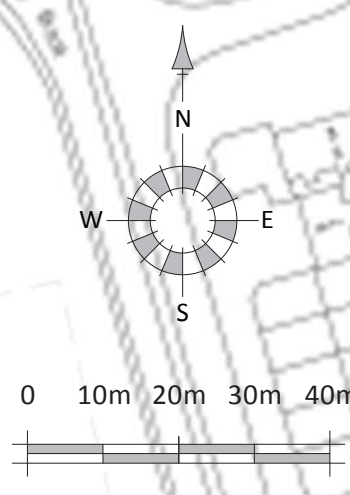




Coloured Site Layout
Kilnwood Vale (Phases 3D, E, F & G)

21173 / C101

Scale 1:1000 @ A1 April 2023

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www.osparchitecture.com

Appendix 6530-01/2:

Correspondence from Natural England dated 01 December 2020
and 26 October 2021

From: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Sent: 01 December 2020 14:42
To: Planning
Subject: Consultation Response: Planning Application Consultation - DC/20/2223
Attachments: ufm48.pdf

Dear Sirs,

Application ref: DC/20/2223
Our ref: 334387

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Yours faithfully

Judy Connell
Consultations Team Worcester Hub
Natural England
Tel: 020 802 60960

From: planning@horsham.gov.uk <planning@horsham.gov.uk>
Sent: 17 November 2020 15:44
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: Planning Application Consultation - DC/20/2223

Please see the attached consultation letter from Horsham District Council Re:DC/20/2223

Disclaimer

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Date: 26 October 2021
Our ref: 371280
Your ref: DC/21/2246



Planning Department
Horsham District Council
planning@horsham.gov.uk
Fao Giles Holbrook

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

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Holbrook

Planning consultation: Erection of 116 dwellings with associated parking, landscaping and drainage infrastructure.

Location: Phase 6B Kilnwood Vale Faygate Horsham

Thank you for your consultation on the above dated 12 October 2021 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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Protected Landscapes – High Weald AONB

The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

James Moulton
Consultations Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice¹](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the [Magic](#) website or as Local Wildlife Sites. List of priority habitats and species can be found [here²](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.0](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.0](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.0](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Appendix 6530-01/3:

Natural England position statement September 2021



Natural England's Position Statement for Applications within the Sussex North Water Supply Zone

September 2021 – Interim Approach

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

Sussex North Water Supply Zone

Arun Valley SPA, SAC and Ramsar Site- Sussex North Water Supply Zone

The Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of;

- Arun Valley Special Area Conservation (SAC)
- Arun Valley Special Protection Area (SPA)
- Arun Valley Ramsar Site.

As it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley site, we advise that developments within this zone must not add to this impact. This is required by recent caselaw, [Case C-323/17 People over wind and Sweetman. Ruling of CJEU](#) (often referred to as sweetman II) and Coöperatie Mobilisatie for the Environment and Vereniging Leefmilieu Case C-293/17 (often referred to as the Dutch Nitrogen cases).

Between them these cases require Plans and Projects affecting sites where an existing adverse effect is known (i.e. the site is failing its conservation objectives), to demonstrate certainty that they will not contribute further to the existing adverse effect or go through to the latter stages of the Regulations (no alternatives IROPI etc).

Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality.

In addition, the Gatwick Sub regional Water Cycle Study concluded that water neutrality is required for Sussex North to enable sufficient water to be available to the region.

The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

Strategic approach

Natural England has advised that this matter should be resolved in partnership through Local Plans across the affected authorities, where policy and assessment can be agreed and secured to ensure water use is offset for all new developments within Sussex North. To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy.

Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality. We have provided the following agreed interim approach for demonstrating water neutrality;

Minimising water use of new builds.

- Complete a water budget (based on occupancy)
- All new builds to demonstrate that they can achieve strict water targets (e.g., 85L/pp/day*)

This can be achieved by measures such as:

- Grey water recycling (advantage of being reliable in hot dry weather);
- Rainwater harvesting;
- Water efficient fixings (such as shower aerators) to demonstrably reduce demand-this would need to be suitably certain.

In addition, water offsetting is required

- One way to achieve this is retrofitting of council owned properties/commercial buildings-located within Sussex North. Examples include:
 - Grey water recycling- (for example there are clear opportunities for commercial properties).
 - Rainwater harvesting of commercial settings;
 - Installation of water reduction fittings in Council-owned buildings.

These measures need to be implemented until such time as a more sustainable water supply has been secured.

It will also need to be ensured that measures are not already proposed (for example in Southern Water's Management Plan) to avoid double-counting.

Any mitigation must be suitably certain in order to comply with the Habitats Regulations and Caselaw.

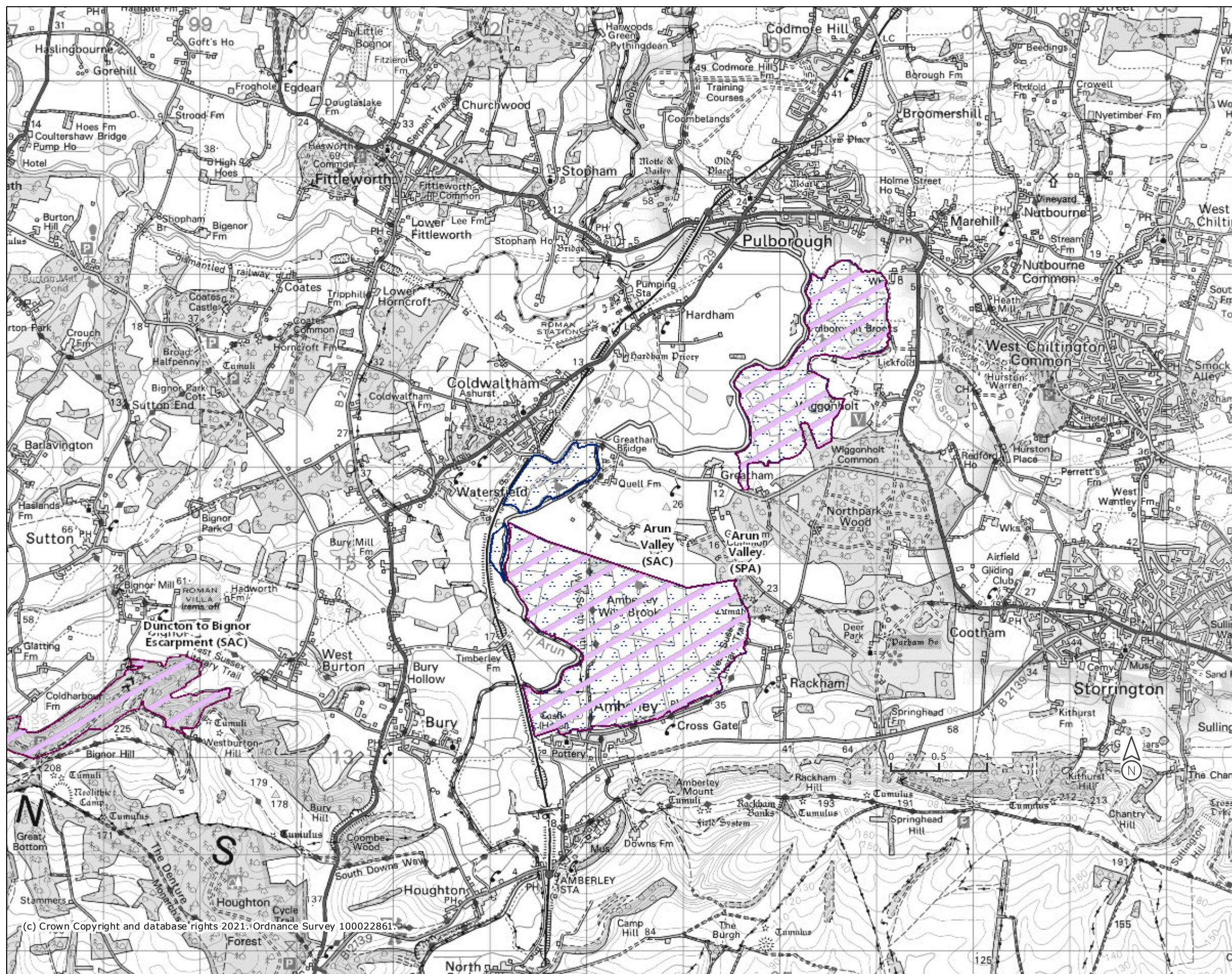
If the application cannot demonstrate, through an appropriate assessment, the required water neutrality, we advise that it is either revised to achieve this in line with the above or awaits completion of the strategic approach.

The securing of water neutrality is a matter which needs to be resolved at a strategic level and Natural England is working with the relevant authorities and the water company to achieve this. In light of this, Natural England will not be engaging with individual planning applications whilst the strategy is evolving.

***This this is the reasonably achievable figure with the above measures based on the early data from the strategic solution and may be subject to change as the strategic solution evolves.**

Appendix 6530-01/4:

Location plans of SPA/SPA, SSSI components and Ramsar



Legend

- Special Areas of Conservation (England)
- Special Protection Areas (England)

Projection = OSGB36

xmin = 496900

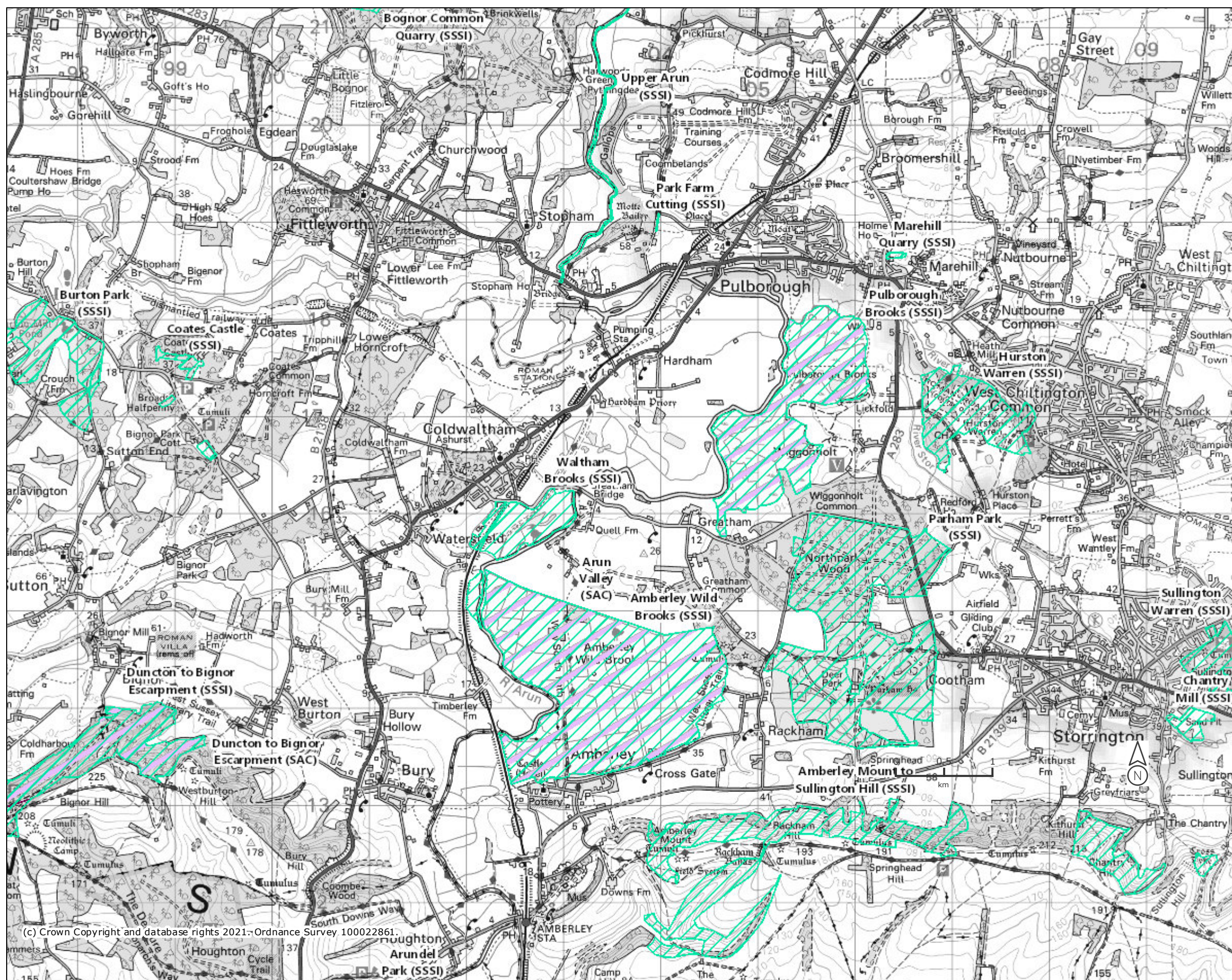
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xmax = 509800

ymax = 120500

Map produced by MAGIC on 2 November, 2021.

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Legend

- ▣ Sites of Special Scientific Interest (England)
- ▣ Special Areas of Conservation (England)
- ▣ Potential Special Protection Areas (England)

Projection = OSGB36

xmin = 496100

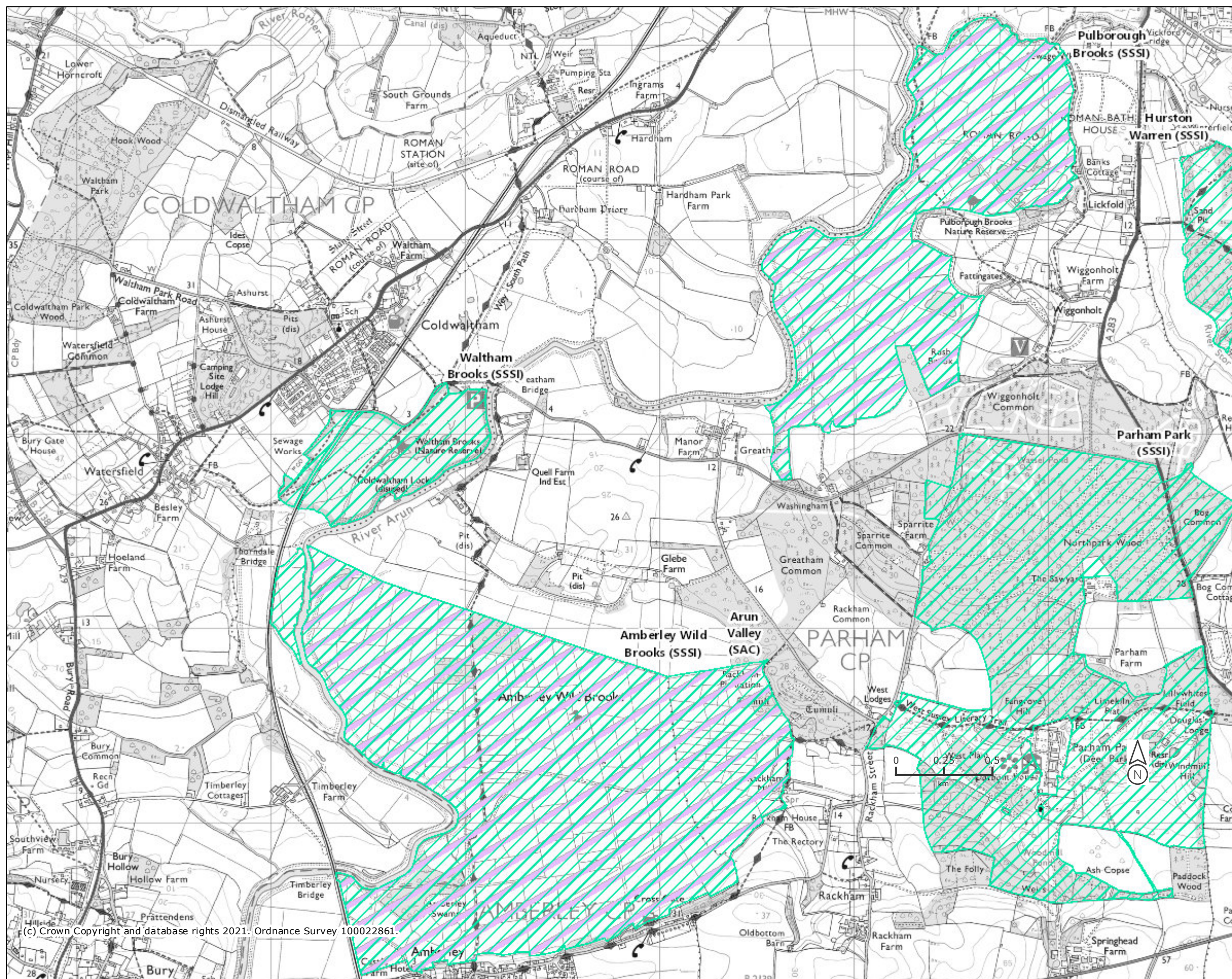
ymin = 111700

xmax = 511200

ymax = 120700

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Legend

-  Sites of Special Scientific Interest (England)
-  Special Areas of Conservation (England)
-  Potential Special Protection Areas (England)

Projection = OSGB36

xmin = 500000

ymin = 113500

xmax = 507600

ymax = 117900

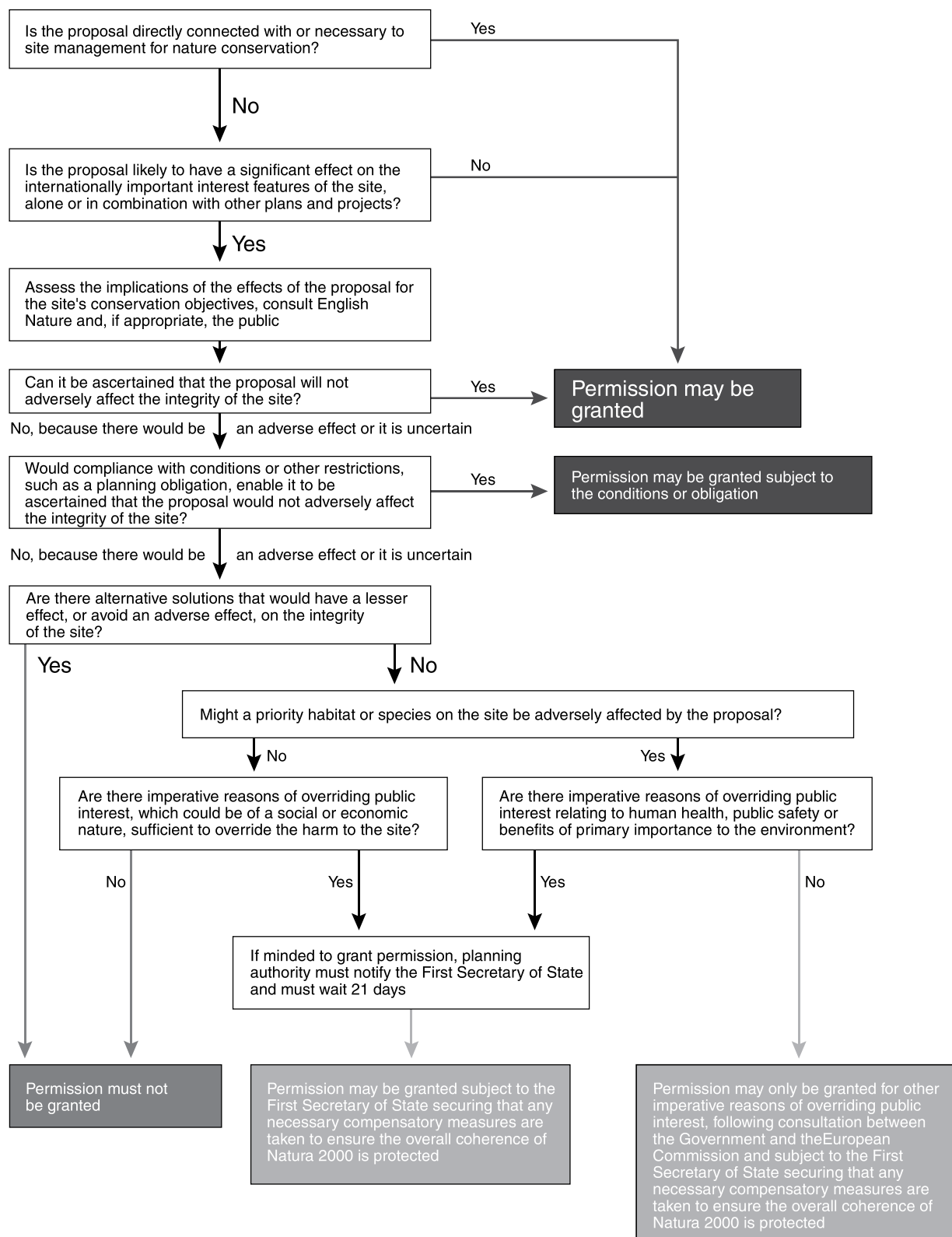
Map produced by MAGIC on 2 November, 2021.

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Appendix 6530-01/5:

ODPM Circular 06/2005 Figure 1

Figure 1: Consideration of development proposals affecting Internationally Designated Nature Conservation Sites



Appendix 6530/6:

Consultation responses from Natural England dated 07 December 2017 (ref: DC/17/2481) dated 15 March 2019 (Reserve Land ref: DC/19/0426)

Date: 07 December 2017
Our ref: 231447
Your ref: DC/17/2481



Jason Hawkes
Planning Officer
Horsham District Council

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

T 0300 060 3900

BY EMAIL ONLY

Dear Jason Hawkes,

Planning consultation: Outline planning application for the development of approximately 227 dwellings with the construction of a new access from Calvert Link, a pumping station and associated amenity space (all matters reserved except for access).

Location: Land to the West of Phase 1, Kilnwood Vale, Crawley Road, Faygate, West Sussex.

Thank you for your consultation on the above dated 13 November 2017.

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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or protected landscapes and has no objection.

Natural England's advice on other natural environment issues is set out below.

Buchan Hill Ponds Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes – High Weald Area of Outstanding Natural Beauty (AONB)

The proposed development is for a site within or close to a nationally designated landscape namely the High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

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

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 02080 266009.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,



Rebecca Bishop MRTPI
Adviser
Sustainable Development
Sussex & Kent Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 109 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply the requirements of the NPPF. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in Natural England's [Technical Information Note 049](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraph 113 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Annex A – Additional advice

Ancient woodland and veteran trees

You should consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forest Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure a net gain for nature and local communities, as outlined in paragraphs 9, 109 and 152 of the NPPF. We advise you to follow the mitigation hierarchy as set out in paragraph 118 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you may wish to consider off site measures, including sites for biodiversity offsetting. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

Paragraph 75 of the NPPF highlights the importance of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Annex A – Additional advice

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

Date: 15 March 2019
Our ref: 275555
Your ref: DC/19/0426



Mr R Hermitage
Horsham District Council
Park North
North Street
Horsham
West Sussex
RH12 1RL

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

T 0300 060 3900

BY EMAIL ONLY

planning@horsham.gov.uk

Dear Mr Hermitage,

Planning consultation: Reserved matters application for Phase 6A of the Kilnwood Vale development, comprising 86 dwellings with associated landscaping and parking following approval of outline application DC/17/2481, relating to layout, scale, appearance and landscaping.

Location: Kilnwood Vale Phase 6, Sub-Phase 6A Kilnwood Vale, Crawley Road, Faygate

Thank you for your consultation on the above, dated and received by Natural England on 04 March 2019.

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

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

Natural England's advice on other natural environment issues is set out below.

Buchan Hill Ponds Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Protected Landscapes – High Weald AONB

The proposed development is for a site within or close to a nationally designated landscape, namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,

Elizabeth Ball
Consultations Team

Annex A – Additional advice

Natural England offers the following additional advice:

Landscape

Paragraph 170 of the National Planning Policy Framework (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute Guidelines for Landscape and Visual Impact Assessment](#) for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#).

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra *[Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#)*, and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

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

Paragraphs 91 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Appendix 6530-01/7:

Distance of site to SAC/SPA/SSSI

Measurement Tools



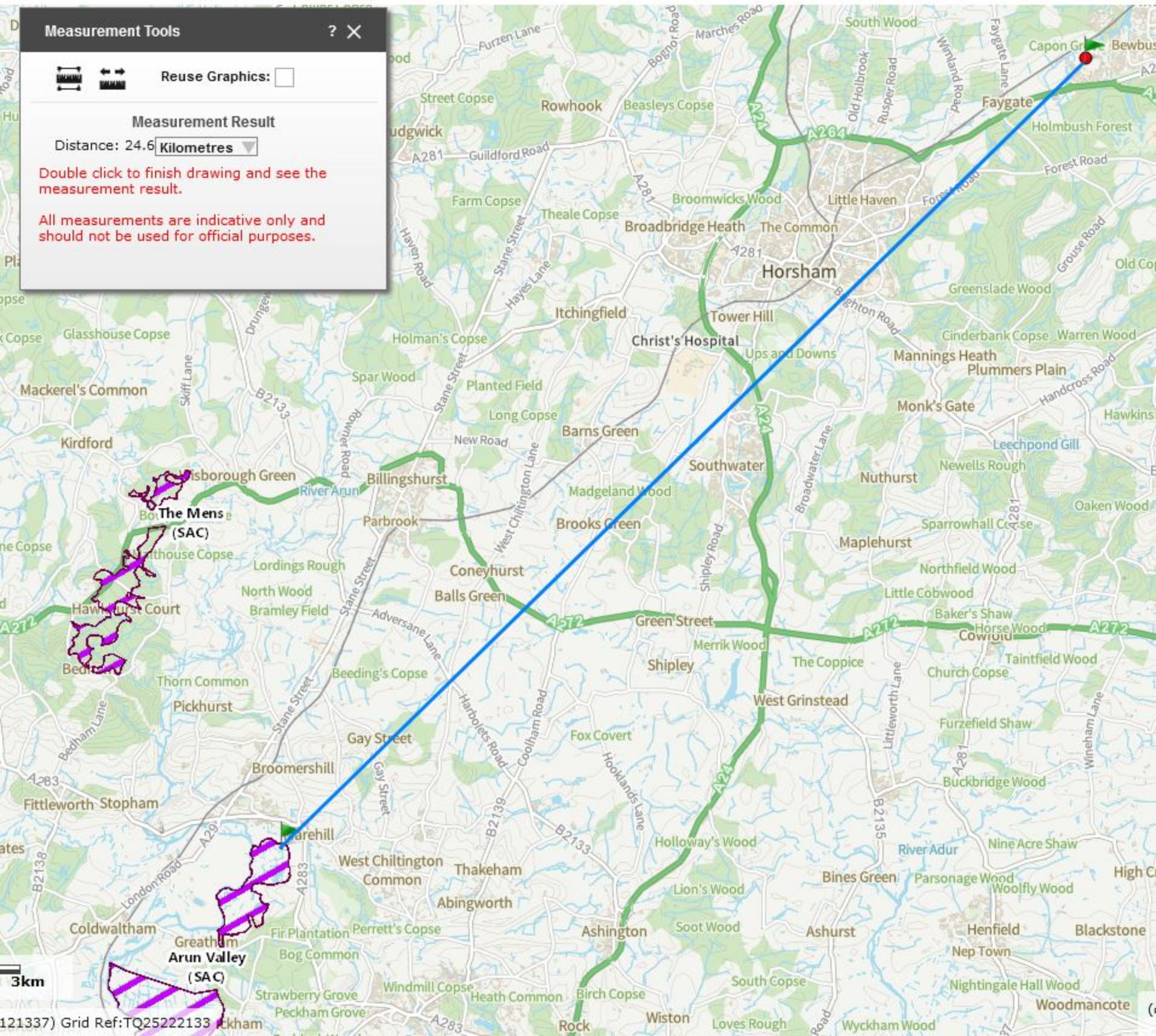
Reuse Graphics: ☐

Measurement Result

Distance: 24.6 Kilometres

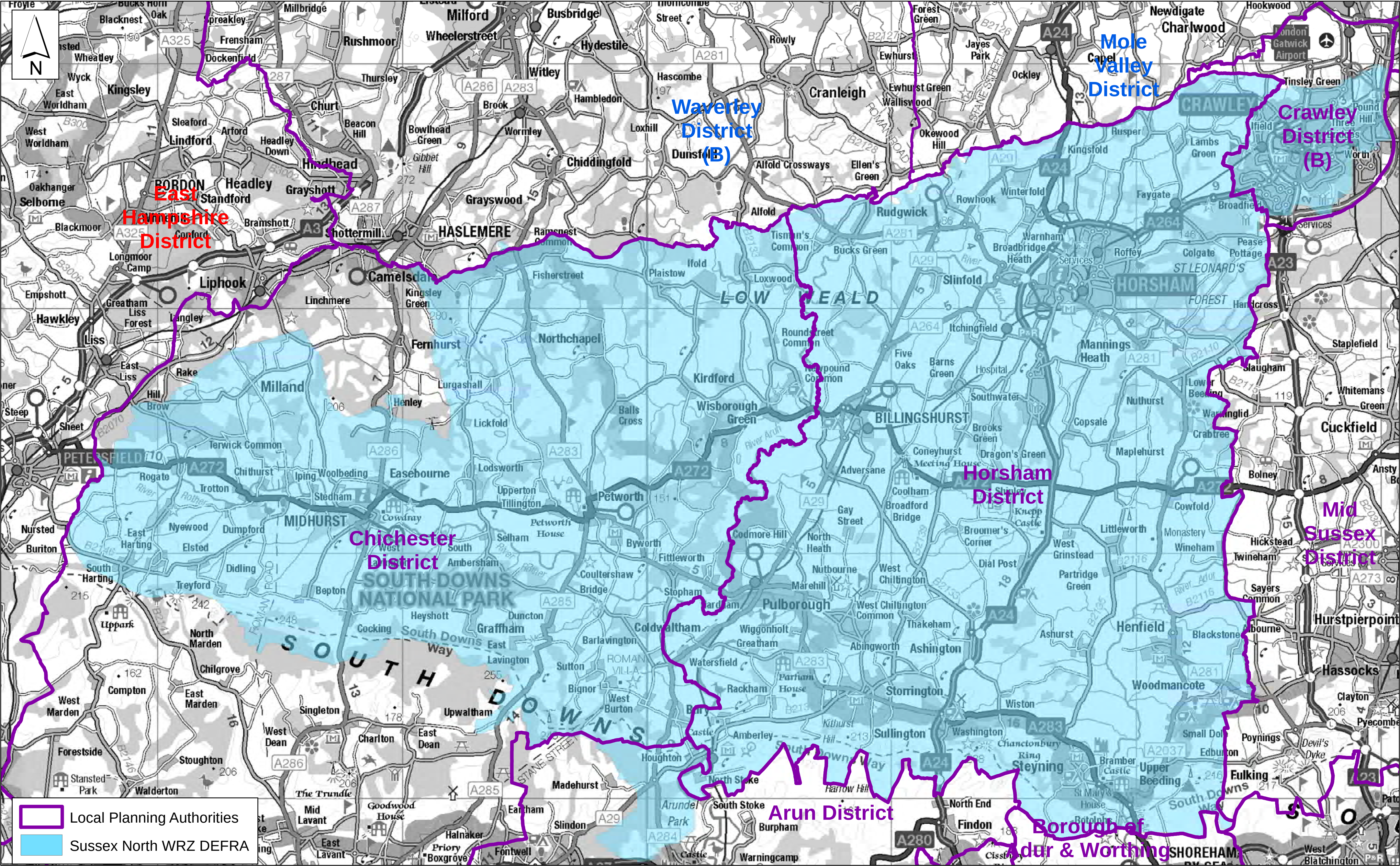
Double click to finish drawing and see the measurement result.

All measurements are indicative only and should not be used for official purposes.



Appendix 6530-01/8:

Map of Sussex North Water Resource Zone



Horsham District Council

Parkside, Chart Way, Horsham

West Sussex RH12 1RL

Barbara Childs : Director of Place

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Sussex North Water Resource Zone

Chichester Horsham Crawley

Reference No :	Date : 23 November 2021	Scale : 1:3,000 at A2
Drawing No:	Drawn :	Checked :
		Revisions :

Appendix 6530-01/9:

Natural England FAQs March 2022

Arun Valley and Water Neutrality - Frequently asked questions (FAQs) - Developers

March 2022



How to use this FAQ Document

This document should be read in conjunction with the Natural England (NE) Statement for applications within the Sussex North water supply zone. These frequently asked questions (FAQs) are to developers in considering the Statement when applying for development in Sussex North.

This document will be updated periodically as the evidence base on water neutrality, the strategy and other material matters evolve and change.

Each question is summarised in the table below. Clicking on the FAQ question or topic group in the table takes you to the answer in this document.

Topic Group	Frequently Asked Questions
A: Water Neutrality summary	What is water neutrality?
	How can water neutrality be achieved?
B: Background and rationale to why neutrality is needed	Why is water neutrality needed – simple explanation?
	Why is wildlife in the Arun Valley so important?
	What evidence is there that wildlife in the Arun Valley is declining?
	What evidence is there that Southern Water's abstractions are linked to declines in wildlife?
	Will the Statement be updated?
	How long will water neutrality be required?
C: Location and Development Type	Where does the Natural England Statement apply?
	Does the Statement only apply to new dwellings or development with overnight stays like nutrient neutrality in the Solent?
	Does the Statement apply to existing public water supply uses?

	<u>Does the Statement apply to other abstraction licence holders in Sussex North?</u>
	<u>Would development and permissions for non-consumptive use be captured by the Statement including minerals and waste?</u>
D: <u>Southern Water Licences and Responsibilities</u>	<u>Is anything being done to make the abstraction licences in Sussex North more sustainable and help remove the need for water neutrality?</u>
	<u>Why is water neutrality being sought through planning now, why is Southern Water not responsible for this?</u>
	<u>How does water neutrality relate to Southern Water's Target 100 strategy?</u>
	<u>If applicants connect to an alternative supply/provider (SES Water or South East Water) would there still be a need for water neutrality?</u>
	<u>What are the long-term water supply alternatives?</u>
E: <u>Development Control (DC)</u>	
<u>DC – General</u>	<u>Can nature-based solutions be used and are there any examples?</u>
	<u>How does water neutrality relate to draft policies in the Horsham and Crawley Plans asking for 100 l/p/d or 80 l/p/d for strategic development?</u>
	<u>Can I just pay an offsetting charge?</u>
<u>DC – Pre-Application</u>	<u>Where would a prospective developer start to achieve neutrality?</u>
	<u>A Water Neutrality Statement will be required to support applications. What should this demonstrate and how will it be assessed?</u>
	<u>Can NE provide advice for developers e.g., through pre-application advice services or advice on to local planning authorities on water budgets submitted with development?</u>
<u>DC – Consideration of existing land use</u>	<u>How should existing land uses be taken into account when considering water neutrality? .</u>
	<u>Where there is a proposed change of use between non-residential uses is it acceptable to use the BREEAM Wat 01 calculation tool for existing use?</u>

	<u>Where a building has been demolished prior to an application for planning permission is it possible to offset the water use?</u>
<u>DC- Offsetting</u>	<u>What types of offsetting measures will/will be acceptable?</u>
	<u>Can I propose a solution to offsetting for my or another development? What if we can collectively provide offsetting?</u>
	<u>How can offsetting be secured through the planning system?</u>
	<u>When should offsetting be delivered in relation to the development delivery?</u>
	<u>What are the short, medium, and long- term approaches to offsetting and how is consistency being considered?</u>
	<u>What are the relevant industry standards against which to judge the efficacy of the offsetting proposed?</u>
	<u>How can delivery of water efficiency measures for new build development be monitored and enforced?</u>
	<u>Can private water supply bore holes enable water neutrality when you must have a connection to Southern Water to meet building regulations?</u>

A:WATER NEUTRALITY SUMMARY

What is water neutrality?

The definition of water neutrality in Natural England's Statement is taken from that used in the final report of Water Neutrality Study: Part A – Individual Local Authority Areas¹;

“For every new development, total water use in the region after the development must be equal to or less than the total water-use in the region before the new development.”

How is water neutrality achieved?

Water neutrality is achieved through a combination of water efficiency measures for new developments to reduce the water use per person (called per capita consumption). The amount of water from new homes, offices and other developments that use public water supply in the Sussex North water supply zone is then calculated on an individual or cumulative basis to produce a predicted “demand” for water from growth. This total amount of water from growth is then offset by reducing the amount of water currently used in the Sussex North water supply zone.

Some examples of offsetting measures and the first part of the strategic solution evidence base can be found in [Water Neutrality Part A - Individual Planning Authority areas July 2021](#).

B: BACKGROUND

Why is water neutrality needed? – simple explanation

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, Sussex. The Arun Valley is legally protected for its wintering birds, its wetland habitats, a rare snail species, invertebrates and several rare and uncommon aquatic and wetland plants.

Evidence shows that wildlife within the Arun Valley site is declining. Some of the designated site has been shown to be linked hydrologically to a layer of rocks from which water is currently being abstracted, or in other locations the hydrogeological link cannot be ruled out.

Following case law on the Conservation of Species and Habitats Regulations 2017, where existing impacts are causing declines on designated sites, further impacts should be avoided where possible. Since the public water supply abstraction cannot be ruled out as one of the existing impacts making development water neutral prevents development increasing the impacts on the wildlife and therefore meets these legal tests. As an extra benefit, water neutrality improves the overall sustainability of the development by reducing water consumption and therefore also energy consumption and carbon.

¹ [Water Neutrality Part A - Individual Local Planning Authority areas July 2021](#).

Why is wildlife in the Arun Valley so important?

The Arun valley is one of the most biodiverse floodplain wetlands in England. It has several legal designations including:

- Arun Valley Special Protection Area (SPA) – classified for its wintering birds including Bewick swan, its assemblage of wintering wildfowl and the supporting wetland habitats.
- Arun Valley Special Area of Conservation (SAC) - notified for a rare and threatened snail called *Anisus vorticulus* or little whirlpool ram's horn snail and its supporting wetland habitats.
- Ramsar Site – listed for its wintering birds, rare invertebrates, rare aquatic and wetland plants, and the supporting wetland habitats.
- Three Sites of Special Scientific Interest (SSSI) that underpin the other designations. (Pulborough Brooks, Waltham Brooks and Amberley Wild Brooks). The SSSIs are notified for all the above and for the large peatland at Amberley.

What evidence is there that wildlife in the Arun Valley is declining?

Natural England first became alerted to issues in the area in 2019 when Southern Water started to look at changing its abstractions at Pulborough to increase supplies to Sussex North water supply zone, specifically in relation to the out-of-date information on the wildlife of the Arun Valley designated sites. At this stage, Natural England had some background information and survey data which suggested that there were concerns in relation to the condition of the wildlife on the site. The field work to update the condition assessment was due to start in April 2020 but was delayed until May 2021 due to COVID restrictions.

A full Natural England condition assessment survey of ditches, plants, wetlands, invertebrates has now been completed with the final survey undertaken in October 2021. The full condition assessment data analysis will be completed by March 2022. The accompanying report is expected to be published by Autumn 2022, pending the results of the water quality monitoring. Water quality data must be collected for a full year and will be complete in June 2022. This will provide additional data for the assessment of the supporting habitat, reasons for declines in the snail and bird features and information on the Ramsar plant, invertebrate and wetland/ditch habitat features as well as for the SSSI features.

The review to-date has shown (with source of information in brackets):

- The SAC feature (*Anisus vorticulus*) has been reduced to a small population around a single ditch (in Oct 2021 survey) in Amberley Wild Brooks having been moderately widespread previously and has gone entirely from south of Pulborough Brooks where it was present, if uncommon, previously. This is a loss of up to three quarters of its former range within the SAC. This former range was a quarter of the species UK population. The SAC is therefore failing its conservation objectives for range and distribution and the species is at risk of going extinct on the site. (various studies including Natural England commissioned October 2021 Survey of *Anisus vorticulus* - in preparation).
- SPA and Ramsar wintering bird features – only teal are meeting their conservation objective population targets (wetland bird survey (WeBS) data BTO).
- A peer reviewed paper (Hicks *et al* 2019²) shows statistically significant changes in the vegetation community, including those that form part of the Ramsar and SSSI features, in the north of Amberley Wild Brooks, indicative of slowly drying conditions.

² [Hicks, D., Abraham F., Bardsley L., Cousins M., Webster E. & Whitman J. \(2019\) Spatial and temporal vegetation analysis of Amberley Wild Brooks over two decades British & Irish Botany 1\(4\):309-326](#)

- Environment Agency (EA) water quality monitoring is limited – but shows ditch water quality is exceeding nutrient targets for total phosphorus -TP values) National guidance recommends more stringent total phosphorus values for sites with groundwater input and total nitrogen (TN) targets on still waters and ditches with aquatic plant and invertebrate interest. [Groundwater](#) that is abstracted is less nutrient rich than surface water on which the site must rely currently and the drying on the site makes the impacts of the high nutrients in the surface water greater by reducing the dilution.
- A technical study into habitat management for the SAC snail (as part of back from the brink partnership work) shows water quality, in particular suspended solids, are issues for the SAC snail. These suspended solids are likely to be from the clay in banks when they collapse and/ or from overtopping. The water turbidity is exacerbated by the very shallow or dry ditches in summer on Pulborough Brooks
- All the impacts on designated sites appear to be exacerbated by climate change. (Hicks et al 2019)

Why do Natural England think Southern Water's abstraction is affecting the protected sites and wildlife?

In early 2019 Southern Water set out its draft plans for reconfiguring (moving) its abstraction wellfield at Pulborough so it could make better use of its existing abstraction. This would bring the abstraction boreholes closer to designated sites. Over the following months Natural England reviewed the water companies' data as they submitted it, including their draft Habitats Regulations Assessment for the borehole reconfiguration, new water resource models and some of the data that had underpinned the EA review of consents in 2008.

Combining all this data with the emerging evidence indicating the sites were slowly drying (e.g., Hicks *et al* 2019³) led Natural England to find that it was not possible to conclude no adverse effect on integrity for the Arun Valley designated sites, should the abstraction go ahead as proposed. The reasons for this were set out in a letter to Southern Water in December 2019.

The December 2019 letter is of a highly technical nature and in part redacted for legal reasons but has been provided to the LPAs with this FAQ.

The information on ecological decline provided in the December 2019 letter is summarised in "What evidence is there that wildlife in Arun Valley is declining?" above. The key sections from the December 2019 letter which set out the hydrological links on the site are provided below:

- Based on detailed reviews of superficial and underlying geology, new and old boreholes logs and new Southern Water and Natural England ground water modelling data, the area that shows the significant community change in the Hicks *et al* paper (2019) on Amberley Wild Brooks is consistent with the area that is connected to the aquifer and therefore, theoretically, the abstraction. Though this drying may also be climatic, NE does not have sufficient evidence to rule out any combined impact of the climatic drying and the abstraction.

³ [Hicks, D., Abraham F., Bardsley L., Cousins M., Webster E. & Whitman J. \(2019\)](#) Spatial and temporal vegetation analysis of Amberley Wild Brooks over two decades *British & Irish Botany* 1(4):309-326

- The hydrogeology of the designated sites is complex. The underpinning geology varies spatially and is overlain by a range of drift deposits that vary in their permeability across the three designated sites. It is uncertain what the significance of groundwater supply from the abstracted aquifer to the designated sites would be without the abstraction. The British Geological Survey (BGS) maps and national peat mapping show there are significant areas of peat on the northern area of Amberley Wild Brooks, on the south eastern area of Pulborough Brooks and on the eastern margin of the north of Pulborough Brooks. These areas of peat are also reflected by the Amberley citation and by local knowledge. These areas of peat are coincident with areas of the sites underlain by the aquifer and potentially permeable superficial deposits that potentially provide a pathway for groundwater discharge to the edges of the designated sites. The presence of peat suggests considerably wetter conditions than currently and could be indicative of significant groundwater connectivity in the past.
- The potential for hydrological connectivity between the peat areas at the wetland surface and the aquifer beneath cannot be ruled out. Combined with the evidence of vegetation community changes indicative of drying, the uncertainty of the impact of the wellfield proposals and existing abstraction remains for Amberley Wild Brooks.
- Results from Southern Water's numerical groundwater modelling in 2019 predicted the without abstraction height of water (naturalised head) is predicted to be 4-6 metres above ground level whilst abstraction generates a water level (head) that hovers around ground level at Pulborough Brooks. In the absence of the abstraction, the model predicts the site would be much wetter than it is now, with significant groundwater input.

Will the Statement change or be updated?

NE's Statement will be updated periodically as the evidence base on the water neutrality, the strategic solution and other material matters evolve and change.

How long will water neutrality be required?

It is likely that achieving water neutrality will be important for as long as the adverse effect risk from water supply abstraction continues. This may well remain the case until the Habitats Sites in question are restored to favourable conservation status. Though there is an investigation to try to resolve the uncertainties this is not thought likely to remove the adverse effect risk with certainty.

It should be possible to phase out the requirement for water neutrality once a sustainable long-term water supply has been secured for the region, and this is close enough to being delivered that the commencement of use of any development being assessed is not likely to occur before delivery of this supply. Current expectations are for alternative water supplies to be delivered circa 2030, although there is significant uncertainty in this timetable. For this reason and for the purposes of strategy development, it is understood that LPAs are including housing up to 2036 in the water neutrality budget calculations.

C: LOCATION AND TYPE OF DEVELOPMENT

Where does the Natural England Statement apply?

The Natural England Statement applies to development that requires a public water supply from Southern Water's Sussex North water supply zone.

Does the Statement only apply to new dwellings or development with overnight stays like nutrient neutrality in the Solent?

It applies to all new development that could increase water consumption therefore development other than dwellings including office, commercial and new educational use and supplied by public water supply should be assessed. Water consumption is a directly measured attribute so does not require the application of assumptions used in nutrient neutrality, and so the risk of double counting is removed.

Does the Statement apply to existing public water supply uses?

Existing water uses are not covered by the Statement as they are covered by the existing permissions and the abstraction licence which are being dealt with separately via Southern Water's licence amendments.

These existing uses can only be used to offset new development if they are supplied by public water supply from Sussex North and they are able to reduce ongoing water consumption.

Does the Statement apply to other abstraction licence holders in Sussex North?

Existing abstraction licence holders are not affected by this Statement as they are not using the public water supply abstraction that is contributing to the adverse effect. Natural England are not aware of any other abstraction licences from the relevant aquifer.

Would non-consumptive use of water be captured by the need for water neutrality e.g., fracking, mineral site pumping, washing gravel, WWTW applications?

Environmental permitting for minerals and waste sites assesses water usage. How do the County Council consider water consumption at the planning and land use stage?

The water neutrality approach applies to all development that uses water from the Sussex North water supply zone and specifically the Pulborough abstractions it is not restricted to new residential dwellings and may include other forms of development that use the public water supply. Whether an application is included would depend on what water supply is chosen. Only development that uses public water supply from Sussex North water supply zone is included in the Statement. Many of the types of development that use water that the County Council permit do not use public water supply and would therefore not be covered by the Statement. It is for the local planning authorities including the County Council to identify which types of development they believe may be captured.

Abstraction licences that take water from another water supply would be assessed in the usual way for the environmental impacts of those abstraction types. Those developments that use public water supply in Sussex North and could therefore add to the risk of adverse effect and may be subject to an appropriate assessment. It is Natural England's advice that any such assessments should consider water neutrality as an important tool to aid determination of no adverse effect on site integrity.

D: SOUTHERN WATER'S LICENCES AND RESPONSIBILITIES

Is anything being done to make the abstraction licences in Sussex North more sustainable and help remove the need for water neutrality?

The Environment Agency is the competent authority with regards to Southern Water's licences. Natural England has been working with the Environment Agency and Southern Water to clarify and reduce the impacts of the licence since 2019 when data first began to emerge that the existing abstraction was a cause for concern. The licences are being reduced voluntarily by the company via a variation to remove any headroom, which limits the ability to increase abstraction from the impactful licence. This process is underway and has been driven by Natural England's work with the Environment Agency.

Natural England and the Environment Agency are helping to ensure that Southern Water does all it can to reduce the use of the licences especially the groundwater licence in the interim period. For example, Southern Water is required to mitigate the impacts of the licence in the short term to try to prevent further deterioration although the risk of adverse effect will not be removed until the long-term water supply is replaced. Natural England is also working with Water Resources South East, Southern Water, and the Environment Agency to encourage Southern Water to move as quickly as possible to the long-term water supply solution. The need to support local planning authorities on water neutrality is also included in the set of measures Natural England are seeking in the licence amendments process.

Why is water neutrality being sought through planning now, when Southern Water has a statutory responsibility to ensure an adequate water supply balance considering future growth?

Southern Water's licence is for existing developments it will continue to supply water to existing users. As set out above it is being amended, minimised, and mitigated to help protect the designated sites. The company is also being encouraged to progress the long-term water supply as rapidly as possible. Since Southern Water has a duty to supply new developments, they do not have power to minimise demand from new developments.

How does water neutrality relate to Southern Water's Target 100 strategy?

Target 100 is a strategy to reduce water consumption in Southern Water's whole water supply area in the long term (not just Sussex North), as set out in their Water Resources Management Plan. Water neutrality only applies to Sussex North water supply zone. Therefore, whilst two strategies to reduce water exist within the single supply zone, the strategy that is being developed is making sure double-counting of water saving measures is avoided and Southern Water are inputting into the water neutrality strategy.

If applicants connect to an alternative supply/provider (SES Water or South East Water) would there still be a need for water neutrality?

If development is not supplied by the abstractions in Sussex North water supply zone that are contributing to the existing risk of adverse effect on integrity, then there would be no need to demonstrate water neutrality.

How can connection to other service provider/water company be secured?

The mechanisms and potential for use of alternative water suppliers is a matter for the water companies, the Environment Agency with Ofwat as the sector regulators. The process may not be straightforward as the new service provider must have surplus water in their supply demand balance and the water types must be compatible.

What are the long-term water supply alternatives?

The key long term alternative water supply option in Southern Water's Water Resources Management Plan 2019 is a water recycling scheme from a treatment plant near Littlehampton transferred via a new pipeline that would be discharged into the river Rother upstream of the surface water abstraction at Pulborough. This is understood to be scheduled for delivery between 2028 and 2030.

E: DEVELOPMENT CONTROL

DEVELOPMENT CONTROL - GENERAL

Does Natural England consider nature-based solutions an appropriate and acceptable means of offsetting, and if so, is there guidance or examples that can be shared on what/how to secure such offsetting?

Natural England always welcome nature-based solutions to land use challenges. Any proposed nature-based solution for abstraction impacts from growth in Sussex North would need to demonstrably reduce the current water demand from the abstraction or demonstrably provide more good quality groundwater to the peat on the designated sites. Due to the complex hydrogeology of the area in particular the semi-confined nature of the aquifer this may be complex to evidence. Natural England is not currently aware of examples that would apply in this case but will be encouraging Southern Water to undertake nature-based solutions where possible.

Can I just pay an offsetting charge?

Once the water neutrality strategy has been agreed it is hoped that this option will be available.

How does water neutrality relate to draft policies in the Horsham and Crawley Plans asking for 100 l/p/d or 80 l/p/d for strategic development?

The developing strategy will include guidelines for water consumption requirements for new development within Sussex North water supply zone. It is intended that these will be transposed into Policies and accompanying tools within each Local Plan within the Sussex North water supply zone.

Are there other areas of the country that have water neutrality strategies?

This is the first location that Natural England are aware of where water neutrality has been linked to Habitats Regulations requirements. Natural England is working with Defra to confirm whether there are other areas in the country that might have water neutrality issues in the future but there are a range of specific circumstances which have resulted in the need for a water neutrality in the Sussex North water supply zone.

DEVELOPMENT CONTROL – PREAPPLICATION

Where would a prospective developer start to achieve neutrality?

The first step is to calculate a water budget for the new development.

The second step is to assess if the existing site uses water, subtracting the existing use from the new development budget. This could be evidenced by water bills from historic uses or from the generic assumptions from the water calculator when developed.

The final step would be to identify suitable offsetting and secure this.

A Water Neutrality Statement will be required to support applications. What should this demonstrate and how will it be assessed?

The neutrality statement should include a water budget for each application and should demonstrate how it has achieved overall neutrality, and will, therefore, not add to the existing risk of adverse effect. This is achieved through a combination minimising water use within new developments and offsetting of residual water (identified within the budget). Any scheme will also need to be sufficiently certain if it is to meet the tests set out in the Conservation of Habitats and Species Regulations 2017. Examples of offsetting measures are in [Water Neutrality Part A study](#).

Can NE provide advice for developers e.g., through pre-application advice services or advice on to local planning authorities on water budgets submitted with development?

Natural England is not resourced and has insufficient numbers of people with relevant expertise to undertake this work and it would all be chargeable. Natural England recommends that the development control tools to enable these assessments to be undertaken are developed as part of the strategy work.

DEVELOPMENT CONTROL – CONSIDERATION OF EXISTING USE

How should existing land uses be considered in water neutrality calculations? Can existing uses on sites be made more efficient as a means of offsetting development? For example, where greenfield land is currently subject to irrigation.

Existing water consumption can be used to offset new build in the water budget if it is supplied by Sussex North public water supply. Irrigation of agricultural land is rarely supplied by public water supply and Natural England is not aware of any irrigation boreholes into the Pulborough groundwater aquifer from which Southern Water abstract. It is therefore unlikely that farmland on greenfield would have much offsetting potential for water neutrality.

Where there is a proposed change of use between non-residential uses is it acceptable to calculate the existing water consumption and proposed water consumption using the BREEAM Wat 01 calculation tool, assuming full occupancy for both uses, with a development being ‘water neutral’ where consumption stays the same or falls?

This is a matter for the LPAs to decide. Any assessment methodology on water consumption for non-residential development must be consistent between authorities across the supply zone but also is consistent with the assumptions for non-residential water consumption used in the calculation of the strategic water budgets. The alternative to using the strategic solution assumptions is to provide evidence from the meter readings from historic use where these are available. The data, for example the use of full occupancy for the historic use needs to be justified by evidence. The most important point to consider in the choice of methodology is to ensure the assumptions applied are sufficiently precautionary to meet the legislative test.

Where a building has been demolished prior to an application for planning permission is it possible to offset the water use of the demolished building against the proposed water use when calculating the net water demand of the development?

This will depend on when the building was last in use and if evidence of recent water consumption (e.g., within the last 3 years) can be provided. If the building has not been in use for many years and has been demolished the use of offsetting is not considered precautionary. It is important to consider the designated sites are already drying and concerns are from actual use not theoretical or licenced amounts.

DEVLEOPMENT CONTROL – OFFSETTING

What types of offsetting measures will/will be acceptable?

Any offsetting that reduces existing water consumption from the Sussex North public water supply can be used provided it is able to meet the following requirements:

- The existing development is supplied by existing supply from Southern Water's Sussex North water supply zone.
- Can provide evidence of consumption (e.g., Water bills/ meter readings or use generic values when these are agreed by LPAs in strategic solution)
- A route to securing the measures is provided and deliverable so that the LPAs are satisfied they are sufficiently certain.
- The reductions are likely to be secured until at least when the long-term water supply alternative will be available.

Types of development that could be used include: (but are not restricted to)

- Offsetting on private occupied property with Southern Water supply in Sussex North
- Offsetting on Council owned property with Southern Water supply in Sussex North
- Offsetting on Registered Provider property with Southern Water supply in Sussex North
- Offsetting on commercial property with Southern Water supply in Sussex

Water efficiency measures can be incorporated into unbuilt developments within the water supply zone which had existing approval prior to the Natural England Position Statement being published on 14th September 2021 and those measures can be used as off-setting for future developments under the Habitat Regulations. The Regulations cannot be applied retrospectively and therefore, there is no requirement for water efficiency measures to be incorporated into these approved developments, so any measures which are put in place can be counted as mitigation. It will be the responsibility of the LPAs to ensure the timings of these developments are compatible with providing the necessary off-setting for the future developments, so delivering the mitigation before the impact from the development has occurred.

Can I propose a solution to offsetting for my or another development? What if we can collectively provide offsetting?

Yes, these can potentially be secured in order to demonstrate water neutrality subject to LPA approval.

How can offsetting be secured through the planning system?

Water neutrality is best secured by a strategic solution through the local plans using a water budget. That is what local planning authorities are already attempting to undertake and

Natural England recommends that all local authorities in Sussex North including the County Council work together on the strategic solution partnership.

When should offsetting be delivered in relation to the development delivery?

Like all forms of mitigation, offsetting should be delivered before the impact from the development has occurred. The pathway for impact is via increased abstraction driven by increased water consumption. The water consumption only occurs on occupancy. It is therefore logical that the offsetting for specific development should occur before occupancy.

What are the short, medium, and long-term approaches to offsetting and how is consistency being considered?

The approach to offsetting is being developed through the strategic solution to the local plans. This is a collaborative approach including Southern Water and all affected LPAs. To be successful the approach should become a delivery partnership with all affected LPAs and the Southern Water.

What are the relevant industry standards against which to judge the efficacy of the offsetting proposed?

Overall, the efficacy of offsetting will be judged on the annual water consumption allowing for weather variations across the water supply zones.

Can private water supply bore holes enable water neutrality when you must have a connection to Southern Water to meet building regulations?

If a proposed abstraction is over 20m³ per day, it will be subject to the usual licensing requirements and assessment of water availability. This will be informed by the abstraction licence strategy for the area. In many cases water availability would be limited. A licence would not be granted if there could be an impact on a protected site. Abstractions of less than 20m³ per day do not need a licence.

A developer would have to consider the reliability of the water supply, the rules for becoming a private water supplier and any water quality requirements. Drinking Water Inspectorate (DWI), Ofwat and the local authority will be able to help with this. Further advice can be found in the DWI Website. <https://www.dwi.gov.uk/private-water-supplies/>.

Appendix 6530-01/10:

Natural England Correspondence 24 November 2021

24 November 2021



Alistair Baxter

alistair.baxter@aspect-ecology.com

Sterling House
Dixs Field
Exeter
EX1 1QA

Dear Alistair Baxter

Access to Information Request – Request no EIR2021/00041

Thank you for your request for information, which we received on 02 November 2021. Your request has been considered under the Environmental Information Regulations 2004 ("the EIRs").

You specially asked for the following information:

- 1. *I attach a Position Statement from Natural England on the Sussex North Water Supply Zone. Please could I request a map to show the location of this zone.***
- 2. *In addition, please can I request the evidence base behind the Position Statement which has led to Natural England's conclusion that "it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley site". In particular, please provide data which evidences that water abstraction is creating an issue of concern for the integrity of the SAC / SPA and its components SSSIs.***
- 3. *Please advise when and how Natural England became aware of the issue and the investigative steps taken before issuing the position statement which it is noted significantly post dates the People Over Wind and Dutch Nitrogen Cases.***
- 4. *Please provide details of the steps which Natural England has taken to date to develop a strategic solution.***
- 5. *Please provide any other information Natural England hold on the matter."***

Please find our response below and the supporting information (italics) referred to below is provided in the attached zip file.

The evidence base leading to Natural England's position to apply water neutrality in the River Arun catchment within Southern Water's Sussex North Water Supply zone

A position statement from Natural England was sent to the relevant Local Planning Authorities (LPAs) on 14 September 2021. This document explains the need for water neutrality in relation to the fact that it is not possible, with certainty, to conclude no adverse effect on the integrity of Arun Valley Special Area Conservation (SAC), Arun Valley Special Protection Area (SPA) and Ramsar Site.

The following information is being provided to address this request:

- A comprehensive summary outlining the in-depth evidence leading to water neutrality in relation to Southern Water's groundwater abstraction and the designated sites listed above is demonstrated in Natural England's responses to the water company, Southern Water (*letters; 191216 SW Arun V sites_wellfield DAS_NE interim view*

response; 201023 Letter – Arun V sites – refurbishment of BH FINAL; and 201124 Letter – Sussex north AEOI sue beale).

- the [Gatwick Sub-Region Water Cycle Study](#) (WCS), which is available online on numerous LPA websites, assessed the potential issues relating to future development within the Gatwick Sub-Region, setting out a range of constraints and requirements that may arise from growth on the water infrastructure. One of the recommendations of this study was to explore water neutrality for the whole Gatwick sub-region (section 13.2, page 186). Natural England's response with advice regarding this study is provided (*200325 Gatwick subregional study NE advice*).

Licence review leading and context leading to water neutrality

Southern Water licences at Pulborough are long standing and the Environment Agency Review of Consent identified that the Arun Valley designated sites which are nearby are potentially within the zone of influence of the licences. There are three licences of interest, a surface and groundwater one at Pulborough and more a recent time limited one that abstracts on the falling tide at Arun (called the Arun Tidal abstraction). The Pulborough licences were not subjected to Habitats Regulations Assessment at the time of granting the licence as they predate the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended). The licences were subject to the Review of Consent (RoC) which determined they did not have an adverse effect on integrity. A more recent review of the RoC findings by Natural England (*set out in the December 2019 letter a copy of which is attached*) show that these conclusions were flawed when a modern understanding of integrity is applied.

This licence was re-visited in 2019 due to the water company proposing a licence change, to increase supplies to Sussex North water supply zone and reconfigure (moving) its abstraction wellfield at Pulborough. This was so the water company could make better use of its existing abstraction but also reduce the licence volume and modernise these old licences. This would bring the abstraction boreholes closer to designated sites. The review of investigations, new and older data, and assessments from 2019 led to Natural England having concerns that the recent actual abstraction rate not only the within-licence increases proposed in the licence change posed likely impacts on the designated sites listed above. Natural England had also started to have concerns about the out-of-date information on the wildlife of the Arun Valley designated sites.

Evidence of wildlife decline leading to water neutrality

Natural England alongside working on this casework, have been condition assessing the designated sites mentioned above, to enhance and add to the evidence base to ensure current condition of the sites and their notified interest features are accurate and reflected within Natural England's online public systems (which it is not the case at present). This work is being undertaken to better understand all the issues that are impacting the sites/interest features not just water resources. The field work to update the condition assessment was due to start in April 2020 but was delayed until May 2021 due to COVID restrictions. The surveys required to address evidence gaps have been completed on schedule this year (summer 2021) and Natural England are still working towards finalising condition changes and updating the status online via Natural England's designated sites public system by March 2022. The current evidence base and uncertainty to-date already satisfies the need for water neutrality, it is anticipated the condition assessment data will further support this, however at this stage the data is yet to be analysed.

The review to-date has shown (with source of information in brackets):

- The SAC feature (*Anisus vorticulus*) has been reduced to a small population around a single ditch (in Oct 2021 survey) in Amberley Wild Brooks, having been moderately widespread previously and has gone from south of Pulborough Brooks where it was present if uncommon previously. This is a loss of up to three quarters of its former range within the SAC. This former range was a quarter of the species UK population.

The SAC is therefore failing its conservation objectives for range and distribution and at risk of going extinct on the site. (Various studies including Natural England commissioned October 2021 Survey of *Anisus vorticulus* - in prep).

- SPA and Ramsar wintering bird features – only teal are meeting their conservation objective population targets (wetland bird survey (WeBS) data BTO).
- A peer reviewed paper ([Spatial and temporal vegetation analysis of Amberley Wild Brooks over two decades, Hicks et al 2019](#)) shows statistically significant changes in the vegetation community, including those that form part of the Ramsar and SSSI features, in the north of Amberley Wild Brooks, indicative of slowly drying conditions.
- Environment Agency water quality monitoring is limited but shows ditch water quality exceeds existing nutrient targets (Total phosphorus - TP values). National guidance recommends more stringent total phosphorus values for sites with groundwater input and total nitrogen (TN) targets on still waters and ditches with aquatic plant and invertebrate interest.
- A technical study into habitat management for the SAC snail (as part of back from the brink partnership work) shows water quality, in particular suspended solids, are issues for the SAC snail. These suspended solids are likely to be from the clay in banks when they collapse and/ or from overtopping. The water turbidity is exacerbated by the very shallow or dry ditches in summer on Pulborough Brooks.
- All the impacts on designated sites appear to be exacerbated by climate change.

Development of a Strategic Solution

Since sending the position statement, further work has been undertaken with the Environment Agency and LPAs to prepare guidance on water neutrality and a strategic solution which will be publicly available. The [Part A study](#) is now complete and has been published and Part B will be published soon. A map of the area impacted by water neutrality (Sussex North Water Supply Zone), that is referenced to in the position statement is provided in the Part A study (link above). It had come to Natural England's attention recently that there is a discrepancy regarding the zone boundaries, we have asked the water company to provide a definitive map as soon as possible.

Frequently Asked Questions (FAQs) are being developed to provide further advice to LPAs and developers. Currently this work is being reviewed by the relevant LPAs, the Environment Agency and water company (Southern Water), when finalised these will be published on the local planning authority websites.

Legal framework requiring water neutrality

The key piece of legislation is [the Conservation of Habitats and Species Regulations 2017 \(as amended\)](#).

The Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of the following sites:

- Arun Valley Special Area Conservation (SAC)
- Arun Valley Special Protection Area (SPA)
- Arun Valley Ramsar Site.

The above sites are referred to as Habitats sites in [Government advice](#) on Appropriate Assessment and the National Planning Policy Framework as they are covered by the Conservation of Habitats and Species Regulations 2017 as amended (link above). As it cannot be concluded that the existing abstraction within Sussex North water supply zone is not having an impact on the Arun Valley Habitats sites, development within this supply zone that uses this public water supply could add to this effect and must therefore be assessed under the Conservation of Habitats and Species Regulations 2017 as amended.

Recent caselaw referred to as *Sweetman II* and Dutch nitrogen cases require plans and projects affecting sites where the site is failing its conservation objectives to demonstrate certainty that they will not contribute further to the existing failures and risk of adverse effect. If they cannot demonstrate this certainty development should go through to the latter stages of the Regulations including the tests of no suitable alternatives and test of imperative reasons of overriding public interest and then provide compensatory habitat to secure the coherence of the European site network or it should be refused. Developments within Sussex North water supply zone therefore must not add to the existing risk of adverse effect from the existing water supply abstraction or meet all of the above tests and one way of achieving this is to demonstrate water neutrality. Water neutrality is a means of ensuring that development does not add to the existing abstraction pressure. This provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

The Environment Agency is the competent authority with regards the water company licences. Natural England has been working with the Environment Agency and the water company to clarify and reduce the impacts of the licence since 2019 when data first began to emerge that the existing abstraction was a cause for concern. The licences are being reduced voluntarily by the company via a variation to remove any headroom, so they limit the ability to increase abstraction from the impactful licence. This process is underway and has been driven by Natural England's work with the Environment Agency.

Please note, some of the information contained within the documents provided is being withheld in accordance with the following exceptions in the Environmental Information Regulations 2004:

- Regulation 12(3) - Personal Information and
- Regulation 12(5)(a) – Public Safety

I have set out below the reasons for relying on these exceptions.

Regulation 12(3) - Personal Information

The names, signatures, and contact details of private individuals are considered by Natural England to be personal information as defined by the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

The First Data Protection Principle says that personal data shall be processed lawfully, fairly and in a transparent manner. Guidance published by the Information Commissioner, states that when considering fairness in relation to disclosing personal information under FOIA [and EIR] it will usually mean considering:

- whether the information is sensitive personal data;
- the possible consequences of disclosure on the individual;
- the reasonable expectations of the individual, taking into account: their expectations both at the time the information was collected and at the time of the request; the nature of the information itself; the circumstances in which the information was obtained; whether the information has been or remains in the public domain; and the FOIA [and EIR] principles of transparency and accountability; and
- any legitimate interests in the public having access to the information and the balance between these and the rights and freedoms of the individuals who are the data subjects.

When personal information is collected from individuals by Natural England, we do not inform them that the information will remain confidential or that it may be released, however, we believe that there is an expectation of confidentiality.

The release of personal information and any subsequent contact may cause unnecessary or unjustified distress or damage to the individuals if released, and they have a reasonable expectation of confidence.

Natural England is therefore satisfied that the information requested fits the definition of personal data and that its release would be 'unfair' under the meaning of the first Data Protection Principle and should not be released.

Regulation 12(5)(a) – Public Safety

Some location information is being withheld in accordance with the exemption set out in Regulation 12(5)(a) which states:

“...a public authority may refuse to disclose information to the extent that its disclosure would adversely affect...”

(a) international relations, defence, national security or public safety;”

This information is being withheld under the exception in Regulation 12(5)(a) of the Environmental Information Regulations 2004 which relates to information that if disclosed would adversely affect public safety.

We have withheld details of the precise locations of water company assets such as abstractions and aquifer details as these are protected under the Security Emergency Measures Direction (SEMD). In view of this we have decided not to disclose the location details. In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure. These are the factors we considered in deciding where the public interest lay.

Whilst Natural England believes in openness and transparency, as a public body, there is a duty to protect the security of public water supplies under SEMD. We believe that the release of this information would impact adversely affect the protection and security of water supply that is subject of the security requirements with in the SEMD Directors. We believe that these are legitimate concerns sufficient to allow Natural England to engage this exception and that it is not in the public interest to release this information.

Please note that the information we have supplied to you is subject to copyright protection under the Copyright Designs and Patents Act 1988. You may re-use this information (not including logos) free of charge in any format or medium, for the purposes of research for non-commercial purposes, private study, criticism, review and news reporting. You must re-use it accurately and not in a misleading context. The material must be acknowledged as Natural England copyright and you must give the title of the source document/publication. However, if you wish to re-use all or part of this information for commercial purposes, including publishing and the information is not covered by the [Open Government Licence](#) you will need to apply for a licence. Applications can be sent to Enquiry Service, Natural England, County Hall, Spetchley Road, Worcester, WR5 2NP.

This information may also contain third party copyrighted material and you will need to obtain permission from the copyright holders concerned before you re-use it.

If you have any queries about this letter, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your requests and wish to make a complaint or request a review of our decision, please contact me and I'll arrange for a colleague to conduct an internal review. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this letter.

If you are not content with the outcome of that complaint or the internal review, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the internal review procedure provided by Natural England. The Information Commissioner can be contacted at: <https://ico.org.uk/global/contact-us/> or call on 0303 123 1113 (local rate), www.ico.org.uk.

Yours sincerely

Kate Donovan
Adviser – Access to Information
Legal, Governance and External Affairs

foi@naturalengland.org.uk

Enc

Appendix 6530-01/11:

WRMP Figure 1 'Where your water comes from today'