Date: 03 December 2024
Our ref: 494890
Your ref: DC/24/1663

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

T 0300 060 3900

Horsham District Council

BY EMAIL ONLY

Dear Madam/Sir

Planning consultation: Erection of a replacement dwelling.
Location: Strood Park Farm House Strood Lane Warnham West Sussex RH12 3PF

Thank you for your consultation on the above dated 22 November 2024 which was received by Natural England on the same day.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Arun Valley Ramsar site, Special Area of Conservation (SAC), Special Protection Area (SPA), as well as Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI.

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

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

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

Further Advice on Mitigation

The proposed development falls within the Sussex North water supply zone. As set out in Natural England's Advice Note regarding planning applications within the Sussex North Water Supply Zone,

the existing water supply in the Sussex North water supply zone cannot be ruled out as contributing to the declines in wildlife within internationally protected sites in the Arun Valley SPA, SAC and Ramsar site. Ensuring that there is no net increase in water consumption is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Habitats Regulations Assessment

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

Your appropriate assessment concludes that your authority is **unable to rule out an adverse effect** on the integrity of the Arun Valley designated sites, due to insufficient consideration as to how the proposed application will not result in a net increase in abstraction within the Sussex North Water Supply Zone. Having considered the assessment, Natural England concurs with the conclusion you have drawn. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within regulation 64. Specific guidance about these tests can be found at: https://www.gov.uk/government/publications/habitats-and-wild-birds-directives-guidance-on-the-application-of-article-6-4.

Should the applicant provide additional information outlining how they intend to mitigate an adverse effect on the Arun Valley designated sites, Natural England would be happy to be reconsulted on the applicant's proposed approach to mitigation.

Final Comments

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

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

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

Should the proposal change, please consult us again.

Yours faithfully

Annabel Widdop
Sustainable Development