# HORSHAM DISTRICT COUNCIL CONSULTATION

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| **TO:** | Horsham District Council – Planning Dept |
| **LOCATION:** | Beckley Stud Reeds Lane Southwater West Sussex |
| **DESCRIPTION:** | Variation of condition 10 of previously approved application reference DC/22/0388 (Retention of existing green steel-clad building and mono-pitch lean-to for storage and distribution use by Equine America UK and resulting mixed use of Beckley Stud as a whole for equestrian, residential and commercial purposes) relating to BNG measures. |
| **REFERENCE:** | DC/25/2023 |
| **RECOMMENDATION:** | Modification |
| **SUMMARY OF COMMENTS & RECOMMENDATION:** | |

**MAIN COMMENTS:**

The application relates to Condition 10 listed on the decision notice of DC/22/0388 granted at appeal.

Condition 10 reads as follows:

*Within 3 months of the date of this decision, full details illustrating how the scheme would achieve the Biodiversity Net Gain (BNG) recommendations outlined in Tables 2 and 3 of the Ecology BNG Report prepared by Wychwood Environmental dated June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:*

*(a) Details of all planting and habitat creation to be carried out in order to achieve the mandatory 10% increase in BNG. This should include schedules specifying tree planting; species, planting size, densities and plant numbers and tree pit details; and*

*(b) Details of the enhanced sheltering opportunities for wildlife on the site.*

*The approved BNG scheme shall be fully implemented in accordance with the approved details within the first planting season following the date of approval.*

*Unless otherwise agreed as part of the approved BNG scheme, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is*

*removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

It is agreed that a condition relating to **mandatory** BNG has been incorrectly applied, given that the scheme was submitted to HDC prior to the mandatory date(s), and the pre-commencement condition cannot be discharged as retrospective works had already taken place on the site.

The proposed condition rewording from the applicant is as follows:

*The development hereby approved shall be carried out in accordance with the approved Proposed Wildlife Plan (Drg no. AG20815-BS-1096A) and Proposed Planting Plan (Drg No. AG20815-BS-1088A). The approved measures shall be implemented in full within 3 months of the date of this permission and thereafter retained and maintained.*

Under Paragraph 49 of the decision notice, the inspector states '***subject to the above details being agreed and complied with*** *within a defined time period, the development would not result in any harm to protected species, their habitats and biodiversity, in compliance with Policy 31 of the HDPF and paragraphs 187, 192, 193 of the Framework. Collectively these require that developments contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate, and that planning decision protect and enhance sites of biodiveristy*' (bold is HDC emphasis).

Cited policies of the NPPF also relate to net gains for biodiversity, which was previously demonstrated via metric calculations in the original application submission and therefore it is my opinion that the condition should still refer to compliance with the documents from the appeal. Specifically, Tables 2 and 3 of the Ecology BNG Report (Wychwood Environmental, June 2023). Given the previous issues raised with the BNG in October 2025, it was not agreed that the measurable net gain equated to a 10% uplift. As a mandatory 10% is no longer required, these previous enhancements within Tables 2 and 3 of the Ecology BNG Report are considered sufficient to comply with the NPPF policies of general net gains and biodiversity enhancement.

The submission of a metric and Biodiversity Gain Plan as per mandatory legislation is not required, and the habitat enhancements proposed do not need to accord with any statutory instruments or associated user guides.

The original metric and associated report demonstrated that the proposed enhancements were appropriate and could be implemented around the retrospective works. I therefore do not see an issue with the overall condition in principle but recommend removal of the word 'mandatory' and replace reference to biodiversity net gain with habitat enhancements – please see recommended conditions section below.

The proposed wording put forward by the agent omits reference to the Ecology BNG Report prepared by Wychwood Environmental dated June 2023. It also omits the last section of the original condition, which requires written consent from HDC for any tree or hedge works outside of agreed habitat enhancement works and any required replacement planting within 5 years after completion of the development. As such, I believe that the proposed condition wording dilutes the inspector's original condition, but given its retrospective nature, I understand that this may need rewording to reflect a more appropriate initial start date for the timescale – please see recommended condition section below.

I am satisfied that the enhancements depicted on the submitted Planting Plan (drawing no. AG20815 - BS – 1088, Agrarian 2025) are in accordance with Table 2 of the Ecology BNG Report. **However, details are missing with regards to planting size and tree pit details as per Condition 10(a) which will be required to discharge the condition.** I am satisfied that the enhanced sheltering opportunities depicted on the submitted Proposed Wildlife Plan (drawing no. AG20815 - BS – 1096, Agrarian 2025) are in accordance with Table 3 of the Ecology BNG Report.

**ANY RECOMMENDED CONDITIONS:**

I suggest the following wording to replace Condition 10:

*Within 3 months of the date of this decision (DC/25/2023), full details illustrating how the scheme would achieve the habitat enhancement recommendations outlined in Tables 2 and 3 of the Ecology BNG Report prepared by Wychwood Environmental dated June 2023, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:*

*(a) Details of all planting and habitat creation to be carried out in order to achieve the proposed habitat enhancements. This should include schedules specifying tree planting; species, planting size, densities and plant numbers and tree pit details; and*

*(b) Details of the enhanced sheltering opportunities for wildlife on the site.*

*The approved habitat enhancements shall be fully implemented in accordance with the approved details within the first planting season following the date of approval.*

*Unless otherwise agreed as part of the approved habitat enhancements, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after initial planting works within the first planting season following the date of approval. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.*

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| **NAME:** | Linsey King<br>Ecology Officer (Planning) |
| **DEPARTMENT:** | Strategic Planning - Specialists |
| **DATE:** | |