HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land At 509354 126590 Hilland Road Billingshurst West Sussex
DESCRIPTION:	Application for Approval of Details Reserved by Conditions 8 and BNG to approved application DC/25/0458.
REFERENCE:	DISC/25/0368
RECOMMENDATION:	Objection – deemed biodiversity gain condition More information (amendment to include hedgerow target condition details) – HMMP condition (8)

SUMMARY OF COMMENTS & RECOMMENDATION:

No Biodiversity Gain Plan has been submitted that meets all the requirements as per legislation, ~~and there is no metric provided to evidence the stated BNG values~~. ~~As no satisfactory BGP has been submitted, parts (b) and (c) of the HMMP condition cannot be met.~~ In addition, the suggested changes since the material submitted in DC/25/0368 results in the proposal being significant on-site BNG and therefore will require a legal agreement to secure. There are further comments pertaining to the contents of the HMMP for it to be considered acceptable, and advice provided for the off-site element of the proposal. Note that the off-site element will need resolving prior to resubmission of a BGP.

The above summary still stands.

MAIN COMMENTS:

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).'

No biodiversity gain plan (BGP) has been submitted within the above application comprising the necessary information (as stipulated in Para 14 under Schedule 7A of TCPA 1990) to discharge the deemed condition. The link to the Defra template and government guidance is contained within the decision notice for DC/25/0458 within the BNG informative.

As such, I recommend refusing the application to discharge the deemed biodiversity gain condition on these grounds. ~~Note that the BGP also requires LPA approval (see also Para 15 of TCPA 1990) of the biodiversity metric calculation tool which supports the BGP. No final and complete metric has been provided to evidence the BNG proposal (and to address any previously identified issues) and is also an additional ground for refusal.~~

~~It should be noted that plans have been put forward to deliver habitat creation and enhancements off-site (within the blue line boundary) to meet the 10% BNG requirement. However, these will require registration on the Biodiversity Gain Sites Register, and a S106 legal agreement will be required to do that. Once registered, these units need to be further allocated to the development, and once completed, the accompanying reference numbers will need to be provided in the BGP for HDC to verify.~~

It is noted within Para 3.5 and Table 2 of the submitted BNG Report, that 0.151km of native species-rich hedgerow are now proposed on-site, which was previously not put forward. **In this instance, this would trigger HDC's definition of significant on-site BNG and would therefore require securing via S106 legal agreement.**

A metric has since been provided, which is welcome. The number of trees has reduced to 17x; however, the number appears the same on the landscape plan. **Please can this number be clarified.**

Please note that the area module of the metric must show a minimum 10% net gain with all trading rules met, which it currently doesn't. This is mandatory to discharge the biodiversity gain condition.

Plans to deliver habitat creation and enhancements off-site have been redacted, however no alternative (i.e., purchasing of habitat bank units) has been evidenced within the Biodiversity Gain Plan to reach the required minimum 10% net gain in the area module (and to satisfy the trading rules), and as such still does not meet the requirements as set out in Para 14 under Schedule 7A of the TCPA 1990. If purchasing habitat bank units (which is suggested in Box 4.10 of the submitted Biodiversity Gain Plan), the appropriate sections of the BGP must be completed (Section 7) and the metric off-site tabs completed by the habitat bank provider.

Please also complete Box 6.1 of the BGP.

This has been actioned, with thanks. Note that Section 2 is no longer filled, please can this be amended when revising.

Without the required additional information above, the biodiversity objective has not been met and my objection to discharge the deemed biodiversity gain condition still stands.

The comments above are still outstanding. Crucially, the metric does not show a minimum 10% net gain in the area habitat module or that the trading rules have been met, and the Biodiversity Gain Plan does not provide the Biodiversity Gain Site reference from which any units have been allocated to the development, or the details of off-site units that are required to meet the minimum 10% biodiversity gain objective and satisfy the trading rules. Therefore, the objection to discharge the deemed biodiversity gain condition remains.

Habitat Management and Monitoring Plan Condition (8)

'The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan and including:

(a) a non-technical summary;

(b) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan; and

(c) the management measures to maintain habitat in accordance with the Biodiversity Gain Plan from the completion of development

has been submitted to, and approved in writing by, the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Any proposed or retained planting, which within a period of 5 years after the completion of development, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy 31 of the Horsham District Planning Framework (2015).'

~~With reference to per paragraph (b) and (c) of the HMMP condition, no satisfactory Biodiversity Gain Plan has been submitted to HDC. As such, it is not possible to ascertain whether the planned habitat creation and enhancements works, and the associated management measures are in accordance with the Biodiversity Gain Plan.~~ **~~Therefore, I recommend refusing the application to discharge the HMMP condition on these grounds.~~**

Providing the off-site units are purchased from a habitat bank provider and are no longer proposed to be delivered via bespoke off-site habitat creation, the HMMP will only need to detail the management of the on-site habitat enhancements. It is advised to not discharge the HMMP until the Biodiversity Gain Plan has been approved. Further amendments of the HMMP are requested below.

In addition, the management prescribed within the HMMP does not detail how it will achieve the proposed habitat conditions, by highlighting the targeted criterions for each habitat. As such, it cannot be ascertained whether the management and schedule of works is appropriate. It is advised to review Natural England's HMMP template and checklist. Each action of management should be clearly separated and set out in a schedule of works listed by habitat, with relevant months of the year highlighted, and stated frequency across the 30-year period.

The individual target condition criterions should be within the HMMP, as this aids management contractors. It is not clear whether the condition assessment spreadsheet provided relates to post-development habitat, as many do not match the metric entry. **Please can clarification (preferably within the HMMP) be provided.** Please note that the proposed management for modified grassland is likely to require periods of lower mowing intensity to achieve a moderate condition (with essential criterion A).

Please include hedgerow habitat.

Requested HMMP Amendments to date:

- We do not support the immediate initial use of systemic herbicide, as stated in Para 4.13 of the HMMP. This should be as a last resort only, except when

eradicating species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

Has not been addressed, manual removal should be employed in the first instance unless a schedule 9 species. When controlling weed growth for trees, mulch is an effective and sustainable alternative.

Concern resolved, with thanks.

- Note that where proposing other neutral grassland, arisings should ideally not be left for more than 3 days. It is recommended that a second cut be included in early Spring.

  Has been removed.
- Scrub is mentioned within the management schedule of works, however, is not detailed within the Habitat Creation section of the HMMP.

  Has been added, with thanks.
- It is recommended to prune different sections of hedgerow on an alternate basis, with some sections cut to 2mx1.5m in year 3 and left until year 5, whilst others are cut in year 4 and left until year 6, etc. This is to ensure benefits are provided to wildlife all year round.

  Added, with thanks.
- Watering frequency or minimum period of drought before supplementary watering should be specified.

  Added, with thanks.
- The specific management roles and responsibilities must be assigned to a named person(s) or organisation(s).
- There is no mention of undertaking works to trees, hedgerow and scrub outside of nesting bird season (February to August inclusive) or requiring ecological involvement with regards to roosting bats and other protected species where relevant.

  Has been added, with thanks.
- As per good practice, a habitat retention map should accompany or underlay the post-development plan.
- It is advised to refer to the trees within the hedgerow to ensure that these are not accidentally mismanaged as native hedgerow without trees.

  Concern resolved, with thanks.

ANY RECOMMENDED CONDITIONS:

N/A

NAME:	Linsey King Ecology Officer (Planning)
DEPARTMENT:	Strategic Planning - Specialists
DATE:	12/12/2025 09/07/2026 25/08/2026