HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land North of East Street Rusper West Sussex
DESCRIPTION:	Discharge of planning obligations pursuant to planning permission DC/25/0523 relating to the Affordable Housing Scheme (Schedule 2, Clause 2.2) and the BNG Plan (Schedule 4, Clause 3.2).
REFERENCE:	S106/26/0040
RECOMMENDATION:	More information / Modification

SUMMARY OF COMMENTS & RECOMMENDATION:

More information and modifications are required prior to recommendation of discharging the S106 obligations requiring an approved HMMP and Biodiversity Gain Plan. Please note that for the purposes of the S106 obligation, the Biodiversity Gain Plan cannot be considered as 'approved' until the deemed biodiversity gain condition has been discharged.

MAIN COMMENTS:

The comments below relate to the discharge of the S106 obligation under Schedule 4 Clause 3.2 (an approved Biodiversity Gain Plan and HMMP).

Biodiversity Gain Plan

From the date of this consultation response, an application has not been made to discharge the deemed biodiversity gain condition. As per Para 13 under Schedule 7A of the Town and Country Planning Act 1990:

'13 (1)Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph (2).

(2)The condition is that the development may not be begun unless—

(a)a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b)the planning authority has approved the plan (see paragraph 15).'

The comments below relate to the submitted biodiversity gain plan within this application, however **the BGP cannot be considered as approved until the deemed condition has been discharged** in a separate application.

1.0 The biodiversity net gain for on-site has slightly changed since the submission of DC/25/0523, with marginal amendments to habitat areas resulting in a -30.78% net loss (-1.12 units) in area habitat and a +83.55% net gain (+0.77 units) in hedgerows. The purchase of off-site biodiversity units, which have been successfully allocated, result in the development having a 10% net gain (+0.36 units) in area habitats.

2.0 Please note, however, that the delay in habitat creation on-site because of the sites unauthorised degradation has not been inputted in the metric, in accordance with the metric user guide. This was raised in the original consultation response for DC/25/0523, and such delay should consider the time between the act of degradation (January 2026) and the forecast compensation. As such, please can a delay in starting habitat creation be entered for the hedgerow habitats in the metric, matching the length of hedgerow lost to pre-submission degradation.

3.0 Section 4.5 of the BGP should be yes, as the West Sussex Local Nature Recovery Strategy has been published. However, the strategic significance within the metric does not require amendment.

4.0 Section 4.6 should read as 'both' due to the combination of on-site measures and purchasing of off-site units.

5.0 Sections 6.4 and 6.5 require amending to match the submitted metric.

HMMP

6.0 Please detail the nesting bird season months for the benefit of the management contractors.

7.0 Please note that failure of individual trees should be replaced on a 1:1 basis in the following planting season. Please can Table 1 be amended to reflect this.

8.0 Please ensure that the monitoring visits coincide with the years in which monitoring reports are required to be submitted to HDC (1,**2**,5,10,15,20,25 and 30).

9.0 Please note that the metric entries also include proposal of other neutral grassland and modified grassland in poor condition which does not appear to be listed within Table 3 of the HMMP and does not appear to be within private curtilage. Please can this be added – it is accepted that condition criterion tables will not follow for these habitats, however the habitat type classification must be met.

10.0 Please note that for individual trees to achieve moderate condition, they need to achieve 3x condition criterions. Only 2x criterions are listed as targeted in Table 3. Please can this be amended accordingly.

11.0 Please review the cutting months (incl. May) for other neutral grassland to ensure a core flowering period of April to July.

12.0 Please detail timeframe of arisings removal from the site after cutting.

13.0 Please add wording to Table 5 for Criterion E that herbicide is not to be used unless necessary and as a last resort.

14.0 It is advised to cut/prune hedgerows and mixed scrub in late winter to allow species to bear fruit to benefit local wildlife.

15.0 Please can it be made clear as to which Tables of 6 and 7 are for species-rich native hedgerows and native hedgerows.

16.0 Please detail watering frequency for all planting of whips.

17.0 Please detail prescriptions for ground preparation and planting for all relevant habitats, and use of any tree stakes, guards etc., and subsequent removal.

18.0 Please detail timing of pruning of trees, where required.

19.0 Please include species composition for all habitats.

20.0 No post-development habitat plan has been provided with a corresponding habitat (and condition) key as per the metric entries. Please can this be provided to enable effective monitoring.

ANY RECOMMENDED CONDITIONS:

N/A

NAME:	Linsey King Ecology Officer (Planning)
DEPARTMENT:	Strategic Planning - Specialists
DATE:	13/10/2026