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**DC/25/2023 - Beckley Stud Reeds Lane Southwater West Sussex RH13 9DQ
Variation of condition 10 of previously approved application reference DC/22/0388 relating to
BNG measures.**

SPC Comment: Objection - please see the attached letter containing details of our objection.

Regards

Julie



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SOUTHWATER PARISH COUNCIL

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Planning Officer
Horsham District Council
Albery House
Springfield Road
Horsham RH12 2GB

05 March 2026

Dear Sirs

DC/25/2023 – Beckley Stud, Reeds Lane

Variation of Condition of previously approved application reference DC/22/0388 relating to BNG measures

Southwater Parish Council objects to the proposed variation of Condition 10 of planning permission DC/22/0388. The original condition relates to planting, habitat creation, wildlife sheltering provisions, and the delivery of 10% Biodiversity Net Gain (BNG).

Condition 10 was imposed by the Planning Inspectorate following the appeal APP/Z3825/C/23/3324026 and APP/Z3825/W/23/3324019 and was determined as a necessary and proportionate requirement to make the approved development acceptable in planning terms.

It is considered that the proposed variation to be unjustified, contrary to the Inspector's findings, and harmful to the environmental integrity of the site and wider area.

Condition 10 requires:

- Full details demonstrating 10% BNG based on Wychwood Environmental's Ecology BNG Report (June 2023).
- Detailed planting schedules (species, sizes, densities, numbers, tree pit design).
- Details of enhanced wildlife sheltering opportunities.
- Full implementation within the first planting season after approval.
- A 5-year protection and replacement requirement for all planting.

These measures were considered necessary, reasonable, and proportionate by the Planning Inspector and were included specifically to address the ecological harm and biodiversity loss caused by the development.

The following points are clearly demonstrated in the consultant's letter:

- The applicant did not comply with Condition 10 within the required timeframe.
- The development is therefore not in accordance with its permission.
- The request to vary the condition seeks to weaken the original ecological obligations rather than address the non-compliance.

The Council cannot support a variation that effectively rewards non-compliance and diminishes environmental safeguards secured through the appeal process.

The Council rejects this assertion that 10% BNG is 'inappropriate and unimplementable' for the following reasons:

- The applicant's own appeal submissions (Wychwood Environmental, June 2023) confirmed that 10% BNG was achievable, through:
 - Planting of 6 medium trees
 - 11 small trees
 - 100m² mixed scrub
- The Inspector accepted this evidence and determined that such measures were necessary to make the development acceptable under Local Plan Policy 31.

The claim now that BNG is 'inappropriate' is inconsistent with the applicant's own previously submitted evidence and with the Inspector's findings.

The new wording proposed by the applicant:

- Removes the requirement for 10% BNG uplift.
- Removes reference to the 2023 BNG metric, meaning no measurable uplift would be secured.
- Weakens controls around implementation and monitoring.
- Reduces long-term protection of newly planted habitats by loosening the 5-year replacement requirement.
- May allow the applicant to install only minimal or token planting and subsequently remove it.

Such weakening is contrary to the Inspectorate's intention and contrary to the development plan.

Should Horsham District Council consider a variation is at all necessary, Southwater Parish Council insists that the following points must be secured without dilution:

1. A full 10% BNG increase compared to the 2023 Wychwood Environmental metric.
2. Full delivery of all wildlife sheltering opportunities described in the 2023 ecological letter.

3. Implementation within the next planting season following determination.
4. Retention of the 5-year protection and replacement clause for all newly planted habitats.
5. Compliance with the Inspector's original timelines and mechanisms unless reasonable time extension is justified.

Southwater Parish Council is willing to support an extension of time for compliance but not any reduction in substance.

In conclusion, Southwater Parish Council objects to application DC/25/2023 because:

- The applicant has failed to comply with the existing condition.
- The proposed wording would materially weaken required ecological measures.
- The Inspector imposed Condition 10 for sound, evidence-based reasons.
- The suggested variation would undermine biodiversity objectives, reduce planting commitments, and weaken monitoring and enforcement.
- Granting the variation would set an unacceptable precedent whereby applicants could evade binding conditions imposed via appeal.

The Council urges Horsham District Council to refuse the proposed variation in full and to require the applicant to comply with Condition 10 as originally drafted and imposed by the Planning Inspectorate.

Yours sincerely



JULIE CROWHURST
Assistant Executive Officer