Horsham District Council

Mr James Nicol
Clearstone Energy Ltd
8 Devonshire Square
London
EC2M4PL

Land To The South of Hartsgravel Wood Shipley Road Southwater West Sussex
Proposed construction, operation and maintenance of a Battery Storage Energy System (BESS) with associated Infrastructure and works including highway access, landscaping and bio-diversity enhancements.

Your application DC/24/1289 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions
Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Biodiversity Net Gain Condition
Please note the requirement within the Environment Act 2021 for development to deliver a minimum of 10% net gain in biodiversity may be applicable to your development. In the event your development is required to achieve a minimum 10% net gain in biodiversity then a Biodiversity Net Gain Condition (separate to the main list of conditions) will appear on your decision notice requiring the submission of a Biodiversity Gain Plan for approval prior to development commencing.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)
If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,
Development Management

Horsham District Council

Mr James Nicol
Clearstone Energy Ltd
8 Devonshire Square
London
EC2M4PL

Application Number: DC/24/1289

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of:

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Proposed construction, operation and maintenance of a Battery Storage Energy System (BESS) with associated Infrastructure and works including highway access, landscaping and bio-diversity enhancements.

Land To The South of Hartsgravel Wood Shipley Road Southwater West Sussex

to be carried out in accordance with Application No. DC/24/1289 submitted to the Council on 17/09/2024 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 28/03/2025

1 **Plans Condition**: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

SCHEDULE OF PLANS/DOCUMENTS

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Groundworks Preliminary Risk Assessment Part 1	R013	23.08.2024
Supporting Statement	Groundworks Preliminary Risk Assessment Part 2	GS-FMS-W8I-JQV-CQJ	23.08.2024
Supporting Statement	Groundworks Preliminary Risk Assessment Part 3	GS-FMS-W8I-JQV-CQJ	23.08.2024
Supporting Statement	Groundworks Indicative Isopachyte Cross Sections	R0014a	23.08.2024
Supporting Statement	Agricultural Land Classification	R0014	23.08.2024

Supporting Statement	Habitat Management and Monitoring Plan	R0015	23.08.2024
Plans	Swept Path Analysis Of A 16.5m Articulated HGV	SK01 REV D	23.08.2024
Plans	Swept Path Analysis Of A 2.55m Wide Fire Appliance Using Internal Access Tracks	SP03 REV A	23.08.2024
Plans	Sensitive Receptors Plan	DGP18 REV 02	23.08.2024
Plans	Swept Path Analysis Of A 2.55m Wide Fire Appliance Using Emergency Access	SP02 REV A	23.08.2024
Plans	Perimeter fence	DGP10.0 REV 03	23.08.2024
Location plan		DGP1.0 REV 06	23.08.2024
Site plan	Indicative	DGP4.0 REV 20	23.09.2024
Location plan	Existing	DGP2.0 REV 06	23.08.2024
Layout plan	Development Zone	DGP3.0 REV 14	23.08.2024
Layout plan	NFCC Compliance	DGP5.0 REV 15	23.08.2024
Plans	Battery	DGP6.0 REV 05	23.08.2024
Plans	Container	DGP7.0 REV 04	23.08.2024
Plans	MV Skid	DGP8.0 REV 04	23.08.2024
Plans	Inverter	DGP9.0 REV 04	23.08.2024
Plans	CCTV column	DGP11.0 REV 03	23.08.2024
Elevation & Floor plan	Substation	DGP12.0 REV 03	23.08.2024
Plans	Proposed Water tank	DGP13.0 REV 05	23.08.2024
Plans	Internal Access Road	DGP14.0 REV 03	23.08.2024
Plans	Panel	DGP15.0 REV 04	23.08.2024
Elevation & Floor plan	Switchroom	DGP16.0 REV 03	23.08.2024
Plans	Water Hydrant	DGP17.0 REV 03	23.08.2024
Layout plan	Landscape and Ecology Mitigation and Enhancement Strategy	1328/6	23.08.2024
Design & Access Statement		none	23.08.2024
Supporting Statement	Outline Construction Traffic Management Plan	2302-011/CTMP/01 REV B	23.08.2024
Supporting Statement	Transport Statement Figures	02-011/CTMP/01	23.08.2024
Supporting Statement	Transport Statement and Outline Construction Traffic Management Plan	2302-011/TS/01 REV B	23.08.2024
Supporting Statement	Landscape and Visual Impact Assessment	1328	23.08.2024
Supporting Statement	LVIA Context Plan	1328 Appendix 3	23.08.2024
Supporting Statement	LVIA Context Plan	1328 Appendix 3	23.08.2024
Supporting Statement	LVIA Viewpoint Summer Part 1	1328 Appendix 3	23.08.2024

Supporting Statement	LVIA Viewpoint Summer Part 2	1328 Appendix 3	23.08.2024
Supporting Statement	LVIA Viewpoint Winter Part 1	1328 Appendix 3	23.08.2024
Supporting Statement	LVIA Viewpoint Winter Part 1b	1328 Appendix 3	23.08.2024
Supporting Statement	LVIA Viewpoint Winter Part 2	1328 Appendix 3	23.08.2024
Supporting Statement	Wirelines of Development Zone Parameter 1	1328	23.08.2024
Supporting Statement	Wirelines of Development Zone Parameter 2	1328	23.08.2024
Supporting Statement	Ecological Impact Assessment	P23-129	23.08.2024
Supporting Statement	Historic Environment Desk Based Assessment	277050.03	23.08.2024
Supporting Statement	Noise Impact Assessment	R009	23.08.2024
Supporting Statement	Consultation Approach	Appendices 1-10	23.08.2024
Supporting Statement	Consultation Approach	Appendices 10-21	23.08.2024
Supporting Statement	Statement of Community Involvement	R010	23.08.2024
Supporting Statement	Arboricultural Impact Assessment	R0011	23.08.2024
Supporting Statement	Site Safety Report	R012	23.08.2024
Supporting Statement	Battery Safety Standards Report	R012a	23.08.2024

Reason: For the avoidance of doubt and in the interest of proper planning.

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of five 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**: No development shall take place, including any works of demolition, until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority, in consultation with WSCC Highways. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

All construction activities shall thereafter be carried out in accordance with the details and measures approved.

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**: Notwithstanding the submitted plans, no development shall begin until the following details have been submitted to and approved in writing by the Local Planning Authority:

a) Final layout of the Development Zone shown on drawing ref: DGP3.0 Rev 14 Development Zone Plan showing all internal roads and hardstanding, locations of batter containers and all associated infrastructure including transformers, inverters, switchroom, hydrants and water storage and any other ancillary buildings, containers and equipment, all enclosures and fencing and locations of CCTV cameras.
b) Details, including elevations, materials, colour and finish, of the battery containers and associated infrastructure listed in (a) above.
c) Types and total number of batteries and types of containers.
d) Full details of security measures including CCTV systems.

All development shall thereafter be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

5 **Pre-Commencement Condition**: No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Pre-Commencement Condition**: No development shall commence, including ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall refer to all trees on the site shown for retention on approved drawing number BHA_5552_02 Tree Retention and Removal Plan, as well as those off-site whose root protection areas ingress into the site, and that they will be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012). The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Pre-Commencement Condition**: No development shall commence until a lighting design scheme for biodiversity and in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obtrusive light has been submitted to and approved in

writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, schedule of luminaires, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: As these matters are fundamental to safeguard the residential amenity, ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

8 **Pre-Commencement Condition**: Prior to the commencement of development, construction drawings of the surface water drainage network including the connection to the watercourse, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, method statement, Flood Risk Assessment and Drainage Strategy by RMA Environmental, 2nd September 2024 and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Planning Authority.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

9 **Pre-Commencement Condition**: The development hereby approved shall not commence until a Construction and 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. A named person for residents to contact;
ii. Detailed Site logistics arrangements;
iii. Details regarding parking, deliveries, and storage;
iv. Details regarding dust mitigation measures to be deployed;
v. Details of other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;

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 the interests of road safety and visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

10 **Pre-Commencement Condition**: Notwithstanding the details hereby approved, no earlier than 6 months prior to the anticipated commencement of development, an updated Battery Safety Standards Report and an updated Site Safety Report / Fire Safety Report in

accordance with the latest safety standards shall be submitted and approved in writing by the Local Planning Authority.

Reason: To accord with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

11 **Pre-Commencement (Slab Level) Condition**: No development above slab level of any part of the development hereby permitted shall take place until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (BSG Ecology, November 2024) shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

12 **Pre-Operation Condition**: Prior to first operation of the development hereby permitted, the water tank shall be filled with water sourced from outside the Sussex North Water Supply Zone by a bulk water carrier and ready for use in accordance with drawing ref: DGP5.0 Rev 15 NFCC Compliance Plan.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015) and 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), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

13 **Pre-Operation Condition**: The installation of all fixed mechanical equipment and building services plant hereby approved shall be undertaken in accordance with the submitted details and specifications as detailed in the Inacoustic Ltd Noise Assessment for Planning Application report dated 8th August 2024, reference Project No 23-064. Prior to first operation, a post installation letter report, including suitable measurements of noise below 250Hz, confirming compliance with the standards approved shall be submitted by a suitably qualified person and approved in writing by the local planning authority. Any additional steps required to mitigate the noise impact shall be identified and implemented within 3 months of first occupation. The approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.

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

14 **Pre-Operation Condition**: Before first operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E1 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01-21. The validation report shall be submitted to and approved by the local planning authority and the approved details and attenuation measures shall be permanently retained and maintained in working order for the duration of the use and their operation.

Reason: As these matters are fundamental to safeguard the residential amenity, ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

15 **Pre-Occupation Condition**: Prior to the first operation of any part of the development hereby permitted, details of soft landscaping works to include Planting schedule specifying plant numbers, sizes and species in Latin names, shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first operation of any part of the development.

Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16 **Pre-Occupation Condition**: The development hereby approved shall not be first operated until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

i. a timetable for its implementation;
ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect; and
iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

17 **Pre-Occupation Condition**: Upon completion of the surface water drainage system, including any SuDS features, and prior to the first operation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

18 **Regulatory Condition**: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (BSG Ecology, November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Non-licensed Precautionary Method Statement for Hazel Dormouse in Appendix 6 and the Precautionary Method Statement for reptiles in Appendix 5 of the Ecological Impact Assessment (BSG Ecology, November 2024). This avoids impacts on European Protected Species and protected species. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended) and Policy 31 of the Horsham Development Framework.

19 **Regulatory Condition**: All site access shall be by the proposed site access off Shipley Road as shown hatched blue on the drawing ref: DGP3.0 Rev 14 Development Zone Plan. The emergency access shown hatched red on the approved Development Zone Plan shall be used in emergencies only.

As this matter is fundamental in the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

20 **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).

21 **Regulatory Condition**: The development hereby permitted shall be removed and the land shall be restored to its former condition on or before on or before 40 years from the date of this permission in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: The proposed development is not considered satisfactory as a permanent measure in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant
NOTE TO APPLICANT
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk)

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

NOTE TO APPLICANT
The Biodiversity Gain Plan shall be accompanied by an updated BNG metric. The updated BNG metric shall include habitats on the habitat creation tab of the metric (modified grassland and mixed scrub) amended to a medium strategic significance.

NOTE TO APPLICANT
Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

NOTE TO APPLICANT
For plant stock used in proximity to Ancient Woodland, please ensure only locally sourced planting stock is used from suppliers of accredited UK Sourced and Grown stock, in accordance with Woodland Trust guidance. Supplier information must be made available upon request.

NOTE TO APPLICANT
The applicant is advised to engage with the area highway office manager in advance of the updated CTMP submission.

NOTE TO APPLICANT
The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

NOTE TO APPLICANT
A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by the relevant local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.
C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.
D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
H. Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.
I. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.
J. Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.
K. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.
L. Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 6 weeks is needed to consider an application.
M. Where it will be necessary to permanently divert or extinguish a path 'to enable development to take place' by means of a Public Path Order (PPO) (most often under Town & Country Planning Act 1990 s257), to be applied for by the developer through the Local Planning Authority prior to development, WSCC PROW Team is not able to grant a temporary path closure as a precursor to a PPO. In such circumstance, WSCC PROW Team will only consider an application for a temporary path closure once the Local Planning Authority has made and confirmed a PPO.
N. Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.
O. If the development proposes shared use of a PROW with vehicles (and / or introduces a vehicle crossing point of a PROW), which may increase the risk of accident or injury to a PROW user, then

the applicant is encouraged to introduce signage to advise vehicle drivers of the hazard and to act responsibly.

Note to Applicant
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos
If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Amendments
Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring
Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning

applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.