



Horsham  
District  
Council

## HORSHAM DISTRICT COUNCIL CONSULTATION

<b>TO:</b>	Horsham District Council – Planning Dept
<b>LOCATION:</b>	Land East of 1 To 25 Hayes Lane Slinfold West Sussex
<b>DESCRIPTION:</b>	Outline application with all matters to be reserved except for access and layout, for the erection of 38no. dwellings, (including 13no. on-site affordable housing units), together with access from Hayes Lane, vehicle and cycle parking, landscaping, open space and play provision, sustainable drainage, and re-alignment of Public Right of Way No.3782.
<b>REFERENCE:</b>	DC/25/2006
<b>RECOMMENDATION:</b>	Holding objection / Modification
<b>SUMMARY OF COMMENTS &amp; RECOMMENDATION:</b>	
<p>The site has been subject to degradation not in accordance with any permission, and this has not been accounted for in the BNG assessment. As such, the baseline is considered incorrect and is the basis of the recommended objection. Further information is requested on the ditches to the south-west and east of the site and justification for this omission from the watercourse module of the metric. In addition, further tree removals need to be accounted for in the metric, and post-development plans amended. No draft HMMP has been provided in line with HDCs local validation list, and therefore further information is requested considering habitats of a high value and difficulty to create are being proposed.</p>	
<b>MAIN COMMENTS:</b>	
<p>The comments in this response relate solely to the BNG proposal as part of the above application. Note that the concerns highlighted below are not exhaustive. All other ecology matters will be reviewed by Place Services and NatureSpace, where appropriate.</p> <p>As it stands, the metric calculation demonstrates that the development will have a 10.18% net gain (+1.25 units) in area habitats, and an 84.68% net gain (+1.33 units) in hedgerows. As the overall net gain is greater than 0.5 units, as per HDC's definition this is considered significant on-site BNG, and if minded to approve, will require a S106 legal agreement to secure. Monitoring reports will be expected to be submitted to HDC typically in years 1,2,5,10,15,20,25 and 30. However note, with the amendments requested below, the final figures for BNG calculations are likely to change.</p>	

## **Baseline**

1.0 Section 1.2 of the Biodiversity Net Gain and Preliminary Ecological Appraisal (AiDASH, 2025, hereon referred to as BNG Report) states that 'TILCo Limited actioned side-wide scrub clearing, which was carried out on the site prior to the survey date, resulting in a loss of onsite biodiversity value ('degradation'). This action was purposefully undertaken to return the Site to its grazed state for the survey and will be maintained as such until the lodging of the planning application. AiDASH is operating under the client's direction that the Site's BNG condition on the day of the survey should be considered, given it's pre-January 2022 condition. The pre-degradation habitat of the Site was considered to be comprised of mixed scrub and modified grassland habitats'.

Section 2.6 also states 'as outlined in Sections 1.2 and 2.3, the BNG assessment disregards the known degradation that has recently occurred on Site under the direction of the client's assertion that it accurately represents its previously grazed condition' (all underlining is HDC emphasis).

Para 6 under Schedule 7A of the Town and Country Planning Act 1990 states the following:

If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been, the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

Scrub habitat generates more biodiversity units than modified grassland in the metric, and therefore the deliberate clearance of scrub in 2025 lowered the biodiversity value of the onsite habitat than it otherwise would have been (i.e., from ceasing of management pre-2022), and therefore this is considered degradation. The grounding of the scrub patches can be seen in the most recent aerial image on Google Earth (see below).



May 2025, right = April 2024)

Google Earth images of the site (left =

In addition, the relevant date is considered the date when a planning application is received, unless agreed otherwise with the local planning authority. Having undertaken a

site visit on the 28<sup>th</sup> January, I can confirm that there are clear large patches of scrub regrowth present on the site, demonstrating the persistence of the habitat since its last cut (see photographs below).



Species identified include blackthorn (dominant), bramble (abundant), dog rose (frequent), hawthorn (occasional) and guelder rose (occasional). The cover of the scrub is continuous and greater than 90% and therefore should not be classified as modified grassland as per the note on Condition Criterion C of the condition assessment criteria. Therefore, it is expected that much of the land be reclassified as scrub. The regrowth areas are dominated largely by blackthorn; thus, classification could be considered as blackthorn scrub as per UKHab.

**Given the above, the baseline is not considered correct and must be amended to overcome the objection.**

1.1 It is understood from the drainage plans that a ditch is present to the east and south-east of the site, which goes under the road. During the site visit on 28<sup>th</sup> January, the south-eastern ditch was accessible, and the ditch contained moving water. Drainage is proposed into these ditches, including from the SUDS basin with installation of headwalls. Therefore, further information is requested as to why the watercourse module of the metric has not been completed.

1.2 It is understood that an oak tree, T12 (see Arboricultural Impact Assessment, RPS 2025, drawing ref. 5397-RPS-XX-XX-DR-AR-91710), is to be removed to facilitate pedestrian access to and from the Downs Link. T12 has a stem diameter of 35cm and therefore qualifies as a medium sized tree as per the metric user guide. From the baseline habitats map in the BNG Report, this tree is present in the line of tree habitats. As such, as per the rules stated in the metric user guide, this tree must be separated from the linear habitat and accounted for separately as an individual tree in the baseline and marked as lost. All other trees to be lost are within woodland, which does not require tree loss of trees with a medium DBH or above to be listed separately.

1.3 The Post-development Retained Habitats Plan in the BNG Report depicts area of woodland that is to be retained in the east of the site. However, it appears that the parcel also contains a small area of woodland to be created. Please can this be checked and confirm the correct area size of woodland retention. It is understood that the remaining woodland to the east is to be enhanced, with areas of loss to facilitate the main development footprint, a new pathway and an attenuation basin.

### **Post-development**

2.0 The Post-Development Enhanced Habitats Plan in the BNG Report depicts areas of modified grassland that have been enhanced to woodland habitat. However, this is not portrayed as an enhancement within the metric – which is considered the correct way. These parcels should therefore be depicted on the Post-Development Created Habitats Plan.

2.1 It is noted that trees T1-3 will be retained, however they will be absorbed into surrounding woodland planting and will therefore no longer be classified as individual trees. It is therefore advised that these are either marked as lost in the metric, or a clearing is maintained around these trees to ensure there is limited competition for resources and the current environment around these trees remains as much as possible.

### **HMMP**

3.0 No draft HMMP has been submitted, as per HDCs local validation list. This is requested to ascertain whether the proposed habitat creations and enhancements are feasible. This is particularly important for this application, as the proposals include creation and enhancement of high distinctiveness habitats which have a high difficulty. Therefore, further information is requested as to what condition criteria are to be targeted for the habitats, and high-level information on the predicted management methods required to achieve them.

3.1 In the forthcoming final HMMP, it is advised to include detail pertaining to project information, appropriate post-development habitat maps, roles and responsibilities, areas of habitat retention, habitat target conditions and criteria to be met, species

composition, management prescriptions to achieve the condition criteria, risk register and remedial measures, and monitoring strategy.

3.2 Detail will also be required on how the proposed mixed scrub will not encroach and take-over existing hedgerows and woodland, and how any management will ensure separation to avoid mismanagement of these existing habitats.

3.3 It is requested that all botanical species listed for protected/priority species enhancements in the PEA (Appendix R of the BNG Report) and any forthcoming species survey reports are included within the HMMP and Landscape Strategy Plans. Further, non-native species should be restricted to the main development footprint, with native species used in the open space areas. The Landscape Strategy does not include species for native hedgerows only. Given the thriving species present on the site visit, it is also recommended to incorporate guelder rose into the Landscape Strategy and HMMP.

**ANY RECOMMENDED CONDITIONS:**

If minded to approve:

*Informative*

Scenario 1: BNG Required

<b>NAME:</b>	Linsey King Ecology Officer (Planning)
<b>DEPARTMENT:</b>	Strategic Planning - Specialists
<b>DATE:</b>	29/01/2026