



The countryside charity  
Sussex

**CPRE Sussex**  
Brownings Farm  
Blackboys  
East Sussex TN22 5HG  
Telephone 01825 890975  
info@cpresussex.org.uk  
[www.cpresussex.org.uk](http://www.cpresussex.org.uk)

Attention: Case Officer Mr Jason Hawkes

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

26 July 2023

Dear Mr Hawkes,

Representation submitted for and on behalf of CPRE Sussex objecting to:

**DC/23/1178**

**Horsham Golf Park Denne Park Horsham West Sussex RH13 0AX**

**Outline planning application with all matters reserved save for access for the development of a Sports and Leisure Hub including the provision of communal facilities, nursery, Golf College, sports club house (containing Health & Fitness spa, changing facilities and food & beverage) and an educational facility for Warren Clark Golfing Dreams (Use Classes E, F1 & F2); a local centre containing a convenience store and co-working space (Use Classes E & F2); the provision of supporting landscaping, open space and related infrastructure; outdoor sports and leisure provision comprising Driving Range, reprovision of golf (including supporting golf facilities) and hockey (including pitches and training area) (Use Class F2) all supported by the delivery of up to 800 homes (Use Class C3).**

CPRE Sussex asks that this application be refused for the reasons explained below under the main headings: Water Neutrality, Local Plan Policies, Sustainable Energy, and Biodiversity and Ecology.

### **WATER NEUTRALITY**

1. The site falls within the Sussex North Water Supply Zone. Whether or not DC/23/1178 could achieve water neutrality is therefore a critical planning matter.

1.1 Natural England is concerned that abstraction of water within the North Water Supply Zone is having an adverse impact on the protected sites and habitats within the Arun Valley, including the Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

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President: Lord Egremont

Campaign to Protect Rural England Sussex Branch CIO | Registered charity number: 1156568

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1.2 Natural England therefore stipulates that new development within the zone should achieve water neutrality such that water use is equal to, or less than what it was before the development took place.

1.3 Natural England in its letter to HDC, dated 30 March 2020, subject Horsham Local Plan Regulation 18 Consultation and Habitats Regulations Screening Assessment advised (under the heading Water Quantity) “*that Horsham District is within the Gatwick sub-region WCS – This strategy has concluded that water use within the district will need to demonstrate neutrality in order for sufficient water to be available to the district*”.

1.4 HDPF Policy 31 Green Infrastructure and Biodiversity, 4 a) and b), and 5, establishes that permission will be refused where development is anticipated to have an adverse impact on biodiversity sites such as SPAs and SACs, unless appropriate mitigation measures are provided.

1.5 NPPF paragraph 182 stipulates that “*The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site*”.

**2. As explained below, contrary to NPPF paragraph 182, and HDPF Policy 31, the application has not demonstrated that the applicant’s proposed Water Neutrality scheme would not have an adverse impact on biodiversity and habitat sites including the Arun Valley’s Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site.**

**3. It is CPRE Sussex’s view that the application should not be considered by HDC until the various yet-to-be-completed essential assessments and actions, including the required Hydrogeological Impact Assessment, have been expedited and the results reported and presented for public scrutiny. After all:**

*“Abstraction provides essential water for public water supply, agriculture and industry. However, unsustainable levels of abstraction impact the ecology and resilience of our rivers, wetlands and aquifers”.* And

*“Having the right flow in our rivers and protecting groundwater levels is essential to supporting healthy ecology, enhancing natural resilience to drought, and ensuring that rivers continue to support wellbeing and recreation. Sustainable water abstraction is therefore essential to ensure that river flows and groundwater levels support ecology and natural resilience”.*

(Defra Policy Paper Water abstraction plan: Environment, updated 27 July 2021, paragraph 1)

**4. The applicant’s Water Neutrality Report sets out the measures with which, according to the report, a viable and sustainable water neutral supply can be provided for the proposed development.**

4.1 In summary, the Water Neutrality Report advises:

a. The proposed development can achieve water demand criteria of 85 litres per person per day (section 3.1).

- b. The requirement for potable water can be met by abstracting water from the underlying Tunbridge Wells Sand Formation aquifer by means of four abstraction boreholes (sections 4 and 4.2).
- c. On-site rainwater capture will be utilised to recharge the aquifer to facilitate the sustainable abstraction of groundwater for potable water use, while also *“maintaining ecological flows throughout the year”* (section 4.4).
- d. Treated surface water will be discharged into ‘recharge boreholes’, located at the end of the SUDS treatment train (section 4.4).
- e. To provide a viable and sustainable water resource for the development the aquifer will be recharged daily, as the ‘residents use water in their homes’ (sections 4 and 4.4).
- f. The rainwater harvesting system will be backed up by utilising the excess discharge from the proposed greywater system (section 2.2).
- g. The SuDS attenuation features will capture rainwater, making it available for landscaping and car washing uses. It is proposed that 10% of the impermeable area will be used to provide adequate harvested rainwater for landscape irrigation purposes, representing a 36-day drought water supply, which would be sufficient to cope with dry periods associated with climate change (section 2.2).
- h. The residential dwellings will include water efficiency measures, including water efficient fittings, spray taps and showers, and harvesting technologies, including rainwater and greywater systems for non-potable use, such as toilet flush, garden watering and car washing (section 2.2 and 3.1).

**5. The Water Neutrality Report is underpinned and informed by the Prognosis Report submitted as an appendix, Appendix F, to the Water Neutrality Report.**

5.1 The following important considerations, identified by the Prognosis Report, are NOT acknowledged in The Water Neutrality Report:

- a. The Prognosis Report *“is based on a limited range of available data, including the published historical geological map supplied by British Geological Survey. Whilst the map is generally reliable, it provides only indicative geological information based on available borehole information and field mapping”* (page 14).
- b. *“Groundwater quality was sampled from the Tunbridge Wells Sand Formation at historic borehole TQ13SE159/C located 2.6km northeast of the intended site ..... These water quality results were concluded in 1924; therefore the results may not be representative of current conditions”* (page 10).
- c. Well yields for the Tunbridge Wells Sand Formation *“tend to be variable”* (page 8).
- d. The Tunbridge Wells Sand Formation is a ‘Secondary A Aquifer’ (page 8). Secondary A Aquifers comprise *“Permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formally classified as minor aquifers”* (paragraph 16; Environment Agency Guidance Protect ground water and prevent groundwater pollution, paragraph 6.2).

- e. *“injected water may need to be pressurised”* (page 4).
- f. Water from the aquifer *“will have to be sampled and tested to ensure that it is fit for human consumption”* (page 10).

**6. The application has been submitted at the OUTLINE Application Stage without determining whether the proposed water supply scheme is sustainable and viable and can be operated without adverse impact on the resilience of the River Arun, from source to the sea, and on protected species and habitats, biodiversity and ecology, including the Arun Valley’s Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site.**

6.1 The applicant’s Water Neutrality Report (section 4.3) advises the following will be undertaken at the Full Application Stage:

*“3. Install Borehole at preferred location and allow for water level monitoring equipment in the borehole, 4. Step Testing on the borehole, 5. Undertake Constant Rate Testing on the borehole, 6. Remove Water Loggers from monitoring sites and record the data, 7. Test Analysis & Reporting, 8. Undertake a Hydrogeological Impact Assessment, 9. Compile all monitoring evidence and make Formal Application for a Licence to Abstract, 10. Environment Agency Licence granted”.*

**6.2 Accordingly, the application has been submitted at the Outline Application Stage without determining whether the Water Neutrality/water supply scheme proposed for the development is sustainable and viable and can be operated without adverse impact on the resilience of the River Arun from source to the sea, and on protected species and habitats, biodiversity and ecology, including the Special Protection Area (SPA) Special Area of Conservation (SAC) and Ramsar site in the Arun Valley.**

**6.3 After all, the Tunbridge Wells Sand Formation aquifer is a Secondary A Aquifer, and Secondary A Aquifers are in some cases an important source of base flow to rivers** (Environment Agency Guidance Protect ground water and prevent groundwater pollution, paragraph 6.2).

**7. The outline application does not demonstrate whether the daily supply of potable water to the proposed development, while maintaining ecological flows, is assured.**

7.1 The proposed system for providing the development with a viable and sustainable water supply, including facilitating the sustainable abstraction of groundwater for potable water use, while also maintaining ecological flows throughout the year, is apparently dependent on the aquifer being recharged daily with on site-captured rainwater backed up with the excess discharge from the proposed grey water system.

7.2 Apparently, for the system to be viable and sustainable, the amount of water returned daily to the aquifer must be equal to the quantity of water abstracted.

7.3 The Water Neutrality Report at section 2.2 states that

*“Changes to our weather patterns, owing to global warming, have resulted in more intense rainfall events in some seasons and hotter and drier summers in other seasons as evidenced in the previous section. Therefore, in dry periods, it is not possible to effectively protect the ecological flows that have led to the enactment of the Water Neutrality directive”.*

And that

*“The implication is that this element of risk needs to be factored into the rainwater harvesting strategy that is going to be implemented on the development site. Therefore, in considering the Water Neutrality strategy for this site it is considered prudent to at least double the drought storage stated in BS 8515 from 18 to 36 days to increase the resilience of rainwater harvesting for non-potable water supply to any proposed development”.*

7.4 Note “to increase the resilience of rainwater harvesting for non - potable water supply”; not for potable water supply.

7.5 Would 36 days be sufficient?

## **8. ‘Expectation’ that contrary to the Water Neutrality Report the proposed borehole abstraction would have no ‘quantitative impact’ on “SSSIs at St Leonard’s Forest and Hardham” has yet to be confirmed.**

8.1 The Water Neutrality Report concludes (section 7) that *“the Borehole Prognosis Report found in Appendix F, indicates that it is viable to install boreholes into the underlying Tunbridge Wells Sand Formation aquifer underlying the site. This aquifer is different from the aquifers that are at Hardham, meaning it will not draw from the Sussex North Water Supply Zone and will therefore have no impact on wildlife within the internationally protected sites in the Arun Valley, Sussex”.*

8.2 However, the Prognosis Report (water Neutrality Report Appendix F) advises that *“Due to the significant distance of the intended site it is considered very unlikely that the SSSIs at St Leonard’s Forest and Hardham would fall within the drawdown radius of influence as a result of the proposed abstraction, and therefore no quantitative impact would be expected. This is expected to be confirmed by a formal pumping test so as to meet the conditions of the abstracting licence application”.*

8.3 Note *“expected to be confirmed”*, therefore this pivotal expectation has yet to be confirmed.

8.4 The ‘expectation’ is questionable because The Tunbridge Wells Sand Formation is a ‘Secondary A Aquifer’ (Prognosis Report, page 8) and Secondary A Aquifers comprise *“Permeable layers capable of supporting water supplies at a local rather than strategic scale, and in some cases forming an important source of base flow to rivers. These are generally aquifers formally classified as minor aquifers”* (Prognosis Report page 16; Environment Agency Guidance Protect ground water and prevent groundwater pollution, paragraph 6.2).

## **9. The Water Neutrality Report advises that “a desktop Hydrological Impact Assessment will be undertaken in order to confirm that there is no hydraulic continuity between the development site and the protected aquifers at Hardham” (section 4).**

9.1 In other words, contrary to Water Neutrality Report section 7, whether there is hydraulic continuity between the proposed development site and the protected aquifers at Hardham, and therefore whether there would be no effects on the Arun Valley designated sites has yet to be determined.

9.2 Whether a 'desktop assessment' would be sufficient to determine this crucial issue is questionable – and should be questioned.

**10. The Water Neutrality Report states that “Currently, investigations are underway to establish the quality of the borehole water to confirm its viability for domestic water use” (paragraph 4.2).**

10.1 The application was therefore submitted without having first determined whether the borehole water was viable for domestic water use. This crucial issue should have been determined before the application was submitted to HDC.

**11. These are crucial issues in the deciding of this application, which should have been determined before the application was submitted to HDC.**

**12. In his memo to HDC Development Control, dated 07/12/2022, in respect of the outline application DC/22/1916 Land North West of Southwater and the need to achieve Water Neutrality, HDC’s Environmental Health & Licensing Officer advised that**

*“Rainwater and greywater harvesting schemes can be highly contaminated, should such a scheme be proposed for this outline application, or any future reserved matters applications, a detailed private water supply management and maintenance plan will need to be submitted support of the application”.*

12.1. Since DC/23/1178 and the mandatory requirement for it to achieve Water Neutrality is dependent on a rainwater and grey water harvesting scheme a detailed private water supply management and maintenance plan will need to be submitted to support the application.

12.2 What the private water supply management and maintenance plan should include, but not necessarily be limited to, is detailed in the HDC Development Control memo referred to above, and are as follows:

- i. Detail on the likely contaminants associated with the rainwater harvesting system.
- ii. 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.
- iii. Detail on the proposed sampling and testing regime, undertaken in accordance with Private Water Supplies (England) Regulations 2016 (or subsequent superseding equivalent), and taking into account the likely contaminants, as detailed above, along with detail on how any failure of any samples will be investigated and managed.
- iv. Detail on the maintenance, servicing and cleaning of the tanks, water treatment equipment, pumps, 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.

- v. Details, including a plan or schematic, showing the supply – storage tanks, treatment etc, and means to record the total water consumption of each unit
- vi. Detail on the continuity of supply during dry periods extending beyond 35 days.
- vii. Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

12.3 All of the above information should be provided for DC/23/1178.

## LOCAL PLAN POLICIES

**13. The application is predicated on the questionable presumption that the proposed scheme should be approved because HDC is unable to demonstrate a 5-year housing land supply and because progress with its emerging local plan has stalled** (for example, Planning and Affordable Housing Statement, paragraphs 1.12, 3.5, 3.26, 4.9, 4.10, 6.27, 6.37, 6.38, 6.63, 6.64, 6.81, 6.158, 6.309, 7.2, 7.56, 9.4, 11.4).

**14. Progress with the new local plan has been delayed because of circumstances beyond the control of the council, including changes to the NPPF that have yet to be published.**

**15. Moreover, where a council lacks the required five-year housing land supply, it does not render grants of planning permission automatic, and decision-makers “are not legally bound to disregard policies of the development plan when applying the ‘tilted balance’ under paragraph 11d) ii” (Court of Appeal ruling, 3 February 2021.**

15.1 This was made clear in Horsham District by the Appeal Decisions: APP/Z3825/W/20/3261401 Land north of Sandy Lane, Henfield, West Sussex, decision date 19 August 2021, and APP/Z3825/W/21/3281657 Longlands, West Chiltington Road, Pulborough, RH20 2EE, decision date 18 March 2022.

15.2 Notwithstanding the lack of a 5-year land supply both appeals were dismissed.

**16. The dismissal of these appeals, despite the lack of a 5-year supply, is in line with the Court of Appeal ruling on two appeals by Gladman Developments Limited (3 February 2021): Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council. Neutral Citation Number: [2021] EWCA Civ 104. Case No: C1/2020/0542/QBACF. Date: 03/02/2021.**

16.1 The Court of Appeal ruling emphasised that where a council lacks the required five-year housing land supply this may tilt the balance in favour of proposed residential schemes, but it does not render grants of planning permission automatic.

16.2 Gladman Developments argued that when the tilted balance is engaged due to a housing-land shortfall, decision-makers must assess proposals against relevant policies in the NPPF and that local plan policies simply do not come into that exercise.

16.3 But the Court of Appeal ruled that even where development plan policies are rendered out of date by housing land shortfalls, they remain potentially relevant to the application of the tilted balance and decision-makers are not legally bound to disregard policies of the development plan when applying the tilted balance under paragraph 11d) ii (Court of Appeal ruling, paragraph 42).

**17. The Inspector who determined APP/Z3825/W/21/3281657 Longlands, West Chiltington Road, Pulborough, RH20 2EE (DC/20/2216) considered that** although the HDPF *“is over five years old and the Council is unable to demonstrate a five-year supply of deliverable housing sites”, and “the proposed houses would be surrounded by existing development, the policies in the HDPF set out an overall strategy for the pattern and scale of places in line with the National Planning Policy Framework”* (paragraph 10).

**18. How the Inspector who determined APP/Z3825/W/20/3261401 Land north of Sandy Lane, Henfield, West Sussex (DC/20/0427) interpreted and gave weight to HDPF policies and Henfield Neighbourhood Plan (HNP) and HDPF policies, despite the lack of a five-year supply, is also pertinent to DC/23/1178, notably HDPF Policies 4, 25 and 26.**

**19. DC/23/1178 is contrary to HDPF Policy 4 Strategic Policy: Settlement Expansion because the site is outside of Southwater’s built-up boundaries and is neither allocated in the HDPF, nor in Southwater’s Neighbourhood Plan.**

19.1 The application, if permitted, would therefore undermine the spatial strategy for the district, which is predicated on planned expansion of existing settlements through the Local Plan or neighbourhood planning.

19.2 How Policy 4 should be interpreted is explained by the Planning Inspector who decided APP/Z3825/W/20/326140.

19.3 The Inspector considered *“Policy 4 sets out the circumstances under which development will be permitted outside of built-up area boundaries. The use of the term ‘and’ within the policy is a clear indicator that proposals should meet all five criteria in order to be acceptable. The first criterion stipulates that the site should adjoin an existing settlement edge and should also be allocated in the Local Plan or in a neighbourhood plan. On plain reading, the policy does not permit unallocated sites outside of built-up area boundaries. The appellant’s interpretation would undermine the spatial strategy which is predicated on planned expansion of existing settlements through the Local Plan or neighbourhood planning”* (paragraph 11).

**20. DC/23/1178 is contrary to HDPF Policy 25 Strategic Policy: The Natural Environment and Landscape Character, because it would change the site’s character to the detriment of the area’s intrinsic character and beauty, and Southwater’s rural setting.**

20.1 The applicant’s Planning and Affordable Housing Statement states that *“the site, and wider area, has no formal landscape designation. It is not a valued landscape in planning policy terms”* (paragraph 4.23).



20.2 However, how Policy 25 should be interpreted and applied where a site is not a valued landscape within the meaning of NPPF paragraph 174 a) is explained by the Planning Inspector who determined APP/Z3825/W/20/3261401.

20.3 The Inspector states “*The Council is not contending that the site is a valued landscape within the meaning of paragraph 174 a) of the Framework. However, paragraph 174 b) of the Framework recognises the intrinsic character and beauty of the countryside. Policy 25(1) of the HDPF is consistent with national policy in seeking to protect, conserve and enhance landscape and townscape character, taking into account individual settlement characteristics. In harming the rural setting of the village, the proposal would conflict with this policy*” (paragraph 46).

20.4 DC/23/1178 conflicts with Policy 25(1) because it would harm Southwater’s rural setting.

### **21. DC/23/1178 is contrary to HDPF Policy 26 Strategic Policy: Countryside Protection.**

21.1 The Inspector who determined APP/Z3825/W/20/3261401 gave weight to Policy 26 in his decision to refuse the appeal (paragraphs 12 and 47).

21.2 Policy 26 states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development, and that any proposal must be essential to its countryside location and must additionally meet one of four identified criteria, none of which apply to DC/23/1178.

**23. The application is also contrary to HDPF Policy 27 Strategic Policy: Settlement Coalescence** because it would significantly reduce the openness and ‘break’ between Horsham and Southwater’s respective built-up area boundaries and generate urbanising effects within the gap including artificial lighting, development along a key road corridor, and resultant increase in traffic movements.

23.1 HDPF paragraph 9.20 states that “*Whilst the existing situation cannot be addressed by planning policy, further urbanisation can be resisted. This policy will ensure that settlements retain their unique identity and the undeveloped nature of the landscape between towns and villages will be retained*”.

## **SUSTAINABLE ENERGY: ROOF- MOUNTED SOLAR PV**

**24. The applicant’s Sustainability and Energy Statement lists under the heading ‘Sustainable Design and Construction’,** at paragraph 8.10, a proposed range of sustainable design and construction features among which are an “*All electric heating strategy with potential for roof-mounted PV*”.

24.1 The non-committal wording - “*with potential for roof-mounted PV*” implies that subsequent Reserve Matters applications might not include the installation of roof-mounted solar PV panels.

**25. This apparent lack of commitment is confirmed by the applicant’s Environmental Statement: Volume 1 Chapter 4: The Proposed Development, paragraph 4.90,** which identifies under the heading ‘Climate Change’ measures which

the “*Proposed Development has sought to incorporate into the design to avoid and minimise gas emissions where possible*”.

25.1 These measures include “*The provision of electric vehicle charging points to encourage sustainable transport*” and “*the proposed development is anticipated to include car clubs, electric bikes/scooters and use all electric heating systems*”, but NOT roof-mounted Solar PV.

**26. This is cause for considerable concern because research undertaken at Oxford University has found that UK households with solar PV self-consume 45% of their own solar generation on average and reduce annual electricity demand from the grid by 24%. With additional adjustments, this reduction of 24% can be increased to over 35% (Solar photovoltaic self-consumption in the UK residential sector: new estimates from a smart grid demonstration project, Energy Policy Vol 118, 2018, pages 482-491).**

**27. Furthermore, West Sussex County Council has advised that by generating electricity from the sun, residents could reduce their annual carbon emissions by approximately one tonne each year and help West Sussex to become carbon neutral. <https://www.westsussex.gov.uk/campaigns/solar-together/>**

## **BIODIVERSITY AND ECOLOGY: BIRD SURVEY NEEDED**

**28. A Phase 1 Survey was carried out in Spring 2022 “in order to ascertain the general ecological value of the land contained within the boundaries of the application site and to identify the main habitats and associated plant species, with notes also made on faunal species using the application site” (Environment Statement: Volume 3 Appendix: Ecology and Biodiversity Annex 9: Habitat and Species Summary Report (paragraphs 2 to 2.4),**

28.1 In addition, “*specific surveys were undertaken for Badgers, Bats; Reptiles; Great Crested Newts and Dormice*” (paragraph 2.5), **but not for birds.**

28.2 “*A small number of common bird species were recorded during the course of survey work. These included Blackbird, Robin, Song Thrush, Wood Pigeon, Rook and Pied Wagtail. Although suitable habitat to support both nesting and foraging birds is present within the site it is not considered that the site is of particular significance to this group in the context of the surrounding site*” (paragraph 3.54).

**29. Given that the six bird species identified were chance sightings and, despite the presence there of suitable habitat to support both nesting and foraging birds, and specific bird surveys were not undertaken to identify and record birds nesting and foraging on, or hunting prey over the site (55.57 hectares), the report’s overall cursory assessment in respect of birds is inadequate to say the least.**

**30. Natural England’s Standing Advice, Guidance Wild birds: advice for making planning decisions. How to assess a planning application when there are wild birds on or near a proposed development site’ (14 January 2022), is “a material planning consideration for local planning authorities (LPA). You should**

***take this advice into account when making planning decisions. It forms part of a collection of standing advice for protected species”.***

**31. It is general advice that Natural England, as a statutory consultee, gives to LPAs. “It avoids the need to consult on every planning application helps you make planning decisions on development proposals”**

<https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

[Protected species and development: advice for local planning authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions)

**32. This Standing Advice stipulates that “LPAs should ask for a survey if the proposal site is likely to affect: - breeding birds - wintering birds - barn owls and other birds listed in Schedule 1 of the Wildlife and Countryside Act. - birds listed in Section 41 of the Natural Environment and Rural Communities Act 2006 - Red and Amber list birds of Conservation Concern”. And that**

*“Some wild birds are listed as rare and most threatened species under Section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of Section 41 species as part of your planning decision”.*

<https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

[Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions)

**33. a Contrary to Natural England’s ‘Standing Advice Guidance Wild birds: advice for making planning decisions’, whether the proposed site supports wild birds listed as rare and most threatened species under Section 41 of the NERC Act (2006) has not been determined because the application has been submitted without an onsite bird survey.**

**33. b Therefore, to enable and ensure compliance with Natural’s England’s stipulation that local planning authorities must have regard for the conservation of Section 41 species an onsite bird survey is needed, and the results submitted to HDC for consideration in the deciding of DC/23/1178.**

<https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england>

CPRE Sussex asks that DC/23/1178 be refused for the compelling reasons explained above.

Yours faithfully,



Trustee CPRE Sussex

Copy to Chair CPRE Sussex