Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
HRA/24/0006
Ingfield Manor School, Ingfield Manor Drive, Five Oaks, Billingshurst, West Sussex, RH14 9AX

DESCRIPTION:
Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2017 relating to the erection of three temporary classrooms.

RELEVANT PLANNING HISTORY:

DC/24/1682	Siting of two new school buildings, containing three classrooms, for educational use (Lawful Development Certificate - Proposed)	Application Permitted on 05.03.2025

CONSULTATION

Natural England: No Objection- Subject to appropriate mitigation being secured.
We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

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

- Delivery, management and maintenance of measures identified in the water Neutrality Statement to achieve water neutrality.

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

ASSESSMENT

A lawful development certificate for siting of two new school buildings, containing three classrooms, for educational use was granted on the 5th of March 2025. This HRA was submitted prior to the submission of the application DC/24/1682.

Article 3(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended states that planning permission for development described as permitted development in Schedule 2 is granted subject to the provisions of the Order, and Regulations 75 to 78 of the conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 75 of the Habitat Regulations states that it is a condition of any planning permission granted by a general development order (such as the GPDO) that development likely to have a significant effect on a European Site 'must not be begun' until the developer has received written notification of the approval of the local planning authority under Regulation 77.

This present application represents a submission under Regulation 77 of the Habitat Regulations for the Council's confirmation as to whether or not the proposal would have an adverse effect on the integrity of the designated areas Arun Valley sites.

Regulation 77(1) of the Habitats Regulations states that an application must be made to the Local Planning Authority and for the purposes of its consideration, the Local Planning Authority must assume that the development is likely to have a relevant affect (2). As per Section (3) of the Regulation, the appropriate nature conservation body (in this case, Natural England) must be consulted on the application. Where the nature conservation body does not consider that the development is likely to have a relevant affect, their representation must be forwarded to the applicant (4 and 5).

Regulation 77(6) states that *'In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.* Regulation 77(7) then states that: *In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.* Conversely, if it cannot be ascertained that the development would not result in an adverse effect, the local planning authority may refuse the application.

This Regulation 77 application was accompanied by a water neutrality statement (WNS). The baseline water use for the classrooms was 0 l/d. The proposed water use of the classrooms has been demonstrated to be 571 l/d. The WNS offsets this water usage against the existing residential buildings and the result is a saving of 580.4 l/d

In order to ensure that the offsetting against the residential part of the site is adhered to, a Section 106 Legal Agreement has been entered into, with this providing a mechanism whereby the measures to achieve water neutrality can be secured in perpetuity.

An Appropriate Assessment was prepared on this basis and Natural England have raised no objection to the assessment, with the consultation response received concurring with the above view. The project will not have a Likely Significant Effect on the designated features of the Arun Valley SAC/SPA/Ramsar site, either alone or in combination with other plans and projects. A legal agreement has been completed to secure the offsite offsetting works. Therefore, the Local Planning Authority consider that the proposal would not result in a significant adverse impact on the integrity of the Arun Valley SAC, the Arun Valley SPA, and the Arun Valley Ramsar Site. The Council can therefore approve the development under Regulation 75 of the Habitats Regulations.

Recommendation: Application Permitted

NOTE TO APPLICANT
The works as approved under DC/24/1682 *permitted on* 05.03.2025 *shall be undertaken in strict accordance with the submitted Water Neutrality Assessment (received by the Council on 25..06.2024).*

Plans list for: HRA/24/0006
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Water Neutrality Statement		25.06.2024

Case Officer sign/initial	Alice Johnson	Date:	25/03/2025
Authorising Officer sign/initial	RHERMITAGE	Date:	25.03.2025