Howe**  
Head of Strategic Planning

Telephone: [REDACTED]

Email: [REDACTED]



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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**

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**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]



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**From:** Strategic Planning

**Sent:** 30 August 2022 18:08

**To:** 'Ashdown, Marian (NE)' [REDACTED]

Ian Butler [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]



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**Ian Butler**

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

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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 licensed 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	<p><b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b></p> <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. <b>SW Comment – We are only aware of one consortium of developers asking this question so is this really a frequently asked question.</b></p>
8	<p><b>Can making existing properties more water efficient offset the needs of a new development?</b></p> <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 <b>SW Comment – is this a reference to standard or smart meters?</b> 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	<p><b>Is a change of use from office to residential water neutral?</b></p> <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. <b>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.</b> Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.</p>
10	<p><b>Is a change of use from agricultural to residential water neutral?</b></p> <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	<p><b>Is there a water offsetting credit system I could pay into?</b></p> <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>
<p>12</p>	<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]**

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 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.</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.</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 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 licensed 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>
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8	<p><b>Can making existing properties more water efficient offset the needs of a new development?</b></p>



	<p>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.</p>
9	<p><b>Is a change of use from office to residential water neutral?</b></p> <p>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.</p>
10	<p><b>Is a change of use from agricultural to residential water neutral?</b></p> <p>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.</p>
11	<p><b>Is there a water offsetting credit system I could pay into?</b></p> <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.</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 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></p>

**Matt.Bates**

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**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  
Eacomment.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)

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**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]



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**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

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

<p><b>1 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 and abstraction licence considerations. 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) <del>outside</del> <u>does not impact</u> the River Arun Catchment. Also the 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. <del>Water</del> <u>Water</u> from the borehole must also be sufficient and continuous enough to supply the water needs of the development all year round. 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. <u>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.</p>
<p><b>2 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 <u>Water Resources South East Regional Plan</u> which is due to be <del>published</del> <u>shared for public consultation</u> in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <u>Havant Thicket Reservoir</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.</p>
<p><b>3 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 an <u>updated Water Resource Management Plan</u>, a draft of which will be available for public consultation over the winter in 2022/23.</p>
<p><b>4 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 <u>Water Resource Management Plan</u>.</p>
<p><b>5 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 licensed 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>

**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](http://www.gov.uk))

**Commented [ST3]:** As above



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	<p><b>Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b></p> <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 <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.</p>
8	<p><b>Can making existing properties more water efficient offset the needs of a new development?</b></p> <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>
9	<p><b>Is a change of use from office to residential water neutral?</b></p> <p>Evidence must be presented of 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>
10	<p><b>Is a change of use from agricultural to residential water neutral?</b></p> <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. Natural England have confirmed they will normally only accept metered water bills to evidence existing consumption rates.</p>
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	<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>
<p><b>12</b></p>	<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. 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]**

<p><b>1 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> <u>abstraction licensing considerations and rules around becoming a private water supplier</u>. 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 <u>groundwater catchment area of the River Arun-Catchment area</u>. 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. <u>The following websites will help you understand some requirements around new borehole abstractions:</u>  <a href="https://www.dwi.gov.uk/private-water-supplies/">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>
<p><b>2 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 <u>Water Resources South East Regional Plan</u> which is due to be <del>published</del> <u>shared for public consultation</u> in the Autumn of 2022. Portsmouth Water and Southern Water have been given planning permission for the new <u>Havant Thicket Reservoir</u>. However a large scale project such as this will not come online until 2029 at the earliest.</p>
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<p><b>7 Can water be taken from downstream of the Arun Valley protected sites and pumped upstream of the Pulborough abstraction site?</b></p>

	<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.</p>
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<b>10</b>	<p><b>Is a change of use from agricultural to residential water neutral?</b></p> <p>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.</p>
<b>11</b>	<p><b>Is there a water offsetting credit system I could pay into?</b></p> <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.</p>
<b>12</b>	<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 would have to be maintained in perpetuity through an appropriate legal mechanism.</p>

**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!)



**Matt.Bates**

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**Subject:** FW: Urgent water neutrality enquiry re: Buck Barn offsetting solution

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**From:** Bardsley, Louise <[REDACTED]>  
**Sent:** 13 June 2023 09:21  
**To:** Clark.Gordon <[REDACTED]>; Cameron, Rob <[REDACTED]>; Moore, Sophie <[REDACTED]>; Ashdown, Marian <M[REDACTED]>  
**Cc:** Burns, Nathan <[REDACTED]>  
**Subject:** RE: Urgent water neutrality enquiry re: Buck Barn offsetting solution

Dear Gordon

I do not recognise the name of the scheme

The only scheme of Thakehams I have been involved with was as part of our discretionary advice service. This was a development at wealdcross land at west Grinstead. All of the points below pertain to that development.

Myself and the principal adviser from our national operations team (Marian Ashdown), the Environment Agency and Southern water all met with Thakeham for a pre application discussion in December 2022.

The developer was proposing to abstract water at high flows from the river then filter them and put them in a large lake/ reservoir on site, this would then be treated at an on-site drinking water treatment works and provided as mains water supply to the development. The development was also net carbon neutral by 2025 and had biodiversity net gain above statutory requirements and elements of green transport and connecting people with nature as well as a green bridge to address connectivity across the main A road adjacent to the site.

In addition to reduce water consumption and prevent risk of flooding the site had multiple SUDS and rainwater harvesting. It did not have greywater recycling but the CEO of thakenham suggested he would look at this post meeting. The EA agreed to discuss the licences and drinking water requirements with the applicant after the meeting to determine if these elements were feasible but the without prejudice first look they appeared to have potential to be viable.

NE's pre app without prejudice advice was that subject to them obtaining all the necessary Environment Agency permissions for drinking water treatment plant on site, abstraction and impoundment (for the lake +/- reservoirs act consent) etc... then the options would not add to the risk of adverse effect on integrity on the Arun Valley SAC, SPA and Ramsar as it used an alternative water supply to the Hardham groundwater abstraction. It had in my colleagues Marian Ashdown and my opinion the potential to become an "exemplar" development because of the high net gain and sustainability proposals as well as their innovative and sustainable approach to water supply and surface water management.

I cannot comment on what you have received and if it differs from what was presented to us.

Jonathan Burney is a director and he does not cover sustainable development (he focuses mainly on marine) so I have left him out of this email chain.

Kind regards

Louise

[Dr Louise Bardsley](#)

Pronouns She/her  
Principal Adviser Strategic Solutions - Evaluation and Water for Nature  
Strategic Solutions Team  
Guildbourne House, Chatsworth Road, Worthing, BN11 1LD.  
Mobile: [REDACTED]  
email: [REDACTED]

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

*During the current coronavirus situation, Natural England staff are working remotely and from some offices to provide our services and support our customers and stakeholders. Although some offices and our Mail Hub are now open, please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>*

**Wash hands. Cover face. Make space**



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**From:** Clark.Gordon <[REDACTED]>  
**Sent:** 12 June 2023 17:38  
**To:** Burney, Jonathan <[REDACTED]>; Bardsley, Louise <[REDACTED]>; Cameron, Rob <[REDACTED]>; Moore, Sophie <[REDACTED]>  
**Cc:** Burns, Nathan <[REDACTED]>  
**Subject:** Urgent water neutrality enquiry re: Buck Barn offsetting solution  
**Importance:** High

Hi all,

I apologise for the mass e-mail, but I want to make sure I get as wide coverage for this enquiry as possible.

In short, I am seeking any details (or approval) that you may have about a water neutrality offsetting solution that is being proposed by Thakeham Homes for a site at Buck Barn in Horsham.

We have our developer presentations day on 28 June, where developers can come and present their development sites to us. Our Director of Place has recently had a meeting with the CEO of Thakeham Homes, who has told us that they have developed a water neutrality offsetting solution for their Buck Barn site, which we understand involves the use of ponds but not much more. The CEO suggested that the approach has been “agreed” with Southern Water and/or Natural England, likely at a ‘senior’ level. They even suggest that either SW or NE have suggested that it could be an “exemplar scheme”.

Please could you confirm whether you have had any such discussions with Thakeham Homes? Please would you be able to confirm whether these conversations have taken place at an executive level, possibly between the Thakeham Homes CEO and your CEO?

Any advice that you might be able to provide would be much appreciated. We do not want to be caught off guard when they come an present to us later this month.



Many thanks,

**Clark Gordon**  
Water Neutrality Project Manager

Telephone: [REDACTED]

Email: [REDACTED]



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## Matt.Bates

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**From:** Rabone, Anna <[REDACTED]>  
**Sent:** 25 November 2024 13:56  
**To:** Clark.Gordon  
**Cc:** Tal Kleiman  
**Subject:** RE: Wealdcross - areas of agreement

Hi Clark,

I met with Thakeham, along with Natural England (Louise Bardsley and Marian Ashdown), back in late 2022. The water neutrality proposal at that time was what they summarised as “use of peak over threshold water harvesting in conjunction with a storage facility in the form of two lakes.” The proposal did not cause me much concern from a planning perspective.

After the meeting, I sent the following email confirming what was discussed was an acceptable proposal:

*Thank you very much for your email and letter summarising our meeting held on 1 December 2022. I can confirm that, from a purely planning perspective, in principle the water neutrality proposal discussed seems acceptable to the Environment Agency, subject to examining the details. However, the more fundamental aspect for the Environment Agency is whether a permit(s) would be granted by us for the proposal and that requires due consideration by our permitting team separately. As discussed at the meeting, we would only be able to respond favourably to any planning application which includes the proposal (i.e. a ‘no objection’ response) if there is reassurance that a permit(s) would likely be obtained. I understand you are going to contact our permitting team accordingly to seek pre-application permit advice.*

*I would add that we are very supportive of the aim to explore the implementation of a reduction of designed water consumption to 85 l/p/d and to install water recycling measures, potentially including Grey Water Recycling. The District lies within a serious water stressed area (as classified in 2021 – see the report [here](#)). The Government’s Written Ministerial Statement dated 1 July 2021 (HCWS140) highlighted the need for water efficient homes and announced work to develop a roadmap towards greater water efficiency in new developments, including exploration of revised building regulations. Water efficiency is important not only from a water resource perspective, but also because of the link with water quality and disposal of foul water. There are real benefits in keeping down the capital cost of new water supply and wastewater infrastructure, maintaining ecosystems and protecting landscapes. Water efficiency standards can also help deliver objectives set out in River Basin Management Plans.*

What you have already picked up on is that yes, I couldn’t give them any guarantee that they would receive the required permit(s) for the proposal. I was contacted again by their consultants (RPS) in April 2024 and I directed them to NPS for pre-permitting advice. Beyond that, I am not sure what has happened.

I can ask NPS for an update and check if any local specialists are aware, but that is likely to take a bit of time. In what sort of timeframe would you need a response?

Kind regards,  
Anna

### Anna Rabone

Sustainable Places Technical Specialist | Solent & South Downs  
Environment Agency | Oving Road, Chichester, West Sussex, PO20 2AG

[REDACTED]  
Direct dial: [REDACTED]

Working days: Monday to Friday

My pronouns are She/Her ([why is this here?](#))



Creating a better place  
for people and wildlife



**From:** Clark.Gordon <[REDACTED]>  
**Sent:** 25 November 2024 13:31  
**To:** Rabone, Anna <[REDACTED]>  
**Cc:** Tal Kleiman <[REDACTED]>  
**Subject:** FW: Wealdcross - areas of agreement

Hi Anna,

We have received the attached hearing statement for HDC's Local Plan Examination hearings from SLR on behalf of Thakeham Homes for a site at **Wealdcross, Buck Barn, Horsham**.

Just for your awareness, this is a non-allocated (speculative) site that is not included in the Local Plan being examined.

The statement makes several references to their proposed water neutrality solution either being "fully endorsed" by the EA (para 3, Appendix A) or that the EA has "raised no objections" (para 5f, Appendix A). However, they have not provided any statements from the EA to support this statement (unlike for NE & SW). They do note in para 5, Appendix A that they are entering into detailed permitting discussions.

Please would you be able to confirm the details of what you were asked to review / the questions you were asked? We need to ensure that proposals being sent to the different bodies are all the same and to better understand their offsetting proposals.

I presume that this was via a permitting pre-app? Are you aware if they submitted a planning pre-app, and if so, would you be able to provide us with a copy of your response please?

If this is a permitting pre-app, would you be able to confirm if this is being dealt with via the area team or via NPS?

If you have any queries, please do give me a call.

(And sorry, I know this should probably go through enquiries but we do need a response urgently on this!)

Thanks,

**Clark Gordon**

Water Neutrality Project Manager

**Telephone:** [REDACTED]

**Email:** [REDACTED]



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## Appendix 2F Meeting note - Natural England and Water Neutrality Project Manager

*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.

## Appendix 2G Meeting note - Environment Agency and Water Neutrality Project Manager

*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



**Matt.Bates**

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**Subject:** SW re: Buck Barn offsetting

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**From:** Sharman, Kayleigh <[REDACTED]>  
**Sent:** 14 June 2023 10:14  
**To:** Clark.Gordon <[REDACTED]>  
**Subject:** RE: Query re: Buck Barn offsetting

Morning Clark,

We are not aware of this site and to the best of my knowledge we have not been consulted with any water neutrality proposal here. I have enquired with our water resource and planning team on this as well as Ian Butler. Anything water neutrality related we should be aware of. It would be interesting to know who they consulted with within Southern Water and who attended the meeting back in December 2022. If we have a name we can investigate it further.

This is the first we have heard of this site and proposed solution so thank you for bringing this to our attention.

Kind regards

**Kayleigh Sharman**  
Development Support Specialist  
Developer Services

[southernwater.co.uk](http://southernwater.co.uk)



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**From:** Clark.Gordon <[REDACTED]>  
**Sent:** 13 June 2023 11:57  
**To:** Sharman, Kayleigh <[REDACTED]>  
**Subject:** RE: Query re: Buck Barn offsetting

Hi Kayleigh,

It seems that Buck Barn site may also be known as Wealdcross – please see attached from NE, which may help to clarify the proposals.

Thanks,

**Clark Gordon**  
Water Neutrality Project Manager

Telephone: [REDACTED]  
Email: [REDACTED]  
 



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**From:** Clark.Gordon  
**Sent:** 12 June 2023 17:15  
**To:** Sharman, Kayleigh [REDACTED]  
**Subject:** Query re: Buck Barn offsetting

Hi Kayleigh,

Thank you!

I do have a query though...

We have a developer sites day later this month, for developers to come and present their development sites to us. One of the developers – Thakeham Homes – has given us an indication that they have an offsetting solution for their site at Buck Barn. We understand that this solution involves the use of ponds on site. We are however a bit concerned that they have suggested that their on-site approach has been agreed with Southern Water and Natural England – possibly at a ‘senior level’. I was looking through our previous meeting notes and correspondence, but I could not find any reference to Buck Barn. They have also stated that either SW or NE have suggested that the approach could be used as an ‘exemplar’.

Are you aware of the proposed solution at the Buck Barn site? Has SW ‘approved’ any such solution? Would you be able to check that there hasn’t been any sort of agreement at a senior level with the CEO of Thakeham?

Happy to chat through if easier!

Thanks,

**Clark Gordon**  
Water Neutrality Project Manager

**Telephone:** 0 [REDACTED]  
**Email:** [REDACTED]  
 



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### Matt.Bates

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**From:** Masson, Anthony <[REDACTED]>  
**Sent:** 09 May 2024 16:22  
**To:** Andrew Marsh; Brigden, Elizabeth; Caroline West; Catherine.Howe; Clark.Gordon; Jennifer Hollingum; Katharine Stuart; Lappage, Sallie; Mark.Daly; Matt.Bates; Tal Kleiman; Tony Whitty; Tracey Flitcroft; Valerie Dobson  
**Subject:** Water Neutrality Policy Group - 7 May 2024 Meeting Notes

Hi All,

Please see below brief notes from this week's Water Neutrality Policy Group. Hopefully an accurate reflection of discussions, but please do let me know if any amendments are required.

Re: Water Neutrality Topic Paper, as mentioned at WNLOG, following discussion here at CBC, we would like to suggest that rather than updating the original Water Neutrality Topic Paper (and potentially having multiple iterations of that document) it would be preferable to prepare an update in the form of an Addendum. This would pick up on progress since the date of the original Topic Paper (i.e. CBC Local Plan submission in July 2023) and would save us reviewing the Topic Paper in full and amending evidence that has already been agreed and published. An addendum would be the CBC preference. I think from WNLOG that everyone was broadly happy with this approach (do say if not though) so I will look to bring together some wording from a CBC perspective next week to make a start on this. Others can then update from their perspectives. For completeness, I should flag that when we receive the Inspectors' fact check report, we will be bound by confidentiality, so we will only be able to draw upon information that is public.

#### 1. Local Plan Progress/Updates

- a. **Crawley** – Awaiting Local Plan Inspectors' Fact Check Report – anticipated May 2024.
- b. **Horsham** – Received between 1600 – 1700 reps. Have identified the key issues and have met with key stakeholders. Aiming to submit next month. Around 130 reps related to water neutrality, mainly from the development industry and these appear to be part of a coordinated industry response (that it is not for planning to address water neutrality, but rather the water company). Some residents have responded re: perceived impacts of water neutrality.
- c. **Chichester** – Submitted the Local Plan to PINS on Friday. PINS have technically accepted but there are still further documents to submit.
- d. **Mid Sussex** – No further updates - continuing to process reps, have reviewed all and aware of key issues. Looking at possible modification and evidence. Have received nine reps on water neutrality (around half of these supportive). Developer feedback has been similar in terms of points raised. Sustainability policy (85lpd) has been supported by NE/EA etc, but there has been push back from the development industry.
- e. **South Downs National Park Authority** – Local Plan preparation is ongoing, and now around six months from a draft plan going to members. Early engagement (pre Reg. 18) consultation to start early June, closing end of July, then Reg. 18 anticipated January 2025.
- f. **West Sussex** – Continuing to look at Waste Local Plan review (whether this is required). Also looking at the Chichester modifications.

**Action: MSDC/HDC/CDC – to coordinate response/approach re: push back that water neutrality is a water industry issue, rather than something for planning to address.**

#### 2. Updates to Water Neutrality documents

- **Water Neutrality Topic Paper** – Crawley Local Plan Inspectors' report will be a key update. HBF point on water industry needs to be addressed. CBC to add section on Inspectors' report. CDC need this end of May/early June. **Action: As above**
- **SNOWS Project Update for CDC/HDC** – CG has prepared and circulated to CDC and HDC.



- **SoCG** – TK noted that SW had some concerns last time. If re-opened to address SW concerns, would be a limited update. CDC would prefer to leave SoCG unchanged. May be scope to renew it when SNOWS is ready to launch. CG: noted that we may need to review wording of current SoCG to check that it reflects emerging SNOWS access approach, i.e. to prevent speculative applications from accessing SNOWS.

### 3. Items for WNLOG

- CBC to Chair, agenda circulated.
- No further items added to agenda.

### 4. Water Neutrality Project Manager Update

- Looking to publish next SNOWS newsletter early June – will have draft ready ahead of WNLOG. **Action: all to provide a policy update. Needs to be finalised by 18 May so updates to CG by end of next week.**
- Monitoring and Reporting Plan – feedback requested by 10 May.
- OG/WNLOG/DM consulted on application processes – feedback by end of May.
- Published the water efficiency public messaging note.

### 5. AOB

- JH/AMa (MSDC) and KS (SDNPA) are unable to attend May WNLOG.

Kind regards,

Anthony

**Anthony Masson**  
**Senior Planning Officer**  
Crawley Borough Council

## Appendix 2J Meeting note - Water Neutrality Lead Officer Group

### WNLOG MEETING NOTES – 8 MAY 2024

#### **Attendees:**

Clark Gordon, Water Neutrality Project Manager  
CBC: Sallie Lappage, Elizabeth Brigden, Anthony Masson, Hamish Walke  
HDC: Tal Kleiman, Emma Parkes  
CDC: Valerie Dobson, Fjola Stevens  
MSDC: No attendee – apologies noted  
SDNPA: Richard Ferguson  
WSCC: Tracey Flitcroft, Caroline West  
NE: No Attendee  
EA: Anna Rabone

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

- Leaders' meeting with Defra minister. Action: CG to chase: *CG Raised at Exec Board meeting on 22 April. Defra in process of re-arranging. **CG confirmed that meeting re-arranged for 21 May at 2pm. CG to arrange pre-meet and prepare briefing note.***
- Liaise with DLUHC about Habs Regs PPG updates. Action: CG to chase again. *CG Raised at Exec Board meeting. Guy Skelton (DLUHC) will share updates when they are ready.*
- SNOWS access prioritisation briefing for authority execs. Action: CG to review comments made from group members. Complete. *Briefing now with local authority directors for final review.*
- SNOWS Project Implementation Progress Note: Action: CG to prepare update for CDC/HDC Local Plan submission. Complete
- Water Neutrality Topic Paper: Action: TK to review/consider factual updates required. Broadly happy to look at a separate addendum, CBC to update with its Local Plan. **Agreed to progress as a separate addendum to Topic Paper. CBC has made a start on this and circulated.**
- CBC attendee for April DM Meeting. Action: SL to ask CBC DM for an attendee. Complete.
- NE to clarify its position regarding use of Grampian conditions. Action: LH to check.
- NE to clarify if schools/other essential services need to demonstrate WN as Defra/DLUHC have queried this. Action: LH to check. **NE Response has been provided to CG. CG to circulate to Local Authorities (complete).**
- Progress on NE Arun Valley Condition Review. Action: LH to provide timeline on work. **Carried over**

#### **Carried over/standing items:**

- **All** to update FAQs/websites following CG Fry Case and to reflect that all relevant licenses need to be secured by applicants (carried over – HDC and CDC now complete) **Action: CG to update on HDC website.**
- **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 (CG)**

- Ensuring Attendance at Exec Board and dealing with Actions. **Action: CG to follow up with NE to understand if/why not attending.**
- Weir Wood Reservoir update and Implications for Water Neutrality. CG provided a verbal update on feedback from Southern Water. See Exec Board notes.
- Items for 24 June 2024 Exec Board (can discuss at June WNLOG). CDC to prepare Briefing Note.





## 6) Natural England (No attendee)

- i. Update on NE position regarding Grampian Conditions. NE were not in attendance to provide an update.
- ii. Update on NE position re schools/essential services needing to demonstrate water neutrality. NE provided a written response clarifying that LAs are taking the correct approach and that water neutrality applies to all development. It was DLUHC who had originally questioned this. **Action: CG circulated 13/05/24.**
- iii. Update on Arun Valley condition review work. No update.

## 7) WN Project Manager Update (CG)

### • Comms & Engagement

- Engagement over last month
  - Project Zero (Affinity-led project). Have carried on weekly meetings, SW leading.
  - Utility Week feature interview. Positive interview, will request copy of published interview.
  - Southern Water monthly meeting. FOI received from Houses for Homes consortium, though FOI doesn't apply to SW. Ian Butler has rejoined SW, but not specifically on WN. SW has lost some staff which may have implications for WRMP delivery timeframes.
  - WSP/JBA project outcomes meeting. DEFRA will share project outcome reports when finalised. Offsetting measures trial delayed until end of the year.
  - CIWEM Water Reuse TWG - SNOWS presentation.
  - PAS & NE meetings re: appeal decisions & Grampian conditions. HDC has met with these organisations regarding recent appeal decisions and concerns around these.
  - Southern Water - WN webinar. Several developers in attendance.
  - Meeting with CBC's Sustainability Manager. Met with Phil Morris, agreed to keep in touch/joint working to support SNOWS, e.g. secondary benefits data on carbon savings etc. CW: WSCC has a lot of data on this, and Daire Casey at WSCC keen to feed into this. **Action: CG to contact Daire Casey at WSCC.**
  - South East Councils meeting with Water Resources South East (WRSE). CEXs received invites. **Action: CG to send WRSE slides (completed 13 May).**
  - SDNPA Planning Officer Event. CDC officers and SDNPA officers and councillors in attendance (as well as others outside the WRZ).
  - PAS Nutrient Neutrality network meeting. Discussed appeals thinking and the 'no prospect' test for Grampian conditions. NN authorities consider Grampian conditions are needed, Winchester used lots of Grampians but 6 months later the scheme wasn't coming forward as quickly as planned so they stopped using this approach.
- Engagement this month
  - Thu 9 May: SW monthly meeting.
  - Southern Water Ford water recycling scheme – meeting to take place. **Action: CG to notify WNLOG of meeting date in case anyone else wants to attend (site is in HDC area)**
- Any other C&E matters
  - Water efficiency public messaging note published. This is now ready for LAs to use as required for any queries/questions received.
  - Private strategic offsetting solutions website text. This is now finalised. **Action: CG to add to HDC website and advise others so can be used**

- **Risks, Issues & Opportunities**

- Issues updates

- Legal support - CG setting up meeting with Procurement team. Arup as part of Project Zero should have responses to legal questions.
- Appeal decisions
- Delays to SW's WRMP data – This will need to go through a DEFRA security check, and CG thinks we won't get the data until this is complete.

- Red/amber risk updates (post-mitigation)

- Forward funding - highest risk - **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)
- Southern Water smart meter data (CG risk owner)
- C G Fry High Court decision (DM Group risk owner) (Appeal heard on 19/20 Mar)
- Launch date delays (CG risk owner)
- WSCC infrastructure (WSCC risk owner)
- Loss of authority funds (CG risk owner)
- Disagreement or challenge on development prioritisation (CG risk owner)

- New RIOs

- None

- Closed RIOs

- None

- Any other RIO updates

- None

- **Project progress/schedule**

- Activities completed last month

- Water efficiency & neutrality messaging note published
- Final draft private strategic offsetting solutions website text consultation
- Monitoring & Reporting Plan first draft consultation – **Action: LA comments to CG by 10 May 2024 (completed).**
- Finalised SNOWS access prioritisation briefing paper for execs
- Procurement Plan final draft consultation – **Action: LA comments to CG by 24 May 2024.**
- Processes consultation – CG has asked for comments by end of the month. Covers applications, pre-apps, appeals process, discharge of conditions. Instructing installation and/or securing of offsets. **Action: LA comments to CG by 31 May.**

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

- Consultation on second draft of M&R Plan – second draft to be prepared.
- Finalise Procurement Plan
- Legal & consultancy procurement
- Offset property engagement – CG is reaching out to Corporate Property contacts this month. All have been added to distribution list for OIG. CBC were still doing some work on options when CG last spoke to them.

- Commence work on Costs & Funding (SNOWS capacity) Plan - Missing piece is SW data.

WNLOG consult forecast for month ahead (in addition to anything already consulted on):

- M&R Plan second draft
- Any other major progress updates
- Recruitment – Water Neutrality Officer. Submitted the role profile to HR Team by deadline. Now onto pay review panel (9 May). Hopefully then out to advert relatively quickly. We discussed having the job advert listed on all of the authority websites, as was done for CG’s role.

#### **8) Upcoming Meetings**

- WNLOG: 5 June (CDC to Chair)
- Water Neutrality Executive Board: 24 June (CDC to prepare briefing note)

#### **9) AOB**

- ***Action: Need to add an Executive Board ‘Lessons Learnt’ on Grampian Conditions latest (completed by CG on 13 May).***