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Our ref: DC/20/2607
Your ref:
Please ask for: Matthew Porter
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Date: 25-03-2022

Dear Miss Poppy O'Flanagan,

Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

Outline Application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access.

Wooddale Lane, Duckmoor, Billingshurst West Sussex

I refer to the above application, currently at appeal. Horsham District Council has considered the application in accordance with the above Regulations.

The development proposed, namely, outline application for the development of 83 residential units, landscaping, access, parking and associated infrastructure on land at Duckmoor, East Billingshurst with all matters reserved except access, falls within the description at 10(b) of Schedule 2 to the above Regulations.

The proposal exceeds the criteria outlined in Schedule 2 of the Regulations, and is therefore necessary to consider whether the development would be likely to have significant effects on the environment. In making this assessment the Council has taken into account Schedule 3 of the EIA regulations paying attention to the development characteristics, location and nature of the impacts.

In the opinion of Horsham District Council, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment for the following reasons:

The site lies within the Sussex North Water Supply Zone. In September 2021 Natural England issued a position statement detailing that it cannot be concluded that existing water abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Arun Valley Special Protection Area (SPA) and Arun Valley Ramsar Site. Natural England advise that developments within Sussex North must not add to this impact and a way of achieving this is to demonstrate water neutrality. Subject to demonstration of water neutrality for the Proposed Development, significant effects are not likely to occur. 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

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 proposed development, when considered cumulatively with identified schemes, would not exceed the 1,000 residential dwellings threshold. The land immediately to the west of the site has outline planning permission for up to 475 dwellings (ref: DC/13/0735). Of these 475 dwellings, 162 have been built out (reserved matters consents ref: DC/16/1422, ref: DC/16/2610 and ref: DC/17/0079), with the remaining 313 dwellings currently under construction. The vehicular access into the proposed development will be from a proposed road within Parcel H7 (reserved matters planning permission ref: DC/18/2509) of the development to the west of the site. However, the proposed development does not comprise part of the wider masterplan for the adjacent site.

The outline permission DC/13/0735 was subject to EIA. From the Environmental Statement (ES) that accompanied this, the vast majority of Environmental Impact mitigation measures were incorporated within the Detailed Design of the Proposed Development. As a number of houses have been built now, these Environmental Impacts have been already partially addressed.

The screening assessment of the current pre-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.

There would therefore be no likely significant effects in terms of natural resources, waste, noise, contamination, flooding, archaeology, cultural heritage, transport, cumulative effects, or complex construction. It is therefore considered that, whilst the development is Schedule 2 development, an EIA process / production of an ES is therefore not required.

This Screening Opinion follows a previous request that the Council provide a formal Screening Opinion to determine whether an Environmental Impact Assessment (EIA) is required with regard to a proposed development of up to 95 residential dwellings, landscaping, access and associated infrastructure on land at Wooddale Lane, Duckmoor, Billingshurst (Your Ref 31259/A5/EIAScreening; Our Ref EIA/20/0005). This also was assessed not to require EIA.

When forming this Screening Opinion, the Council has drawn on information set out in the current Application and Appeal submissions and previous Screening Request and other available guidance. The results of this assessment are included with this letter for information.

I confirm that this letter forms Horsham District Council's formal screening opinion and will be placed on the public register.

Yours sincerely,

Matthew Porter
Senior Planning Officer