

APPLICATION NUMBER: WSCC/032/25
COUNTY MATTER MINERAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

To: Graeme Thorpe
PWA Planning

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development:

Installation of No10 carports fitting with solar panels and rainwater harvesting facilities. at Freshfield Lane Brickworks, Freshfield Lane, Danehill, RH17 7HH

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 04/06/2025 and subject to the conditions specified hereunder:

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Plans and Documents

2. The development shall not take place other than in accordance with the approved plans:
 - Work Area Plan (ref. DN0081-101, rev. 3, dated 10/04/2025)
 - Site Plan (Ref. DN0081-102, rev. 2, dated 16/12/2025)
 - Canteen Car park - Foundation Setout (ref. DN0081-006, dated 18/06/2025)
 - Main Car park - Foundation Setout (ref. DN0081-005, dated 18/06/2025)
 - Carpark A Solar Panel Car Shelters OP B (ref. DN0081-003, rev. 3, dated 11/12/2024)
 - Carpark B Solar Panel Car Shelters (ref. DN0081-002, rev. 4, dated 20/08/2024)
 - Shade report, Sig Carports 600w panels (agreed scheme) (submitted 12/12/2025)

Date: 28/01/2026

Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

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along with information submitted within the application, including the Combined Planning, Design & Access Statement (ref. EP-25-227, version 2), save as varied by the conditions hereafter.

Reason: to secure a satisfactory development.

Lighting

3. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in relation to the carports, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.

Reason: To prevent impacts to European protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Written Scheme of Archaeological Investigation

4. No development or preliminary groundworks works shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved by the Local Planning Authority. The scheme should include field survey and recording, and the analysis, reporting, publishing and archiving of the results. The approved programme of archaeological work will be carried out in accordance with the approved details and to a timetable to be agreed with the Local Planning Authority.

Reason: To enable the recording and reporting of heritage assets of archaeological interest prior to their destruction.

Tree Protection Plan and Arboricultural Impact Assessment

5. No development or preliminary groundworks works shall take place until a revised Tree Protection Plan and Arboricultural Impact Appraisal and Method Statement (indicating that trees T09 and T10 are to be retained and provision for tree protection fencing) has been submitted to and approved in writing by the Local Planning Authority. Once approved, the Tree Protection Plan and Arboricultural Impact Appraisal and Method Statement should be adhered to throughout the construction of the development.

Reason: To ensure the protection of trees that make a significant contribution to the visual amenity of the area and deterioration of irreplaceable and priority habitat.

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INFORMATIVES

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.
- B. The applicant is reminded that it is an offence to disturb, damage or destroy protected species or their resting site under separate legislation. Planning consent for a development does not provide a defence against prosecution under UK and European retained wildlife law. You are advised that where likelihood of protected species exists, or mobile species may be present, it may be necessary for the applicant to commission an ecological survey from a suitably qualified and licenced ecologist to determine the presence or otherwise and impact upon protected species. If protected species are found, a suitably qualified and licenced ecologist and/or Natural England should be consulted.
- C. "The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

All works shall be carried out in accordance with the following measures:

- Any demolition materials should be stored in skips or similar containers rather than in piles on ground
- Any trenches left overnight should be covered or provided with ramps to great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.

If at any point during construction works any great crested newts are identified, then the following instructions must be strictly adhered to:

- Stop all works immediately and leave the area
 - Inform an ecologist immediately who will provide further guidance / instructions
 - Do not resume construction works until advised it is safe to do so by an ecologist
- D. SGN Gas Mains and Services: There may be gas mains or services near your development. There are a number of risks created by built over gas mains and services; these are:

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- Pipework loading – pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.
- Gas entry into buildings – pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.
- Occupier safety – lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Therefore, please note that if you plan to dig or carry out building work to a property, site, or public highway, you must:

1. check your proposals against the online information to assess any risk associated with your development; and
2. contact the SGN Plant Protection Team to let them know. Plant location enquiries must be made via email - plantlocation@sgn.co.uk. General plant protection queries can be made by phone - 0800 912 1722.

In the event of an overbuild requiring pipework to be altered, you may be temporarily disconnected and your insurance may be invalidated.

Further information on safe digging practices can be found here:

- Free Damage Prevention e-Learning - highlights the importance of working safely near gas pipelines, giving clear guidance on what to do, and who to contact before starting any work.
- Further information can also be found online.

- E. Biodiversity Net Gain: Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the 'biodiversity gain condition', which means development granted by this notice must not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

Based on the information provided, this permission is considered to be one that will not require the approval of a Biodiversity Gain Plan before development has commenced. This is because the following statutory exemptions or transitional arrangements are considered to apply 4.2 Development below the de minimis threshold, meaning development which:

- i. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii. impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

This information is only intended as a summary of the reasons for the grant of planning permission. For further details on the decision, please see the report by contacting County Planning at West Sussex County Council or visiting the website at www.westsussex.gov.uk/planning.

APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at <https://www.gov.uk/appeal-planning-decision> or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

2 Purchase Notices

- (a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

3 Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Sussex County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates¹ was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

¹ "Original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).