

Horsham District Council Screening Assessment

HDC Reference DC/22/0566

Applicant Reference: Land To The South of Hilland Farm Stane Street Billinghamurst RH14 9HN

Development Proposal: Outline Application for up to 9,825m² of Class E (Industrial Processes), B2, and B8 use floorspace with all matters reserved except for access.

EIA Regulations	
Is the proposed development listed in Schedule 1?	No
Is the proposed development listed in Schedule 2?	Yes. Exceeds threshold of Category 10(a) industrial estate development projects in Column 1 of Schedule 2 of the Regulations; the area of development exceeds 0.5 hectare.
Is the proposed development within or adjacent to a sensitive area as defined in Regulation 2? (SSSI, National Park, property on World Heritage List, Scheduled Ancient Monuments, AONB, SPA or SAC)	No.

Schedule 3 – Selection Criteria for Screening Schedule 2 Development

1. Characteristics of Development	Description (include permanent / temporary impacts, positive and / or negative impacts / likelihood of impact as applicable)	Significance (direct and indirect)
a) Size and design of development (e.g. site area, scale)	<p>The site is 2.69 hectares in size and is currently Greenfield. The proposal is for 9,825m² of employment floorspace for Class B2, B8 and Class E (Industrial Processes). The access will be taken at two points from the north. The design approach is to offer range of modern small, medium and larger sized units .</p> <p>The site is situated on the north-eastern edge of Billinghamurst, located close to land which has permission for varied employment premises with roundabout junction, highway infrastructure. Planning application reference DC/18/2122 refers. for the following: "Detailed planning permission for up to 4,998sqm of B1c, B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2, B8 floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)." This proposal was granted planning permission on 10th June 2019</p>	No significant and/or residual environmental impacts anticipated

	<p>Additionally, the site is located close to other land for a strategic residential extension of 475 homes; construction has now commenced and well advanced. The settlement of Billingham is located immediately southwest of the site and includes existing residential properties and community facilities.</p>	
<p>b) cumulation with other existing or approved development</p>	<p>The cumulative impact should consider the adjacent industrial estate development. Planning application reference DC/18/2122 refers. for the following: "Detailed planning permission for up to 4,998sqm of B1c, B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping (phase 1). Outline planning permission for up to 14,075sqm of B1c, B2, B8 floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2)." This proposal was granted planning permission on 10th June 2019.</p> <p>Phase 1, which formed the detailed element of the hybrid proposal, is largely complete and occupied. Phase 2, permitted in outline, has now full planning permissions for 8 no. units.</p> <p>Both Phases 1 and 2 have been subject of subsequent approved amendments to the original DC/18/2122 permission. This includes permission DC/21/1107 which has permitted variation of four conditions attached to the original outline phase 2 permission described above which has allowed greater flexibility in the type of units provided at the site, along with the internal format of these units to ensure they can be tailored to the needs of a variety of end users. The application has achieved this through increase of the developable area of the site along with a relaxation of a condition limiting the insertion of mezzanine floors to allow 10% coverage without the need for further planning permission.</p> <p>The above application has facilitated the delivery of a terrace of eight business units along the eastern edge of the phase 2 site, and subsequent that approval, full planning permission has been granted for these eight business units.</p> <p>Dunmoore have also recently submitted a further application at the Phase 2 site for the provision of a large format convenience retail store in partnership</p>	

with a confirmed operator not currently present at Billingshurst (DC/21/0321). The delivery of this unit alongside the retention of the commercial floorspace secured as part of the 2018 application described has been partially facilitated by the extension of the developable area of the site approved under DC/21/1107.

However, even accounting for all this, the cumulative site area of the new development would not exceed more than 20 hectares, which is the EIA indicative criteria and threshold for industrial estate development. Nonetheless, as set out above some of the adjacent industrial estate has been subject to further planning permission for retail, and should be considered under Urban development project EIA indicative threshold. Even so, the site area of this is not more than 5 hectares and provides less than 10,000 m² of new commercial floorspace. Its urbanising effects in a previously non-urbanised area would not be significant due to the physical scale of that development.

The 475 residential development is largely completed, and therefore any subsequent effects will be realised as part of the baseline assessments supporting the application.

The key issues to consider are the physical scale of such development, potential increase in traffic, emissions and noise.

The local road network surrounding the Proposed Development have seen significant alteration in recent years as part of the industrial and residential development brought forward in the last 5 to 10 years. The traffic, emissions, and noise impacts will be limited due to the distance involved to residential development and as the roundabout junction and highway upgrades delivered have taken the traffic originating from this development into consideration. Consequently, any cumulative effects arising with surrounding development are not considered likely to be significant.

This includes traffic movements associated with the planning permission granted for erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.

	<p>Planning application reference DC/19/0295 at Land Platts Roundabout Newbridge Road on the west side of Billinghamurst.</p>	
<p>c) the use of natural resources, in particular soil, water and biodiversity (e.g. land, water, materials, energy – non renewable or in short supply?)</p>	<p>The proposed construction and operational phases of the proposed development will use resources in terms of land, water and energy as would be expected for a retail development of the nature proposed. The Applicant can include measures in the CEMP to minimise the consumption of natural resources. The operation of the development is not anticipated to use these resources, unless maintenance of the buildings and associated infrastructure (means of access, communal areas, and SuDs) is required.</p> <p>During construction, some minor topographical changes will occur to facilitate a SUDS scheme. Whilst some topographic changes will occur these will be minor changes in the landscape to facilitate better drainage of the scheme. These changes are considered insignificant in relation to the natural topography of the area.</p> <p>The site does not support any high quality or scarce resources, with tree cover on the site limited to peripheral areas and not in a safeguarded area for minerals with the site falling outside of the Mineral Safeguarding Areas.</p> <p>Horsham District is situated in an area of serious water stress, as identified by the Environment Agency Water Stressed Areas Classification.</p> <p>Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. The Sussex North Water Resource (Supply) Zone also covers Crawley Borough and parts of the Chichester and Arun Districts and the central area of the South Downs National Park.</p> <p>This area is served by groundwater abstraction near Pulborough. This has the potential to impact upon the nearby Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on.</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.</p>

	<p>This Authority has received a Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the above Arun Valley sites. It advises that development within this zone must not add to this impact.</p> <p>The full interim advice from Natural England is that development proposals that would lead to a material increase in water demand will need to demonstrate 'water neutrality'. This means that there would be no increase in water consumption, demonstrated by a combination of water efficiency, water recycling and offsetting measures. This should be demonstrated in a water budget, showing the baseline and proposed water consumption and mitigation measures proposed. This must be submitted as part of the application. Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. Allied to providing water efficiency measures within the development there are therefore known options to potentially offset water usage on and off site. Such options are capable of being developed into a water neutrality strategy sufficient to pass Appropriate Assessment and therefore avoid adverse impacts on the Arun Valley. In the event the strategy is insufficient to pass Appropriate Assessment, it would not be possible to reasonably grant permission contrary to the Habitat Regulations. Subject therefore to the submission of a water neutrality strategy to be secured either by condition or legal agreement, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
<p>d) the production of waste (demolition, construction, operation and decommissioning?)</p>	<p>As with nearly all construction, the proposed development will result in waste materials from the preparation and undertaking of works. Construction waste would be reused and recycled where possible. Significant quantities of construction waste are not anticipated as a result of the proposed development. Construction waste would be managed in accordance with all applicable legislation and disposed of in line with best practice. Operational waste would be disposed of in line with HDC requirements and managed in accordance with all applicable legislation.</p>	<p>No significant and/or residual environmental impacts anticipated</p>
<p>e) pollution and nuisances (e.g. potential for noise, dust, vibration, light, odours, production of substances / emissions which may damage</p>	<p>During the construction phase there is potential for effects to arise from building works, in terms of noise and vibration, traffic disturbance and any dust from site preparation/ground works. Any impact will be local to the site area</p>	<p>No significant and/or residual environmental impacts anticipated</p>

<p>environment -construction, operation and decommissioning t)</p>	<p>and its immediately locality, including nearby residential development.</p> <p>Any impact will be short-term and temporary and can be mitigated through adherence to a Construction Management Plan providing for noise and dust suppression measures (the submission, approval and implementation of which can be secured by a planning condition).</p> <p>The site layout for construction works has the capacity to be arranged to ensure that machinery and dust causing activities are located as far away from sensitive receptors as possible. There may be some minor adverse impacts on habitat within the scheme, which will be minimised through sensitive masterplanning.</p> <p>Appropriate measures, in accordance with all relevant legislation, would be used to prevent accidental spillages of contaminants during the construction and use of the highways improvements once completed.</p> <p>A CEMP, to be agreed with HDC and secured through a suitable planning condition, can be submitted in support of the planning application to ensure construction contractors use best practice measures to prevent land and water contamination, as well as effects on construction workers.</p> <p>There would also be emissions associated with the operational phase of the proposed development. The local road network surrounding the Proposed Development have seen significant alteration in recent years as part of the industrial and residential development brought forward in the last 5 to 10 years. There are no Air Quality Management Areas in Billingham currently.</p> <p>As the infrastructure surrounding the site has been significantly modified to accommodate the additional traffic associated with the surrounding residential developments, any environmental effects associated with the additional traffic from the Proposed Development are not anticipated to be significant.</p> <p>The site is located in Flood Zone 1; low probability of river flooding. The effects in relation to surface water and hydrology will be assessed in full in supporting material submitted with the planning application. With the proposed remediation design and implementation of the mitigation measures outlined below, the resultant effects are unlikely not be significant. The scheme avoids any development in the flood plain. In addition, surface water run-off and foul</p>	
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	<p>water drainage will be managed on-site during the construction and operational phases.</p> <p>During construction potential effects to existing properties can be mitigated by measures set out within a CEMP. These would include avoiding works in the floodplain wherever possible, and safe storage of plant or contaminants. Sustainable drainage would be considered, and appropriate drainage design would be included within the planning application documents including a Surface Water Drainage Strategy, Foul Drainage Scheme and Flood Risk Assessment (FRA).</p>	
<p>f) the risk of major accidents and/or disasters including those caused by climate change, in accordance with scientific knowledge</p>	<p>During the construction phase, the contractor(s) would implement measures in accordance with Health and Safety legislation/requirements, and best practice to minimise the risks of accidents that would have effects on people or the environment such as Land stability and Climate. All such measures would form part of the CEMP. There are no anticipated significant risks of major accidents and/or disasters, including those caused by climate change, during the operation of the development. The development would adhere to highway safety standards. The site is not in an area known to be susceptible to severe winds, fog or temperate inversions, subsidence, landslides or erosion.</p> <p>During the construction phase, certain materials may be present on the site which may be harmful to the environment. The effects in relation to hazardous substances and contamination were assessed by way of supporting material submitted with the planning application and conditions imposed in the event of planning being permitted.</p>	<p>No significant and/or residual environmental impacts anticipated</p>
<p>g) The risks to human health (eg due to water contamination or air pollution)</p>	<p>Any associated risks to human health arising from the proposal would be dealt with through the supporting planning application material ensuring that appropriate mitigation is included within the proposed development.</p> <p>Appropriate measures, in accordance with all relevant legislation, would be used to prevent accidental spillages of contaminants during the construction of the development. For the operational phase, an appropriate drainage design to prevent contaminants entering waterbodies would be implemented as part of the development. A CEMP can be conditional in support of the planning application to ensure construction contractors use best practice measures to prevent land and water contamination, as well as effects on construction workers. The site layout for construction works has the capacity to be arranged to ensure that machinery and dust causing activities are located as far away from sensitive receptors as possible. There is no Air Quality Management Area</p>	<p>No significant and/or residual environmental impacts anticipated</p>

	in Billingham.	
2. Location of Development: the environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular to	Description (include permanent / temporary impacts, positive and / or negative impacts / likelihood of impact as applicable)	Significance
a) the existing and approved land use	<p>The site is currently a greenfield site. Most of the District is rural and agricultural land is abundant across the District.</p> <p>The surrounding area does include areas that are utilised for retail and leisure, with residential and education land uses further afield, however these are not anticipated to be affected by the Proposed Development which will provide further complimentary employment provision in the area.</p> <p>There are no TPOs on the site. A Tree Survey and Arboricultural Report can be submitted with the planning application. A landscape strategy can be submitted with the planning application.</p> <p>A Public footpath is present around the periphery of the site along the western boundary which provide access from Billingham into the wider countryside. It can remain accessible to the public during construction. During construction, potential adverse effects to the quality of surface and ground water, roads and air (including airborne noise) can be minimised through the implementation of the CEMP. Such effects will be temporary.</p> <p>Once operational, the proposed development can include landscaping, tree planting. Further details can be included in the landscape strategy which will be submitted with the planning application</p>	No significant and/or residual environmental impacts anticipated
b) the relative abundance, availability, quality and regenerative capacity of natural resources in the area and its underground (common land use? Quality of land / designations / protected species – would development lead to irreversible loss of key qualities or resources in the area?)		
c) the absorption capacity of the natural environment, paying particular attention to		
i) wetlands, riparian areas, river mouths (e.g. floodplains, impacts on drainage, aquifers)	The Site is not considered to be at risk of fluvial flooding, with the entirety of the site located within Flood Zone 1. The Strategic Flood Risk Assessment (SFRA) for Horsham District identified the site to be at a low risk of ground water vulnerability As the site does not sit within a Critical Drainage Area the re-development of the Site presents an opportunity to alleviate some of the surface water flooding issues in the locality through the provision of appropriate Sustainable Drainage Systems (SuDS) as part of the development, providing beneficial effects to the surface flooding risk associated with the western side of the Site. This approach aligns with the Local Plan, which looks for the use of innovative SuDS on the site, and would satisfy the requirements of the SFRA	No significant and/or residual environmental impacts anticipated and mitigated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.

in limiting the discharge of surface water to the sewer network.

As the Proposed Development is over 1 hectare in size, a planning application will need to be accompanied by a Flood Risk Assessment that will ensure these considerations are adequately addressed by the design. Consequently significant effects are not considered likely.

Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site.

The Sussex North Water Resource (Supply) Zone also covers Crawley Borough and parts of the Chichester and Arun Districts and the central area of the South Downs National Park.

This area is served by groundwater abstraction near Pulborough. This has the potential to impact upon the nearby Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The site is within 7 km of the Arun Valley SAC / SPA/ Ramsar which exhibits inland water bodies (Standing water, running water) and bogs, marshes and water fringed vegetation, fens. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on.

The definition of water neutrality is that the use of water in the supply area before the development is the same or lower after the development is in place. Therefore, for every new development, water demand should first be minimised then any remaining water demand offset, so that the total water demand on the public water supply in a defined region is the same after development as it was before.

Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be

	delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.	
ii) coastal zones and marine environments (any potential for the scheme to impact on coastal areas e.g. runoff etc)	N/A	N/A
iii) mountain and forest areas (impacts on wooded areas, including any designated areas of ancient woodland / TPOs).	Small sections of hedge and trees are likely to be removed. There are no TPOs on the site. A Tree Survey and Arboricultural Report can be submitted with the planning application. In addition, the proposed development will include areas of new landscape planting, including native shrubs. A landscape strategy can be submitted with the planning application.	No significant and/or residual environmental impacts anticipated
iv) nature reserves and parks (e.g. any impacts on designated nature conservation sites / other areas of nature conservation importance?)	<p>Neither the Site nor the surrounding area are subject to statutory or non-statutory designation for ecological interest.</p> <p>The closest SPA to the site is the Arun Valley and the nearest SAC/SSSI is the Mens Woodlands which is approximately 6km to south east of the site.</p> <p>Barbastelle Bat flight paths and feeding sites have been recorded in this area and the site is in a designated bat sustenance zone in the HDPF. The Mens SAC/SSSI comprises mature beech woodland which supports Barbastelle bats (a European Protected Species). The cumulative impact of this proposal with other existing developments could impact on this protected species by affecting bat foraging flight lines (feeding sites have been recorded in the area). This species of bats is susceptible to changes in lighting and trees/hedgerows along the flight lines and foraging areas. The retention and enhancement of boundary vegetation and dark corridors and the planting of native scrubs will have beneficial effects for bats.</p> <p>An Appropriate Assessment screening has been undertaken to ascertain the impact on Barbastelle Bats and concludes the project will not have a Likely Significant Effect. A planning application is supported by an Ecology Assessment and appropriate surveying</p> <p>The Arun Valley is located to the south of Pulborough (in HDC but within the SDNP) is designated as being of international importance for nature conservation. (It is a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site as well as the national designation as a Site of Special Scientific Interest (SSSI)).</p>	No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.

<p>v) European sites and other areas classified or protected under national legislation (this therefore includes areas designated pursuant to Directive 79/409/EEC (conservation of wild birds) and Directive 92/43/EEC (conservation of habitats and fauna and SSSI's) (In particular the Arun valley SPA and The Mens -Barbastelle bat flightlines are a key consideration here. Any other European protected species present that can be affected?)</p>	<p>The site is located within a Bat Sustenance Zone. The Mens SAC/SSSI comprises mature beech woodland which supports Barbastelle bats (a European Protected Species). As above, an Appropriate Assessment screening has been undertaken to ascertain the impact on Barbastelle Bats and concludes the project will not have a Likely Significant Effect. A planning application is supported by an Ecology Assessment and appropriate surveying.</p> <p>A Phase 1 Habitat Survey can be submitted with the planning application. Best practice ecological mitigation measures can be implemented to include using tree protection during construction and undertaking scrub/vegetation removal outside of the bird breeding season to avoid the potential for damaging bird nests.</p> <p>The site is Greenfield and semi-natural habitats comprising trees and scrub around the periphery of the site. Considering the extent of habitat present on site, species potentially present would be those typically found in common nature, such as nesting birds, with development impacts on which being classified as low. Impacts on biodiversity are not, therefore, likely to be significant.</p> <p>The site is located within a Bat Sustenance Zone. The Mens SAC/SSSI comprises mature beech woodland which supports Barbastelle bats (a European Protected Species). As above, the Applicant's ecologist is stated to have identified low numbers of Barbastelle bats using the site.</p> <p>An Appropriate Assessment screening has been undertaken on this proposal. A planning application will be supported by an Ecology Assessment and appropriate surveying.</p> <p>Arun Valley SPA, SAC and Ramsar Site- Sussex North Water Supply Zone Natural England wrote to HDC as part of the Regulation 18 Local Plan consultation and highlighted concerns about the Arun Valley. They asked that HDC ensure that any new development in the Local Plan is water neutral.</p> <p>To ensure this is the case, the Local Plan review is supported by two pieces of evidence – the Habitat Regulations Assessment and a separate Water Cycle Study carried out jointly with Crawley Borough Council and Chichester District Council. The Habitat Assessment makes recommendations that the Local Plan can include to contribute to water neutrality. The Water Cycle study is still</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.</p>
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ongoing. Habitats Regulations Assessment. In screening for Likely Significant effects on Water quantity, Level and Flow it was concluded that excessive changes to the hydrological integrity, such as through effects on water flow and volume, of European Sites are most likely to be the consequence of increased water abstraction for the public water supply and surface water run-off from impermeable urban surfaces.

The Arun Valley SAC is designated for its population of ram's-horn snails and Natural England's Site Improvement Plan highlights that a maintenance of adequate water levels (0.3cm below ditch neck) is critical to the survival and migration of this species. Furthermore, the Ramsar is designated for its outstanding assemblage of wetland plants and invertebrates, all of which depend on appropriate water levels throughout at least parts of their life cycle. The SAC has a relatively narrow hydrological catchment and its water level is primarily maintained by a few key rivers that traverse the plain.

Natural England have informed Horsham Council that they are very concerned about the Hardham groundwater abstraction (a key part of the Southern Water supply strategy for Horsham during certain conditions) and the effect they consider it has on water levels/flows in the Arun Valley SAC and Ramsar site. Natural England provided interim advice to Southern Water (December 2020) that identified that the existing Hardham abstraction could provide likely significant effects on the Amberley Wild Brooks SSSI part of the Arun Valley internationally designated site. In addition, Natural England could not conclude no adverse effects on the integrity with regards to the Pulborough Brooks SSSI part of the internationally designated site. The interim advice identified that the SAC feature (ramshorn snail) was no longer present at Amberley Wild Brooks and despite conservation efforts was declining at Pulborough Brooks SSSI. A decline in the extent of aquatic plant populations in the North and South (but not Middle) Brooks was also noted. As such, Natural England have advised Horsham that 'The Environment Agency and Natural England are working with Southern Water to try to identify a long term more sustainable water supply. In the meantime, whilst the adverse effect remains or is uncertain, development in Horsham must be certain not to add to this adverse effect'. They then refer the Council to '...studies such as the Gatwick Sub Regional water cycle study regarding this issue. For example, the study cites the requirement to demonstrate water neutrality in order for sufficient water to be available to the district'.

Given this evidence, Likely Significant Effects of the development proposal on the Arun Valley SAC / SPA/ Ramsar regarding water quantity, level and flow cannot be excluded. The site is screened in for Appropriate Assessment. Whilst individual site allocations may not result in likely significant effects in isolation, in combination with each other and other projects and plans they have the potential to result in adverse effects in the integrity of the SPA. This impact pathway cannot be screened out.

This Authority has since received a Position Statement from Natural England. The Natural England position is 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 Arun Valley Special Area Conservation (SAC), Arun Valley Special Protection Area (SPA), and Arun Valley Ramsar Site.

Natural England are concerned that development which takes place in advance of the emerging Local Plans for Horsham District Council, Crawley Borough Council and Chichester District Council will also increase the demand for water abstraction and harm the Arun Valley. They have therefore produced a Position Statement which advises that these Councils should not issue any new planning decisions until Natural England have produced a mitigation strategy.

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, Natural England 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 Mobilisation 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. Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that

	<p>property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
<p>vi) areas in which there has already been a failure to meet environmental quality standards laid down in Union legislation or in which it is considered that there is such a failure (any areas already subject to pollution or damage – include impact on any AQMAs).</p>	<p>There are no AQMAs in the vicinity of the site. Dust generation during the construction phase would be managed in accordance with standard best practice measures, enforced through a CEMP and is not anticipated to generate significant adverse effects. The site layout has the capacity for construction works will be arranged to ensure that machinery and dust causing activities are located as far away from sensitive receptors as possible.</p>	<p>No significant and/or residual environmental impacts anticipated</p>
<p>vii) densely populated areas (size of population affected, changes to demography, lifestyles, employment etc)</p>	<p>The proposed site is located directly to the north of Billingshurst. The population in the settlement at the 2011 census was 8,232 but this will have increased due to additional housing development which has taken place. In addition the land to the south of this site has permission for 474 new homes. Construction has commenced but is not yet complete which means the population in the area will continue to rise. There is therefore the potential for any impacts from this development to have an impact on a larger population in the future. Most residents of Billingshurst are unlikely to be impacted directly or indirectly by this development given that most of the population is to the south of this site</p>	<p>No significant and/or residual environmental impacts anticipated</p>
<p>viii) landscapes of historical, cultural or archaeological significance</p>	<p>There are a number of listed buildings present within the settlement of Billingshurst, however these are distanced from the site. Considering the nature and scale of the Proposed Development, with low-rise buildings proposed for the site, the setting of these listed properties is not considered likely to be affected, and therefore impacts are unlikely to be significant.</p> <p>The site is within an Archaeological Notification Area (recorded as Multi-period Site to the East of Billingshurst). As the Proposed Development is located on a Greenfield site, it could support features of cultural heritage or archaeological importance.</p> <p>The recent residential and industrial development and highway infrastructure in the vicinity was also located in the same archaeological notification area. There is therefore potential for archaeological remains on this site. It is however understood that preliminary investigations have already been</p>	<p>No significant and/or residual environmental impacts anticipated</p>

	undertaken and that limited evidence of any remains are present. Overall impacts are generally assessed to be low.	
3. Types and Characteristics of the potential impact: The potential significant effects of development must be considered in relation to criteria set out under 1 & 2, having particular regard to:	Description	Significance
a) the magnitude and spatial extent of the impact (geographical area and size of the affected population)	<p>Residents adjacent to the site will be affected by the development during the construction phase - the number of which may increase in the future as the level of residential development rises. The wider geographical impact would be on the feeding flight lines of an internationally protected bat species. Adverse effects would be temporary and minimised through the implementation of a CEMP.</p> <p>The Arun Valley is located to the south of Pulborough (in HDC but within the SDNP) is designated as being of international importance for nature conservation. (It is a Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site as well as the national designation as a Site of Special Scientific Interest (SSSI).</p> <p>The water supply for Horsham District, some of Chichester District and most of Crawley Borough (excluding Gatwick Airport) come from water abstraction at Hardham pumping station, located to the south of Pulborough. 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.</p> <p>Natural England are concerned that development which takes place in advance of the emerging Local Plan will also increase the demand for water abstraction and harm the Arun Valley. They have therefore produced a Position Statement which advises that HDC should not issue any new planning decisions until Natural England have produced a mitigation strategy.</p> <p>Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are</p>	No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement

	<p>known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
<p>b) the nature of the impact</p>	<p>The development has the potential to lead to impacts on landscape character, landscape resources and visual amenity. In terms of visual amenity, there are currently locations where the likely visual impact can be assessed, and possible impacts to biodiversity given the potential for Barbastelle bats in the area.</p> <p>There would be an increase in HGV construction traffic movements; increase in noise, particularly during site construction.</p> <p>The development has the potential to lead to permanent impacts on landscape Significant character, landscape, water resources affecting the Arun Valley SAC, SPA and Ramsar sites, and visual amenity, both to the locality and its immediate and wider setting within the National Park landscape.</p> <p>Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.</p>
<p>c) the transboundary nature of the impact (any international impacts?)</p>	<p>The water supply for Horsham District, some of Chichester District and most of Crawley Borough (excluding Gatwick Airport) come from water abstraction at Hardham pumping station, located to the south of Pulborough. 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.</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement.</p>

	<p>The Natural England Position Statement advises it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley site. The Arun Valley site is designated a SAC and RAMSAR site under European and International law.</p> <p>Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
<p>d) the intensity and complexity of the impact (e.g. overall size, scale, combination of impacts)</p>	<p>The potential effects arise from the combination of impacts on an increased level of development to the south in particular.</p> <p>As the infrastructure surrounding the site has been significantly modified to accommodate the additional traffic associated with the surrounding developments, any environmental effects associated with the additional traffic from the Proposed Development are not anticipated to be significant.</p> <p>It is likely that resident arrival/departure times will be in the conventional morning and evening peak periods. The impact of the development will be assessed within a Transport Assessment. An Ecological Mitigation Management Plan has been prepared and submitted in support of the planning application. The application boundary is within Flood Zone 1.</p> <p>Natural England are concerned that development which takes place in advance of the emerging Local Plan will also increase the demand for water abstraction and harm the Arun Valley. They have therefore produced a Position Statement which advises that HDC should not issue any new planning decisions until Natural England have produced a mitigation strategy.</p> <p>Significant environmental impacts anticipated In the case of the size and nature of the development proposal (the additional housing quantum and new allotments) will have an increase in water consumption, and so require the application to be accompanied by a water neutrality statement setting out the</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement</p>

	<p>strategy for achieving water neutrality within the development. Water neutrality can be achieved by developers building significant water efficiency measures into new development and by providing offsetting measures to reduce water consumption from existing development, so the development becomes water neutral. The statement will need to calculate the water balance and we will be providing some further guidance on what should be included in a water neutrality statement. It is not just a case of providing water efficiencies measures onsite as this will not make the development water neutral</p> <p>Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
<p>e) the probability of the impact (e.g. overall probability of impacts identified above)</p>	<p>The effects of the development can be clearly established and the probability of any effects determined with reasonable confidence.</p> <p>The site is generally at low risk of flooding from all other sources. Some residual risk exists in the form of surface and groundwater flooding. However mitigation measures exist to manage this. This can be carefully designed in coordination with Landscape constraints in order to minimise the amount of material that will need to be removed from site by aiming to achieve a cut/fill balance, and incorporating sustainable drainage features which will provide treatment to runoff.</p> <p>Arun Valley SPA, SAC and Ramsar Site- Sussex North Water Supply Zone 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.</p> <p>Significant environmental impacts anticipated by recent caselaw, Case C323/17 People over wind and Sweetman. Ruling of CJEU (often referred to as sweetman II) and Coöperatie Mobilisation for the Environment and Vereniging Leefmilieu Case C-293/17 (often referred to as the Dutch Nitrogen</p>	<p>No significant and/or residual environmental impacts anticipated</p>

	<p>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).</p>	
<p>f) the expected onset, duration, frequency and reversibility of the impact (demolition, construction, operation and decommissioning)</p>	<p>Construction effects would be short term in duration and the operational effects would be long term. Development will commence following the discharge of pre-commencement conditions attached to the planning permission. Operational effects would be permanent. Construction effects would be temporary. Construction – intermittent and Frequent and reversible. Operation – continuous and irreversible.</p> <p>This includes water usage impact on the Arun Valley SPA, SAC and Ramsar Site- Sussex North Water Supply Significant environmental impacts anticipated Zone. Developments within Sussex North must not add to this impact and one way of achieving this is to demonstrate water neutrality. 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</p>	<p>No significant and/or residual environmental impacts anticipated</p>
<p>g) the cumulation of the impact with the impact of other existing and/or approved development</p>	<p>The cumulative impact should consider the Hilland Farm industrial estate development and the strategic extension residential scheme, both of which are currently under construction. The residential development is well advanced, and therefore any subsequent effects are realised as part of the baseline assessments supporting the application.</p> <p>Cumulative effects with the Hilland Farm industrial estate scheme will be relatively limited, in comparing the scale of the Proposed Development. Impacts associated with noise or air quality (dust) will be minimal over the distance involved, and traffic impacts will be limited as the highway upgrades delivered have taken the traffic originating from this development into consideration.</p> <p>The local road network surrounding the Proposed Development have seen significant alteration in recent years as part of the industrial and residential development brought forward in the last 5 to 10 years. The Hilland Farm industrial scheme is served by a new roundabout junction onto the A29. The Proposed Development will include access onto this, which is shared with deliveries for the adjacent industrial estate. The residential development is served by a new spinal access road, from which access to Horsham and the</p>	<p>No significant and/or residual environmental impacts anticipated</p>

	<p>wider area, via the A272, can be achieved.</p> <p>As the infrastructure surrounding the site has been significantly modified to accommodate the additional traffic associated with the surrounding industrial and residential developments, in particular associated with the A29/A272, any environmental effects associated with the additional traffic from the Proposed Development are not anticipated to be significant.</p> <p>This Authority has received a Position Statement from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone must not add to this impact. Whilst individual site allocations may not result in likely significant effects in isolation, in combination with each other and other projects and plans that the grant of planning permission in this instance would set the precedent for, they have the potential to result in adverse effects in the integrity of the SAC/SPA/Ramsar sites.</p>	
<p>h) the possibility of effectively reducing the impact</p>	<p>During the construction phase, adverse effects would be temporary and minimised through the implementation of a CEMP and best practice measures. Various studies and statements will be submitted with the planning application to ensure the provision of appropriate mitigation on site. Measures to reduce the impact of the proposals on climate change, visual and landscape impacts, and ecology will be integrated into the proposals where possible, such as through the orientation of the buildings and energy and water efficiency.</p> <p>The planning application is supported by an Ecology Assessment and appropriate surveying. A habitats regulation assessment has been undertaken to ascertain the impact on Barbastelle bats and concluded that the project will not have a Likely Significant Effect.</p> <p>Legal agreement and conditions would be imposed to secure the provision of this appropriate mitigation.</p> <p>Developments within Sussex North must not add to the Arun Valley SPA, SAC and Ramsar Site- Sussex North Water Supply Zone impacts and one way of achieving this is to demonstrate water neutrality. 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.</p>	<p>No significant and/or residual environmental impacts anticipated subject to the submission of a water neutrality strategy to be secure by way of condition or legal agreement</p>

	<p>Where an increase in water consumption is likely (including reserved matters), the Council will require the application to be accompanied by a water neutrality statement setting out the strategy for achieving water neutrality within the development. Water neutrality can be achieved by developers building significant water efficiency measures into new development and by providing offsetting measures to reduce water consumption from existing development, so the development becomes water neutral. The statement will need to calculate the water balance and we will be providing some further guidance on what should be included in a water neutrality statement. It is not just a case of providing water efficiencies measures onsite as this will not make the development water neutral.</p> <p>Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. As there are known options to offset water usage in the Proposed Development this, in tandem with any strategy to achieve this indicates that water neutrality can be delivered on this site, and with achievable mitigation, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.</p>	
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Results of any relevant EU environmental assessment that is reasonably available	None applicable	
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Conclusion

EIA Required?	No
Statement of reasons	<p>Whilst the threshold for site area is exceeded in Schedule 2 of the EIA regs. (2017) the effects of development are considered not to be significant in combination with existing and approved development. There would be some impact on natural resources including biodiversity, and the production of waste and pollution during the construction phases however these are considered to not be significant in relation to the types and characteristics of the potential impact. The main impacts from the proposed development would be on the landscape, noise from the uses and traffic generation, lighting and on the ecology.</p> <p>The screening assessment of the current application proposal has identified that the vast majority of impacts on the environment could be similarly addressed with mitigation measures incorporated within the design of the proposed development, and that significant effects are not considered likely either alone or in combination with other development. The proposals would be of a sufficiently limited scale that effects could be managed in accordance with standard methods. The</p>

proposed development is therefore not considered to be formal EIA development as defined by the EIA Regulations.

The cumulative impact of this proposed development with existing and proposed new use to the south of the site is another aspect of considering whether an EIA is required. The traffic impact would primarily be on the residents to the south, but this may increase in number as the settlement of Billingshurst expands. This significance of this effect is likely to be moderate - low.

The potential for a high significant effect is on the Special Area for Conservation (SCA) at the Mens which is situated approximately 6km from the site. The Council's Habitats Regulation Assessment has screened out significant effect on The Mens SAC in terms of the impact on the flight lines and foraging areas of the Barbastelle Bats.

Horsham District is supplied with water by Southern Water from its Sussex North Water Resource Zone. This supply is sourced from abstraction points in the Arun Valley, which includes locations such as Amberley Wild Brooks Site of Special Scientific Interest (SSSI), Pulborough Brooks SSSI and Arun Valley Special Protection Area/Special Area of Conservation and Ramsar site. The Council has received a Position Statement (attached) from Natural England which states that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that development within this zone (in effect all of Horsham District) must not add to this impact. The Position Statement is a new material consideration and the consequence of this is that Horsham District Council is unable to determine current planning applications positively unless it can be demonstrated they are 'water neutral'. Failure to achieve water neutrality would result in development conflicting with s.63 of the Conservation of Habitats and Species Regulations 2017.

Since issuing its Position Statement, this Authority has received subsequent advice from Natural England. Natural England have clarified that they will accept offsetting measures being undertaken on private property provided that property is also served within the Sussex North Supply Zone. Allied to providing water efficiency measures within the development there are therefore known options to potentially offset water usage on and off site. Such options are capable of being developed into a water neutrality strategy sufficient to pass Appropriate Assessment and therefore avoid adverse impacts on the Arun Valley. In the event the strategy is insufficient to pass Appropriate Assessment, it would not be possible to reasonably grant permission contrary to the Habitat Regulations. Subject therefore to the submission of a water neutrality strategy to be secured either by condition or legal agreement, the proposal will not result in the abstraction of water significantly affecting the integrity of the Arun Valley habitat sites.

The screening assessment of the current application proposal has identified that the vast majority of impacts on the environment could be similarly addressed with mitigation measures incorporated within the design of the proposed development, and that significant effects are not considered likely either alone or in combination with other development. The proposals would be of a sufficiently limited scale that effects could be managed in accordance with standard methods. The proposed development is therefore not considered to be formal EIA development as defined by the EIA Regulations.

It is therefore considered that, whilst the development is Schedule 2 development, it has been demonstrated that the proposed development will be unlikely to cause significant environment effects, and in this case, EIA is **not** required.

Date	Matthew Porter 13-06-2022
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