Appendix 1

Screening Opinion

Horsham District Council

Jonathan Chick
707 The Programme Building
7th and 8th Floor
1 All Saints Street
Bristol BS1 2LZ

Our ref:	EIA/24/0004
Your ref:	40445
Please ask for:	Jason Hawkes
Email:	Jason.hawkes@horsham.gov.uk
Contact Tel:	01403 215162
Date:	20 September 2024

Dear Mr Chick,

Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Land to the East of Charlwood Drive, Henfield

I refer to your request that the Council provide a formal Screening Opinion to determine whether an Environmental Impact Assessment (EIA) is required in respect of the forthcoming planning application for approximately 200 dwellings with associated landscaping and public open space. Vehicular and pedestrian access to be provided from Charlwood Drive to the west of the Site.

Following a review of the information provided, this Council consider the proposals to fall under Schedule 2 of the EIA Regulations, item 10b (Urban Development Projects). The proposal exceeds the criteria outlined in Schedule 2 of the Regulations, and is therefore necessary to consider whether the development would be likely to have significant effects on the environment. In making this assessment the Council has taken into account Schedule 3 of the EIA regulations paying attention to the development characteristics, location and nature of the impacts. The results of this assessment are included with this letter for information. When forming this Screening Opinion, the Council has drawn on information set out in the Screening Request and other available guidance.

On balance, it is considered that the overall scale and nature of the impacts that would arise from the scheme do not require an EIA, and that the environmental issues arising from the development can be dealt with as part of the usual planning application process.

I confirm that this letter forms Horsham District Council's formal screening opinion and will be placed on the public register.

Yours sincerely,

Jason Hawkes
Principal Planning Officer

Appendix 2

Decision Notice

Horsham District Council

Ms Sinead McKendry
Nexus Planning
Beacon Tower
Colston Street
Bristol
BS1 5AQ

Application Number: DC/24/1932

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

On behalf of: Croudace Homes

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Outline Application for development comprising up to 191 dwellings with open space, landscaping and associated infrastructure (all matters reserved except for access). New vehicle access from Charlwood Drive.

Land East of Charlwood Drive, Henfield, West Sussex

as shown on Plan and Application Number DC/24/1932 submitted to the Council on 12/12/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The proposed development is located beyond a defined built-up area boundary, involving a site not allocated for development within the Horsham District Planning Framework (2015) or the Henfield Neighbourhood Plan (2017-2031). The proposed development, further, is not considered to represent an essential form of development to a countryside location, with the proposed development deemed contrary to the overarching spatial strategy of the development plan outlined at Policies 2 and 4 of the Horsham District Planning Framework (2015) and countryside protection policy contained within Policy 26 of the Horsham District Planning Framework (2015). The scheme is also contrary to the Henfield Neighbourhood Plan (Policy 1: A Spatial Plan for the Parish) in that it results in a development beyond the built area boundary and does not conform with the Horsham District Planning Framework. Notwithstanding the absence of a five-year land housing supply and the provisions of the National Planning Policy Framework, there are deemed to be no material considerations which would outweigh conflict with the above development plan policies in these regards.

2 Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework, its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3 The statutory Biodiversity Net Gain metric and Assessment have not been satisfactorily completed such as to provide an accurate understanding of the existing habitats baseline of the application site. It cannot, therefore, be concluded that the development proposals would

prove capable of discharging the statutory Biodiversity Net Gain condition in conflict with Paragraph 009 of the relevant Planning Practice Guidance document.

4 The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the units required to be provided as affordable housing units or other obligations required to make the development acceptable. The proposal is therefore contrary to Policies 16, 31 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

Schedule of plans/documents

Plan Type	Description	Drawing Number	Received Date
Plans	Proposed Primary and Emergency Site Access Arrangements	106205-PEF-XX-XX-D-H-000004 REV P03	14.04.2025
Plans	Parameters Plan	PL-03 REV D	14.04.2025
Plans	Illustrative Masterplan	PL-04 REV D	29.04.2025
Location plan		PL-01 REV B	12.12.2024
Location plan		PL-01 REV D	12.12.2024
Plans	Site Access Arrangement	106205-PEF-XX-XX-D-H-000002 REV P03	14.04.2025
Plans	Refuse Vehicle	106205-PEF-XX-XX-D-H-000006 REV P03	14.04.2025
Plans	Site Access Arrangements	106205-PEF-XX-XX-D-H-000004 REV P03	14.04.2025
Plans	Fire Tender	106205-PEF-XX-XX-D-H-000005 REV P01	12.12.2025

Community Infrastructure Levy (CIL)
Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk

CIL is a mandatory financial charge on development. In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

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.



Emma Parkes
Head of Development and Building Control

Date: 22/05/2025

ADDITIONAL INFORMATION

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.

Appendix 3

Heads of Terms

Croudace Homes

Heads of Terms in respect of

The Development of Land East of Charlwood Drive, Henfield, West Sussex for Outline Application for development comprising up to 191 dwellings (application ref. DC/24/1932)

1.	Property:	Land East of Charlwood Drive, Henfield, West Sussex
2.	Local Authority / Council:	Horsham District Council Albery House Springfield Road Horsham West Sussex RH12 2GB
3.	County Council:	West Sussex County Council
4.	Developer:	Croudace Homes Limited Croudace House Tupwood Lane Caterham Surrey CR3 6XQ FAO Sam Oliver T: [redacted] E: [redacted]
5.	Developer's Solicitor:	Caroline Bailey Group Legal Director Croudace Homes Caroline Bailey [redacted]
6.	Local Authority's Solicitor:	Daniela Smith Planning Lawyer Horsham District Council [redacted]
7.	County council's Solicitor:	[TBC]

8.	Planning Application:	DC/24/1932
9.	Affordable Housing	Croudace Homes shall provide **45**% affordable housing (up to 86 affordable homes) with the following tenure mix: Affordable Rented – up to 60 dwellings (70%) Shared Ownership – up to 26 dwellings (30%)
10.	Affordable Housing timing	40% of Affordable Housing to be constructed for occupation prior to 50% of Open Market Housing
11.	Affordable Housing Cascade	If Croudace Homes has used reasonable endeavours to secure contracts for the sale or other disposal of the Affordable Housing to an Affordable Housing Provider for a period of at least x months but has been unable to do so it shall notify the Council in writing to that effect such notice to include evidence of the reasonable endeavours so used. Where is agreed that the Developer has complied and shown reasonable endeavours to secure contracts of sale for the Affordable Housing without a successful sale, the Developer will be liable to pay the Affordable Housing Contribution. After the Council have confirmed receipt of the Affordable Housing Contribution, the Developer may then dispose of the relevant Affordable Housing Dwelling(s) to which the contribution relates as Open Market Dwelling(s).
12.	Biodiversity Net Gain	Croudace Homes will deliver a [1.57%] Net Gain by way of on-site habitat area improvements, and a [11.62%] net gain to hedgerow units on site. Any shortfall in the Net Gain will be secured by off-site credits. Maintenance and monitoring to be secured for a period of 30 years.
13.	Open Space	Prior to the occupation of 75% of homes on the site, all Open Space shall be completed. All open space on site shall be handed to a management company who will be responsible for long term management of the site, with financial contributions from residents towards the management.
14.	SuDS	All on site SuDS shall be handed to a management company who will be responsible for long term management of the features, with financial contributions from residents towards the management.

15.	Financial Contributions	**Travel Plan Monitoring Fee.** £xxxx payable to the County Council for monitoring the delivery and performance of a qualifying trigger. **Air Quality Financial Contribution** towards mitigation measures – [£TBC]
17.	Highways Works	No dwelling shall be first occupied until detailed schemes of highway improvements and a timetable for their provision have been agreed with WSCC comprising: • Parking improvements on Wantley Hill as indicatively shown on drawing titled 'Proposed Layby Parking Improvements' and numbered 106205-PEF[1]XX-XX-D-H-000003 • Improved pedestrian dropped crossings at locations identified within the document titled 'Multimodal Environment Study' and numbered 106205- PEF-XX-XX-T-RP-H-000011, dated February 2025
18.	Travel Plan	Requirement to implement the Travel Plan (as submitted / approved) prior to Occupation of the Development.
19.	Legal Costs	The Developer will cover both Parties' legal fees subject to prior agreement of fee quotes before they are incurred.
20.	Payment and Return of Unexpended Contributions	Provision shall be included that all financial contributions paid pursuant to the s106 agreement shall be refunded if not spent within 5 years of payment. Where a trigger for a financial payment is on or prior to a specified event, such financial payment may be paid at any time prior to such event.
21.	Liability Exclusions	The Section 106 Agreement shall contain: reasonable liability exclusions in favour of: (i) those who have parted with their interest in the Site (or the part to which the breach relates); (ii) the purchasers of individual dwellings (and their mortgagees); and (iii) statutory authorities and service companies; and a mortgagee protection clause in or substantially in the form of Property Finance Working Group example which is available on the National Housing Federation website (https://www.housing.org.uk/resources/example-standard-mortgagee-protection-clause/)
22.	Reasonableness	The Section 106 Agreement shall include an obligation on all parties to act reasonably (whether in connection with the approval of documentation, confirmation that required actions have been taken or otherwise) save where there is an express reference to a matter being within a given party's absolute or sole discretion.

23.	S73 Clause	The Section 106 Agreement shall include the standard provision tying any future permission(s) granted pursuant to section 73 of the Town and Country Planning Act 1990 with respect to the original permission to the Section 106 Agreement without the need for a deed of variation or supplementary agreement, though discretion will be given to the Councils to insist on the completion of a deed of variation if required.
24.	Index Linking	in relation to the Council the 'All Items' Index figure of the Index of Retail Prices published by the Office for National Statistics or any successor government office, ministry or department; in relation to the County Council such increase to sums payable to the County Council by an amount equal to the proportionate increase in the All In Tender Price Index published by the Building Costs Information Service of the Royal Institute of Chartered Surveyors between the date of the permission and the date that payment of the relevant contribution is due to the County Council;

……	……
(Signed)	(Signed)
……	……
(Print Name)	(Print Name)
For and on behalf of Horsham District Council	For and on behalf of Croudace Homes Limited

Appendix 4

Pre Application Covering Letter

Jason Hawkes
Horsham District Council
Parkside
Chart Way
Horsham
RH12 1RL

Bristol
Nexus Planning
Beacon Tower
Colston Street
Bristol BS1 4UX

nexusplanning.co.uk

11th September 2024

Our Ref: 40445

Your Ref: PE/24/0141

Dear Jason

Land to the East of Charlwood Drive, Henfield – Pre-Application Advice Request PE/24/0141

On behalf of my client, Croudace Homes ("the Applicant"), please find enclosed further information to support a pre-application submission in respect of a proposal for residential development at Land to the East of Charlwood Drive, Henfield (herein, ''the Site'').

The pre-application advice request was registered by Horsham District Council (herein, ''HDC'') on 15th July under reference PE/24/0141.

Submission

The pre-application submission comprises this covering letter and the following accompanying plans and documents:

- Site Location Plan
- Initial Concept Plan
- Transport Technical Note
- Drainage Technical Note
- Landscape and Visual Evidence and Appraisal
- Ecology Technical Note

The Site

The Site is approximately 8.60 hectares and comprises a parcel of agricultural land with mature tree belts and hedgerow boundaries. It is sustainably located on the eastern edge of the built-up area boundary of Henfield, adjacent to an existing development comprising of 102 dwellings (outline planning permission ref: DC/13/1266, reserved matters approval ref: DC/15/02680).

Registered office: Holmes House, 4 Pear Place, London, SE1 8BT Certified to ISO 9001 **Nexus Planning Limited** Registered in England N° 08491440

Henfield is identified as a Tier 2 settlement (small towns and large villages) by the adopted Horsham District Planning Framework (adopted November 2015)[1] and it is also identified as a Tier 2 settlement within the Regulation 19 draft of the emerging Horsham District Local Plan 2023-2040 (document dated January 2024). Henfield has a range of services and facilities, including shops, primary schools, a leisure centre, doctor's surgery and a reasonable bus service. The Site is in a sustainable location in close proximity to existing services on the High Street (London Road) including access to local bus services which serve a number of routes, including regular services to Brighton, Horsham, Shoreham and Worthing. St Peter's C of E primary school and access to recreational space are all within reasonable walking distance.

The Site is not subject to any landscape or ecological designations and is located entirely within Flood Zone 1. The EA Flood Map identifies a small area of land identified at risk of surface water flooding on the eastern boundary of the site. The Site is not within a Conservation Area and does not contain any listed buildings. Listed buildings in the vicinity of the Site are separated from its boundaries by existing built form.

Horsham District lies within Southern Water's Sussex North Water Resource Zone (WRZ). Based on mapping showing the extent of Mineral Safeguarding Areas (MSAs) in Appendix E of the West Sussex Joint Minerals Local Plan[2], the northern part of the Site lies within the Brick Clay (Weald Clay) MSA, and the southwestern corner lies within or near to the MSA for soft sand.

The Regulation 18 Site Assessment Report (February 2020) assessed a wider area that included land comprising the Site and land to the east[3]. It concluded that the overall site would have 'favourable impacts' and that the western half of the western field is suitable for development. The Regulation 18 draft Local Plan Review consultation document (March 2020) included a Policies Map for Henfield[4], which identified the Site (along with the parcel further east) as a 'Smaller Sites Potential Housing Allocation' for 155 dwellings (Site Reference: SA005).

Planning Policy Context

Development Plan

The Development Plan for the Site comprises:

- The Horsham District Planning Framework (''HDBF'') adopted in November 2015;
- The Henfield Neighbourhood Plan (''NDP'') made on 24 June 2021

The HDBF (November 2015) sets out the vision, objectives and strategy for the district. Policy 15 sets a housing requirement of at least 16,000 homes between the period 2011-2031, at an average of 800 homes per annum. As such, the housing requirement has not been updated in nearly 8 years and is now significantly out-of-date, in accordance with the requirements of the National Planning Policy Framework (herein, ''the Framework'') – namely paragraph 33.

The Henfield NDP (June 2021) compliments the HDBF and includes specific policy proposals for the Parish area.

[1] Policy 3

[2] Adopted July 2018 and partial review adopted March 2021

[3] Land North of Furners Lane (SHELAA Ref SA005

[4] Map 8

Emerging Local Plan Review

The Council is in the process of preparing a new local plan to replace the HDBF to meet future needs between 2023 and 2040.

HDC initially undertook an Issues and Options Consultation on the Plan in April 2018 followed by a Preferred Options Regulation 18 consultation in March 2020. The Council's original intention was to undertake a Regulation 19 consultation in October 2021. However, this was postponed due to publication of a new Framework and then the process was delayed due to water neutrality issues and the publication of a further draft Framework. The Regulation 19 consultation finally took place between January and March 2024.

The Regulation 19 version of the Local Plan Review (January 2024) includes provision for at least 13,212 dwellings between 2023 and 2040. It also includes a stepped housing trajectory equating to an average of 777 dwellings per annum (dpa), which is lower than the 1,100dpa figure put forward in a previous version of the Regulation 19 considered at HDC's Cabinet Committee meeting in July 2021 (which included unmet needs from adjoining authorities) and below the 911dpa required under the standard method.

As set out above, notably the Regulation 18 draft Local Plan Review consultation document (March 2020) included a Policies Map for Henfield (map 8), which identified the Site as a 'Smaller Sites Potential Housing Allocation' for 155 dwellings across both parcels (Site Reference: SA005), along with other potential site allocations beyond the existing built-up limits of Henfield. However, the proposed allocation of the Site was not taken forward any further than this (nor were any of the potential allocations at Henfield).

The Horsham District Local Plan 2023 - 2040 was formally submitted to the Planning Inspectorate on Friday 26 July 2024. The anticipated adoption is in May 2025.

Housing delivery and supply

Horsham's Housing Delivery Test result was 147% against its target in 2021. However, this dropped to 98% in 2022.

According to HDC's latest position statement, issued in January 2024, the Council is currently only able to demonstrate a 2.9-year housing land supply. The recent Broadbridge Heath appeal decision[5] issued on 7 March 2024 confirmed the position to be a 3-years supply, based on an agreed position between the Council and the Appellant.

In terms of affordable housing delivery, in 2022/23 only 50 net affordable dwellings were completed, just 12.6% of total completions (426 dwellings)[6]. In previous years, affordable housing delivery has not exceeded 22.6% of total delivery, significantly short of the 35% policy target.

[5] APP/Z3825/W/23/3321658

[6] Horsham Authority Monitoring Report 2022/2033

Emerging Proposals

The Proposed Development will comprise around 170 dwellings including affordable homes and self-build housing with associated landscaping and public open space.

It is anticipated that the Proposed Development will be submitted as a full application.

An initial Concept Plan has been prepared which provides an indication of how development could come forward on the Site.

The layout locates the development parcels on the western and southern portion of the site, next to the adjacent residential development. Public open space is provided in the north-eastern portion of the Site, to minimise impact on the open countryside beyond. An attention basin is located within this open space

Green infrastructure corridors are provided around the perimeter of the Site, creating a set-back for the dwellings along the western edge next to the adjacent residential development. Hedgerows and trees along the southern, western, and eastern boundaries and in the north-eastern corner will be retained.

The main vehicle access will be via Charlwood Drive, to the north-western of the Site. Pedestrian and cycle links will also utilise this access point. A potential emergency access point is located in the south-western corner of the Site, from Kingsley Square in the adjacent residential development.

The layout ensures that the Site's development potential is optimised whilst creating an attractive residential environment, providing the necessary infrastructure (e.g., sustainable drainage systems) and appropriately addressing the Site's constraints.

Overall, at this stage, the emerging proposals for the Site are as follows:

- Around 170 dwellings, 45% of which will be affordable homes in accordance with emerging Strategic Policy 39;
- Self-build housing plots for people who want to construct a home themselves;
- A range of housing tenures and types;
- Vehicular, pedestrian and cycle access from Charlwood Drive.
- Maximising opportunities for non-car modes of travel and linkages to the adjoining developments to the west;
- Car and cycle parking, with electric car charging facilities, for each property.
- Green infrastructure and open space; and
- Delivery of on-site net gain in biodiversity above policy requirements.

Planning Assessment

To assist the consideration of this pre-application, a summary of the Proposed Development against its key planning policy considerations is undertaken below.

Principle of Development

In broad terms the proposed development would help to meet Horsham's housing requirement of at least 16,000 dwellings between 2021 and 2031, set out in Policy 15 of the HDPF.

Furthermore, the Council have confirmed through the Broadbridge Heath appeal decision issued on 7 March 2024 that it can only currently demonstrate a housing land supply of 3 years.

The delivery of around 170 dwellings will help boost the supply of housing in the district and the Site is an appropriate location to focus new development in accordance with paragraph 109 of the Framework given that future residents will be able to meet their daily needs without being reliant upon the private car.

The Site is also sustainably located, in a Tier 2 settlement, which has a good range of services and facilities, strong community networks, local employment provision, and good bus services. It is in close proximity to Henfield high street and bus stops, which provide connections to the surrounding towns and Brighton.

Paragraph 11d) of the Framework states that where the policies that are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 14 of the Framework states that in situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made, and the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

Sustainable Transport and Active Travel

As set out above the Site is well-located, with access to nearby services and facilities in Henfield, including shops, services and community uses. The proposed access junction for the site is expected to be via Charlwood Drive to the north-west of the Site.

A Transport Assessment will be submitted as part of the application and will assess the impact of the additional vehicle movements generated by the Proposed Development on the existing highway network. A Framework Travel Plan will also be provided as part of the planning application to demonstrate how sustainable transport modes will be encouraged.

There are existing bus stops within a 5-minute walk to the south-west of the Site along London Road. These bus stops are served by three buses that provide links to the surrounding towns and Brighton. The buses operate throughout the day and with good frequency. It is a 30-minute bus journey to Brighton train station, which includes connections to Southampton, Eastbourne, London, and Cambridge. National cycle route 223 is just over 1km to the west of the Site, which offers cycle connections to Brighton and Guildford.

The Council's Regulation 18 Site Assessment Report (February 2020) concluded in relation to the Site that: *"the site is relatively well linked to existing services on the High Street. The primary school and access to recreational space are all within reasonable walking distance"*. The Site is therefore in a sustainable location and the proposed development would encourage future residents to use active and sustainable modes of travel and reduce reliance on private car journeys.

On this basis the proposed development would be in accordance with policies 40 (Sustainable Transport) and 41 (Parking) of the HDFP; policy 4 (Transport, Access and Car Parking) of the NDP; and policy 24 (Sustainable Transport) and 25 (Parking) of the emerging Local Plan.

Further information is set out in the Transport Technical Note which accompanies this submission.

Climate Change and Flood Risk

Croudace is committed to delivering new homes that minimise carbon emissions. An Energy Statement will form part of the application, demonstrating how the homes comply with the Building Regulations in place at the time. The Energy Statement will also set out how the proposed development is in accordance with policies 35 (Climate Change), 36 (Appropriate Energy Use) and 37 (Sustainable Design and Construction) of the HDPF and policies 6 (Climate Change), 7 (Appropriate Energy Use) and 8 (Sustainable Design and Construction) of the emerging Local Plan.

The Site is located in Flood Zone 1 as defined by the EA Flood Map for Planning and therefore accords with paragraph 165 of the Framework which seeks to direct development away from high-risk flood zones. The EA Flood Map identifies a small area of land identified at risk of surface water flooding on the eastern boundary of the site. Built development can easily be sequentially located away from the area of predicted risk.

A Flood Risk Assessment and drainage strategy will be submitted with the planning application. This will demonstrate that the proposed development will be safe from the impacts of flooding; suitable Sustainable Drainage Systems will be incorporated to manage the risk of surface water flooding on Site, whilst not increasing the risk of flooding elsewhere.

In light of the above, the proposed development will be in accordance with policy 39 (Flooding) of the HDPF and policy 10 (Flooding) of the emerging Local Plan.

Further information is set out in the Flood Risk and Drainage Technical Note which accompanies this submission.

Landscape

The Site is not subject to any specific landscape designations and is therefore not constrained in this respect. Nevertheless, a full Landscape and Visual Impact Assessment (LVIA) will be undertaken to demonstrate that any landscape sensitivities have been considered when designing the proposed development.

A Landscape Technical Note accompanies this pre-application submission which provides further information on the landscape context and proposed scope for the LVIA.

Heritage

There are no designated or known non-designated heritage assets on the site. The Henfield Conservation Area lies c.179m to the southwest of the Site at its closest point, beyond intervening modern built development. A projecting part of the conservation area, extending eastwards along Henfield Common North lies c.438m to the south of the Site. Henfield Conservation Area encompasses the historic built core of the settlement and contains numerous listed buildings. Several Grade II listed buildings lie outside of the conservation area in proximity to the Site, these include the Grade II Eastern Terrace (NHLE ref. 1286615) c.177. to the southwest of the Site and the Grade II Backsettown (NHLE ref. 1027392) located c.221m to the south of the Site.

An initial archaeological Desk Based Assessment will be prepared to determine the potential and likely importance of any non-designated archaeological assets. The report will also consider the impact of the Proposed Development on the significance of any potential assets. An archaeological Geophysical Survey will also accompany the planning application to further define the archaeological baseline conditions and inform the necessity for any further investigations. Based on current available evidence the Site has the potential for archaeological remains of a local to regional importance and as such with suitable mitigation measures in place the proposed development would not adversely impact the significance of the archaeological resource.

Arboriculture, Ecology, and Biodiversity Net Gain

The planning application will include an Arboricultural Statement and Tree Survey; a Biodiversity Survey and Report; and a Biodiversity Net Gain Impact Assessment. The Site itself is not subject to any ecological constraints and does not contain any priority habitats.

As shown on the initial Concept Plan, areas of green infrastructure and open space will be delivered as part of the proposed development, ensuring that on-site biodiversity net gain would be achieved. The Proposed Development would seek to enhance the existing green infrastructure through the retention of existing trees and hedgerows across the Site.

At this stage it is anticipated that the Proposed Development could deliver biodiversity net gain that exceeds the 10% statutory requirement and meets the 12% requirement in emerging policy. This approach would be in accordance with and meet or exceed the requirements within the Framework and policies 25 (District Character and the Natural Environment) and 31 (Green Infrastructure and Biodiversity) of the HDPF; policy 10 of the NDP (Green Infrastructure and Biodiversity); and policies 13 (Natural Environment and Landscape Character) and 17 (Green Infrastructure and Biodiversity) of the emerging Local Plan.

Further information is set out in the Ecology Technical Note which accompanies this submission.

Water Neutrality

A Water Neutrality Statement will be submitted with the planning application, demonstrating how the proposed development will mitigate any impact on Sussex North Water Resource Zone through water efficient design and offsetting of any net additional water use. Croudace will confirm the approach towards mitigating the impacts of the Proposed Development on the SAC, SPA and Ramsar sites as part of the planning application but can confirm that appropriate mitigation options are available to avoid any significant impacts. On this basis the Proposed Development will be in accordance with policies 3 (Settlement Expansion) and 9 (Water Neutrality) of the emerging Local Plan.

Confirmation of Validation Requirements

A full suite of plans and documents will be submitted with the application. Having reviewed the Council's local validation checklist, it is anticipated that the following documentation / drawings will be required:

- Air Quality Assessment
- Affordable Housing Statement
- Arboricultural Statement / Tree Survey
- Biodiversity Net Gain Impact Assessment
- Biodiversity Survey and Report
- Design and Access Statement
- Energy Statement
- Flood Risk Assessment (including Surface Water Drainage Strategy)
- Heritage and Archaeology Statement
- Land Contamination Assessment
- Landscape Visual Impact Assessment
- Minerals Resource Assessment
- Planning Drawings
    - Block/Site Plan (existing and proposed)
    - Proposed Elevations
    - Proposed Floor Plans
    - Proposed Section Plans
    - Proposed Roof Plans
- Planning Statement (including draft Heads of Terms)
- Site Location Plan
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Water Neutrality Statement
- Utilities Assessment (including Broadband)

Your confirmation of the above is requested as part of the pre-application advice.

Public Consultation

The Applicant intends to consult as follows:

- Send leaflets to local households and businesses
- Consultation website
- Public exhibition
- Engage with Ward Councillors, the Cabinet Member for Planning & Infrastructure and Henfield Parish Council

Advice Sought

Pre-application advice is sought on the following matters:

- The principle of residential development;
- Likely key issues;
- Advice on public open space proposed;
- Agreement to proposed LVIA viewpoints;
- Likely Section 106 obligations;
- Validation requirements for an outline application;
- Any other material matters relevant to the preparation of an outline application.

I look forward to your acknowledgement of receipt and to meeting to discuss the advice sought.

Yours sincerely

[redacted]

Jonathan Chick
Associate
[redacted]

Appendix 5

Pre-Application Response

Horsham District Council

Sinead McKendry
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Your ref:
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Date: 22nd October 2024

Dear Sir/Madam,

Location: Land To The East of Charlwood Drive, Henfield, West Sussex

Details: Residential development of circa 195 dwellings, with associated public open space, landscaping and infrastructure

I refer to your pre-application proposal for development of the Land to the East of Charlwood Drive. As presented at the meeting on the 8th October 2024, the proposal is for approximately 170 dwellings with a new access proposed from Charlwood Drive to the north west corner of the site. The proposal would be a full application.

The following advice focuses on the Council's view of the principle of residential development on this site, as well as the extent to which the proposed development accords with the policies contained within the National Planning Policy Framework (NPPF), the Horsham District Planning Framework (HDPF) and the Henfield Neighbourhood Plan (HNP). Consideration is also given to the policies within the submission Horsham District Local Plan (HDLP) in the event that these policies are given significant weight in the determination of any application.

Following on from our meeting, based on the supporting information provided, I have the following planning advice to offer. The advice takes into account the updated 'Concept' Plan submitted on the 8th October 2024.

Site and Surrounds:

The site is approximately 8.60 hectares and comprises a parcel of agricultural land with mature tree belts and hedgerow boundaries. It is located on the eastern edge of the built-up area boundary of Henfield. The site is adjacent to an existing development of 102 dwellings (granted outline permission under DC/13/1266 and reserved matters approval under DC/15/0268). To the south of the site are detached dwellings onto Furners Lane. There are open fields to the east and north of the site. Henfield Conservation Area lies to the west of the site. There are also several listed buildings to the west of the site, the majority of which front the High Street. The site includes power lines which cut across the site.

Henfield is classed as a tier 2 settlement in the current local plan (Policy 2 of the HDPF). These are '*settlements with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and / or bus services. These settlements act as hubs for smaller villages to meet their daily needs, but also have some reliance on larger*

settlements / each other to meet some of their requirements.' This classification is also reflected in Policy 2 of the submission HDLP.

Planning History:

There is no relevant planning history relating to this site.

Relevant Policies:

National Planning Policy Framework (December 2023)

Horsham District Planning Framework (HDPF, 2015)
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 7 – Strategic Policy: Economic Growth
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 – Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 – Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 – Strategic Policy: Inclusive Communities
Policy 43 – Community Facilities, Leisure and Recreation

Horsham District Local Plan (2023-40) (currently awaiting examination)
Policy 1: Sustainable Development
Policy 2: Development Hierarchy
Policy 3: Settlement Expansion
Policy 6: Climate Change
Policy 7: Appropriate Energy Use
Policy 8: Sustainable Design and Construction
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 12: Air Quality
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment
Policy 23: Infrastructure Provision
Policy 24: Sustainable Transport
Policy 25: Parking

Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Policy 29: New Employment
Policy 37: Housing Provision
Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Henfield Neighbourhood Plan (2017-2031):
Policy 1: A Spatial Plan for the Parish
Policy 4: Transport, Access and Car Parking
Policy 5: Utility Infrastructure
Policy 7: Education Infrastructure
Policy 12: Design Standards for New Development

Other Relevant Guidance and Policies:
- HDC Planning Obligations and Affordable Housing Supplementary Planning Document (2017)
- HDC Community Infrastructure Levy (CIL) Charging Schedule (2017)
- WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology
- Air Quality and Emissions Mitigation Guidance for Sussex (2020)
- HDC Planning Advice Note: Biodiversity and Green infrastructure (2022)
- HDC Planning Advice Note: Facilitating Appropriate Development (2022)
- HDC Sports, Open Space and Recreation Assessment (2014)
- HDC Open Space, Sport & Recreation Review (2021**)**
- HDC Play Strategy 2017-2027

Principle of Development:

Existing and Emerging Local Plan**:**

As it stands, the main planning policy framework that is relevant to development on this site is the adopted development plan which comprises the Horsham District Planning Framework (HDPF, 2015) and the Henfield Neighbourhood Plan, alongside the National Planning Policy Framework (NPPF, December 2023). The West Sussex Joint Minerals Local Plan (2018) is also relevant to this proposal. In accordance with planning law, these documents are the starting point for the assessment of any development proposals in Horsham District.

The submission Horsham District Local Plan (2023-40) is also considered below, although only limited weight can be attached to HDLP policies at this stage. The weight attached to the HDLP will increase the closer it gets to adoption.

The site is located outside any of the district's defined built-up area boundaries (BUAB's) and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or the 'Made' Henfield Neighbourhood Plan, nor an adopted Site Allocations DPD). As a result, development here would conflict with the requirements of Policy 2 'Strategic Development' and Policy 4 with 'Settlement Expansion' of the HDPF. Compliance with the Henfield Neighbourhood Plan policy framework is discussed separately below.

As such, considered against the development plan, the principle of development is not considered to be acceptable. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential

development is not considered to be essential to this countryside location. The conflict with the adopted development plan carries significant weight against the proposal.

Considered against the development plan, in order for the principle of this development to be considered acceptable, the site must be formally allocated within a version of the local plan or a neighbourhood plan. Given that the HDPF is over 5 years old, a review of the existing Local Plan is underway. This called the Horsham District Local Plan (HDLP). The HDLP, along with all duly made representations received at the Regulation 19 state, was submitted to the Planning Inspectorate acting for the Secretary of State for Housing, Communities and Local Government on 26 July 2024, and is now at public examination stage.

The HDLP sets out the emerging development strategy for the district to deliver housing and wider development needs in the period 2023 to 2040. This includes a continuation of the current settlement strategy which focuses growth within existing built-up area boundaries, on allocated sites, and with planned strategic extensions to settlements. This site is not included as a proposed site in the submission HDLP. The reasons for not including this site in the HDLP are stated as follows within the Horsham District Council Regulation 19 Site Assessment Report: Part D document:

'*Site Assessment Conclusion: Land north of Furners Lane is not recommended for allocation as the overall scale of the proposed development on the settlement relative to the scale and function of Henfield village is unsustainable. Furthermore, it is considered the scale of development proposed would have a negative impact on the wider landscape and on the character of the village. Further clarification also is sought on access arrangements and providing an adequate, safe vehicular access via the existing housing development located to the west of the site rather than Furners Lane which is single width and contributes towards the setting of the Henfield Conservation Area. Henfield benefits from a 'made' Neighbourhood Plan and development would have to have regard to any relevant policies. The site is not allocated in the made Neighbourhood Plan.*

Henfield is recognised as a larger settlement in the Council's settlement hierarchy and as such would be expected to accommodate growth relative to its status in the hierarchy but cannot be expected to take an unlimited quantum of development given allocations identified in the made Neighbourhood Plan plus an alternative site assessed more preferably in this assessment report. This view takes account of the existence of a relatively recent neighbourhood plan, cumulative impacts on village infrastructure, and wider limits on housing growth in the District as a result of the water neutrality requirement.

It follows the collective impact of implementing Land north of Furners Lane as well as sites within the neighbourhood plan and local plan would be considered unsustainable in terms of the scale of development would not be appropriate to the scale and function of Henfield's status in the settlement hierarchy; the cumulative impact on community infrastructure; the impact on the wider open countryside; the local road network and impacts on the social and environmental fabric of the village. As such the site is not recommended for allocation.'

It is noted that the site considered above under the HDLP is for a larger allocation, as it includes the further field to the east. This is almost double the size of the proposed site proposed when compared to that under this pre-application submission. The current submission only relates to the immediate field adjacent to Charlwood Drive. Notwithstanding this difference in size between the site proposed in the pre-application submission and that promoted under the HDLP, the principle of development of this site is nevertheless considered to be the same and is not in accordance with the development plan or the submission HDLP.

4-Year Housing Supply Position**:**

The NPPF was updated in December 2023 and a different approach to forward housing land supply as a material consideration has been introduced. NPPF paragraph 77 states that for local plans which are more than five years old from their date of adoption, local authorities should identify and update annually a supply of sites to provide a minimum of either 5 years' or 4 years' worth of housing provision, depending on particular circumstances. In HDC's case, provisions set out in NPPF paragraph 226 apply: there is an emerging local plan that has been submitted for examination, and includes both a policies map and proposed allocations towards meeting housing need. Therefore, HDC is only required to identify a minimum of 4 years' worth of housing (with a buffer if applicable).

In January 2024, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council currently has a housing land supply of 2.9 years against current targets. In light of this, it is acknowledged that the Council is unable to demonstrate a full 4-year housing land supply, and it is recognised that this forms a material consideration in decision making which triggers the application of the 'tilted balance' at Paragraph 11d of the NPPF, which presumes in favour of sustainable development. In accordance with Paragraph 11d, the Council is required to grant permission unless either (or both) of the following limbs apply:

> *(i) the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or*
> *(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites (and those listed in NPPF para 187), SSSIs, Green Belt, AONBs and National Parks). A determination on whether the tilted balance is engaged or not is dependent on whether the proposal is able to protect the areas of importance listed in Footnote 7.

In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is not engaged, and in accordance with limb (i) the application must be refused.

Henfield Neighbourhood Plan:

The Henfield Neighbourhood Plan (2019-2031) was made in June 2021 and forms part of the development plan for the District. This plan includes relevant policies that must be considered when assessing the acceptability of this site. The relevant polices in the plan are as follows:

- Policy 1: A Spatial Plan for the Parish. Development outside the built-up area of Henfield must accord with the provisions of the Henfield Neighbourhood Plan and the Horsham District Planning Framework.
- Policy 4: Transport, Access and Car Parking. Adequate off-road car parking should be provided for all developments in accordance with West Sussex Parking Standards. In addition, development proposals should:
  a. Demonstrate that safe pedestrian routes from residential and employment sites to community facilities including education, health and recreational facilities can be achieved; irrespective of whether the road network is adopted.
  b. Protect the existing network of footpaths (twittens) and bridleways within the village and into the surrounding countryside and ensure the continuing safe provision of accessible pedestrian routes, suitable for all users.

c. Demonstrate that cycle ways can be achieved; especially to provide links from residential and employment sites to community infrastructure and the wider regional cycle routes, e.g. Downslink.

- Policy 5: Utility Infrastructure. Development proposals should be associated with the delivery of any necessary infrastructure and of a kind that directly relates to the scale and nature of the proposal. The infrastructure required should be delivered to an agreed timetable in association with the development concerned. Development proposals should also ensure future access to existing water and waste water infrastructure for maintenance and upsizing purposes.
- Policy 7: Education Infrastructure. Proposals for housing development should have regard to the availability of primary school and secondary school places in the local catchment area.
- Policy 10: Green Infrastructure. Development proposals will be supported, provided their design seeks to maintain or increase biodiversity. Development proposals will also be supported provided their layout and landscape schemes enhance the site and its surroundings, and positively contribute to the landscape character of the area, including providing for their ongoing maintenance and utilise native plants especially in public areas and on boundaries;
- Policy 12: Design Standards for New Development. As appropriate to their scale, nature and location development proposals will be supported where their design and detailing meet the relevant requirements in the Henfield Parish Design Statement. Design standards are also set out in this policy.

In the event the Paragraph 11d tilted balance is to be engaged in the determination of this application, then Paragraph 14 of the NPPF would also need to be considered. Paragraph 14 states that '*in situations where the presumption at Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

(a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
(b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.'

It is the Council's view that at present, the above criteria are all met. The Henfield Neighbourhood Plan was formally made in June 2021, so it will remain 'in date' until June 2026, thereby satisfying part (a). The Henfield Neighbourhood Plan was supported by a Housing Needs Assessment and includes housing allocations to meet its identified need, stating (paragraph 5.7) '*that the indicative total number of houses specifically provided for in the HNP is 270 new dwellings over the plan period. This quantum of development is considered to strike the right balance between meeting local housing need and contributing to the HDPF Housing Supply Strategy on the one hand and reflecting the scale of housing developments recently built and consented in Henfield on the other. As the policy allows for sustainable development proposals within the boundary, the total number of dwellings consented over the plan period could be greater than the numbers resulting from the allocations within the HNP*.'

Having regard to the housing allocations withing the Henfield Neighbourhood Plan, which meets the needs identified in the Housing Needs Assessment, part (b) of Paragraph 14 is also considered to be met meaning the protections afforded by Paragraph 14 are relevant when considering any application.

<u>Facilitating Appropriate Development</u>:

In light of the Council's inability to demonstrate a 5-year supply of deliverable housing sites, as in recognition of the key objective of Government policy to significantly boost the supply of homes,

the Council has endorsed a Facilitating Appropriate Development (FAD, Oct 2022) document which now forms a material planning consideration in decision making. The advice contained in the FAD is guidance only and does not form policy and does not alter the statutory decision-making framework.

The FAD sets out the weight that can be given to current and emerging local policy and has been produced to enable the Council to act proactively to continue to deliver housing in a sustainable manner. For development proposals located outside the defined BUAB, the FAD (at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively provided that all of the following criteria are met:

- The site adjoins a BUAB
- The level of expansion is appropriate to the related settlement
- The proposal meets local housing needs
- The impact does not prejudice long term development
- The development is within an existing defensible boundary

This proposal would meet the criteria of the FAD. This would be a consideration in the determination of any application.

Conclusion:

Given the site is located outside the defined BUAB and is not allocated for development in the adopted development plan (the HDPF and the Henfield Neighbourhood Plan), the principle of the development is contrary to Policies 2, 3, 4, and 26 of the HDPF and Policy 1 of the HNP. The proposal is also contrary to the upcoming HDLP. Notwithstanding this, it is recognised by Officers that in the context of the Council's 4-year housing supply position, the benefits that would arise from the delivery of extra housing and other benefits, carry weight in the determination of the proposal.

In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against this policy conflict and any other policy compliance, conflict and harm. The following sections of this report consider all other detailed planning considerations, with the final section considering the overall planning balance. The below takes into account the current local plan policies as well as the upcoming HDLP policies, in the event that the HDLP will be given weight in the determination of this application.

Housing Mix and Affordable Housing

HDPF Policy 16 requires a mix of housing sizes, types and tenures to meet the needs of the district and local communities, with 35% of the provision to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

The submission HDLP includes an amended Affordable Housing Policy (Strategic Policy 39). This policy requires, amongst other things, a provision of 45% affordable housing on greenfield sites. In the event that this application is submitted, Policy 39 of the HDLP may be given weight in the determination of this application (depending on the status of the HDLP). A such, it is considered that this proposal could require 45% affordable housing in accordance with this policy.

Policy 39 also requires '*at least 70% of the affordable homes are provided, preferably as social rented homes or otherwise as affordable rented homes, and the remaining up to 30% provided as low-cost home ownership which may include shared ownership and First Homes. For First Homes a 40% discount compared with the open market value will apply. Social rented provision will therefore be prioritised over affordable rented in appropriate locations. Alternative tenure mixes (including any reduction in the overall proportion of homes delivered on-site) will only be considered if evidence is provided to justify this based on proven local need or, in exceptional*

circumstances, risk of non-delivery (which may include where abnormal site constraints significantly impact on viability).'

In terms of market housing, Policy 38 of the HDLP states the following:

'Residential development will be supported where it provides a mix of housing sizes and types to meet the needs of the District's communities as evidenced in the latest Strategic Housing Market Assessment or any subsequent updates in order to create sustainable and balanced communities. Where relevant, a made or referendum stage Neighbourhood Plan may provide an appropriate local mix. Other factors that may be taken into account include the established character and density of the neighbourhood, the viability of the scheme, and locally and robustly prepared evidence such as a local (parish) housing needs assessment.'

The HDC Housing Officer has commented that the Housing Register in Henfield currently has 141 households waiting for housing of which is broken down to 37 households in need of a 1-bedroom unit, 21 households in need of a 2-bedroom unit, 56 households in need of a 3-bedroom unit and 27 households in need of 4 or more bedrooms.

It is unclear what the delivery of affordable housing will be on this phase. The Housing Officer has commented that she would require a delivery of affordable rented tenure in line with the above current local demand. Housing Officers are seeing an increase in demand for larger sized affordable properties in our District, with households with a 3- or 4-bedroom need currently waiting significantly longer than others to be rehoused in affordable homes. It is advised that this need is reflected in your submission.

No mention is made of a potential affordable housing provider. The HDC Housing Officer would urge the applicant to reach an agreement with a provider as soon as possible to clarify and confirm tenure split, and secure funding arrangements for the affordable homes and ensure the layout and specifications of the affordable units meet the provider's requirements. The Housing Officer needs reassurance that there are registered providers who would be willing to take on the site and tenure sizes as proposed. This should be outlined in an Affordable Housing Statement submitted with an application.

Landscape Impact:

Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 32 requires development to complement locally distinctive characters and to contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

Policy 13 of the submission HDLP (The Natural Environment and Landscape Character) also states that development should:

1. Protect, conserve and enhance the landscape and townscape character, taking into account features / areas identified as being of landscape importance and the individual settlement characteristics, and maintain settlement separation;
2. Maintain and enhance the Green Infrastructure Network, the Local Nature Recovery Strategy and national Nature Recovery Network and, where practicable, help to address any identified needs and deficiencies in these networks across the District;
3. Maintain and enhance the existing network of geological sites and biodiversity, including safeguarding existing designated sites and species, and secure measurable net gains in biodiversity; and
4. Incorporate SuDS into a scheme in an optimal location for their purpose whilst also securing landscape and biodiversity enhancements and delivering high-quality green

spaces. Proposals will be expected to provide details to demonstrate that the whole life management and maintenance of the SuDS are appropriate, deliverable and will not cause harm to the natural environment and/or landscape.

The site is located outside the defined built-up area boundary and is therefore sited within a countryside setting. It is acknowledged that the site does not sit within any formal landscape designations and is not considered to be a 'valued landscape' in the context of paragraph 180 of the NPPF.

The Council's Landscape Officer has reviewed the submission and has commented that the site is identified in the HDC Landscape Capacity Study (2014) as having low-moderate capacity for medium scale development (100-500). It states that '*there may be some limited capacity for housing development in the west of the area close to the urban edge due to its moderate condition and the degree of visual intrusion. Further east development is likely to be perceived as much more of an incursion into the countryside. Large scale employment development is likely to be overly visually prominent in this location*'.

The Landscape Officer has commented that the proposal will have an adverse effect on the character of the area. However, this would need to be assessed against the benefits of the proposal in the planning balance. Based on the current submission, the Landscape Officer is not convinced that the quantum of development proposed is appropriate. This would need to be demonstrated further through further details such as the layout and height of the proposal, a landscape strategy (green infrastructure open space) and parameter plans.

The Landscape Officer would expect to see the main access road to deliver a softer green corridor which also considers blue infrastructure and internal access routes to make space for planting and tree planting too. Her view is that the parcels would need to be less regimented and stark then the adjacent new development so there is more of a design transition into the countryside.

The Landscape Officer has stated that she has also concerns regarding the site levels. Building heights need to be carefully considered so the built form doesn't appear incongruous when viewed from the surrounding public rights of way and countryside. To demonstrate this, the officer agrees with the viewpoints selected in the Landscape and Visual Evidence and Appraisal and requests a photomontage for v16 and wireframe for v10, v9, v7.

The scheme must also consider the Horsham District Open Space, Sport & Recreation review for guidance on amount and types of open space delivery. A scheme of this size and in this location will require a LEAP and potentially also a landscaped area of play. The officer has stated that walking distances and buffer zones need to be shown on a plan. Consideration in a submission is to include spaces for girls as outlined in the 'making spaces for girls' guidance.

In relation to the amended Concept plan submitted, it is positive to see that the applicant has taken on board the recommendation to create a green corridor through the development, linking the existing green space with the wider countryside. However, this has exacerbated the concern that the quantum of development may be too high for the location and to achieve a sympathetic design transition into the countryside. The size and positioning of the development parcels closest to the northern boundary is a concern for the Landscape Officer.

Furthermore, the positioning of the development backing onto the existing properties along Furners lane and trapping the existing landscape corridor in between garden fences would not be supported as this will place at risk this landscape feature. This is likely to result in an adverse landscape character effects as these are part of the key landscape characteristics and amenity of the area.

The Landscape Officer has also made the following comments:

- SuDS, must not focus solely on end of pipe solutions and rather consider across the site water storage and slow-release aspects of SuDS. The officer recommends the drainage strategy to explore the 4 pillars of SuDS which include amenity, water quality, water quantity and biodiversity. There are opportunities that can be introduced by implementing tiers of landscape features (no more than 150mm to 300mm deep) such as rills, swales, rain gardens, green roofs, etc. The introduction of these features would likely reduce the size and depth of the retention basins providing opportunity for better integration of the development within the landscape and amenity space.
- The landscape strategy must consider underground services from the outset.
- There needs to be an understanding of proposed ground modelling (cut and fill), if necessary, and how this would affect the prevailing character.
- If access is applied in full, please provide details identifying visibility splays, existing vegetation clearance and include proposed details for mitigation buffers. Advance planting must also be considered.
- Tree planting must consider a variety of sizes, including semi-mature species on key locations/ focal points and tree lined primary road.
- The application should also be accompanied by an outline Landscape management and maintenance plan with particular attention to retention of existing features.

Based on the submission and updated masterplan, the quantum of development and proposed layout are considered to detrimentally impact the landscape character of the area and the proposal is contrary to the above polices.

Impact on trees

Policy 14 of the HDLP states that development will be considered acceptable if it 'protects, conserves, and seeks to enhance, the key features and characteristics of the landscape character area in which it is located, including' the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features.

Any proposal will need to include details of how all the existing trees around the site to be retained would be protected during the works. This would need to be outlined in an Arboricultural Impact Statement. It is also important for the scheme to be landscape led with ample street trees provided.

This reflects Paragraph 136 of the NPPF which states that *'trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'*

As outlined Paragraph 136, any proposal must be landscape led and include tree lined streets (of an appropriate standard) along with details of long term maintenance of the landscaping shown.

Highways Impact, Access, Active Travel and Parking:

Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport.

Policy 24 (Sustainable Transport) of the submission HDLP states development will be supported provided the following is demonstrated:

(a) For residential development, the need for travel is minimised through provision in all homes for home working, including bespoke-design space within the home and gigabit capable broadband connection;
(b) The layout, design and location of facilities and infrastructure prioritise the ability of residents and workers to safely and conveniently walk and cycle to meet their day-to-day work, shopping and leisure needs;
(c) Walking and cycling routes are designed to be safe, attractive, direct and legible, have priority over motorised traffic, and integrated with the existing and wider network;
(d) Where feasible, provision is made for bus travel and infrastructure within the development, to include as appropriate the provision or improvement of bus stops and weather-proof shelters, information on service schedules, and bus priority over other motorised traffic movement;
(e) All opportunities have been explored to maximise access to passenger rail services, primarily by walking, cycling and bus, but if appropriate by private car including the enhancement of rail station car parking where feasible;
(f) Innovative approaches to sustainable movement and communication are fully considered, including demand responsive rural transport services where scheduled services are not feasible, on-demand cycle, e-cycle and scooter hire, and electric bus.

Policy 24 also states that development will be supported where it demonstrates how the priorities and principles set out in the National Model Design Code, West Sussex Transport Plan 2022-36, LTN120, Cycle Infrastructure design, and Local Cycling & Walking Infrastructure Plans (LCWIPs), or any subsequent updates have been adhered to. The design of these facilities must be in accordance with the National Design Guide and the National Model Design code or any subsequent updates.

The Transport Technical Note states that '*access to the site is proposed via Charlwood Drive, which in turn is accessed from London Road via Wantley Hill Estate. The primary vehicle access is currently proposed in the form of a priority junction, with a 5.5m wide carriageway on the minor arm and 2m footways on either side of the access, with a 6m kerb radius*.'

There are concerns that this access is inappropriate for a scheme of this size. You are advised to seek the advice of West Sussex County Council Highways department regarding this proposal. WSCC offer a pre-application service: https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/

Active Travel England is the government's executive agency responsible for '*making walking, wheeling and cycling the preferred choice for everyone to get around in England*.' It has the overall objective '*to enable achievement of the vision set out in the PM's long-term walking and cycling plan, Gear Change, for half of all journeys in towns and cities to be cycled and walked by 2030, transforming the role that walking and cycling play in England's transport system, and making England a great walking and cycling nation*.' Any proposal for this site would be expected to meet the standards set out by Active Travel England.

Policy 41 of the HDPF states that adequate parking and facilities must be provided within developments to meet the needs of anticipated users. Policy 25 of the HDLP also states that adequate parking facilities in accordance with adopted parking standards guidance must be carefully designed into developments to meet the needs of users whilst achieving people-focused streets. The policy also states that plug-in charging facilities for all new residential parking spaces must be provided or at a minimum the infrastructure to enable easy installation in future.

Any proposal would need to indicate that the parking proposed would meet WSCC parking standards with the correct amount of visitor parking and electric vehicle charging points. Guidance on these standards can be found via the WSCC website listed above.

Heritage Impacts

Policy 34 of the HDPF relates to Cultural and Heritage Assets and states that applications should make a positive contribution to the character and distinctiveness of the area, and ensure that development in conservation areas is consistent with special character of the area. Policy 21 (Heritage Assets and managing Change within the Historic Environment) also states the importance of preserving and enhancing the historic environment through positive management of development.

Section 66 of the Listed Buildings Act and paragraph 205 of the NPPF (2013) also stresses the importance and great weight attributed to the desirability of preserving listed buildings or their settings.

The proposal is in proximity to Henfield Conservation Area to the west. There are also listed buildings located to the west and south of the site. The HDC Conservation Team have provisionally commented that, having regard to the distance and separation of the heritage assets from the proposed site, the development is unlikely to have a significant impact on the setting of these assets. This would need to be fully addressed in a Heritage Statement to be submitted with an application.

Impact on Residential Amenity:

Policy 33 of the HDPF requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land. Policy 20 of the HDLP reflects these requirements to preserve amenity of existing and future occupiers of nearby land and property.

In the location proposed, the proposal would not result in a loss of amenity to adjacent properties to the west in relation to loss of light, overlooking or an increased sense of enclosure to any adjacent properties.

There would be some concerns regarding the location of the development to the southern boundary and the potential impact on the houses facing the site at Furners Lane. The dwellings proposed here would need to be substantially set back from the boundary so that there is no loss of amenity to the adjacent properties.

Given the proximity of the site to existing residents, you are advised to submit a Construction Environment Management Plan. This would outline measures to ensure that the construction works will mitigate, as far as possible, the impact of the proposal on the amenity of adjacent residents.

Drainage and Flooding:

The site is partially located within Flood Zone 1 for fluvial flooding. It is noted that the Environment Agency maps show the eastern boundary of the site is subject to low to high surface water flooding. It's unclear whether or not this area is within the boundary of the site. Notwithstanding this, the proposed masterplan indicates this area would be for open space and would not include any built form. In support of the application, a Flood Risk Assessment (FRA) and Drainage Strategy will need to be submitted.

Health Provision:

Policy 39 of the HDPF (2015) states that '*the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided*.' Policy 23 (Infrastructure Provision) of the HDLP reflects these requirements.

Policy 7 of the Henfield Neighbourhood Plan also states that '*proposals for housing development should have regard to the availability of primary school and secondary school places in the local catchment area*.'

Having regard to the above policies and the general lack of secondary school place within the District, you are advised to contact WSCC Education regarding the capacity in the area to accommodate the educational needs of this development.

Ecology:

Policy 31 of the HDPF (2015) states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites.

Policy 17 of the HDLP (Green Infrastructure and Biodiversity) expands on biodiversity requirements for new development. This emerging policy includes the requirement to deliver 12% biodiversity net gain. The policy also outlined requirements to maintain and enhance the existing network of green infrastructure and contribute to the delivery of public open space, the Local Nature Recovery Strategy, Nature Recovery Network, natural capital, ecosystem services and / or biodiversity. Green Infrastructure should be integral to the design and layout of development, and new provision, including green linkages, should be provided taking into account Natural England's green infrastructure guidance and the council's green infrastructure strategy.

Appropriate and up-to-date ecological assessment and species surveys must be carried out and submitted in support any future planning application. Any mitigation and/or protection measures that are recommended in the ecology reports and surveys should be incorporated into the layout of the development, and all surveys should be undertaken as recommended during the appropriate seasons. The assessments would need to take into account the site's proximity to a bat sustenance zone.

<u>Biodiversity Net Gain</u>

Any proposal would need to provide evidence that it would meet the mandatory 10% BNG requirement that is now required under legislation. It should be noted that Policy 17 of the submission HDLP proposes a requirement of no less than 12%.

The BNG hierarchy outlines that any BNG being proposed should be delivered on-site which benefits both local biodiversity and the community. With the delivery of BNG on site would be supported, there maybe potential clashes with any open space and play provision proposed. This needs to be factored into any proposal for BNG on site.

Water Neutrality:

As you are aware, Natural England's Position Statement (issued September 2021) highlights the need to ensure that 'water neutrality' is achieved as part of all new development across the Horsham District. This is a material consideration that the Council must give great weight to in all decision making going forward. Your pre-app submission does not include proposed water neutrality strategy, but as you know, this will be required to be submitted alongside a future planning application. The strategy must include measures to first reduce water demand on site (to a recommended level of 85 litres per person per day), as well as an offsetting strategy to ensure that the residual water demand is accounted for. The proposed measures must be secure in perpetuity (either by planning condition for measures within the site boundary, or through a s106 agreement for measures outside the site).

You can read more about water neutrality on the HDC website, where you can also find Natural England's Position Statement, and a list of useful FAQ's produced by Natural England and by HDC. Please note that speculative development proposals such as this, which are not supported by the current or submission development plan, will not be able to access the emerging local authority-led water neutrality mitigation scheme ("SNOWS") which is expected to be operational in the new year. It should be noted that failure to achieve water neutrality will mean the development does not comply with s.63 of the Conservation of Habitats and Species Act 2017. As such any development which does not achieve water neutrality, will be considered contrary to Policy 31 of the HDPF and paragraph 182 of the NPPF and will be refused.

Climate Change:

Policies 35, 36 and 37 of the Horsham District Planning Framework (2015) require that development mitigates the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change.

Chapter 5 of the HDLP outlines the Council's updated approach to climate change. In line with the Horsham District Council Climate Action Strategy, the Council's expectation is that new development that takes place is as a minimum designed to be net zero carbon in construction and operation. To deliver this, new development in Horsham District should maximise the smart use of renewable energy, enable the decarbonisation of our energy supply, use renewable or low carbon heat sources and be highly energy efficient to minimise energy demand and heat losses.

You are advised to adhere to the policies outlined under Chapter 5 of the HDLP which more closely reflect the current NPPF and national direction of travel. All measures must be outlined in an Energy Statement to be submitted with any application.

Other Matters:

Design:

No details have been submitted regarding the design of the proposal. As a full application, full details of the design of the development will need to submitted with an application. You are referred to Policy 12 of the Henfield Neighbourhood Plan and the Henfield Parish Design Statement (https://www.horsham.gov.uk/planning/planning-policy/parish-design-statements) for guidance on design.

Air Quality:

The site is not located within or close to any of the district's defined Air Quality Management Areas (AQMAs). However, in support of any future planning application, and as required by the adopted Sussex Air Quality Guidance (2021) for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) must be submitted. The Air Quality Assessment should provide an air quality damage cost calculation, with the submission of proposed measures to mitigate and/or offset the impacts.

The assessment should provide itemised costing for each proposed measure, equating to the total damage costs. You should be aware that the new 'Part S' of the Building Regulations which has come into force requires a raised level of EV provision within all developments, therefore the Council are of the view that this cannot now be used to mitigate against the calculated emissions impacts of the development. Applicants are required to ensure the proposed emissions mitigation measures are effective, and not already covered by other legislation or other requirements to make the application acceptable in planning terms (for example, the provision of cycle storage and

broadband). Contributions to car clubs, electric bikes/scooters, or to the installation of low energy boilers are some measures that should be explored.

Minerals Safeguarding:

The application site is located within a Minerals Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan 2018) for Brick Clay and the south western corner lies within or near to the area for soft sand. As required by the West Sussex Joint Minerals Local Plan (2021) a Minerals Resource Assessment must be submitted with any application to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable. Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision-maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible.

Open Space and Community Uses Provision

Under the Open Space, Sport & Recreation Review (2021) Paragraph 331 states that '*the basic principle is that a development should provide for the recreational needs that they generate. All new developments should therefore contribute. Consequently, the Council expects adequate provision of open space, playing pitches, indoor and built sports facilities to be provided.*'

Chapter 11 of the review outlines a step by step guide to calculate the open & play provision needs of a development. I have not been able to calculate this for you as a proposed housing mix is required in order to work out occupancy rates. I would advise referring to the guidance to calculate the open space needs of this development so that they can be incorporated into a proposal: https://www.horsham.gov.uk/__data/assets/pdf_file/0020/104249/Open-Space-Rprt-Jun2021FINAL.pdf.

Submission Documents:

Any application should include the following:

- Planning Statement
- Affordable and Market Housing Statement
- Design and Access Statement
- Mineral Resource Assessment
- Transport Assessment
- Framework Travel Plan
- Water Neutrality Statement
- Flood Risk and Drainage Strategy
- Light Assessment
- Energy Statement
- Statement of Community Involvement
- Ecology Reports
- Heritage Statement
- Land Contamination Assessment
- Noise Impact Assessment
- Draft Heads of Terms for a Legal Agreement
- Construction Environmental Management Plan
- Statement of Community Involvement
- Biodiversity Net Gain Reports
- Parameter Plans (including building heights, density, open space provision and movement and access).

- All relevant plans (including site surveys, proposed elevations, floor layouts, site levels, street scenes, utilities services plans, highway and access plans, landscape plans & play provision plans).

Conclusion:

In summary, notwithstanding the Council's 4 year housing land supply position, housing development on this site is not allocated in the adopted local plan or neighbourhood plan, so at present, the principle of development on this site is contrary to policy and cannot be accepted. Henfield Neighbourhood Plan is considered to carry significant weight in the determination of this application having regard to the provision of Paragraph 14 of the NPPF.

The merits of the site, both in its own right and in the context of the emerging spatial strategy for the submission HDLP, have been assessed by the Council's Strategic Planning team. The Council has subsequently decided that this development will not be an allocation in the forthcoming local plan (HDLP).

Whilst Henfield is recognised as a larger settlement in the Council's settlement hierarchy and as such would be expected to accommodate growth relative to its status, it cannot be expected to take an unlimited quantum of development given allocations identified in the made Neighbourhood Plan with the addition of a proposed allocation under the HDLP. Therefore, the collective impact of implementing this proposal for approximately 170 dwellings, as well as sites within the neighbourhood plan and HDLP, would likely be considered not appropriate to the scale and function of Henfield's status in the settlement hierarchy, the cumulative impact on community infrastructure and the impact on the wider open countryside.

The site is also located in a countryside setting and there is concern that the development of the site, as currently proposed, would cause landscape harm. Concern is also raised regarding the vehicle access indicated and you are advised to discuss this with WSCC Highways. You are also advised to seek the views of WSCC Education on the capacity in the Henfield area for additional housing. There is also a concern regarding the potential impact of the development on the amenity of the properties to the south of the site.

Overall, the proposal, as currently presented, is considered unacceptable in principle and raises concerns regarding its landscape, amenity of adjacent residents and highway impacts. A full assessment of the proposal would be made in event it is submitted for consideration. This would include an assessment of the design and layout of the proposal.

As such the proposal would not be supported and would be considered contrary to the HDPF. Although the policies of the emerging Local Plan are considered to be material considerations, the weight to be applied to such policies is, at the time of issue, likely to be limited, albeit the picture will evolve as the examination process continues and the weight of these policies is expected to increase.

The above comments are given as the opinion of the Case Officer and do not prejudice any outcome of a subsequent application. Should you submit a formal planning application, please quote reference number PE/24/0141 in your submission.

Yours faithfully

Jason Hawkes
Principal Planning Officer

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council implemented a Community Infrastructure Levy (CIL) Charging Schedule on 1st October 2017.

The Community Infrastructure Levy is a charge placed on new development. The funds raised will help to pay for a wide range of infrastructure to support development across Horsham District.

Most new development which creates net additional floorspace of 100m² or more, or creates a new dwelling, (including permitted development), is potentially liable for the levy.

How does it affect you?

Applications for CIL liable development which are determined on or after 1st October 2017 are required to pay the Community Infrastructure Levy (unless the development qualifies for relief or exemption).

Further information and the rates charged by Horsham District Council are set out in the CIL Charging Schedule which can be viewed online at www.horsham.gov.uk/planning/apply/cil

General Consent e.g. Permitted Development

Developments which are permitted by way of a general consent (such as permitted development) may still be liable to pay the Community Infrastructure Levy if they meet the above criteria.

In these circumstances, you must submit a Notice of Chargeable Development (CIL form 5), notify us of the person who will assume liability to pay the CIL and make any applications for relief or exemption, before the development is commenced.

Appendix 6

Local Housing Need Calculations

The calculation of the Local Housing Need for Horsham District calculated using the current standard method:

Step 1	
Baseline	66,392 (2024, unrounded figure)
0.8% of baseline	531.136
Step 2	
Median affordability ratio (5-year average)	12.84
((12.84-5)/5)x0.95+1 = adjustment factor	2.4896
Minimum annual local housing need figure = housing stock baseline x adjustment factor	
531.136 x 2.4896	= 1,322.32 (rounded to **1,322**)

Appendix 7

Delegated Report

Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1932
Land East of Charlwood Drive, Henfield, West Sussex,

DESCRIPTION:
Outline Application for development comprising up to 191 dwellings with open space, landscaping and associated infrastructure (all matters reserved except for access). New vehicle access from Charlwood Drive.

RELEVANT PLANNING HISTORY:

None

DESCRIPTION OF THE SITE

The site is approximately 8.60 hectares and comprises an open parcel of agricultural land with mature tree belts and hedgerows to its boundaries. It is located on the eastern edge of the built-up area boundary of Henfield. The site is adjacent to an existing development of 102 dwellings (granted outline permission under DC/13/1266 and reserved matters approval under DC/15/0268). To the south of the site are detached dwellings onto Furners Lane. There are open fields to the east and north of the site. Henfield Conservation Area lies to the southwest of the site. There are also several listed buildings to the southwest of the site, the majority of which front the High Street. The site includes power lines which cut across the site.

Directly to the northwest of the site is an enclosed area of open space which includes a balancing pond. It is noted that residents access the site for walking along its edges. However, the path around the site is not a public right of way. There are no public rights of way within or directly around the site itself.

Henfield is classed as a tier 2 settlement in the current local plan (Policy 2 of the HDPF). These are '*settlements with a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and / or bus services. These settlements act as hubs for smaller villages to meet their daily needs, but also have some reliance on larger settlements / each other to meet some of their requirements*.' Henfield high street is within close walking distance from the site. The high street includes a number of shops and facilities.

The site is not subject to any landscape or ecological designations. In addition, the site is not subject to any surface water flooding and is within Flood Zone 1 for fluvial flood risk.

DESCRIPTION OF THE APPLICATION

Outline planning permission is sought for the development of the site to include the following:

- Provision of up to 191 dwellings (two storeys) with 45% being affordable homes.
- Provision of self-build plots – proportion to be agreed.
- Provision of open space and an attenuation pond.
- A Biodiversity Net Gain of 10%.
- A new vehicle access to the northwest corner of the site from Charlwood Drive.
- An emergency link to the southwest corner of the site from Kingsley Square.
- Removal of existing power lines (option of putting underground).

All matters are reserved with only access for detailed consideration at this stage. Matters of scale, appearance, layout and landscaping are reserved for future determination.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 4 - Strategic Policy: Settlement Expansion
Policy 15 - Strategic Policy: Housing Provision
Policy 16 - Strategic Policy: Meeting Local Housing Needs
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking
Policy 42 - Strategic Policy: Inclusive Communities
Policy 43 - Community Facilities, Leisure and Recreation

Henfield Neighbourhood Plan (May 2021):
Policy 1: A Spatial Plan for the Parish
Policy 4: Transport, Access and Car Parking
Policy 5: Utility Infrastructure
Policy 7: Education Infrastructure
Policy 8: Broadband Infrastructure
Policy 10: Green Infrastructure and Biodiversity
Policy 12: Design Standards for New Development

Horsham District Local Plan (2023-40) (Regulation 19):
Strategic Policy 1: Sustainable Development
Strategic Policy 2: Development Hierarchy
Strategic Policy 3: Settlement Expansion
Strategic Policy 6: Climate Change
Strategic Policy 7: Appropriate Energy Use
Strategic Policy 8: Sustainable Design and Construction
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding
Strategic Policy 11: Environmental Protection
Strategic Policy 12: Air Quality
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 17: Green Infrastructure and Biodiversity
Policy 18: Local Green Space
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 21: Heritage Assets and Managing Change within the Historic Environment

Strategic Policy 23: Infrastructure Provision
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Strategic Policy 27: Inclusive Communities, Health and Wellbeing
Policy 28: Community Facilities, Leisure and Recreation
Strategic Policy 37: Housing Provision
Strategic Policy 38: Meeting Local Housing Needs
Policy 39: Affordable Housing
Policy 40: Improving Housing Standards in the District

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Other Relevant Guidance and Policies:

- HDC Planning Obligations and Affordable Housing Supplementary Planning Document (2017)
- HDC Community Infrastructure Levy (CIL) Charging Schedule (2017)
- WSCC Supplementary Planning Guidance (September 2020) - revised county parking standards and transport contributions methodology
- Air Quality and Emissions Mitigation Guidance for Sussex (2020)
- HDC Planning Advice Note: Biodiversity and Green infrastructure (2022)
- HDC Planning Advice Note: Facilitating Appropriate Development (2022)
- HDC Sports, Open Space and Recreation Assessment (2014)
- HDC Open Space, Sport & Recreation Review (2021**)**
- HDC Play Strategy 2017-2027
- Henfield Parish Design Statement 2008

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

Consultations:
INTERNAL CONSULTATIONS

HDC Archaeology: Advice (summary). Condition recommended to secure written scheme of archaeological investigation and post investigation assessment.

HDC Arboricultural Officer: No Objection (summary).

HDC Conservation Officer: No Objection (summary).

HDC Landscape Officer: Advice (summary).
'We note and welcome minor changes to the proposals, however concern remains with the quantum of development and amount of open space provided, to conclude that the proposals can be considered to sit comfortably into the receiving landscape. Therefore, we remain of the view that the delivery of 191 dwellings and open space requirements may not reconcile and cannot be demonstrated with the illustrative layout. We are of the judgement that residual medium adverse effects to medium/minor adverse effects are identified on both landscape and visual receptors, but these are localised adverse effects which in the current 5YLS context might be outweighed by other planning considerations. Further, and taking the principles of the HDC Facilitating Appropriate Development into account, we consider the scheme to meet the relevant landscape requirements as discussed below.'

HDC Ecology (BNG): Objection (summary). There are concerns with the new BNG Assessment, particularly with the habitats that have been reclassified and the new post-development habitats proposed. It is noted that concerns regarding to draft management information, discrepancies between documents, and target condition assessment criterions has not been addressed. In the absence of any further modification or information considering the comments below, refusal is recommended on the grounds that the baseline information is incorrect.

HDC Ecology (Place Services): No Objection (summary)
Recommend permission subject to conditions and Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment.

HDC Environmental Health: Comment (summary).

- Having reviewed the RPS Air Quality Assessment, errors and missing information has been noted. Conditions are recommended requiring the submission of a Construction Environmental Management Plan, including details of dust and air emission mitigation, and the submission of a detailed mitigation strategy establishing the on-site measures to improve air quality.
- More information required on potential land contamination.
- Water neutrality requirements. It is noted that an off-site solution is proposed. The Environmental Health officer asks to be consulted on this matter in the event an on-site solution is proposed.

HDC Housing: No Objection (summary).

HDC Strategic Planning: Objection (summary).

- The proposal is for 191 homes, open space and associated infrastructure on the eastern edge of Henfield Village and outside the existing settlement boundary and would be contrary to Policy 4 in the adopted HDPF and Henfield Neighbourhood Plan's Core Principles (Policy 1 – (ii) with the proposal outside the existing settlement boundary).
- The Council is unable to demonstrate a 5-year supply of housing land. Notwithstanding the lack of a 5-year housing supply, the site is in a location contrary to existing and emerging Local Plan framework with the site not allocated in either the adopted Local Plan or emerging Local Plan, or the made Henfield Neighbourhood Plan, which is less than five years old and meets the identified housing requirement for the parish up to 2031. Hence in accordance with NPPF paragraph 14, the adverse impact of allowing the proposed development is likely to significantly and demonstrably outweigh the benefits.

OUTSIDE AGENCIES

Active Travel England: Comment (summary).
Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

Nature Space: Comment (summary).

- Due to the scale of the development and its proximity to unsurveyed ponds, it is recommended the development follow Reasonable Avoidance Measures to minimise the risk of impact on great crested newts. These may come in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist be secured by a condition.
- Should the developer wish to minimise all risk associated with the development, they can obtain a licence to undertake works.

Natural England: Comment (summary). A robust mitigation strategy is required to demonstrate how the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone. Without this information, Natural England may need to object to the proposal.

Southern Water: Comment (summary):

- There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 1.51 l/s for the above development at manhole reference TQ21167401. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water.
- If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd.

- Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.
- The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.
- The proposed rainwater harvesting system should be designed, installed and maintained to current British Standards to ensure that measures are in place to protect the public water supply and avoid cross contamination.

Sussex Police Crime Prevention Officer: Comment (summary).
Given this is an outline application, no detailed comments to make at this stage. The applicant is referred to Secured by Design website.

Sussex Police Joint Commercial Planning Manager: Comment (summary).
Sussex Police would raise an objection in the absence of developer contributions towards the provision of essential policing infrastructure and the additional strain on police resources.

WSCC Education: No concerns raised (summary).

WSCC Highways: No Objection (summary).
Based on the information provided, WSCC Highways are satisfied that the development proposals accord with the relevant policy requirements set out within the NPFF, and that the proposals will not result in any severe or otherwise unacceptable safety impacts. Subject to the conditions and obligations, WSCC would raise no objection.

WSCC Fire & Rescue: Advice (summary). Condition recommended requiring details of fire hydrants.

WSCC Local Lead Flood Authority: No Objection subject to conditions (summary).

WSCC Public Rights of Way Team: No Objection (summary).

WSCC Minerals and Waste: No Objection (summary).

PUBLIC CONSULTATIONS
Representations:
100 letters of Objection have been received (including MP Andrew Griffith and the Campaign to Protect Rural Henfield), objecting to the application on the following grounds:

- The proposed vehicle and pedestrian access is inappropriate and dangerous. The Road Safety Audit identifies problems. The access onto London Road is unacceptable. Impact of increased traffic. Insufficient traffic modelling.
- Henfield does not need another development of this scale. Development over the 10 years has already placed pressure on the services and infrastructure at Henfield, such as medical services and schools. Henfield does not need any further housing.
- The development would significantly impact on the amenity of adjacent properties.
- The development would result in the loss of trees and hedges.
- The proposal would have negative ecological impacts. Croudace are the same developer for the adjoining Meadow Walk estate and have failed to meet the ecology conditions for this development.
- The Henfield Neighbourhood Plan has been ignored.
- The proposal is not within the local plan and is outside the built up area. The proposal is contrary to HDPF policies on safe access, development within the countryside and sufficient capacity for infrastructure needs.
- Loss of green space and countryside.
- Flooding and limitations on sewage treatment capabilities.
- There is no Noise Assessment.
- The site is valuable farming land.
- Inappropriate site for development. A brownfield site would be more appropriate.

- Impact on power outage for residents.
- Lack of employment opportunities in the area.
- Water neutrality.
- Impact on overhead power lines.
- Lack of play facilities for the proposal.
- Parking.
- Landscape impact.
- Impact of construction works.
- Unsustainable development.
- Air pollution.

1 letter of support has been received on the grounds that housing is needed.

Parish Comments:
Henfield Parish Council: Objection:
The Henfield Committee deems that this application is contrary to the following HDPF policies:

- It is not a strategic site in the Local Plan
- It is not a nominated site in the Neighbourhood Plan
- It is not within an existing built-up area
- Policy 23 - as the site cannot be served by safe and convenient vehicular and pedestrian access; or cannot be supplied with essential services, such as water, power, sewage and drainage, and waste disposal; or provide adequate vehicle parking; or would have an unacceptable impact on the landscape.
- Policy 26 - as the site lies outside built-up area boundaries and does not support the needs of agriculture or forestry; does not enable the extraction of minerals or disposal of waste; or provide for quiet informal recreational use or enable the sustainable development of a rural area
- Policy 39 - as it does not demonstrate there being sufficient capacity in the existing infrastructure to meet their requirements; or as there is no assessment of the likely infrastructure requirement or its provision.

Member Comments:
Councillor Perry has requested the application be determined by Planning Committee, unless officers are minded to refuse.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Outline planning permission is sought for the development of the site for up to 191 dwellings. An outline application allows for an assessment of the general principles of how a site can be developed, with full details of the proposal to be submitted under subsequent reserved matters, in the event that outline permission is granted.

For this proposal, matters relating to appearance, layout, scale and landscaping are reserved for subsequent reserved matters applications. The matter of access is included for assessment under this proposal. The access to be considered is a new vehicle access for this development from Charlwood Drive. Under this application, taking into account the quantum of development proposed, the main areas for consideration for the outline application are as follows:

- Principle of Development
- Housing Mix and Affordable Housing
- Site Masterplan and Parameter Plan
- Landscape Impact
- Heritage and Archaeology
- Highways Impact, Access, Active Travel and Parking
- Impact on Residential Amenity
- Drainage and Flooding
- Infrastructure Provision
- Ecology
- Water Neutrality
- Drainage and Flood Risk
- Other Matters

Principle of Development:

As it stands, the main planning policy framework that is relevant to development on this site is the adopted development plan which comprises the Horsham District Planning Framework (HDPF, 2015) and the Henfield Neighbourhood Plan (May 2021), alongside the National Planning Policy Framework (NPPF). The West Sussex Joint Minerals Local Plan (2018) is also relevant to this proposal. In accordance with planning law, these documents are the starting point for the assessment of any development proposals in Horsham District.

The site is located outside any of the district's defined built-up area boundaries (BUAB's) and does not form part of Horsham's adopted development plan (comprising the Horsham District Planning Framework (HDPF) or the 'Made' Henfield Neighbourhood Plan, nor an adopted Site Allocations document. As a result, development here would conflict with the requirements of Policy 2 'Strategic Development' and Policy 4 'Settlement Expansion' of the HDPF. In addition, the development would conflict with the countryside protection policy of the HDPF (Policy 26) owing to its siting outside the BUAB and as the proposed residential development is not considered to be essential to this countryside location. As such, considered against the development plan, the principle of development is not considered to be acceptable. The conflict with the adopted development plan carries weight against the proposal.

Given that the HDPF is over 5 years old, a review of the existing Local Plan is underway. The Horsham District Local Plan (HDLP) had reached Regulation 19 stage and was subject to an examination, which was suspended by the Inspector. The Council has recently received the Inspector's Interim Findings Letter which, in very brief summary, recommends that the Plan be withdrawn owing to its failure to satisfactorily comply with the Duty to Co-operate. The Council is currently considering its position and, at the time of writing, has not formally withdrawn the Plan. On the basis of paragraph 95 of the Examining Inspector's letter, in which it was made clear that a rapidly prepared new HDLP could '*utilise much of the good and comprehensive work already undertaken*', some limited weight can be given to the evidence base of the HDLP, and it is for this reason that the Plan is still afforded some limited weight.

<u>5-Year Housing Supply Position</u>**:**

The NPPF was updated in December 2024. NPPF paragraph 78 states that for local plans which are more than five years old from their date of adoption, local authorities should identify and update annually a supply of sites to provide a minimum of a 5 years worth of housing provision, including an additional 5% buffer or a 20% buffer if the most recent Housing Delivery Test score is below 85% delivery over the last three years.

In April 2025, the Council published the latest Authority Monitoring Report (AMR) which revealed that the Council currently has a housing land supply of 1 year against current targets (1st April 2023 - 31st March 2024). In light of this, it is acknowledged that the Council is unable to demonstrate a full 5-year housing land supply, and it is recognised that this forms a material consideration in decision making

which triggers the application of the 'tilted balance' at Paragraph 11d of the NPPF. In accordance with Paragraph 11d, the Council is required to grant permission unless either (or both) of the following limbs apply:

(i) the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

According to Footnote 7 of the NPPF, the areas referred to in limb (i) above include habitat sites (and those listed in NPPF para 194), SSSIs, Green Belt, AONBs and National Parks. A determination on whether the tilted balance is then dis-engaged or not is dependent on whether a breach of any of the policies in the Framework that protect the areas of importance listed in Footnote 7 represents a 'strong' reason to refuse planning permission.

In light of Natural England's requirement for all development in the Sussex North Water Supply Zone to demonstrate that it is 'water neutral' in order to protect the habitat sites within the Arun Valley designations, the Council (as the decision maker) is required to determine whether water neutrality has been demonstrated. If the proposal is unable to demonstrate water neutrality through mitigation (as tested by Appropriate Assessment), then the tilted balance of paragraph 11d is dis-engaged, and in accordance with limb (i) the application must be refused.

The application and impact of Paragraph 11d on the final decision is addressed in the Planning Balance at the end of this report.

Henfield Neighbourhood Plan:

The Henfield Neighbourhood Plan (2019-2031) was made in June 2021 and forms part of the development plan for the District. This plan includes relevant policies that must be considered when assessing the acceptability of this site. The relevant policy in the plan in relation to principle of development is as follows:

Policy 1: A Spatial Plan for the Parish

P1.1 The Neighbourhood Plan defines the Built Up Area Boundary of Henfield (see page 23) and Small Dole (see page 24). Development proposals located inside these boundaries will be supported, provided they accord with the other provisions of the Henfield Neighbourhood Plan and the Horsham District Planning Framework (HDPF).

P1.2 Development proposals outside of these boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF and South Downs Local Plan policies in respect of development in the countryside.

P1.3 Development proposals within or affecting the South Downs National Park should conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

This proposal would be contrary to the above policy in that the site is outside the built-up area boundary of Henfield and is not allocated for development within the Neighbourhood Plan or the Local Plan.

As Paragraph 11d tilted balance is to be engaged in the determination of this application (subject to the Footnote 7 matters), then Paragraph 14 of the NPPF also needs to be considered. Paragraph 14 states that *'in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).'

It is the Council's view that at present, the above criteria are all met. The Henfield Neighbourhood Plan was formally made in June 2021, so it will remain 'in date' until June 2026, thereby satisfying part (a). The Henfield Neighbourhood Plan was supported by a Housing Needs Assessment and includes housing allocations to meet its identified need, stating (paragraph 5.7):

'*the indicative total number of houses specifically provided for in the HNP is 270 new dwellings over the plan period. This quantum of development is considered to strike the right balance between meeting local housing need and contributing to the HDPF Housing Supply Strategy on the one hand and reflecting the scale of housing developments recently built and consented in Henfield on the other. As the policy allows for sustainable development proposals within the boundary, the total number of dwellings consented over the plan period could be greater than the numbers resulting from the allocations within the HNP*.'

It should be noted a number of existing neighbourhood plan allocations are located near to the application site. Land east of Wantley Hill (25 dwellings) lies to the north (separated by a field) and is presented under Policy 2.2. Land West of Backsettown, off Furners Lane is allocated for approximately 30 dwellings under Policy 2.3 and lies to the south of the application site beyond the current properties on Furners Lane. An application for 29 dwellings on the Furners Lane site is currently awaiting the completion of a legal agreement so it can be approved (DC/24/1538).

Approximately 10 dwellings have also been allocated for development at land south of the Bowls Club, off Furners Mead, some 385m south of the application site. The Henfield NP also includes an allocation for approximately 205 dwellings at land north of Parsonage Farm some 400m northwest of the application site to the west side of the main A281 which runs north-south through Henfield. An application is also currently being considered for 235 dwellings at this site (DC/21/2013).

Having regard to the housing allocation policies within the Henfield Neighbourhood Plan and the current planning applications being considered for these allocations, the Plan is considered to meet its housing needs identified in its Housing Needs Assessment. Therefore, part (b) of Paragraph 14 is also met. The protections afforded by Paragraph 14 are therefore relevant when considering this application and are addressed in the overall Planning Balance below.

<u>Facilitating Appropriate Development</u>:

In light of the Council's inability to demonstrate a 5-year supply of deliverable housing sites, as in recognition of the key objective of Government policy to significantly boost the supply of homes, the Council has endorsed a Facilitating Appropriate Development (FAD, Oct 2022) document which now forms a material planning consideration in decision making. The advice contained in the FAD is guidance only and does not form policy and does not alter the statutory decision-making framework.

The FAD sets out the weight that can be given to current and emerging local policy and has been produced to enable the Council to act proactively to continue to deliver housing in a sustainable manner. For development proposals located outside the defined BUAB, the FAD (at paragraph 5.7) echoes the requirements of HDPF Policy 4 and states that applications will be considered positively provided that all of the following criteria are met:

- The site adjoins a BUAB
- The level of expansion is appropriate to the related settlement
- The proposal meets local housing needs
- The impact does not prejudice long term development
- The development is within an existing defensible boundary

This proposal would meet the criteria of the FAD. However, reliance on the criteria of the FAD are in situations where development is considered contrary to the development plan.

Conclusion:

Given the site is located outside the defined BUAB and is not allocated for development in the adopted development plan (the HDPF and the Henfield Neighbourhood Plan (HNP)), the principle of the development is contrary to Policies 2, 4 and 26 of the HDPF and Policy 1 of the HNP. Notwithstanding this, it is recognised by Officers that in the context of the Council's 5 year housing supply position, the benefits that would arise from the delivery of extra housing carries very significant weight in the determination of the proposal.

In order to come to a considered conclusion, it is necessary to therefore balance the benefits of the proposed development against this policy conflict and any other policy compliance, conflict and harm. The following sections of this report consider all other detailed planning considerations, with the final section considering the overall Planning Balance.

Housing Mix and Affordable Housing:

HDPF Policy 16 requires a mix of housing sizes, types and tenures to meet the needs of the district and local communities, with 35% of the provision to be affordable with a tenure split of 70% affordable rented and 30% intermediate tenure.

The proposal includes up to 86 affordable homes. This is equates to 45% provision which exceeds the current requirement of 35% under Policy 16 of the HDPF. Up to 60 no. (70%) dwellings will be provided as affordable rented properties and up to 26 no. (30%) as shared ownership properties. This tenure split meets the requirements of Policy 16 of the HDPF as expanded within the Planning Obligations and Affordable Housing SPD The anticipated affordable housing mix is as follows:

House Type	Affordable Rent	Shared ownership
1-bed	20 no.	6 no.
2-bed	18 no.	11 no.
3-bed	16 no.	7 no.
4-bed	6 no.	2no.

This mix is considered appropriate, although current evidence from the Council's housing list identifies a stronger need for larger 3+ bed affordable rent homes. The proposed affordable housing is nevertheless supported by the HDC Housing Officer. In relation to the market housing mix, no details have been given at this stage. The Planning Statement states that this will be determined at the reserved matters stage which is considered an acceptable approach. The market housing mix would need to be broadly in compliance with the latest Strategic Housing Market Assessment. The D&A statement refers to a policy compliant number of dwellings being constructed to Building Regs Part M4(2) and M4(3) wheelchair accessible standards which is welcomed.

The proposal includes a provision for self build plots however no details have been given of the proportion of self-build to included. In the event permission is granted, a planning obligation could be secured to ensure the delivery of these units. This would include a requirement to submit details of the number and location of the self build units.

Site Masterplan and Parameter Plan:

The detailed layout of the site shown on the illustrative masterplan is a matter that would be reserved for subsequent approval should the application be successful at outline stage, therefore it is not for consideration now. The proposal for up to 191 units on this site (as shown on the indicative masterplan and parameter plan) including amenity space, parking, landscape buffers, open space, internal linkages, and water attenuation. These features can all be satisfactorily accommodated on the site. The density of the proposal is indicated as 35 dwellings per hectare comprised of two-storey dwellings. This is comparable to the scale of the existing residential development to the west within the built-up area boundary of Henfield.

The parameter plan, which would be secured under any outline planning permission, indicates that the proposal would be comprised of two residential parcels divided by an area of open space going through the site diagonally. Open space and an attenuation pond are indicated to the northeastern corner of the site. The D&A statement states that this area would also include a Local Equipped Area of Play, with a further LAP in the green corridor (although these are not directly shown on the parameter plan), which would need to be secured in any permission. The parameter plan also indicates a landscape buffer around the site. No objections are raised to the layout of the proposal, subject to details secured under reserved matters applications (in the event permission is granted).

Under the Open Space, Sport & Recreation Review (2021) Paragraph 331 states that '*the basic principle is that a development should provide for the recreational needs that they generate. All new developments should therefore contribute. Consequently, the Council expects adequate provision of open space, playing pitches, indoor and built sports facilities to be provided.*'

Under the above Review, open space requirements are set out for development. As stated, the proposed development includes a large area of public open space in the north-eastern portion of the site, with a swathe of open space bisecting the site. The total quantum of public open space is 2.23ha, which exceeds the requirements outlined within the Council's Open Space, Sport and Recreation Review. The public open space includes a LEAP and LAP to provide formal children's play space. This would all need to be secured as part of any grant of permission.

Landscape Impact:

Policy 25 of the HDPF seeks to preserve, conserve and enhance the landscape and townscape character of the district, taking into account individual settlement characteristics, and maintaining settlement separation. Policy 26 states that, outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Policy 32 requires development to complement locally distinctive characters and to contribute a sense of place both in the buildings and spaces themselves and in the way they integrate with their surroundings.

Policy 14 of the HDLP states that development will be considered acceptable if it protects, conserves, and seeks to enhance, the key features and characteristics of the landscape character area in which it is located, including the pattern of woodlands, fields, hedgerows, trees, waterbodies and other features.

Paragraph 136 of the NPPF states that *'trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.'*

The site is located outside the defined built-up area boundary and is therefore sited within a countryside setting. It is acknowledged that the site does not sit within any formal landscape designations and is not considered to be a 'valued landscape' in the context of paragraph 187 of the NPPF.

As stated above, the primary area of public open space is provided in the north-eastern portion of the site. This would include a LEAP as well as general amenity space. A green infrastructure corridor

bisects the built form will also provide amenity space with a LAP. The proposal states that buffers would be provided around the formal play areas. The Planning Statement also states that additional planting would be delivered around the perimeter of the site to enhance its existing boundary features. In addition, soft landscaping is proposed which permeate throughout the areas of built form.

As originally submitted, the HDC Landscape Officer commented that whilst it is acknowledged that the site has some capacity for development, further consideration of the layout and structural landscaping needed to be given to ensure landscape and visual harm was appropriately mitigated so that the officer could be satisfied that the rural qualities experienced on site and within the wider landscape could be retained.

In response, the applicant submitted revisions to the proposal. This included additional woodland planting proposed along the northern and eastern boundaries of the application site to achieve the screening sought by HDC Landscape Officer. The proposed parameter plan was also revised to reduce the net developable area.

In response to the amendments, the HDC Landscape Officer commented that they note and welcome the minor changes to the proposals. However, concern remained with the quantum of development and amount of open space provided. Therefore, the officer remains of the view that the delivery of 191 dwellings and open space requirements may not reconcile and cannot be demonstrated with the illustrative layout.

The officer has commented that residual medium adverse effects to medium/minor adverse effects are identified on both landscape and visual receptors, but these are localised adverse effects which in the current 5 year land supply context might be outweighed by other planning considerations. Further, and taking the principles of the Facilitating Appropriate Development (FAD) document into account, the HDC Landscape Officer considered the scheme to meet the relevant landscape requirements. As such, the Landscape Officer does not consider that a reason for refusal on landscape harm can be justified. This is subject to a number of recommended conditions, in the event permission is granted.

In relation to trees, there are no trees within the site, which is comprised of an agricultural field. The site is surrounded by extensive trees and hedgerows to all sides. An Arboricultural Implications Report has been submitted with the application. This indicates protective fencing will be in place for all affected trees during construction works. The proposal includes removal of trees and hedgerows to allow the new vehicle access and for the emergency access.

The Council's Arboricultural Officer has commented that the submitted tree survey is a fair reflection of the species, size and condition of trees on and adjacent to the site. The trees are limited to the boundary edges of the fields. The access construction requirements include removal of sections of boundary hedgerow and young trees. In arboricultural terms the loss of the trees could be reasonably mitigated by compensatory planting subject to landscape and ecological considerations. Overall, a layout akin to that submitted in illustrative form only, utilising an external access road that requires no private habitable garden space to back onto the site boundaries, could be achieved with very limited impact on trees worthy of retention.

Heritage and Archaeology:

Policy 34 of the HDPF relates to Cultural and Heritage Assets and states that applications should make a positive contribution to the character and distinctiveness of the area, and ensure that development in conservation areas is consistent with special character of the area. Policy 21 (Heritage Assets and managing Change within the Historic Environment) also states the importance of preserving and enhancing the historic environment through positive management of development.

Section 66 of the Listed Buildings Act and paragraph 212 of the NPPF (2024) also stresses the importance and great weight attributed to the desirability of preserving listed buildings or their settings.

The proposal is in proximity to Henfield Conservation Area to the southwest. There are also listed buildings located to the west and south of the site. The HDC Conservation Team has commented that, having regard to the distance and separation of the heritage assets from the proposed site, the

development is unlikely to have a significant impact on the setting of these assets. As such, the impact will not be harmful in heritage terms and no objection is raised.

In relation to archaeological impacts, the Council's archaeologist has commented that the application is supported by a desk based archaeological assessment that concludes that the site has a low to moderate archaeological potential and that further archaeological investigations are required to clarify the nature, extent and significance of any archaeological deposits. As such, no objection is raised subject to a condition to secure a written scheme of archaeological investigation and post investigation assessment.

Highways Impact, Access, Active Travel and Parking

Policy 40 of the HDPF states that development will be supported if it is appropriate and in scale to the existing transport infrastructure, including public transport; is integrated with the wider network of routes, including public rights of way and cycle paths, and includes opportunities for sustainable transport. These principles are reflected in Policy 4 of the HNP.

The proposal reserves all matters with the exception of access. A new vehicle access is proposed to north west corner of the site off Charlwood Drive. The proposal also includes an emergency access to the south west corner of the site off Kingsley Square.

WSCC have commented that with the changes to the NPPF in December 2024, there is now a requirement for a 'vision-led' approach' to transport planning (paragraph 109). The current proposal was submitted prior to the December NPPF amendments and therefore does not reference a vision-led approach. WSCC acknowledge that the lack of a 'vision-led' approach is not considered grounds to justify an objection.

The vehicle access, taken from Charlwood Drive, is a 30mph residential road. The proposal is to realign the road to accommodate the development access. WSCC have commented that the realignment will give priority to the more heavily trafficked proposed development arm with the existing development forming the minor arm of the junction and having to give-way. As originally submitted, WSCC commented that with respects to the details, the proposed minor arm of the junction was quite large with the kerb radii on the eastern side being overly large.

WSCC also commented that the arrangement would also encourage vehicles turning into the minor arm to cut across the give way lines and potentially into opposing traffic on the minor arm. WSCC recommended that the design was revisited to determine if the minor arm can be realigned in someway to address the above issues. WSCC also commented that the access arrangement was also somewhat unusual given that it tied in with a shallow lay-by on the northern side. As part of the detailed design, there would be merit to the edge between the lay-by and the carriageway being demarcated in someway (e.g. by way of an edge line). The lay-by otherwise could be removed and re-provided within the proposed development if this then allows for a better alignment for the proposed access. WSCC also commented that, as originally submitted, the Road Safety Audit (RSA) also raised a number of problems.

In response, the applicant submitted amendments and further information. This includes minor amendments to the proposed access from Charlwood Drive. WSCC have commented that the junction geometry had been tightened in the amendments, in some respects (the overall width and kerb radii on the eastern side is reduced). As a result, the radius on the western side has been increased as a consequence. WSCC recognise that there is limited ability to further reduce the junction without then impacting upon the usability. Notwithstanding the Stage One RSA problems, WSCC consider the revised access layout to be acceptable.

For the Stage One RSA, WSCC have requested for an editable version of the Road Safety Audit Response to be provided so that WSCC can enter comments against the relevant points. This aspect can be agreed directly between WSCC and the applicant and is not necessary for the determination of this application. WSCC also noted that the RSA team have reviewed the amended design and various responses from the Design team. The RSA team have noted and agreed all actions proposed by the Design team. WSCC would wish to comment further on problems 2.5 and 2.6 of the report.

With regards to problem 2.5, WSCC have stated that the current design doesn't allow for any greater spacing between the existing access for no. 6 Charlwood Drive and the proposed junction, which is acknowledged as being much closer than desired. WSCC have commented that this is not ideal.

WSCC have commented that current planning policy (namely paragraph 116 of the NPPF) is quite clear in stating that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe.

In this instance, given the very low number of daily vehicle movements associated with the access for no. 6, the low speed of traffic entering and exiting Charlwood Drive and the new development access road, and the good forward visibility on the approaches to the junction and the access, WSCC do not consider that an unacceptable safety or otherwise severe impact would be realised.

With problem 2.6, the RSA identifies a potential issue with vehicles striking the protruding south eastern corner of the lay-by caused by the realignment of the northern kerb line. Whilst the RSA team has subsequently agreed to the Design team's response, as previously advised, WSCC consider that a means of demarcating the boundary between the carriageway and lay-by edges will be required. However, this means of demarcation can be considered through the detailed design of the access, as required separately by WSCC under S278/38 agreements.

In terms of access by sustainable modes, WSCC commented that it's generally accepted that all facilities and services within Henfield are within an acceptable walking and cycling distance. However, WSCC commented that the proposal did not include any indication of the routes to accommodate development trips. As such, WSCC requested a further assessment making use of the relevant tools available on the Active Travel England website.

As requested by WSCC, the applicant submitted a detailed review of walking and cycling routes from the development to nearby key destinations (Multimodal Environment Study). These are shown as footways from the site through the adjacent development to the main high street (under 300m from the southern corner of the site where the emergency access sis proposed) where there are services and bus routes. The Study identifies a number of minor footway and crossing point improvements. Those improvements relating to footway surfacing are a maintenance function for WSCC as Local Highway Authority. As such, it's not considered appropriate for WSCC to request that the Applicant undertakes these maintenance based works. WSCC have commented that the provision of dropped crossing points and tactile paving are relevant, and should be secured as a scheme of improvements undertaken by the applicant rather than as a contribution to WSCC. Overall, subject to the recommended surfacing and crossing improvements set out in the Study at Table 3.1, and the delivery of the emergency vehicle access as a foot and cycle link, the site is considered to be sustainably located for walking, wheeling and cycling to key facilities, and bus routes.

In terms of trip generation resulting from the development, WSCC commented that some details were missing from the assessment. However, based on the modelling work undertaken, it was apparent that the local highway network is operating within capacity and that further details were not required. WSCC also have no objection to the development being accessed via the Wantley Hill Estate.

In terms of parking, as the scheme is indicative at this stage, WSCC have commented that an appropriate scheme of parking would be secured via condition. They have raised concerns regarding the parking layout shown on the indicative layout. It is considered that appropriate parking for the development would be secured under a reserved matters application. This would include details of electric vehicle charging points.

In relation to the proposed emergency access, this is detailed only as a potential emergency access on the parameter plan. WSCC consider that there is a benefit to the provision of this link for pedestrians and cyclists even it isn't consider necessary for emergency services. WSCC therefore recommend a condition to ensure the link is provided, subject to details. This would be secured in the event permission is granted.

WSCC commented that the Travel Plan submitted was inadequate and limited in terms of detail. An amended Travel Plan was not forthcoming. However, WSCC agree that this can be secured under a legal agreement with a contribution towards post planning auditing, in the event permission is granted.

In conclusion, based on the information provided, WSCC Highways are satisfied that the development proposals accord with the relevant policy requirements set out within the NPFF, and that the proposals will not result in any severe or otherwise unacceptable safety impacts. Subject to conditions and obligations, WSCC raise no objection on highway safety grounds.

Residential Amenity:

Policy 33 of the HDPF requires development is designed to avoid unacceptable harm to the amenity of occupiers / users of nearby property and land.

In the location proposed, the proposal would not result in a loss of amenity to adjacent properties to the west or south in relation to loss of light, overlooking, noise or an increased sense of enclosure. The parameter plan indicates that the residential parcels will be set within the site, suitably set back from the boundaries.

Given the proximity of the site to existing residents, a Construction Environment Management Plan is required. This would outline measures to ensure that the construction works will mitigate, as far as possible, the impact of the proposal on the amenity of adjacent residents. If recommended for permission, a condition could be imposed required the submission of this plan.

Ecology:

Policy 31 of the HDPF (2015) states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. The Council will support new development which retains and /or enhances significant features of nature conservation on development sites.

As amended, the Council's consultant ecologist have commented that there is sufficient ecological information available to support the application. This takes into account the ecological reports submitted with the application.

As requested, the applicant's ecologist further assessed the sites suitability for likely presence of Hazel Dormouse, with the findings detailed within the Dormouse Technical Note 02 (Aspect Ecology, January 2025). The Council's ecologist was satisfied with the justification to not undertake further surveys, and were satisfied with the proposed precautionary mitigation measures.

The Council's ecologist notes that Ground Level Tree Assessment for bats concluded that there are no trees onsite with potential roost features and there are no structures onsite (Ecological Appraisal (Aspect Ecology, November 2024)). Therefore, it is agreed that no further surveys for bats are required. In the event permission is granted, the ecologist recommends a condition requiring a Wildlife Friendly Lighting Strategy to avoid impacts from light disturbance to bats.

As Common Toad was recorded onsite, the Council's ecologist also supports the implementation of the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority species) in Section 6.1.7 of the Ecological Appraisal (Aspect Ecology, November 2024). This should be secured by a condition of any consent. In the event permission is granted, further conditions are also recommended including the requirement for Biodiversity Enhancement Strategy.

In relation to the potential impact newts, the Council's consultants (Naturespace) have commented that the development is situated in the amber impact risk zone indicating that suitable habitat is present in the surrounding landscape. The ecological report submitted has determined that great crested newts are likely absent from the site due to the suboptimal habitat and negative eDNA results.

However, Naturespace have commented that there are 3 other unsurveyed ponds within 250m of the development that could have potential for great crested newts, and although the field is suboptimal

arable habitat, great crested newts do migrate across open arable land, and will utilise any suitable places for rest and shelter, such as in crevices created from cracked earth. As such, it is recommended that the development follow reasonable avoidance measures to minimise the risk to great crested newts. These measures would be secured in the form of a Precautionary Working Methods Statement produced by a suitably qualified Ecologist and secured by condition.

Overall, subject to conditions, the proposal is considered appropriate in terms of its impact on ecology, subject to conditions. Biodiversity Net Gain provision is assessed separately below.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

In assessing the impact of development on protected habitat sites such as those in the Arun Valley, decision makers must, as the competent authority for determining impact on such sites, ensure full compliance with the Conservation of Habitats and Species Regulations 2017 (known as the Habitat Regulations). The Regulations require that a Habitats Regulations Assessment (HRA) be carried out to determine if a plan or project may affect the protected features of a habitats site, before the grant of any planning permission. Section 70(3) of the Regulations requires that planning permission must not be granted unless the competent authority (Horsham District Council) is satisfied that the proposed development will not adversely affect the integrity of the affected habits site. Section 63 of the Regulations sets out the process by which an HRA must take place.

The requirements of Section 70(3) are reflected in paragraph 193 of the NPPF, which states that '*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*'.

The application site falls within the Sussex North Water Supply Zone which draws its water supply from groundwater abstraction at Hardham (near Pulborough), adjacent to the Arun Valley sites. The water abstraction issues raised by the Natural England Position Statement are therefore material planning considerations relevant to the proposal. Given the requirements of the Habitat Regulations and paragraph 193 of the NPPF, adverse impact on the integrity of the Arun Valley sites must be given great weight in decision making. In order to demonstrate that no adverse impact will occur at the Arun Valley sites, all new development within the supply zone must demonstrate water neutrality, i.e., that water consumption from the site when occupied will not increase water abstraction in the Arun Valley.

With the site being an open field, the baseline for water usage has been taken as zero. In accordance with Council guidance, using census data and the indicative housing mix defined, the population of the proposed development is estimated to be 413.22 persons. Using the Building Regulations Part G water consumption figure of 125 litres per person per day and proposed population size of 413.22, it is estimated that the total water usage per day for the proposed development would total to 51,652.50 litres per day.

To minimise the demand on the mains water, it is proposed that the new dwellings will achieve a water efficiency of less than 110 litres per person per day of water, which will be in accordance with the optional water efficiency target set out in Building Regulations Part G. This will be achieved through the use of water efficient fixtures and fittings.

Using the submitted Part G water target consumption figure of 105.15 litres per person per day and the census-based development population of 413.22 it is estimated that the water usage per day for the proposed development can be reduced to 40,288 litres per day. Therefore, following the development of the site there will be a net increase in water demand of 43,451.61 litres per day.

Offsetting

The applicants Water Neutrality Statement proposes to offset their development via two ways:

1. The Sussex North Offsetting Water Scheme (SNOWS).

This scheme has been jointly developed by the affected authorities and Southern Water and looks to comprise a catalogue of sites that can provide a capacity to offset the residual water demand generated by new development. Whilst not yet launched, it is anticipated to launch in the early summer.

As confirmed within the Council's published guidance, only development deemed compliant with a current or emerging (post-submission) local plan or neighbourhood plan would be deemed eligible for access to purchasing SNOWS water credits. As this is a speculative development (not allocated in any made or post-submission plan), the scheme is not eligible for access to the SNOWs scheme.

2. A bespoke solution

If the proposed development is not eligible for SNOWS credits, the applicants have stated that they will secure third party offsetting credits and has commenced discussions to this effect with Nicholls Boreholes.

The Water Neutrality Statement outlines that '*Nicholls have several borehole schemes in Sussex that extract groundwater from aquifers that are not geohydraulically linked to the Hardham abstraction. These boreholes are supplying water to sites (such as farms) that previously used large quantities of mains water for their operational activities. Because these sites are no longer using mains water supplied by the Hardham abstraction, this effectively 'returns' this quantity of water to the SNWSZ and this quantity can be sold on as credits to developers that are not able to offset their development's water use independently.'*

The Water Neutrality Statement outlines in Appendix E that a Grampian condition should be used to secure water neutrality measures. Reference is made to recent appeals where such Grampian conditions were used. Where developments meet the access criteria for the SNOWs scheme, The Council is applying grampian conditions to allow applicants to either offset their water demand via SNOWs, or to submit a bespoke solution in the alternative. The certainty provided by the availability of access to SNOWS is deemed sufficient to satisfy the Habitats Regulations. However, as stated, this speculative scheme would not be eligible for SNOWs. As such, the use of a Grampian condition to access SNOWs is not acceptable for this proposal.

The use of a grampian condition to secure an offsetting solution for a borehole would also not be appropriate in this instance. This is because no details have been submitted regarding the location, status and management of the borehole. It is recognised that Nicholls have several borehole schemes in Sussex, however in order for the Local Planning Authority to be satisfied that the requirements of Section 70 of the Conservation of Habitats and Species Regulations 2017 have been met, then full details must be submitted of the proposed borehole to ensure certainty that the mitigation will be effective in practice and suitably secured before outline planning permission is granted. These details will need to identify:

- the location of the borehole or boreholes and the relative aquifer in relation to the Hardham site,
- whether the borehole or boreholes have sufficient quantum of water to offset the water requirements of the proposal (taking into account any other proposals the borehole may be off setting),
- what use the borehole or boreholes will serve and how will this save water usage,
- the quality of the water and whether it is suitable for its use.

Without the above information, the Council cannot ascertain whether or not the boreholes proposed are appropriate. In the event that these details are acceptable, the applicant and offsetting landowner

would need to be signatories to a s106 agreement to secure the implementation, operation and maintenance of the boreholes. The applicant was asked for additional information on the boreholes and water neutrality but none was forthcoming.

As such, the development the proposal has not demonstrated water neutrality and therefore there is insufficient certainty that the proposal will not contribute further to the existing adverse effect on the Arun Valley SAC, SPA and Ramsar sites, contrary to Policy 31 of the HDPF and NPPF paragraphs 193 and 194.

Drainage and Flood Risk:

The site is partially located within Flood Zone 1 for fluvial flooding. The area is not subject to any surface water flooding as identified by the Environment Agency maps. In support of the application, a Flood Risk Assessment (FRA) and Drainage Strategy has been submitted. As amended, the Local Lead Flood Authority have commented that they have no objection to the proposal subject to conditions.

Other Matters:
Infrastructure Provision:

Policy 39 of the HDPF (2015) states that '*the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development, or suitable necessary mitigation arrangements for the improvement of the infrastructure, services and community facilities caused by the development being provided*.' Policy 23 (Infrastructure Provision) of the HDLP reflects these requirements.

Policy 7 of the Henfield Neighbourhood Plan also states that '*proposals for housing development should have regard to the availability of primary school and secondary school places in the local catchment area*.'

In relation to education provision, West Sussex Education Services have commented that they do not have any concerns with the proposed development. This takes into account that, should the application be approved, it will be CIL liable. To cover other infrastructure and on-site requirements, in the event that permission is granted, a legal agreement would be required to secure the following:

- Affordable housing provision with appropriate tenure mix.
- Travel plan and monitoring fee.
- Management of open spaces.
- Off site highway improvements (dropped crossing points and tactile paving).
- BNG provision.
- Water Neutrality

As a legal agreement has not been submitted to secure the above, the scheme is considered contrary to Policy 16, 31 and 39 of the HDPF in that it hasn't included measures necessary to meet the requirements of the development.

Contaminated Land:
The proposal includes a Desk Top Study to assess the potential for land contamination on site. The Council's Environmental Health Team commented that amendments were required to the study. Notwithstanding these comments, it is felt that in the event permission was granted, suitable conditions could be imposed regarding details of land contamination, including a requirement to submit a revised Desk Top Study.

Climate Change:
Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of

development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:

- Integration of SUDS and green infrastructure to manage flood risk
- Requirement to provide full fibre broadband site connectivity
- Dedicated refuse and recycling storage capacity
- Opportunities for biodiversity gain
- Cycle parking facilities
- Improved pedestrian and cycle links
- electric vehicle charging points
- Air quality mitigation strategy
- Improved energy performance to meet/above Part L
- Solar panels
- Air source heat pumps

Subject to conditions to secure the above, the application will suitable reduce the impact of the development on climate change in accordance with local and national policy.

Biodiversity Net Gain (BNG):
Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool, and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

As originally submitted, the Council's BNG Ecologist commented that further information was required. Subsequently, the applicant submitted a new BNG Assessment and metric have been submitted. This has changed the proposed net gain to 3.75%. Previously it was indicated as 10.11%. The amended assessment indicates that hedgerow module of the metric is no longer present.

The HDC BNG Ecologist has commented that there are concerns with the new BNG Assessment, particularly with the habitats that have been reclassified and the new post-development habitats proposed. It is noted that concerns raised regarding draft management information, discrepancies between documents, and target condition assessment criterions have not been addressed. In the absence of any further modification or information considering the comments of the Ecologist, the HDC Ecologist recommends refusal on the grounds that the baseline information is incorrect.

The Council, accordingly, cannot determine whether the statutory biodiversity gain condition is capable of being successfully discharged, or that the development proposals have appropriately adhered to the Biodiversity Gain Hierarchy. In the absence of acceptable details and as the baseline is not considered correct, the Council cannot conclude that the proposal would prove capable of discharging the statutory biodiversity gain condition, as required by Paragraph 019 to the relevant Planning Practice Guidance document. Refusal is therefore recommended on these grounds.

Sussex Police Comments:
The Sussex Police Joint Commercial Planning Manager has raised an objection in the absence of developer contributions towards the provision of essential policing infrastructure and the additional strain on police resources. It should be noted that in the event that permission was granted this scheme would be CIL liable. The CIL Regulation 123 List outlines infrastructure projects or types to be funded at least part by CIL. This includes Public and Emergency Services Infrastructure such as

CCTV. As this scheme is CIL liable, it would therefore be unreasonable to refuse this proposal on the grounds advised by Sussex Police.

Agricultural Land:
Paragraph 187 of the NPPF requires that planning decisions, amongst others, recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. The NPPF defines 'best and most versatile agricultural land' as being that within Grades 1, 2 and 3 of the Agricultural Land Classification. Footnote 65 states that '*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'*. The HDPF and Henfield Neighbourhood Plan do not include any relevant polices which specifically protect particular grades of agricultural land therefore the policy framework is that set out in the NPPF above. The Development Management Procedure Order requires that Natural England are consulted if more than 20ha of best and most versatile land is to be developed.

The application is supported by an Agricultural Land Classification report prepared by a suitably qualified person. The report identifies at Table 3.4 that some 42.1% of the site classifies as Grade 2, 30.3 as Grade 3a, and 27.6 as Grade 3b. This means some 72.4% (5.5ha) of the site classifies as 'best and most versatile agricultural land'. This designation is consistent with the Agricultural Land Map 2020 which shows a narrow belt of Grade 2 land running east-west through the district including at Henfield. This strip, which extends from Thakeham in the west to Lewes (outside of the district) in the east, is the only area of Grade 2 agricultural land in the district, with the remaining part of the district (and indeed the wider Sussex region in near total) Grade 3 (not distinguished to 3a and 3b) and 4. The loss of an area best and most versatile land which includes Grade 2 land in this context is a material consideration that weighs against the proposals, given the NPPF requires that areas of poorer quality land should be preferred to higher quality land.

Mineral Resources:
The application site is located within a Minerals Safeguarding Area (as defined in the WSCC Joint Minerals Local Plan 2018) for Brick Clay and the south western corner lies within or near to the area for soft sand. Policy M9 (iii) of the West Sussex Joint Minerals Local Plan requires that for non-mineral development (such as residential development), the decision-maker must determine whether the overriding need for the development outweighs the safeguarding of the mineral. In addition, the applicant must demonstrate that prior extraction is not practicable or environmentally feasible to identify whether economically viable mineral resources are present on site, and whether prior extraction is practicable.

As required by the West Sussex Joint Minerals Local Plan (2021) a Minerals Resource Assessment has been submitted with the application. The County Council broadly agree with the conclusions of the MRA, as noted above. Ultimately, the proposed development would sterilise some 0.7 – 0.9 million tonnes of brick clay of an unknown quality, although it is appreciated that the realistic quantity of extractable resource would likely be less than this when accounting for buffers/standoffs for nearby residential properties and infrastructure.

In accordance with Policy M9 (iii), the County state it will be for the determining authority to establish whether there is an 'overriding' need for the development (in this case housing), sufficient to outweigh safeguarding of the mineral. Subject to this being the case, the County Planning Authority offer no objection to the proposed development from a mineral safeguarding perspective. Having regard to the need for housing and the submitted Mineral Resource Assessment submitted, HDC also raise no objection to the proposal.

Air Quality:
The site is not located within or close to any of the district's defined Air Quality Management Areas (AQMAs). However, in support of any future planning application, and as required by the adopted Sussex Air Quality Guidance (2021) for any development classed as 'major', an Air Quality Assessment (supported by an Air Quality Emissions Mitigation Plan) has been submitted.

The Council's Air Quality Officer has commented that the submitted Assessment is not entirely satisfactory. For example, the officer has commented that in the assessment the damage cost

calculations seems inaccurate and that it is disappointing that a Mitigation Plan was not submitted with the proposal. As such, the officer recommends a condition requiring the submission of a Construction Environmental Management Plan, to cover construction dust mitigation, and a condition requiring a detailed mitigation strategy. Both to be submitted to the Council prior to commencement of development. In the event permission is granted, these conditions could be imposed to ensure the development is appropriate in terms of air quality.

Conclusion and Planning Balance:

In accordance with planning law, the starting point for the assessment of this proposal is to consider whether or not it accords with the provisions of the adopted development plan (comprising the HDPF and the Henfield Neighbourhood Plan). The site is not allocated for development in either of these plans, therefore in the first instance, it must be concluded that the development of the site for housing is not acceptable in principle.

As has been established within this report, the Council is unable to demonstrate a 5-year supply of deliverable housing sites when calculated against the identified need, with a current supply of 1 year. As such, the provisions of paragraph 11d of the NPPF are engaged, which requires decision makers to apply a presumption in favour of sustainable development (the tilted balance) unless any of the policies in the NPPF that seek to protect areas of particular importance (for instance habitat sites listed in NPPF paragraph 193) provide a clear reason to refuse the development being proposed. If this is the case, the decision maker must decide whether the harm being caused to the habitat sites outweighs the wider benefits of the proposal.

As per the Position Statement that was issued in September 2021, Natural England cannot conclude that existing water abstraction levels within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the species and habitats within the Arun Valley SAC/SPA/Ramsar sites. As such, in order to prevent further adverse harm to the Arun Valley sites, Natural England have required that developments within this water zone must not add to this impact, by demonstrating that they are 'water neutral'. As the applicant for this site has not been able to demonstrate a suitable package of mitigation measures that would, with the required degree of certainty, achieve water neutrality, the Appropriate Assessment (required by Regulation 63 of the Habitat Regs 2017) has judged that the proposal will likely have an adverse effect on the integrity of the Arun Valley SAC/ SPA /Ramsar sites. The proposal therefore is contrary to Paragraph 194 of the NPPF, which provides a strong reason to refuse the development. According to Paragraph 194 and limb (i) of Paragraph 11d, this means that the presumption in favour of sustainable development no longer applies, and the tilted balance of the decision is dis-engaged.

In the event the Paragraph 11d tilted balance was to be engaged in the determination of this application, then Paragraph 14 of the NPPF would also need to be considered. Paragraph 14 states that 'in situations where the presumption at Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70).

The Henfield Neighbourhood Development Plan (HDP) (2019-2031) was "made" on 23 June 2021. With the adoption of the HDP, the polices of the Neighbourhood Plan are a material consideration for any development within the Henfield parish. The Plan makes housing allocations and is less than five years of age hence NPPF paragraph 14 is engaged, which means that weight can be given to a neighbourhood plan when the local planning authority cannot demonstrate a five-year land supply, and the adverse impact of development which conflicts with the neighbourhood plan is likely to outweigh the benefits of the proposed development.

The Henfield Neighbourhood Plan allocates land for around 270 homes against a District wide requirement for neighbourhood plan led development of 1,500 homes, as set out in the HDPF. The 270

figure reflects detailed housing need assessments which accompanied the preparation of the Henfield Neighbourhood Plan and was tested at the Henfield Neighbourhood Plan Examination in 2020.

The criteria of Paragraph 14 are therefore all satisfied meaning consideration would be required as to whether '*the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits'*. Adverse impact in the context of Paragraph 14 is not simply technical, as per Paragraph 15 the planning system should be genuinely plan-led giving communities confidence that they can shape and influence sustainable development in the areas. This leads back to Paragraph 13 which advises that '*The application of the presumption has implications for the way communities engage in neighbourhood planning'*, with Paragraph 14 then providing the above neighbourhood plan protections in order to give reassurance to communities that neighbourhood planning is meaningful and worthwhile in the face of wider development pressures. Officers are therefore of the view that the conflict with the Neighbourhood Plan in this instance does significantly and demonstrably outweigh the acknowledged benefits of the proposal. Therefore, development of this site for housing in conflict with the Neighbourhood Plan remains unacceptable at this time, even if water neutrality were to be demonstrated enabling the application of the 'tilted balance'. However, as water neutrality has not been demonstrated, the tilted balance at paragraph 11d is in any case disengaged.

Following the dis-engagement of the tilted balance, the remainder of the application must now be assessed on a 'flat' balance, but with an acknowledgement of the increased weight that must be afforded to the Council's weak 5-year housing land supply position, and the consequential diminished weight that must be afforded to Policies 4 and 26 of the HDPF. Whilst the site is not allocated for development in the adopted local plan, given the Council's inability to demonstrate a full 5-years supply of housing land, with a significant shortfall at 1 year supply, the benefits that an additional 191 houses (including a greater than policy compliant level of affordable units) carries very significant weight in favour of the proposal.

Other benefits that the proposal offers including landscape enhancements, public open space and play areas to meet the needs of future residents. These are judged as providing moderate weight in favour of the proposal.

The lack of an acceptable BNG provision, in line with statutory requirements, and the lack of an appropriate water neutrality solution however weigh very significantly against this proposal. The loss of 5.5ha of best and most versatile agricultural land that is currently in use also weights against the proposals.

As a whole, it is acknowledged that the need for additional housing (including affordable housing) in the Horsham District is pressing, and that the provision of up to 191 homes with a greater than policy complaint level of affordable housing carries very significant weight in favour of the proposal. This need is considered to outweigh the loss of the best and most versatile agricultural land.

However, the pursuit of housing supply in this instance results in significant harm when assessed against the current development plan and NPPF when read as a whole, taking into account the conflict with an 'in date' neighbourhood plan, the lack of an appropriate BNG provision, and in particular the failure of the applicant to propose satisfactory mitigation in terms of water neutrality. The failure to demonstrate water neutrality means adverse impacts on the integrity of habitat sites in the Arun Valley cannot be ruled out. In this regard the proposal fails to accord with the requirements of the Habitats Regulations. This conflict contributes very significantly to the conclusion that the proposed scheme must be refused. The precise reasons for the Council's refusal are provided below.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

In the case of outline applications the CIL charge will be calculated at the relevant reserved matters stage.

Recommendation: Application Refused

Reasons for Refusal:

1. The proposed development is located beyond a defined built-up area boundary, involving a site not allocated for development within the Horsham District Planning Framework (2015) or the Henfield Neighbourhood Plan (2017-2031). The proposed development, further, is not considered to represent an essential form of development to a countryside location, with the proposed development deemed contrary to the overarching spatial strategy of the development plan outlined at Policies 2 and 4 of the Horsham District Planning Framework (2015) and countryside protection policy contained within Policy 26 of the Horsham District Planning Framework (2015). The scheme is also contrary to the Henfield Neighbourhood Plan (Policy 1: A Spatial Plan for the Parish) in that it results in a development beyond the built area boundary and does not conform with the Horsham District Planning Framework. Notwithstanding the absence of a five-year land housing supply and the provisions of the National Planning Policy Framework, there are deemed to be no material considerations which would outweigh conflict with the above development plan policies in these regards.

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework, its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

3. The statutory Biodiversity Net Gain metric and Assessment have not been satisfactorily completed such as to provide an accurate understanding of the existing habitats baseline of the application site. It cannot, therefore, be concluded that the development proposals would prove capable of discharging the statutory Biodiversity Net Gain condition in conflict with Paragraph 009 of the relevant Planning Practice Guidance document.

4. The proposed development has not been accompanied by a completed s106 Legal Agreement, thereby does not secure the units required to be provided as affordable housing units or other obligations required to make the development acceptable. The proposal is therefore contrary to Policies 16, 31 and 39 of the Horsham District Planning Framework (2015), as it has not been demonstrated how the infrastructure needs of the development would be met.

NOTE TO APPLICANT

POSITIVE AND PROACTIVE STATEMENT

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.

Plans list for: DC/24/1932

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Parameters Plan	PL-03 REV D	14.04.2025

Plans	Illustrative Masterplan	PL-04 REV D	29.04.2025
Location plan		PL-01 REV B	12.12.2024
Location plan		PL-01 REV D	12.12.2024
Plans	Site Access Arrangement	106205-PEF-XX-XX-D-H-000002 REV P03	14.04.2025
Plans	Refuse Vehicle	106205-PEF-XX-XX-D-H-000006 REV P03	14.04.2025
Plans	Site Access Arrangements	106205-PEF-XX-XX-D-H-000004 REV P03	14.04.2025
Plans	Fire Tender	106205-PEF-XX-XX-D-H-000005 REV P01	12.12.2025
Plans	Proposed Primary and Emergency Site Access Arrangements	106205-PEF-XX-XX-D-H-000004 REV P03	14.04.2025

DELEGATED

Case Officer sign/initial Jason Hawkes Date: 21.05.2025

Authorising Officer sign/initial Adrian Smith Date: 22/05/2025

Appendix 8

Natural England Water Neutrality Withdrawal Notice

Date: 31 October 2025

[redacted]

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Ms. Eaton,

As you are aware, in September 2021 Natural England issued a Position Statement to the relevant local planning authorities advising that new development within the Sussex North Water Supply Zone (SNWSZ) should demonstrate water neutrality, in order to protect the Arun Valley habitats from potential impacts linked to Southern Water's groundwater abstraction at Pulborough. I am writing to you today to let you know our advice has changed on the basis of new evidence and consequently we will be withdrawing our position statement.

Following Southern Water's Hardham Basin Environmental Study (HBES), which was scrutinised by the Environment Agency and Natural England, we have worked with partners across the catchment to develop a positive, long-term solution. This approach strengthens ecological resilience at the Arun Valley sites, supports habitat recovery, and enables nature to thrive.

In collaboration with the Environment Agency and Southern Water, Natural England has agreed a package of ecological resilience measures and proposed licence amendments that will, address the risk of further decline of the Arun Valley sites as a result of the existing abstraction. These measures are to be implemented by March 2026. In Natural England's view this provides certainty that development in the SNWSZ will **not** have a likely significant effect on the Arun Valley sites in line with the Habitat Regulations.

The long-term solution set out above and the assessment confirming that development in the SNWSZ will not have a likely significant effect on the Arun Valley Sites means that Natural England has decided to withdraw its September 2021 Position Statement. Limiting the Hardham licence decouples the abstraction from new development, preventing additional pressure on Arun Valley water resources. Additional resilience measures will support the designated features of the sites and give confidence that they can recover towards favourable conservation status over time.

This outcome provides a sustainable way forward for both people and nature across the catchment. Natural England is grateful to your authority for the constructive and collaborative approach taken, which has strengthened relationships across Sussex. While this area remains water-stressed, these partnerships provide a strong foundation for addressing future challenges and delivering sustainable solutions.

Our Withdrawal Statement is provided below, setting out the evidence which has informed our decision. We will continue to work closely with your authorities as this new approach is implemented.

Yours sincerely,

Niall Walkden, Principal Manager | Sussex & Kent

Natural England's Withdrawal Statement for Applications within Sussex North Supply Zone

October 31st 2025

Please take the following as Natural England's substantive advice for all applications which fall within Sussex North's Water Supply Zone from the above date.

Summary

Sussex North Water Supply Zone

Natural England has reviewed Southern Water's environmental study of Hardham Basin* ('HBES', 2025). As a result of the findings of the HBES, together with the measures set out below which have been agreed by Southern Water and the Environment Agency, Natural England advises that new development which is supplied by abstraction from groundwater at Pulborough is not likely to have a significant effect on the following protected sites ('the Sites') -

- Arun Valley Special Area Conservation
- Arun Valley Ramsar Site
- Arun Valley Special Protection Areas

The measures as they relate to growth agreed by Southern Water (and the Environment Agency, in consultation with Natural England), are as follows -

1. Amendment to existing groundwater abstraction licence at Hardham
    - Reduce the annual licence quantity to an annual daily equivalent of 13 Ml/d (4,745 Ml/annum), from the current 16.44 Ml/d (6,000 Ml/annum)
    - Reduce the daily peak licence from 30 Ml/d to 27 Ml/d.

Further measures agreed to sustainably manage the site and prevent deterioration while the existing abstraction is in place include:

2. Ongoing management of water levels on Pulborough Brooks to ensure sufficient water availability for target levels in the supplementary advice to the conservation objectives

3. Monitoring of hydrometric and ecological features in collaboration with partners.

4. A package of conservation measures designed to increase the ecological resilience of designated features within Pulborough Brooks to include:
    - Reprofiling of ditches
    - Desilting / sediment removal
    - Control of invasive species

Natural England advises that your authority does not need to undertake an appropriate assessment or consult us on water scarcity issues affecting the Sites.

** Hardham Basin Environmental Studies: Hardham Groundwater Abstraction HRA (2025) Prepared by Atkins Realis on behalf of Southern Water*

Detailed Advice

Background

In September 2021, Natural England issued a Position Statement advising that abstraction within the Sussex North Water Supply Zone could not be ruled out as having an adverse effect on the integrity of the Arun Valley designated sites. An interim "water neutrality" approach was taken, requiring new development in Sussex North to demonstrate no net increase in water use while the Hardham Basin Environmental Study (HBES) was completed.

Hardham Basin Environmental Study (HBES)

Southern Water completed the HBES in August 2025 to inform the review of the Hardham abstraction licence based on work undertaken from 2021. Throughout the study's progress Natural England participated in a project steering group (PSG) to support the methodologies used. The study was reviewed by Natural England's principal and senior specialists in freshwater systems, hydrogeology, invertebrates, ornithology and vascular plants.

The Environment Agency (EA) consulted Natural England on the Habitats Regulations Assessment of the licence, for which Southern Water had concluded no adverse effect on site integrity from the Hardham abstraction.

The study found limited or no hydrological connection between the abstraction and two of the three Arun Valleys constituent Sites of Special Scientific Interest (SSSIs): Waltham Brooks and Amberley Wild Brooks. However, some connectivity could not be ruled out at Pulborough Brooks SSSI. Proposed mitigation of the company's licence —improved on-site water level management and monitoring—was welcomed but did not, in Natural England's view, provide the necessary certainty required of a Habitats Regulations Assessment and did not provide a long-term solution to maintaining the integrity of the sites.

Therefore, Southern Water, Natural England and the EA agreed to a collaborative solution to secure the site's integrity. The agreed package has four elements, to be delivered through a modification of the EA licence and amendment of an existing Water Industry National Environment Programme (WINEP) project:

1) **No additional abstraction pressure** – Southern Water will volunteer a licence reduction, which in its abstraction licence from 16 → 13 Ml/d (average) and 30 → 27 Ml/d (peak).
2) **On-site water level management** – RSPB will manage sluices to maintain suitable water depths and prevent further deterioration of site features.
3) **Monitoring of site features** – Southern Water will continue building a scientific baseline of site conditions, providing assurance that the agreed measures are effective.
4) **Ecological resilience measures**– A package of actions (e.g. reprofiling/desilting ditches, removing invasive species) to improve site resilience and ensure the licence complies with the Habitats Regulations.

Modification of Hardham Groundwater Abstraction Licence

The modification of the abstraction limits in the licence caps abstraction to the level which reflects actual recent historical abstraction and removes additional headroom ensuring that new development will not add to existing pressures to water levels on the Sites.

This is the primary element of interest to local authorities in making decisions regarding relevant plans or projects as it removes connection between abstraction and growth.

Southern Water has committed in writing to this modification; the EA expects to complete the licence modification by March 2026. The licence change provides Natural England sufficient certainty that there will be no likely significant effect regarding water scarcity as a result of new development and consequently your authority does not need to consult Natural England regarding these issues. The Position Statement (September 2021) will be withdrawn on 31st October 2025.

In terms of procedural timing Natural England advises that this is reasonable and sufficiently precautionary given the time delay between the licence modification being finalised and the time it will take for significant numbers of planning applications to be approved, buildings constructed, subsequently occupied and using water.

As with all water company abstraction licences, this licence will be amended and regulated by the Environment Agency under the Water Resources Act 1991, as amended by the Water Act 2003 and the Water Act 2014.

Further Measures

While the licence modification addresses issues related to planning, growth, and abstraction, it is essential to also consider the site's features and their capacity to recover in the future with the existing Hardham abstraction in place. This is considered as part of the Habitat Regulations Assessment of the Hardham licence undertaken by the EA as the competent authority. Natural England advises that local authorities are not required to consider these measures when determining relevant plans or projects; this information is provided for context and wider awareness.

Raising sluices, Ecological Resilience Measures and Monitoring

Southern Water has committed in writing to include the raising of sluices, resilience measures and monitoring within its Asset Management Planning (AMP) 8 WINEP programme (to 2030) by the end of October 2025. Embedding them within the established EA framework ensures delivery and accountability.

These measures will enhance ecological resilience at Pulborough Brooks SSSI, focusing on areas with potential groundwater connectivity. Actions will include ditch profiling, sediment removal, and invasive species control. Additional measures will give confidence and address localised impacts from the existing abstraction, robustly preventing the sites features from further deterioration.

The detailed plan will be developed jointly with EA technical specialists and the HBES Project Steering Group which includes Natural England, Southern Water, EA, RSPB and Sussex Wildlife Trust.

Future of Water Scarcity in Sussex North

The measures outlined above provide confidence that new development is not likely to have a significant effect. Accordingly, Natural England advises that your authority does not need to consult us further on water scarcity matters in relation to these sites.

Nevertheless, water resources across Sussex North—and much of England—remain under significant and growing pressure. Addressing this challenge is essential to safeguard both the environment and the resilience of local communities.

Natural England is committed to supporting a long-term, sustainable approach to water management. We will continue to work closely with your authority, Defra, regulators and partners to promote practical and ambitious solutions, including:

- Collaborative local planning that embeds water stewardship and climate resilience at the heart of development decisions; and
- Enhanced water efficiency standards through updates to national policy, building regulations, and mandatory water efficiency labelling; and
- Delivery of Water Resource Management Plans (WRMPs) that prioritise demand management, environmental protection and sustainable abstraction.

Through this shared commitment, we aim to secure a future where nature and growth go hand-in-hand, ensuring that the water environment of Sussex North remains healthy, resilient, and capable of supporting both people and nature for future generations.