Date: 27 March 2025
Our ref: 506663
Your ref: HRA/25/0007

Hornbeam House
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Electra Way
Crewe
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CW1 6GJ

T 0300 060 3900

Tamara Dale
Horsham District Council
Chart Way
Horsham
West Sussex
RH12 1RL

BY EMAIL ONLY

Dear Ms. Dale,

Planning consultation: Prior Approval consent DC/23/2091 COU of agricultural building use to residential use (C3) to provide 2 dwellings.
Location: Frithknowle Farm, Picts Lane, Cowfold, Horsham RH13 8AN.

Thank you for your consultation on the above dated 17 March 2025 which was received by Natural England on the same date.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Arun Valley Special Area of Conservation (SAC), Special Protection (SPA) and Ramsar site.
- damage or destroy the interest features for which Amberley Wild Brooks Site of Special Scientific Interest (SSSI) and Pulborough Brooks SSSI have been notified.

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

- The delivery, management and maintenance of any measures identified in the applicant's water neutrality statement that are required to ensure that the proposed development will not result in increased levels of abstraction within the Sussex North Water Supply Zone.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

Natural England's Opinion under Regulation 76

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

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

We have no comment to make on other prior approval matters included in the consultation.

We recommend that should Horsham District Council give its prior approval to the proposed permitted development, the following paragraphs are included on the decision notice as advisory notes to the applicant;

Site of Special Scientific Interest
Should prior approval be given, and before a landowner commences a permitted development within a Site of Special Scientific Interest (SSSI), they must give written notice to Natural England and await its consent[1]. See here for further details.

Should prior approval be given, and before a public body, statutory undertaker or other body commences a permitted development within or might affect a Site of Special Scientific Interest (SSSI), it must give written notice to Natural England and await its assent or, in some cases, its advice. See here for further details.

Protected Species
In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here https://www.gov.uk/guidance/wildlife-licences

Further Advice on Mitigation

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

The applicant has undertaken a water neutrality assessment which demonstrates that the proposal will be water neutral and will therefore not result in an adverse effect on the integrity of the Arun Valley designated sites. The submitted documents state that the existing water use is zero litres per day and the proposed water use will be 474.91 litres per day (220.08 litres and 254.83 litres per day for Units 1 & 2, respectively), following the implementation of water efficient fixtures and fittings as

[1] Because permitted development is not authorised by a planning permission granted following an application under Part III of the Town and Country Planning Act 1990, it is not a 'reasonable excuse' under section 28P(4) of the 1981 Wildlife and Countryside Act to carry out operations affecting a Site of Special Scientific Interest without giving prior notice to Natural England and without receiving its prior SSSI assent/consent/advice. Failure to do so is an offence.

per the Part G Water Calculations. Further water offsetting is proposed to achieve water neutrality by: (1) using on-site rainwater harvesting to serve the WCs and (2) installing flow limiters to kitchen taps and hand basins at five dwellings off-site which are under the applicant's ownership.

While we concur with the conclusions of the water neutrality assessment that the proposal achieves neutrality, we have the following comments to make on certain aspects of the assessment.

Proposed Mitigation

Water Flow Limiters

We note that the applicant is proposing to install water flow limiters to the kitchen taps and hand basins at five existing properties under the applicant's ownership to offset the increased water demand from the proposed development (Water Neutrality Statement, February 2025). Natural England supports the installation of Cenergist Control Flow HL2024 devices; as the devices being put forward with this application are not Cenergist and are installed directly to the taps themselves, we have questioned the ability to secure this mitigation in perpetuity[2]. You have confirmed that your authority is able to secure these fittings in perpetuity through relevant clauses within the required section 106 Legal Agreement requiring these fittings remain in situ, and if replaced they are only replaced with similar fittings. Based on this confirmation, Natural England agrees that the installation of flow limiters as described in Appendix F of the WNS demonstrates the necessary water savings can be achieved. We do however emphasise that the implementation of flow limiter devices is secured in perpetuity by your authority and that there will be no 'double counting' of offsetting capability from this strategy in the future.

Final Comments

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

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

If you have any queries relating to the advice in this letter, please contact me on Hannah.Lee@naturalengland.org.uk.

Should the proposal change, please consult us again.

Yours sincerely,

Hannah Lee
Sustainable Development
Sussex and Kent Area Team

[2] Please see email correspondence between Tamara Dale (Horsham DC) and Hannah Lee (Natural England) on 26th March 2025.