

Date: 31 May 2023
Our ref: 434134
Your ref: DC/23/0406



Horsham District Council
Parkside
Chart Way
Horsham
RH12 1RL

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

BY EMAIL ONLY

Dear Sir/Madam,

Planning consultation: Demolition of existing buildings and erection of 180 dwellings, sports pavilion, sport pitches and allotments; with associated access, landscaping, open space and infrastructure.

Location: Land to the West of Ashington C of E School, Park Lane, Ashington, West Sussex.

Thank you for your consultation on the above dated 16 May 2023 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

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site
- Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI)

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

The following information is required:

- Further evidence of the application's existing water use or adoption of a nil baseline.
- Further evidence of the application's proposed water use, distinct from any additional offsetting measures.
- Further evidence to demonstrate the proposed boreholes ability to serve the development in perpetuity.

Without this information, Natural England may need to object to the proposal.

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

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

Water Neutrality Arun Valley SPA, SAC and Ramsar Site

The proposed development falls within the [Sussex North water supply zone](#); As set out in Natural England's [Advice Note regarding Water Neutrality 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. Achieving water neutrality is recognised as a suitable method to rule out potential adverse effects on the integrity of these sites arising from development.

Habitats Regulations Assessment.

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

Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity. Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out.

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

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

We advise that the following additional work on the assessment (please see below) is required to enable it to be sufficiently rigorous and robust. We welcome ongoing engagement with your authority to address these matters.

Additional Information Required

We advise that the Water Neutrality and Offsetting Report dated 03 February 2023 is revised to include the following supporting evidence:

Existing Water Use

It is our understanding that the existing use of the development site is farmland, consisting of wheat and sweetcorn crops, as well as a car valeting service run out of existing buildings on the site. Two figures have been given for the estimated water use for the car valeting service, 657,000 litres per annum (page 8) and 375,000 litres per annum (page 21). No water use has been given for the farmland as it is rainfed rather than irrigated.

Despite figure being given for the car valet services water use, no evidence has been provided to support either figure. In addition, your authority has raised concern over there being no associated planning history permitting a car valet on site and has therefore recommended an existing baseline of nil.

Our advice is without evidence of the existing water use from the car valet service (e.g. metered water bills) a nil baseline figure must be assumed for precautionality.

Proposed Water Use

Natural England notes that the proposed development is for a maximum of 180 dwellings in a mix of 1, 2, 3, 4 and 5-bed homes. Information has been provided demonstrating a total occupancy rate of 417.6 persons based upon Horsham's standard occupancy rates. A part-G calculator has also been submitted that demonstrates a proposed water use of 68.78 litres per person per day, utilising efficient fixtures and grey water harvesting. We agree with your authority that these figures are robust.

However, the submitted Design and Access Statement (February 2023) references a number of community facilities including a sports pavilion with club space, changing rooms and a kitchen, as well as sports pitches and allotments. These facilities do not appear to have been taken into consideration within the proposed water use figures, despite there being a clear water requirement. We advise that the calculations are revised to include water use for the community facilities, and an updated mitigation/offsetting strategy provided to account for the increased use.

Mitigation

The submitted Water Neutrality and Offsetting Report (v7) refers to three different offsetting measures, discussed below;

Proposed Borehole

The report proposed the installation of a borehole to provide the 28,712 litres per day required by the proposed development, following the implementation of efficient fixtures and greywater harvesting. As the borehole would need to abstract >20m³ per day an abstraction license is required from the Environment Agency (EA), however evidence that this has been granted has not been submitted.

In addition, although the report states a hydrogeological assessment has been undertaken for the site which indicates that there is a potential borehole yield of 150,000 litres per day, it does not appear that a test borehole has been drilled to ensure that there is a sufficient yield to serve the development in perpetuity.

We therefore recommend that evidence of a granted EA abstraction license and data from a test borehole demonstrating yield are submitted to provide certainty as an offsetting measure.

Existing Car Valeting Water Use

Please refer to our comments under 'Existing Water Use'.

theWaterBank

While an offsetting scheme is a viable solution to water neutrality, the information provided in the report is insufficient to enable a conclusion of no adverse effect on the integrity of the Arun Valley sites. We would require the following information in relation to the proposed scheme:

- Confirmation of a specific offsetting site.
- Evidence of the existing and proposed water use at that site.
- Evidence that the site would be secured as part of planning permission.

Securing Offsetting Measures in Perpetuity

Natural England advise that any offsetting measures required to achieve water neutrality will need to have their maintenance and management appropriately secured with the competent authority, in perpetuity.

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 281 (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 the 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

[REDACTED]

Please consult us again once the information requested above, has been provided.

Yours sincerely

Sophie Moore
Lead Advisor- Sustainable Development 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. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

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 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

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

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](#).

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 3.1](#) 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 3.1](#) 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).

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

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 3.1](#) 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 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.

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](#).