

Date: 02 December 2024
Our ref: 492580
Your ref: DC/23/0189



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BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Outline application for erection of a continuing care retirement community of up to 72 units of accommodation (Use Class C2) and up to 10 starter homes (Use Class C3) with associated community facilities including medical centre and on-site laundry and catering facilities, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access).

Location: Sandgate Nursery, West End Lane, Henfield, West Sussex

Thank you for your consultation on the above dated 29 October 2024 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site as well as Pulborough Brooks Site of Special Scientific Interest (SSSI) and Amberley Wild Brooks SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Further evidence of the application's proposed water use, distinct from any additional offsetting measures.
- Further evidence of the application's proposed rainwater harvesting measures.
- Further reconsideration of water neutrality and water budget.

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Habitats Regulations Assessment

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, and a competent authority should have regard to Natural England's advice.

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. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that **it is not possible** to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

Natural England advises that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that your authority should not grant planning permission at this stage.

We advise that the following additional work on the assessment (please see below) is required to enable it to be sufficiently rigorous and robust. We welcome ongoing engagement with your authority to address these matters. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

Additional Information Required

The proposed development falls within the [Sussex North Water Supply Zone](#) (SNWSZ) As set out in Natural England's [Advice Note](#) regarding planning applications within the SNWSZ, the existing water supply in the zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Ensuring that there is no net increase in water consumption is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Natural England previously responded to this planning application (our ref: 489615, dated 21 October 2024) and advised that further information was required in order to demonstrate that any adverse impacts on the Arun Valley designated sites could be ruled out.

Natural England has considered the information provided in the submitted Water Neutrality Assessment within the Flood Risk Assessment, Drainage Strategy and Water Neutrality Report (revision P06, dated October 2024) and Response to Natural England comments (dated October 2024) and advise that the following further information is required:

Proposed Business/Industry Water Use

Natural England previously advised (our ref: 489615, dated 21 October 2024) that the water consumption of the proposed business facilities including the proposed medical centre and on-site laundry and catering facilities should be included in the water budget. We recognise that the water usage of these business facilities have been estimated in the updated Water Neutrality Assessment (dated October 2024) using CIBSE Guide G values. We support the use of industry standard rates to calculate business water use and support the inclusion of business water use in the water neutrality calculations. However, it remains our view that further information is required to demonstrate that the values selected are an appropriate estimation of the proposed development's business water use, including clarification of whether these values include employee water use.

As competent authority, Natural England would advise that you should be satisfied that the proposed water usage values for the commercial elements are accurate and based upon reasonable and well evidenced assumptions.

Water Efficiency Measures and Smart Meters

We note that the applicant intends to install more water efficient fixtures and fittings into the proposed development to reduce the proposed water usage to 85 l/p/d. Natural England previously advised (our ref: 489615, dated 21 October 2024) that whilst water efficient fixtures and fittings can be used to reduce water consumption, smart meters do not ensure that water usage will be reduced. Natural England is satisfied that the reference to smart meters has been removed from the updated Water Neutrality Assessment. Natural England advise that any water efficiency measures required to achieve the proposed water usage of 85 l/p/d will need to be appropriately secured with the competent authority, in perpetuity.

Rainwater Harvesting

We note that the applicant proposes that the water required for toilets, washing machines and external use will be provided through rainwater harvesting (RwH). The applicant states that this equates to 40 % of the site's proposed water demand. Natural England previously advised (our ref: 489615, dated 21 October 2024) that, whilst RwH can be used to offset the predicted water usage, the amount of offsetting being proposed lacks reasonable supporting evidence. Further information is required, such as local rainfall data, size of the collectable area and the efficiency of the proposed RwH system's rainwater collection to demonstrate the volume of water that can be provided by RwH. We advised that drought contingency requirements should also be factored into the WN budget or it should be made evident that drought contingency can be wholly supplied without mains connection, such as through the use of appropriately sized storage tanks. Natural England notes that this further information on the proposed RwH has not been provided.

We recognise that in the submitted Response to Natural England comments (dated October 2024) the applicant states that rainwater harvesting is not required in order for the proposed development to be water neutral, however it still indicated that RwH will be required to reduce the daily potable demand by 6886L p/day (paragraph 9.5). We advise that if the applicant wishes to utilise RwH within their calculations, then further information on the proposed RwH is required in order to demonstrate that a sufficient quantity of water can be captured and stored in line with your authority's guidance on drought storage capacity. If this information cannot be provided, we would advise that any water savings associated with RwH should be removed from the water budget calculations.

Groundwater Abstraction Borehole

The submitted information confirms that the proposed borehole is not hydrogeologically connected to the Wealden Greensand Semi-Confined aquifer, or impacted features of the Arun Valley designated sites. We are therefore satisfied that an adverse effect on the integrity of the Arun Valley sites can be ruled out. We do however advise that the monitoring, management and maintenance of the proposed borehole is secured in perpetuity.

Notwithstanding the above, we note that the proposed borehole can abstract "in excess of" 17.2m³ of water per day. However, given the ongoing uncertainty as to how much water can be delivered via RwH and, therefore, how much water would actually need to be provided via the borehole, we would therefore reiterate that the actual predicted demand – taking into account any other sources of water, such as RwH – should be accurately calculated in order to understand how much water needs to be abstracted on a daily basis.

Should it transpire that, following a thorough assessment of the development's future water demand, that an abstraction of more than 20m³ per day is required, we would highlight that an abstraction licence from the Environment Agency (EA) would be required.

Natural England previously advised (our ref: 489615, dated 21 October 2024) that the proposed approach to supplying potable water to the development via a groundwater abstraction borehole was not suitable to be accepted at the appropriate assessment stage of a HRA. Primarily this was because there was uncertainty about whether the development will still be served by the mains

water supply or not, and how any abstracted groundwater would be treated and then supplied to the development. Natural England is satisfied that, in the updated Water Neutrality Assessment (dated October 2024), the applicant has clarified that the proposed development will not be served by the mains water supply and the abstracted groundwater will be treated by a private on-site treatment plant.

We advise that your authority should be satisfied that any water intended for potable use can be treated in accordance with Private Water Supplies (England) Regulations 2016, as amended. As competent authority, it is your responsibility to ensure that you are satisfied that the water supplied by the borehole can be treated appropriately in order to avoid a reliance upon the mains water supply. We would advise that your authority will need to secure the management, maintenance and monitoring of the private water supply, in perpetuity.

Final Comments

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

If you have any queries relating to the advice in this letter please contact me

Please consult us again once the information requested above has been provided.

Yours faithfully,

Eleanor Curran
Sustainable Development Officer
Sussex and Kent

Annex A –Natural England general advice

Protected Landscapes

Paragraph 182 of the [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework) (NPPF) requires great weight to be given to conserving and enhancing landscape and scenic beauty within Areas of Outstanding Natural Beauty (known as National Landscapes), National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering relevant development proposals. Section 245 of the [Levelling-up and Regeneration Act 2023 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2023/1/section/245) places a duty on relevant authorities (including local planning authorities) to seek to further the statutory purposes of a National Park, the Broads or an Area of Outstanding Natural Beauty in England in exercising their functions. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The local planning authority should carefully consider any impacts on the statutory purposes of protected landscapes and their settings in line with the NPPF, relevant development plan policies and the Section 245 duty. The relevant National Landscape Partnership or Conservation Board may be able to offer advice on the impacts of the proposal on the natural beauty of the area and the aims and objectives of the statutory management plan, as well as environmental enhancement opportunities. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to development and its capacity to accommodate proposed development.

Wider landscapes

Paragraph 180 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape and Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Guidelines for Landscape and Visual Impact Assessment \(GLVIA3\) - Landscape Institute](https://www.landscapeinstitute.org/guidelines-for-landscape-and-visual-impact-assessment-glvia3/) for further guidance.

Biodiversity duty

Section 40 of the [Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/14/section/40) places a duty on the local planning authority to conserve and enhance biodiversity as part of its decision making. We refer you to the [Complying with the biodiversity duty - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/complying-with-the-biodiversity-duty) for further information.

Designated nature conservation sites

Paragraphs 186-188 of the NPPF set out the principles for determining applications impacting on Sites of Special Scientific Interest (SSSI) and habitats sites. Both the direct and indirect impacts of the development should be considered. A Habitats Regulations Assessment is needed where there is a likely significant effect on a habitats site and Natural England must be consulted on 'appropriate assessments'. We refer you to [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/appropriate-assessment) for more information. Natural England must also be consulted where development is in or likely to affect a SSSI and provides advice on potential impacts on SSSIs either via the [SSSI Impact Risk Zones \(England\) \(arcgis.com\)](https://arcgis.com) or as standard or bespoke consultation responses.

Protected Species

Natural England has produced [Protected species and development: advice for local planning authorities \(gov.uk\)](https://www.gov.uk/government/guidance/protected-species-and-development-advice-for-local-planning-authorities) (standing advice) to help planning authorities understand the impact of particular developments on protected species. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances. A protected species licence may be required in certain cases. We refer you to [Wildlife licences: when you need to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/wildlife-licences-when-you-need-to-apply) for more information.

Annex A –Natural England general advice

Local sites and priority habitats and species

The local planning authority should consider the impacts of the proposed development on any local wildlife or geodiversity site, in line with paragraphs 180, 181 and 185 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity to help nature's recovery. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies. Emerging [Local nature recovery strategies - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/local-nature-recovery-strategies) may also provide further useful information.

Priority habitats and species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest on the Magic website or as Local Wildlife Sites. We refer you to [Habitats and species of principal importance in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england) for a list of priority habitats and species in England.

Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. We refer you to the [Brownfield Hub - Buglife](https://www.gov.uk/government/publications/brownfield-hub-buglife) for more information and Natural England's [Open Mosaic Habitat \(Draft\) - data.gov.uk](https://data.gov.uk/dataset/open-mosaic-habitat-inventory) (Open Mosaic Habitat inventory), which can be used as the starting point for detailed brownfield land assessments.

Biodiversity and wider environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. Major development (defined in the [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/101311/nppf-glossary) glossary) is required by law to deliver a biodiversity gain of at least 10% from 12 February 2024 and this requirement is expected to be extended to smaller scale development in spring 2024. For nationally significant infrastructure projects (NSIPs), it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

For further information on the timetable for mandatory biodiversity net gain, we refer you to [Biodiversity Net Gain moves step closer with timetable set out - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain-moves-step-closer-with-timetable-set-out). [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain) provides more information on biodiversity net gain and includes a link to the draft [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-net-gain) Planning Practice Guidance.

The statutory biodiversity metric should be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. We refer you to [Calculate biodiversity value with the statutory biodiversity metric - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/calculate-biodiversity-value-with-the-statutory-biodiversity-metric) for more information. For small development sites, [The Small Sites Metric - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-small-sites-metric-jp040) may be used. This is a simplified version of the statutory biodiversity metric and is designed for use where certain criteria are met.

The mitigation hierarchy as set out in paragraph 186 of the NPPF should be followed to firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of new buildings such as swift or bat boxes or designing lighting to encourage wildlife.

[The Environmental Benefits from Nature Tool - Beta Test Version - JP038 \(naturalengland.org.uk\)](https://naturalengland.org.uk/the-environmental-benefits-from-nature-tool-beta-test-version-jp038) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the statutory biodiversity metric.

[Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/natural-environment) provides further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain.

Annex A –Natural England general advice

Ancient woodland, ancient and veteran trees

The local planning authority should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 186 of the NPPF. The [Natural England Access to Evidence - Ancient woodlands Map](#) can help to identify ancient woodland. Natural England and the Forestry Commission have produced [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK \(www.gov.uk\)](#) (standing advice) for planning authorities. It should be considered when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 180 and 181). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in the [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](#). [Find open data - data.gov.uk](#) on Agricultural Land Classification or use the information available on [MAGIC \(defra.gov.uk\)](#).

The Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites \(publishing.service.gov.uk\)](#) provides guidance on soil protection, and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling, we refer you to [Reclaim minerals extraction and landfill sites to agriculture - GOV.UK \(www.gov.uk\)](#), which provides guidance on soil protection for site restoration and aftercare. The [Soils Guidance \(quarrying.org\)](#) provides detailed guidance on soil handling for mineral sites.

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Green Infrastructure

For evidence-based advice and tools on how to design, deliver and manage green and blue infrastructure (GI) we refer you to [Green Infrastructure Home \(naturalengland.org.uk\)](#) (the Green Infrastructure Framework). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the 15 [GI How Principles \(naturalengland.org.uk\)](#). The GI Standards can be used to inform the quality, quantity and type of GI to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority GI strategies should be delivered where appropriate.

The [Green Infrastructure Map \(naturalengland.org.uk\)](#) and [GI Mapping Analysis \(naturalengland.org.uk\)](#) are GI mapping resources that can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths, together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 104 and 180 of the NPPF highlight the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal

Annex A –Natural England general advice

access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. We refer you to [Find your perfect trail, and discover the land of myths and legend - National Trails](#) for information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Further information is set out in the Planning Practice Guidance on the [Natural environment - GOV.UK \(www.gov.uk\)](#).