4th February 2025

Kate Turner
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

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*Thank you for requesting advice on this discharge of condition from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.*

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**Application:** **DISC/25/0007**
**Location:** **Bryants Barn Lot 1 Delspride Kent Street Cowfold Horsham West Sussex RH13 8BB**
**Proposal:** **Approval of details reserved by condition 1 approved application DC/23/1625**

Dear Kate

Thank you for consulting Place Services on the above discharge of condition application. We note this application relates to appeal reference APP/Z3825/W/23/3333162.

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|---|---|---|
| a) No ecological harm/No objection | | |
| b) Requires further information | | |
| c) Recommend grant permission subject to conditions | | |
| d) Recommend refusal | | |
| e) Discharge of Condition 1 | | N/A |
| f) Subject to Natural England's comments on the conclusion of the LPA's Water Neutrality Appropriate Assessment | | X |

**Condition 1: Not relevant to ecology**
*Prior to the commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved in writing by the local planning authority:*

*a) A preliminary risk assessment which has identified:*

- *all previous uses;*
- *potential contaminants associated with those uses;*
- *a conceptual model of the site indicating sources, pathways and receptors;*
- *potentially unacceptable risks arising from contamination at the site.*

b) *A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

c) *Based on the site investigation results and the detailed risk assessment (b), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

d) *A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.*

**Comments**

We have reviewed Condition 1 and the documents submitted in order to discharge this condition. We do not consider that this condition includes any points relevant to ecology and therefore ecological comments are not applicable.

However, we highlight that Condition 2 relates to a lighting scheme for biodiversity and therefore look forward to being consulted on the discharge of this condition in due course.

We also highlight that an HRA for Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') must be submitted prior to commencement of the works (Points 15 and 16 of the Appeal Decision 17th September 2024). We consider that this is in relation to the development having a likely significant effect and details to demonstrate Water Neutrality are necessary to avoid adverse effect on the integrity of Arun Valley Habitats sites.

Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires that any planning permission granted after 30 November 2017 by way of the 2015 Order which could have a likely significant effect on a Habitats site or European Offshore Marine Site and is not directly connected to the management of the site, must not be begun until the developer has received written notification of the approval of the relevant local planning authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Usually the LPA seeks direction from Natural England on any Regulation 77 applications, however their advice on Water Neutrality is already in place. We therefore recommend that the LPA already has their opinion under Regulation 76 of the Conservation of Habitats and Species Regulations 2017 (as amended) so it should now undertake an Appropriate Assessment of the implications of the works and consider the proposed mitigation measures are sufficient to avoid adverse effect on the integrity of Arun Valley Habitats sites.

Please contact us with any queries.

Yours sincerely

**Genevieve Broad MCIEEM MSc BSc (Hons)**
Ecological Consultant
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**Place Services provide ecological advice on behalf of Horsham District Council**
Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.