Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0125
Land North of Prestwood Lane, Ifield, Crawley, West Sussex, RH11 0LA,

DESCRIPTION:
Excavation works to adjacent to riverbank and formation of a separate pond associated with creation of a habitat bank.

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| DC/21/1517 | Change of use of agricultural land to provide golf driving ranges, a putting green, car parking and erection of portacabins to provide reception/cafe, toilet, and generator storage | Withdrawn Application on 19.01.2022. |

DESCRIPTION OF THE SITE

The application site is part of agricultural grazing land located on the north side of Prestwood Lane, 1km from its junction with Charlwood Road. Gatwick Airport perimeter is 2km to the east of the site. To the east of the site is open land used for dog walking. The site has access from the highway with double metal gates. Mans Brook is the main river that flows west to east across the site.

DESCRIPTION OF THE APPLICATION

The purpose of the application is to set up a habitat bank on the whole ownership. Engineering works are required within the application site boundary for excavation to the adjacent riverbank and the formation of a separate pond, both associated with the creation of a habitat bank.

RELEVANT PLANNING POLICIES
**The National Planning Policy Framework (NPPF)**

**Horsham District Planning Framework (2015)**:
Policy 1 - Strategic Policy: Sustainable Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 30 - Protected Landscapes
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 38 - Strategic Policy: Flooding

**Rusper Neighbourhood Plan (2018-2031):**
Policy RUS5: Green Infrastructure and Biodiversity

**Horsham District Local Plan (2023-40) (Regulation 19)**:
Strategic Policy 1: Sustainable Development
Strategic Policy 9: Water Neutrality
Strategic Policy 10: Flooding

Strategic Policy 11: Environmental Protection
Strategic Policy 13: The Natural Environment and Landscape Character
Strategic Policy 14: Countryside Protection
Strategic Policy 16: protected Landscapes
Strategic Policy 17: Green Infrastructure and Biodiversity
Strategic Policy 19: Development Quality
Strategic Policy 20: Development Principles
Policy 26: Gatwick Airport Safeguarding

**Supplementary Planning Guidance**:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

**Planning Advice Notes**:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk.

Consultations:

**HDC Arboricultural Officer**: Comment
From the submitted documents it would appear that there are no direct or indirect adverse impacts on the rained trees at the site or the adjacent Ancient Woodland to the east as a result of the development proposals at the site. However, to ensure that the 15 m AW buffer to the east remains free from any development activity, AIA and TPP compliance is recommended.

**Ecology Consultant:** Recommend grant permission subject to conditions (received 28.04.2025) [Summary]
We are now satisfied that there is sufficient ecological information available to support determination of this application.

We recommend precautionary mitigation measures are implemented during construction to ensure any potential roosts which might be present are not damaged. We recommend the precautionary mitigation measures are detailed with a Construction Environmental Management Plan (CEMP): Biodiversity and secured by a condition of any consent.

We are satisfied with the response within the letter response, which indicates the channel will not be impacted. As a survey has not been conducted to give full certainty of riparian mammal absence, we recommend precautionary mitigation measures are detailed within a CEMP: Biodiversity and secured by a condition of any consent.

**Gatwick Airport:** No Objection [received 23.05.2025]
We are happy to withdraw our objection, however, it is subject to conditions being added to the planning permission.

**WSCC Lead Local Flood Authority**: Comment [Summary]
Due to the scale, nature, and location of the development we have no comment to make on this occasion.

As an advisory, the proposed works relate to a Statutory Main River and as such further consultation with the Environment Agency may be required.

PUBLIC CONSULTATIONS:

Representations:

None Received.

Parish Comments:
**Rusper Parish Council**: No Comment.

Member Comments:
None received.

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

**Principle of Development**:

The proposed works would fall within the definition of 'development' under Section 55 of the Town and Country Planning Act 1990, as the works would be considered an engineering operation. Therefore, planning permission is required. The site is currently used as agricultural grazing land. The proposal is for engineering works for a nature bank project, to increase biodiversity and are part of a comprehensive Habitat Management and Monitoring Plan (HMMP). The existing access will remain suitable for the proposal. The HMMP details the associated habitat creation, which includes mixed scrub, native hedgerow, broadleaved woodland, and rural trees, as well as others. The plan also includes details of the management and monitoring of these habitats once created.

Two scrapes totalling 0.02ha of new water surface are proposed to the Mans Brook, one on each side of the fast-flowing brook. The works will create a new habitat not currently on site. A separate single pond is also proposed to be created on the open land to the north of the bridge. The pond will have an island refuge for protection of birdlife. The pond will create new habitat biodiversity on what is currently a grass field.

The proposal would be wholly contained within the existing site boundaries and there are no other works constituting 'development' which would be required. It is therefore considered that the proposed works would be acceptable.

**Trees and Landscaping**:

An Arboricultural Implications Assessment has been submitted as part of the application. The report notes that the locations of the two ecology scrapes have taken into account tree constraints information, and as such, no trees require removal or tree surgery works and no tree RPAs will be compromised. The proposed pond has been located outside the 15-meter Buffer Zone to the Ancient Woodland. The Arboricultural Officer notes that there would be no direct or indirect adverse impacts on the rained trees at the site or the adjacent Ancient Woodland to the east as a result of the development proposals at the site. Compliance conditions were recommended to ensure the 15-meter buffer remains free from development activity. It is therefore considered that there would not be any perceived tree impacts due to the proposed works.

**Ecology**:

Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.

The applicant confirmed that no trees would be removed during the works, so any potential roost features provided by these trees will remain intact and unaffected by the proposals. As the trees have not been subject to a Preliminary Roost Assessment, Ecology recommended that precautionary mitigation measures are implemented during construction to ensure that any bat roosts which may be present are not damaged. Regarding Water Voles, the applicant confirmed that the site does not include any common features of water voles and the banks of the Man's Brook does not provide suitable habitat for water voles due to a lack of vegetation growing from the banks and within the channel of this watercourse. None of the habitats on site would be impacted by the proposals include features that could offer potential opportunities for water vole species and no further works are required. Ecology was satisfied, but recommended precautionary mitigation measures are detailed within a CEMP.

**Gatwick Airport:**

Due to the location of the site, approximately 1.8km from Gatwick Airport, there is an increased risk of bird strike. Gatwick Airport originally objected as there was the potential for an increased bird strike risk to aircraft operating in and out of the airport. The proposed site would sit at only 159m south of the extended centreline for the runway. Upon discussions with the applicant and the submission of amended plans and information, as well as a signed Bird Hazard Management Plan, Gatwick Airport withdrew their objection. A number of conditions have been attached to the planning permission to ensure that the proposed works do not increase the risk of bird strike and therefore does not impact the operation at Gatwick Airport.

**Water Neutrality**:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The application proposal relates to excavation works to a riverbank and the formation of a pond. The proposed works would not meet the Council's threshold for having to demonstrate Water Neutrality and is therefore screened out from significant affect.

**Drainage and Flood Risk**:

Due to the location of the site, there is high probability of flood risk from river/sea and surface water runoff. A Flood Risk Assessment was submitted as part of the application, which states that the flood risk vulnerability classification for this type of development would be "Water Compatible". The NPPF includes nature conservation and biodiversity as 'water compatible development'. Therefore, as the proposed site is located within flood zone 3a, but the development is considered water compatible, there is no requirement to provide an exemption test.

**Biodiversity Net Gain (BNG):**

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net

Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site gains and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is for the development of a biodiversity net gain site. Habitat banks for the purpose of biodiversity are exempt from being required to demonstrate BNG.

**Conclusions**:

As covered above, trees will be unaffected, flood risk will not be increased and the proposal falls within the classification of water compatible, not requiring sequential flood risk testing. The proposal is therefore considered to comply with relevant local and national planning policies and is therefore recommended for approval.

**Recommendation: Application Permitted**

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

3 **Pre-Commencement Condition**: No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Grassed areas
- The species, number and spacing of trees and shrubs
- Details of emergent planting

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site.

4 **Regulatory Condition**: The Bird Hazard Management Plan dated 23 May 2025 shall be implemented as approved upon the day works commence on site and shall remain in force in perpetuity. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.

Reason: It is necessary to manage the site in order to mitigate bird hazard and avoid endangering the safe movements of aircraft and the operation of London Gatwick through the attractiveness of birds.

5 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Implications Assessment prepared by Broad Oak Tree Consultants Ltd. dated 23/01/2025 & Tree Protection Plan prepared by Broad Oak Tree Consultants Ltd - Drawing No. J66.37/02 Dated 20/01/2025.

Reason: To ensure the successful and satisfactory protection of important trees, shrubs, and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT

Cranes & Tall Reaching Construction Equipment
If a crane or tall reaching construction equipment is required during the earthworks a permit may be required. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome operator before erecting a crane in close proximity to an aerodrome. London Gatwick requires a minimum of four weeks' notice. For crane queries/applications please visit Cranes | Permits | London Gatwick or email cranes@gatwickairport.com.

INFORMATIVE
Under the Land Drainage Act 1991, any works (permanent or temporary) that have the potential to affect the existing watercourse or ditch's ability to convey water will require the Ordinary Watercourse Consent. Ordinary watercourses include streams, drains, ditches and passages through which water flows that do not form the network of main rivers.
https://www.westsussex.gov.uk/fire-emergencies-and-crime/dealing-with-extreme-weather/dealing-with-flooding/flood-risk-management/ordinary-watercourse-land-drainage-consent/#

POSITIVE AND PROACTIVE STATEMENT
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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**Plans list for: DC/25/0125**
Schedule of plans/documents **approved**:

| Plan Type | Description | Drawing Number | Received Date |
|---|---|---|---|
| Location plan | | none | 27.01.2025 |
| Layout plan | Scrape | 01 REV A | 11.02.2025 |
| Section plan | Scrape Sections A-A, B-B | 02 REV A | 27.01.2025 |
| Layout plan | Pond | 03 REV B | 02.05.2025 |
| Section plan | Pond | 04 REV A | 02.05.2025 |
| Layout plan | Survey Overview | 05 REV C | 02.05.2025 |
| Supporting Statement | Arboricultural Impact Assessment | J66.37 | 27.01.2025 |
| Supporting Statement | Flood Risk Assessment | 24406 REV A | 27.01.2025 |
| Supporting Statement | HMMP | REV 1.5 | 27.01.2025 |

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|---|---|---|---|
| Layout plan | Nature Bank Design | none | 02.05.2025 |
| Design & Access Statement | | none | 27.01.2025 |
| Block plan | | 1 | 11.02.2025 |
| Block plan | | 2 | 11.02.2025 |

**DELEGATED**

Case Officer sign/initial Bethan Tinning Date: 30.05.2025

Authorising Officer sign/initial RHERMITAGE Date: 30.05.2025