



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land to the South of Furners Lane Henfield West Sussex
DESCRIPTION:	Erection of 29 dwellings with associated landscaping, open space, parking and creation of new vehicular access.
REFERENCE:	DC/24/1538
RECOMMENDATION:	More Information

SUMMARY OF COMMENTS & RECOMMENDATION:

The biodiversity net gain (BNG) proposal is considered adequate and feasible; however, the below comments should be addressed prior to determination. Please also note, comments relating to irreplaceable habitat depend on the response to the Councils Arboricultural Officer's comments.

MAIN COMMENTS:

The comments below relate solely to the BNG proposal in the above application. All other ecology matters will be addressed by Place Services.

The BNG proposal is considered significant on-site BNG and will therefore require a S106 legal agreement. Monitoring reports will need to be submitted to HDC in years 1,2,5,10,15,20,25 and 30.

Irreplaceable Habitat

- In light of the comments made by the Councils Arboricultural Officer, it is strongly recommended that the minimum recommended buffer or root protection area (RPA) for the veteran trees on-site are adhered to with regards to the proposed new vehicle access point. If this is not possible, and it is further deemed by the Arboricultural Officer that installation of the new access within this buffer zone will adversely impact the veteran tree and the Case Officer is minded to approve the application, then bespoke compensation will need to be discussed with the Council. This compensation cannot count towards BNG.

The issues regarding the access road and veteran tree need to be resolved with the Council's Arb Officers, to ensure that the veteran tree will not be negatively impacted. If this cannot be resolved, it is recommended that this application be refused, as it is not in keeping with Para 186(c) of the NPPF and the mitigation hierarchy is not being adequately followed. However, if the Planning Officer is minded to approve the application and negative impacts (either loss or deterioration) on the veteran tree are considered inevitable, bespoke compensation will be required as per government guidance

(<https://www.gov.uk/guidance/irreplaceable-habitats>) and Para 186(c) of the NPPF. As previously stated, any such compensation agreed with the council cannot therefore count towards BNG calculations.

Pending Arb Officer response.

Habitat Survey

- Further justification is sought for the classification of modified grassland. From the photographs and botanical species listed, it is possible that this could fall into the 'other neutral grassland' classification if the minimum 3 of 4 criteria are met as per the definition in the UKHab guide, and if the habitat does not qualify under the exclusions.

It is not clear this is strictly modified grassland with reliance on the botanical species identified, without provision of the information relating to the criteria in UKHab. The criteria are listed below for ease:

A neutral grassland that does not meet the definition of either g3a or g3b AND that meets at least three of these four criteria:

1. >20% cover of broadleaved herbs and sedges;
2. >8 species per m² (including forbs, grasses, sedges and rushes, and excluding bryophytes);
3. ≥ 1 grass species that is not generally sown for intensive agricultural production (ie. Rye-grasses *Lolium spp.*, Timothy *Phleum pratense*, Cock's-foot *Dactylis glomerata*, Meadow fescue *Festuca pratensis*) is at least abundant;
4. Cover of Rye-grasses *Lolium spp.* and White Clover *Trifolium repens*, where present, is <30%.

Note, g3c can include unmanaged swards on neutral soils, where species richness may be lower. This site has been unmanaged for >2 years.

Resolved, with thanks.

Metric

- User comments for the individual tree entry Ref 12 within the metric mentions that T26 and T27 (for which, T27 there are two trees as per the BNG report) are medium trees in moderate condition that are to be removed. This does not align with the EcIA and BNG Assessment (Sam Watson Ecology, 2024), which states T26 is a small tree in moderate condition. Please can the correct description be confirmed.

Metric amended and concern resolved, with thanks.

- Please can the tree ID references be added to the individual entries within the metric, in accordance with the trees listed in Appendix 4. This will allow the council to better review these entries.

Metric amended, with thanks.

- Confirmation is also requested as to whether some of the retained trees (not those to be removed) are within hedgerows, and if so, they should be included within the hedgerows with trees classification to prevent double counting.

Comments received and concern resolved, with thanks.

Landscape Plan

- The number of newly planted trees within the metric is 57, however proposed trees within the landscaping plan is 55. Please can the correct number be confirmed, and the appropriate document amended where necessary.
46 is the new proposed number within the metric, however draft HMMP states 57. This must be clarified prior to any legal agreement, and documents amended where necessary. Note that many of the trees are within vegetated areas surrounding dwellings, and likewise for the native beech hedgerows proposed. Confirmation should be sought as to whether these are within the private garden/curtilage of the dwellings, and if so, these habitats must count as the 'vegetated garden' entry within the metric only, as they cannot be secured.
- There are inconsistencies between the habitat map from the EcIA and BNG Assessment (2024), and the Landscape Strategy Plan. Specifically, on the Landscape Plan it maps native hedge being retained in the north-east to south-east of the site with enhancement, however this has been classified as bramble scrub within the EcIA/BNG Report, and there are no hedgerow enhancements within the metric. Please can the baseline and habitat works be clarified.
There are still many inconsistencies between the plans with regards to this habitat, as well as location and number of trees.

Draft HMMP

- Within the Habitat Retention section (PM-03), it states that the only habitats that are to be retained in their baseline condition are the existing hedgerows. Existing individual trees and bramble scrub to be retained should be included in this section.
Resolved, with thanks.
- It is not clear what condition assessment criteria are to be achieved by year 30 for the proposed individual trees, mixed scrub, or native hedgerows. Please can this be confirmed.

This is required to assure the Council that these target conditions are achievable within 30 years. Not providing these prior to determination may risk refusal of the Biodiversity Gain Plan to discharge the BNG condition.

Resolved, with thanks.

- The Landscape Plan (or post-development habitat plan) should also be included within the HMMP.
- Note that where there are current gaps e.g., risk register and remedial actions, further details may be required when drafting the S106 legal agreement pre-consent.

ANY RECOMMENDED CONDITIONS:

Scenario 1: BNG Required.

NAME:	Linsey King Ecology Officer (Planning)
DEPARTMENT:	Strategic Planning - Specialists
DATE:	07/11/2024 22/11/2024 18/02/2025