

From: [REDACTED]
Sent: 09 September 2026 17:48
To: Planning
Subject: Serious omission from The Eco Co Ops Habitat and Management Plan Planning Application DC/25/2114
Attachments: Restrictions of Access.pdf
Categories: Comments Received

Serious omission from The Eco Co Ops Habitat and Management Plan
Planning Application DC/25/2114
1 x Attachment

Dear Mr Holmes

I am writing to formally object to the above planning application.

This specific objection focuses on the material inadequacy and delivery failure of the Habitat Management Plan (HMP) prepared by The Eco Co-op on behalf of the applicant. As submitted, the HMP fails to provide a clear, logical, or legally compliant methodology for physical access to the proposed ecological mitigation and management areas. Without clear access routes, the document functions merely as a theoretical exercise rather than a deliverable commitment, which violates statutory national planning constraints.

According to the Government's statutory guidance on the Use of Planning Conditions (Paragraph 003 Reference ID: 21a-003-20190723), any condition applied to an approval must meet six strict legal tests. The HMP fails at least two of these:

1. Failure to Meet the Statutory Tests for Planning Conditions

National policy dictates that the council cannot legally impose a condition that is unfeasible or incapable of being enforced. Specifically, the HMP fails the following:

- **The "Enforceable" Test:** The guidance states that *"A condition should not be imposed if it cannot be enforced."* If The Eco Co-op specifies vital long-term maintenance tasks—such as scrub clearance, hedge laying, meadow mowing of grassland boundaries, ongoing tree canopy maintenance, and the bulk removal of cut organic waste across the site over the next 30 years—but provides no defined right of access to those specific areas, the council will have no practical or legal mechanism to compel compliance if the work is left undone.
- **The "Precise" Test:** The guidance mandates that conditions must be clearly defined. Leaving physical access arrangements completely ambiguous makes the execution of the entire mitigation strategy imprecise and structurally flawed.

2. Failure to Demonstrate "Deliverability" and "Feasibility"

The national Planning Practice Guidance for Use of Conditions (Paragraph 005) explicitly notes that conditions should not be used if they rely on actions that are structurally or legally impossible to execute:

‘Conditions which are unreasonable or place unjustifiable burdens on an applicant will fail the test of reasonableness... A condition is likely to be unreasonable if it makes the development unfeasible.’

By omitting a vehicle access methodology, the plan assumes access can simply take place by default. If the proposed management areas are bound by access restrictions, the management plan becomes physically or legally unfeasible.

(For the same reasons, I submit that this omission also invalidates the Flood Risk Assessment and Outline Drainage Strategy Review 3, which similarly omits necessary access details.)

Conclusion

I therefore urge Horsham District Council to conclude that the Habitat Management Plan is not demonstrably deliverable. The Eco Co-op has had ample opportunity to identify and address this fundamental omission. In the absence of a clear and feasible access methodology, I respectfully submit that the application remains incomplete and should be refused.

Yours faithfully



Oxcroft
Church Farm Walk

Attachment showing approximate areas of access restrictions

Sent from my iPad

HM Land Registry
Current title plan

Title number **WSX226213**
Ordnance Survey map ref
Scale **1:2500**
Administrative area **West**

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