



PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 4th October 2022

DEVELOPMENT: Construction of new Water Treatment House for the proposed Borehole to serve the neighbouring development site. To include new surface treatments and provision of a suitable enclosure.

SITE: Great Ventors Farm Brighton Road Monks Gate Horsham West Sussex RH13 6JD

WARD: Nuthurst and Lower Beeding

APPLICATION: DC/22/1178

APPLICANT: **Name:** Mr Don Burstow **Address:** Great Ventors Farm Brighton Road Monks Gate Horsham West Sussex RH13 6JD

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for the erection of a new Water Treatment House for the proposed Borehole to serve a proposed neighbouring housing development site (DC/21/1798). The proposed borehole is the development solution to water neutrality, meaning all water supplies to the proposed 5 dwellings on the adjacent housing site would be served entirely by this borehole.

- 1.2 The Water Treatment House would be brick built (to match the proposed adjacent development) with a flat roof with a slight pitch to a height of 2.6m to 2.68. A standard timber fence will be erected on the boundary line with secure gates. The perimeter would be planted with dense laurel hedging to screen the new building. A parking area would be provided adjacent to the Water Treatment House for maintenance visits, with a tarmac finish and gravel to the rest of the hard standing.
- 1.3 The site would be accessed via Coolhurst Close through the development proposed under application DC/21/1798). Coolhurst Close is in turn accessed from Nuthurst Road close to the T junction with the A281 Brighton Road.
- 1.4 The borehole would be raised above the surrounding ground level to protect against surface run off or accidental spillage. Access to the well head will be protected and secured by a lockable and insulated cover.

DESCRIPTION OF THE SITE

- 1.5 The site lies outside of the Built-up-Area within the countryside in Nuthurst Parish and forms a small part of a linear paddock between the residential curtilage of 'Great Ventors' and the development site proposed for 5 houses under application DC/21/1798. The adjacent site forms a housing allocation in the Nuthurst Parish Neighbourhood Plan and has outline planning permission for five dwellings (DC/18/1792). Application DC21/1798 referred to above seeks the reserved matters consent for the five houses.
- 1.6 The borehole and Water Treatment House site sits outside the housing allocation, albeit alongside, and is currently accessed from a post and rail fence and wide access gate from Great Ventors. The site is in the same ownership.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 24 - Strategic Policy: Environmental Protection
- Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
- Policy 26 - Strategic Policy: Countryside Protection
- Policy 31 - Green Infrastructure and Biodiversity
- Policy 32 - Strategic Policy: The Quality of New Development
- Policy 33 - Development Principles
- Policy 34 - Cultural and Heritage Assets
- Policy 35 - Strategic Policy: Climate Change
- Policy 36 - Strategic Policy: Appropriate Energy Use
- Policy 37 - Sustainable Construction
- Policy 38 - Strategic Policy: Flooding
- Policy 39 - Strategic Policy: Infrastructure Provision
- Policy 40 - Sustainable Transport
- Policy 41 - Parking

Supplementary Planning Guidance: The Nuthurst Parish Design Statement (2017).

RELEVANT NEIGHBOURHOOD PLAN

2.2 The Nuthurst Parish Neighbourhood Plan (2015):

Policy 1 – A spatial plan

Policy 5 – Land at Great Ventnors Farm, Monks Gate

Policy 10 – Housing Design

Policy 14 – Green Infrastructure and Biodiversity

2.3 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/21/1798	Reserved matters application for the provision of detailed design of the scheme following approval of DC/18/1792 (Outline application for the erection of 5 residential dwellings and associated works). Relating to Appearance, Landscaping, Layout and Scale.	Under consideration
DC/18/1792	Outline application for the erection of 5 residential dwellings and associated works. All matters reserved except for access.	Application Permitted on 13.06.2019

3. OUTCOME OF CONSULTATIONS

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

INTERNAL CONSULTATIONS

HDC Environmental Health: No Objection

Noise

In our experience the plant associated with the proposed water treatment house will produce some noise. However, given that the proposed building will be of brick construction we are of the view that there are unlikely to be any significant noise impacts to local residents. To ensure that this is the case we would however recommend the below condition:

No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

Private Water Supply

We have reviewed the information submitted in support of the application in relation to the proposed private water supply, notably the Nicholls Boreholes Design and Maintenance Supporting Detail and the B.A. Hydro Solutions Laboratory report, and we note the elevated levels of iron and manganese are likely to be present in the groundwater beneath the site

that will be the source of the private water supply. We are view however that risk assessment, testing and maintenance of the supply can be secured through conditions.

Construction Phase

Due to the close proximity of existing residential dwellings to the application site we recommend the hours of operation and deliveries be restricted by condition.

OUTSIDE AGENCIES

Southern Water: Comment

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways.

Natural England: (Comments made in respect of the same water neutrality strategy proposed under application DC/21/1798) No Objection

[summary] Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Our advice is as follows:

From the evidence provided in the Water Neutrality Statement the applicant is proposing the use of a private borehole as an alternative to a mains water supply. We have provided some advice on the use of private boreholes as mitigation in our [FAQs](#). Sussex North contains complex hydrogeology and applications for an alternative water supply require robust evidence that the proposed supply is not connected to Sussex North. No other mitigation such as rainwater harvesting has been proposed for this development which would therefore be fully reliant upon the private borehole for its water neutral status.

Of critical note for this application is the Environment Agency email dated 25/10/21 confirming that the position of the borehole at RH13 6GL will utilise water from an aquifer which lies outside of the Sussex North Water Supply Zone. In this instance, it has been confirmed that the borehole abstraction is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Based on this evidence the provision of a borehole in this location should not have an impact on the Habitats Sites. However, the success of a borehole as an alternative supply relies upon the provision of sufficient ongoing drinkable water. We advise that your authority as competent authority must ensure you are fully satisfied that the private borehole will yield sufficient drinkable water, be implemented at the specified location and be will monitored, managed and maintained in perpetuity, and that clear contingency measures are secured as specified in the HRA. You, as the competent authority, should ensure conditions are sufficiently robust to ensure that the mitigation measures can be fully implemented and are enforceable in perpetuity and therefore provide a sufficient degree of certainty to pass the Habitats Regulations.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation

measures are appropriately secured in any planning permission given as above. However please note that borehole applications will need to be considered on a case by case basis. In this instance, the abstraction has been shown to be outside of the Sussex North Supply Zone. Our acceptance of this application is limited to this application only and should not be taken as acceptance of the use of boreholes more generally. The area contains complex hydrogeology and the need to ensure that abstractions will not exacerbate any existing water resource constraints, in consultation with the Environment Agency, will be key.

03/08/2022 Addendum

We are writing to provide an addendum to our advice regarding this application. We wish to provide this to clarify that In this instance, it has been confirmed that the borehole abstraction included in this application is not hydrologically linked to the aquifer that serves the Sussex North Supply Zone.

Nuthurst Parish Council: Objection

The Parish Council objects strongly to this application on the following grounds.

- 1) The proposed site for the water treatment house is in a field that is not part of the Nuthurst Neighbourhood Plan site and is outside the proposed settlement boundary for Monks Gate. Therefore this would be development in the countryside which is contrary to the policies in the Neighbourhood Plan and in the Horsham District Planning Framework. Allowing development of a water treatment house on this site would set an unacceptable precedent for further development in the field.
- 2) Insufficient information/clarification has been provided on the proposed borehole and its quantity/quality and the proposed water treatment plant and its operation and management in order to demonstrate that the proposal is feasible and would comply with the required "drinking water standards". The key points are as follows:
 1. There is a lack of clear evidence that the borehole will provide enough water – even the application states "no certainty that the borehole will provide enough water".
 2. There is a lack of clear evidence about the quality of the water from the borehole as the WSP report acknowledges that "only limited data is available." Also the analysis of raw water provided does not state where the sample was taken from. It is also noted that it was carried out in a laboratory that is not accredited for water supply analysis. This is unacceptable.
 3. It has not been demonstrated that the proposed treatment scheme will remove iron and manganese from the borehole water so as to meet the drinking water standards set in the "Private Water Supply Regulations". A possible treatment scheme is suggested with proposed treatment/conditions for removal of iron but nothing is said about the treatment/conditions for removal of manganese. This is not acceptable.
 4. No information has been provided about the storage of chemicals needed for the operation of the treatment plant. Any spillage of chemicals could contaminate the aquifer.
 5. No information has been provided on the effect of taking water from the proposed borehole on the quality and quantity of water in the nearby boreholes, ponds and streams. It is important that there is no adverse effect on these features. One of the ponds and surrounding area is a protected local green space in the Nuthurst Neighbourhood Plan.
 6. No information has been provided on the effect of the abstraction on the water table and whether this will affect the foundations of the recently constructed houses in Coolhurst Close.
 7. There is no information about how the proposed site will be accessed for construction of the borehole and the water treatment house and the subsequent maintenance of

- the plant. The Parish Council understands that Coolhurst Close is a private road which is maintained by a Management Committee of Coolhurst Close residents. Therefore it would not be appropriate for access to be through Coolhurst Close.
8. No consideration has been given to the noise from the operation of the borehole and the treatment plant and the effect of the noise on the residents of Coolhurst Close and the residents of the proposed new houses.
 9. The proposed six monthly and annual checks by Nicholls Boreholes are not sufficient. The applicant proposes that a management team consisting of representatives of the 5 proposed new houses would be responsible for the plant. The operation of the borehole and treatment plant will need frequent regular checks, at least daily, by a knowledgeable person. The management team is unlikely to have the skills so who will perform this function?
 10. There is insufficient information about the proposed emergency connection to the public water supply in the event of a borehole or treatment plant failure. If water is taken from the public supply will the amount be metered and the residents of the 5 proposed houses pay for it? Furthermore if water is taken from the public supply the system would no longer be "water neutral".
 11. Who will be responsible if the treatment plant does not adequately remove the iron and manganese or harmful bacteria, or the treatment plant fails, and as a result the water supplied does not the standards?

PUBLIC CONSULTATIONS

Monks Gate Residents Association: Objection

- The proposed site is within a garden and outside the area designated as developable in the Neighbourhood Plan.
- The site appears to be accessed via a Private Road.
- The borehole is being proposed to get around the requirement for development sites to be water neutral.
- The borehole will have mains back-up; which immediately makes it non-water neutral.
- A number of chemicals would be needed on site; there are no details about who/how the water treatment and any associated spills/problems will be adequately managed post-build. it seems wholly inadequate to propose that a Management Committee of the 5 new houses will take over the responsibility.
- There is insufficient detail around the impact locally of draining water from an aquifer.
- There is no comment about the level of noise from the water treatment plant.
- The report from the Borehole Specialists is not detailed enough for a fully informed decision to be made.

19 Objections have been received from nearby residents. These objections are summarised as:

- Mains Water Back up System
- Noise of the pumping station
- Access should be via Great Ventors rather than Coolhurst Close
- Extracting water could cause subsidence
- Pollutants from run-off on fields
- Sewage plant already over loaded
- Cost of service and maintenance prohibitive to new residents
- Nearby borehole comparison is not justifiable
- Outside of Neighbourhood Plan allocation and settlement boundary
- An emergency connection to the mains water supply means the proposal is not water neutral
- How will extraction from the mains water system be monitored
- Likely to affect the water table in the area and potentially local ponds

- Inadequate water treatment details for manganese
- Concern over chemicals being used on site and potential pollution
- Concerns with water samples taken- dates and sources, and standards of lab processing
- Concerns with water quality and water treatment
- Not enough detail on management company
- Legal implications on new occupants
- Concerns over what happens in drought conditions
- Concern that the Source Protection Zone covers farmland and that normal farming activities such as using organic manure and liquid fertilizer 'need to be avoided'

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

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

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

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

6. PLANNING ASSESSMENTS

Principle of Development

- 6.1 Policy 26 states that outside built up area boundaries the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and support the need for agriculture or forestry; enable the extraction of minerals or the disposal of waste; provide for quiet informal recreational use or; enable the sustainable development of rural areas. In addition proposals must be of a scale appropriate to its countryside character and location, and would not lead, either individually or cumulatively to a significant increase in the overall level of activity in the countryside and protects and/or conserve, enhances key features and characteristics of the landscape character in which it is located.
- 6.2 This application will essentially extend the residential development site to the east to include this part of the paddock land at Great Ventors within the site boundary. The paddock beyond this will remain as such. It is considered that in this instance a balance needs to be struck between the need for this part of the land to be developed for a borehole, and the visual impact on the countryside.
- 6.3 The applicants are proposing this private borehole to provide a deliverable solution to enable their adjacent housing site to be water neutral and, therefore, acceptable. The existing site boundary for the adjacent housing development does not have the capacity to deliver this piece of infrastructure therefore a small extension of the site into this adjacent paddock is required.
- 6.4 The proposed development will be small in scale with a flat roof and a maximum height of 2.68 metres. The building will be brick finished to match the new dwellings proposed on the adjacent site. The hardstanding to allow for service vehicles and the tarmac and gravel finish is considered to be minimal and with the proposed hedging the development is considered to have an unintrusive impact on the landscape. Given the clear link between this proposal and the adjacent housing site, both in terms of need and visual relationship, it is considered

that the principle of the development is acceptable subject to all other material considerations.

Site Layout, Design and Appearance

- 6.5 Policies 25, 32 and 33 of the HDPF promote development that is of a high quality design, which is sympathetic to the character and distinctiveness of the site and surroundings. The landscape character of the area should be protected, conserved and enhanced, with proposals contributing to a sense of place through appropriate scale, massing and appearance.
- 6.6 The Water Treatment House would be brick built (to match the proposed adjacent development) with a flat roof with a slight pitch to a height of 2.6m to 2.68. A standard timber fence will be erected on the boundary line with secure gates. The perimeter would be planted with dense laurel hedging to screen the new building. A parking area would be provided adjacent to the water Treatment House for maintenance visits, with a tarmac finish and gravel to the rest of the hard standing. Access will be via Coolhurst Close which would also serve the five new dwellings.
- 6.7 The borehole will be plastic lined with 125mm screen and casing. The casing will be surrounded by a washed and graded shingle gravel pack that forms a pre filter to hold the annulus open and stable. The top section of the well will be sealed to a depth of 10m below ground level using well grade bentonite (clay) sealing pellets which form an impervious seal, so protecting the source from unconfined ground water in the upper geology. The well head will be raised above the surrounding ground level to protect against surface run off or accidental spillage. Access to the well head will be protected and secured by a lockable and insulated cover.
- 6.8 The development is considered to be of a size and scale that sits appropriately within the context of the immediately adjacent housing site and the rural locality. It is acknowledged that the site itself is relatively enclosed, due primarily to the mature trees and planting along the boundary of the site. As a modest intrusion beyond the site boundary of the adjacent housing site it is not considered to result in harm to the character of the countryside.
- 6.9 The proposed development is therefore considered to relate acceptably to the landscape character of the area and is considered to be in accordance with Policies 25, 32, and 33 of the Horsham District Planning Framework (2015).

Amenity Impact

- 6.10 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute to a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.11 Concern has been raised in relation to the noise impact of the proposed pump house. The Council's Environmental Health Officer has confirmed that this equipment is not noisy in nature and that it is unlikely to cause any disturbance. This is particularly so given the equipment would be housed within a solid brick structure. The borehole specialists have confirmed this position and describe the noise from the borehole as 'negligible'. It is stated that the only activity that produces any noise happens when the filters flush/rinse out once every 24 hours. This flushing exercise will require a fast flow of water and as such some noise is created from this. The volume of water needed for this will be determined by the size of filters, which is, as yet, unknown. This process is usually set to run overnight when no other water draw is required. Any noise from this can be mitigated easily by soundproofing

within the treatment shed/ room. With this in mind, and for the avoidance of any doubt a noise assessment is recommended to be conditioned to allow for any mitigation if required.

- 6.12 Concern has also been raised around whether extracting water here will impact on ground stability and cause subsidence. There is no evidence to suggest that extracting a modest quantum of water (approximately 1,300 litres per day) from a depth of approximately 80 metres below ground level as proposed will result in subsidence to existing or proposed properties.
- 6.13 For these reasons, the proposed development is not considered to result in harm to the amenities of neighbouring properties, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

The Bore Hole and Water Neutrality

- 6.14 It is proposed that the water neutrality requirements of the adjacent housing development will be achieved via this private borehole. The submitted 'Design and Maintenance Supporting Detail' document contains the Borehole Prognosis Report and Appendix B (by Nicholls Boreholes- page 43) shows a schematic example of a borehole. Appendix 2 of the document (page 44) shows the indicative design detail for the borehole, storage and filtration.
- 6.15 Following the initial consultation with the Environment Agency, Nicholls Borehole completed a prognosis report (contained within the Maintenance Supporting Detail document) which concluded that water availability should be more than adequate at a depth of 80 metres below ground level to provide a water supply of up to 20,000 litres per day, although until a borehole is dug this can never be certain. This proposal only requires an estimated 1,320 litres per day which is significantly below the amount of water which is likely to be available. The report also concludes (based on very historic nearby borehole water data) that the water from the borehole would be expected to have elevated iron and manganese and may be unsuitable for domestic supply unless treated. This is why the treatment house is proposed. The exact design and specification of the treatment works within the treatment house will not be known until water quality sampling is undertaken on site once the borehole is sunk. If the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be implemented.
- 6.16 As the borehole will provide potable water for use within each dwelling, the Council's Environmental Health team are required to monitor and enforce the quality of the water under the Private Water Supplies (England) Regulations 2016. The Council's Environmental Health team have reviewed the submitted information and have noted the likely high levels of iron and manganese. Their view is that it will be possible to sufficiently treat the water to make it safe for human consumption, and have recommended a series of conditions to ensure that appropriate sampling, risk assessments, contingencies and management/maintenance plans are agreed prior to first occupations, and ongoing thereafter. These conditions are set out below. As explained in the previous paragraph, if it transpires that the water quality, when tested in line with the proposed monitoring conditions, is not acceptable, then the development cannot be occupied as it will not benefit from a complete planning permission.
- 6.17 Concern has been raised by third parties in relation to the right for any of the occupiers of the five houses to connect to mains water, and how this will be restricted. It is not possible to directly deny an occupier the right to connect to a mains water supply as the right to connect is established via separate legislation. Officers have sought legal advice on how to address this matter and it has been determined that it is possible to apply a condition that requires that any mains connection must only be in an emergency for temporary purposes. In the event such an emergency occurs (such as pump failure) the occupiers must immediately undertake the necessary contingency measures set out in a management and maintenance plan until the system is fully operational again, with records must be kept of all water taken from the mains supply. Conditions to this effect are recommended below at

condition 4 and 9. These conditions are all considered to meet the tests of soundness that they are necessary, relevant, enforceable, precise and reasonable.

Source Protection Zones

- 6.18 A Groundwater Source Protection Zone (SPZ) will automatically apply to the private borehole when it is installed. An SPZ is an area where groundwater supplies are at risk from potentially polluting activities and accidental releases of pollutants. They are primarily a policy tool used to control activities close to water supplies intended for human consumption. SPZs are not statutory and are mainly for guidance but they do relate to distances and zones defined in legislation where certain activities are restricted. The Environment Agency only license water abstraction where over 20m³ litres of water is to be abstracted per day (enough for approximately 75 homes), and in such cases will map and monitor the accompanying SPZ. For smaller development, the EA guidance advises that a default SPZ be placed around the borehole, noting that in some cases underlying geology may mean that the extent of this radius may need to be greater or smaller. The EA have confirmed that they do not map these smaller SPZs and would not have the resource to enforce activity within them.
- 6.19 In this case the default 50m SPZ would encroach onto land not within the applicant's control and may therefore prejudice some activities taking place. The activities affected by a SPZ include landspreading, livestock housing, storage of pollutants etc. The Council has undertaken a 2 week targeted consultation with those properties that fall within a 50 metre radius of the proposed borehole location, with the applicants updated Design and Maintenance Supporting Detail document advising them of what activities should not be undertaken within the 50 metre zone and the extent of the 50m zone.
- 6.20 Concern has been raised by the adjacent agricultural land owner in relation to some of his land being located within the propose SPZ. This would be around 0.25 hectares of farmland that may no longer be able to use certain types of fertilisers that may pollute the groundwater. The area of land affected is proportionately small relative to the wider field it sits within and would not prejudice the farming of the wider field. It will though have a potentially modest impact on the farming of this 0.25ha corner of the field which is acknowledged. The Council's Environmental Health officers have clarified that in the worst case scenario that the restricted farming practices in the SPZ referred to by the adjacent landowner take place, the water quality will still be appropriately treated and will not form a public health risk.

On-going Management and Maintenance

- 6.21 The borehole and treatment plant will require regular and continuous management and maintenance. During construction and pre-occupation the accountability and responsibility for the borehole and water quality will sit with Beatrice and Mae Homes. However, once the 5 dwellings are sold it is intended that a management company be created which will be responsible for shared access and this shared service. The owners of each dwelling would be directors within the management company and thus take over responsibility for the borehole and the testing and maintenance contract.
- 6.22 An updated and detailed Service and Maintenance Schedule will be required, which the borehole specialists have suggested should be post-drilling and borehole commissioning. It is not viable for the drilling of the borehole to commence until the applicant has more certainty that the planning permission will be approved. Therefore it is considered reasonable that this planning permission be approved subject to both a more detailed service and management schedule (referred to as a 'Private water Supply Management Plan') being prepared as well as being subject to the additional water quality and yield testing that are required. Without the adequate testing of the borehole the planning permission could not be implemented.
- 6.23 In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, an appropriate assessment has been completed in consultation with Natural England,

who have not raised objection to the mitigation strategy (being the provision of a private borehole in this location). Therefore, subject to conditions as set out below to secure the borehole and ensure the quality of water is fit for human consumption, there is no clear or compelling evidence to suggest that the proposal would result in an adverse impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180, or the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusions

- 6.24 This application seeks permission for the installation of a private borehole to provide all water supplies to five new dwellings proposed at the adjacent site, along with a Water Treatment House and associated hard standing for parking and access. Whilst it is acknowledged that the site is situated outside of the Built-Up-Area- Boundary, given the clear link between this proposal and the adjacent housing site, both in terms of need and visual relationship, it is considered that the principle of the development is acceptable in this instance.
- 6.26 The concept of a borehole to serve residential development is a complex one that requires further detailed information to be provided at different stages of implementation. Officers consider that the conditions recommended, along with a legal agreement- to be secured to ensure the ongoing and long term management and maintenance of the borehole by the future property owners of the adjacent site, by way of a management company, will provide sufficient certainty that the development will not have an adverse effect on the integrity of the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.
- 6.27 Conditions are recommended in relation to the management of the construction process, an assessment of any future noise from the associated water treatment plant, appropriate boundary treatment for this countryside location, surface water runoff, appropriate lighting and hours of construction, and to tie the delivery of this borehole and treatment house to the delivery of the adjacent housing development only. On the balance of these considerations, the proposed development is recommended for approval in compliance with Policies 26, 31, 32, 33 of the HDPF and Paragraph 180 of the NPPF, subject to these conditions as detailed below.

7. RECOMMENDATIONS

- 7.1 To approve planning permission subject to the following conditions and the completion of a s106 legal agreement:

Conditions:

- 1 Plans list
- 2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
 - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;

- ii. Details of how residents will be advised of site management contact details and responsibilities;
- iii. Detailed site logistics arrangements (to include details shown on a plan), including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil);
- iv. Details regarding parking or site operatives and visitors, deliveries, and storage (to include details shown on a plan);
- v. The method of access to and from the construction site;
- vi. The arrangements for public consultation and liaison prior to and during the drilling and construction works – newsletters, fliers etc;
- vii. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination;
- viii. Locations and details for the provision of wheel washing facilities and dust suppression facilities (to include details shown on a plan).

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

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

- 4 **Pre- Commencement condition:** The development hereby approved shall not commence until a Private Water Supply Management Plan (PWSMP) has been submitted to and approved in writing by the local planning authority. The PWSMP shall include, but not necessarily be limited to, the following information:

- i. A Regulation 6 risk assessment risk assessment (or subsequent superseding equivalent), undertaken by a suitably competent and experienced person in accordance with relevant guidance and statutory requirements, before the private water supply is brought into use; and at least once every five years thereafter.
- ii. Details of the review of the risk assessment, undertaken in accordance with relevant guidance and statutory requirements, at least every 5 years or such other shorter period as determined by the risk assessment or required by regulation.
- iii. Detail on the sampling and testing regime, undertake in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the outcome of the above-mentioned risk-assessment along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on what type of treatment that will be installed on the supply with information clearly indicating that it is appropriate for the amount of water being used and the likely contaminants.
- v. Detail on the maintenance, servicing and cleaning of the pump, pumphouse, water treatment equipment, tanks, all pipework etc for the lifetime of the development along with regularity of servicing/maintenance and clarification what steps will be taken in the event of equipment failure. This should include any re-activation of the system after it has been out of use due to lack of rainfall/use.
- vi. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vii. Detail on the continuity of supply during dry periods extending beyond 35 days.
- viii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.
- ix. A named person for residents to contact (24/7) in an event of a failure or issue with the private water supply;

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

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 5 **Pre-commencement Condition:** No development, other than the drilling of the borehole, shall commence until evidence that water from the borehole has been sampled by a person who has undertaken the DWI certification of persons scheme for sampling private water supplies and analysed by a laboratory that is accredited to the ISO 17025 Drinking Water Testing Specification and the findings submitted to the Local Planning Authority. In the event the samples show that any of the parameters are above the prescribed concentrations or values, as detailed in Schedule 1 of the Private Water Supplies (England) Regulations 2016, no development shall commence until a mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority that demonstrates how the water will be treated to meet the requirements of Schedule 1 of the Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent). The mitigation scheme shall then be implemented in full prior to first occupation of any dwelling and shall be retained and maintained at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 6 **Pre-occupation Condition:** No dwelling shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that water taken from the tap within the dwelling(s) meets the requirements of Schedule 1 'Prescribed concentrations or values' of the Private Water Supplies (England) Regulations 2016 (or any superseding Regulations).

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 7 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

- 8 **Pre-Occupation Condition:** Notwithstanding the details submitted, no part of the development hereby permitted shall be occupied until details of the boundary fences and

hedge planting shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 9 **Regulatory condition:** No unit hereby permitted shall be connected to or draw supply from the mains water supply except for emergency purposes in the event of a temporary failure of the rainwater harvesting system. Where a temporary failure has occurred, the occupiers shall immediately undertake the contingency measures set out in the management and maintenance plan agreed under condition 4 until such time as the system is fully operational. The occupiers of each unit shall keep an ongoing record of all water taken from the mains supply and hold written evidence to explain why it was necessary as an exceptional measure to take water from the mains supply.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

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

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

- 14 **Regulatory Condition:** No deliveries of construction materials or plant and machinery and no removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

- 15 **Regulatory Condition:** The borehole and treatment house and associated parking areas hereby permitted shall only be constructed and operated in association with the adjacent housing development permitted under application reference DC/21/1798 only.

Reason: As the development is necessary only to facilitate the development of the adjacent allocated housing site and to avoid harm to the character of the countryside in compliance with Policies 26 and 33 of the Horsham District Planning Framework (2015).