

Ms Nikki Wilcock
Clerk to West Chiltington Parish Council
The Parish Office
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West Chiltington
West Sussex
RH20 2JW

Our ref: NP/WC/2022

Date 28 February 2022

By email: clerk@wcpc.org.uk

Dear Nikki,

Ref: West Chiltington Neighbourhood Plan

Thank you for your correspondence dated 15 February 2022. You have requested further clarification on a number of issues, and I will address each of them in turn.

Can you explain what additional information your screening assessment is going to address that has not already been or is being assessed in our documents?

The emerging West Chiltington Neighbourhood Plan is supported by your Habitats Regulations Assessment Screening report dated June 2021. This predates Natural England's Position Statement issued in September 2021 which is now a material consideration for decision makers. Whilst we recognise that your HRA considered Water Neutrality, the Position Statement advances the matter in terms of the detail that we must consider to demonstrate that there will be no adverse impact on the site integrity of the Arun Valley SPA, Arun Valley SAC and Arun Valley Ramsar site.

Water neutrality has been proposed as a potential means to allow development to proceed without increasing abstraction from Hardham. It follows further additional Habitats Regulations Assessment work that will seek to provide an update on the single issue of water neutrality. Each of the policies in the West Chiltington Neighbourhood Plan will be assessed to identify whether they would have a water quantity impact on the Arun Valley Habitats sites either directly or in combination with other plans and policies elsewhere. Detailed mitigation measure will need to be identified and agreed with Natural England. This will ensure all legal tests have been met when the plan is examined by an independent examiner.

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If you undertake to commission the additional Appropriate Assessment work on our behalf can you advise who will pay for this work? It is also likely that the delays will render other parts of our NP out of date and requiring amendments. Can you advise who will pay for this work?

I can confirm this additional financial burden would fall on the District Council and we are happy to undertake this piece of work on your behalf as part of our Duty to Support obligations. As outlined in my earlier response, I cannot provide a timetable for when the issue of Water Neutrality will be resolved. On the issue of potential delays which would lead to elements of your plan being out of date, I can advise further amendments can be made to the emerging plan resulting from the Regulation 16 consultation to ensure the plan is up to date with national and emerging local plan policies. My officers will of course provide further advice and assistance to you on this as necessary as we move forward.

Is it correct to assume that if a developer can show how water neutrality can be achieved the LPA would have difficulty in delaying determination of the application?

All new development proposals that increase consumption of mains water are potentially impacted by Natural England's Position Statement and are now required to demonstrate water neutrality if their proposal is sited within the Sussex North Water Zone. In the absence of an agreed strategic solution regarding mitigation, this pathway for applicants is rigorous with the legal threshold set high in order to comply with The Conservation of Habitats and Species Regulations 2017 (as amended). Horsham District Council has produced FAQs which highlights how applications will be handled through the Development Management process. These may be viewed on the following link [here](#). However, the Council must continue to determine planning applications which it receives. Where applications cannot demonstrate water neutrality, they will be refused. Where applications can demonstrate water neutrality, the application will need to be determined in the usual manner, taking into account the merits of the application in question.

Planning application DC/21/1234 - Erection of a detached bungalow – Ashley House Roundabout, West Chiltington.

Whilst the emerging Local Plan and water neutrality mitigation strategy that is being prepared will ultimately help provide a strategic solution to water neutrality, the Natural England Position Statement does not stop planning applications from being submitted and considered in the meantime. As outlined above, these applications must still be determined by the Local Authority. As mentioned, the Council now has a set process by which applications can be considered, taking account of water neutrality.

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In other words, if the applicants can demonstrate that their development can achieve water neutrality, which is a very high bar, permission can be given subject to all other matters being acceptable. As you will no doubt be aware, the application was considered on the 15 February 2022 by the Planning (South) Committee and Members resolved to overturn the officer recommendation because they did not feel that sufficient information had been submitted. The Committee refused the application for the following reason –

1. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction.

I hope that this answers your queries but if you have any further questions, please do not hesitate to get in touch.

Yours sincerely,



Barbara Childs
Director of Place