



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land East of 1 To 25 Hayes Lane Slinfold West Sussex
DESCRIPTION:	Outline application with all matters to be reserved except for access and layout, for the erection of 38no. dwellings, (including 13no. on-site affordable housing units), together with access from Hayes Lane, vehicle and cycle parking, landscaping, open space and play provision, sustainable drainage, and re-alignment of Public Right of Way No.3782.
REFERENCE:	DC/25/2006
RECOMMENDATION:	Holding objection / Modification More information / Modification
SUMMARY OF COMMENTS & RECOMMENDATION: Most of the concerns have been addressed, which is positive. Further information is requested as to why the ditch present in the south/south-west of the site has been omitted from the updated baseline assessment. It is advised to seek Arboricultural comments relating to the additional parking bays within the mature tree RPAs on the western boundary. Please can the metric be amended to have the user name and date of completion on the Start Page, as this is flagging as a validation failure. In addition, further points are raised pertaining to the post-development habitat proposals and inconsistency across submitted documents, and the HMMP comments remain. These may be addressed at Reserved Matters. The site has been subject to degradation not in accordance with any permission, and this has not been accounted for in the BNG assessment. As such, the baseline is considered incorrect and is the basis of the recommended objection. Further information is requested on the ditches to the south-west and east of the site and justification for this omission from the watercourse module of the metric. In addition, further tree removals need to be accounted for in the metric, and post-development plans amended. No draft HMMP has been provided in line with HDCs local validation list, and therefore further information is requested considering habitats of a high value and difficulty to create are being proposed.	
MAIN COMMENTS: The comments in this response relate solely to the BNG proposal as part of the above application. Note that the concerns highlighted below are not exhaustive. All other	

ecology matters will be reviewed by Place Services and NatureSpace, where appropriate.

As it stands, the metric calculation demonstrates that the development will have a ~~10.18% net gain (+1.25 units)~~ **-50.88% net loss (-15.06 units)** in area habitats, and an ~~84.68% net gain (+1.33 units)~~ **+84.22% net gain (+0.98 units)** in hedgerows **and a 0% net gain (0 units) in watercourses**. As the overall net gain is greater than 0.5 units, as per HDC's definition this is considered significant on-site BNG, and if minded to approve, will require a S106 legal agreement to secure. Monitoring reports will be expected to be submitted to HDC typically in years 1,2,5,10,15,20,25 and 30. However note, with the amendments requested below, the final figures for BNG calculations are likely to change. Given the changes, and the large net loss resulting in the amended baseline, this is no longer considered significant on-site BNG as per HDC's definition and thus does not require a S106 legal agreement to secure its delivery. It is understood that the necessary area habitat units and watercourse units will be purchased from a registered habitat bank to ensure the development achieves a 10% BNG in both modules. Further on-site enhancements are encouraged where possible in accordance with the biodiversity gain hierarchy. Please note, given the comments below, any future revisions are likely to alter the final calculated figures for BNG.

Baseline

1.0 Section 1.2 of the Biodiversity Net Gain and Preliminary Ecological Appraisal (AiDASH, 2025, hereon referred to as BNG Report) states that *'TILCo Limited actioned side-wide scrub clearing, which was carried out on the site prior to the survey date, resulting in a loss of onsite biodiversity value ('degradation'). This action was purposefully undertaken to return the Site to its grazed state for the survey and will be maintained as such until the lodging of the planning application. AiDASH is operating under the client's direction that the Site's BNG condition on the day of the survey should be considered, given it's pre-January 2022 condition. The pre-degradation habitat of the Site was considered to be comprised of mixed scrub and modified grassland habitats'*.

Section 2.6 also states *'as outlined in Sections 1.2 and 2.3, the BNG assessment disregards the known degradation that has recently occurred on Site under the direction of the client's assertion that it accurately represents its previously grazed condition'* (all underlining is HDC emphasis).

Para 6 under Schedule 7A of the Town and Country Planning Act 1990 states the following:

If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

Scrub habitat generates more biodiversity units than modified grassland in the metric, and therefore the deliberate clearance of scrub in 2025 lowered the biodiversity value of the onsite habitat than it otherwise would have been (i.e., from ceasing of management pre-2022), and therefore this is considered degradation. The grounding of the scrub patches can be seen in the most recent aerial image on Google Earth (see below).



Google Earth images of the site (left = May 2025, right = April 2024)

In addition, the relevant date is considered the date when a planning application is received, unless agreed otherwise with the local planning authority. Having undertaken a site visit on the 28th January, I can confirm that there are clear large patches of scrub regrowth present on the site, demonstrating the persistence of the habitat since its last cut (see photographs below).





Species identified include blackthorn (dominant), bramble (abundant), dog rose (frequent), hawthorn (occasional) and guelder rose (occasional). The cover of the scrub is continuous and greater than 90% and therefore should not be classified as modified grassland as per the note on Condition Criterion C of the condition assessment criteria. Therefore, it is expected that much of the land be reclassified as scrub. The regrowth areas are dominated largely by blackthorn; thus, classification could be considered as blackthorn scrub as per UKHab.

Given the above, the baseline is not considered correct and must be amended to overcome the objection.

An additional field survey was undertaken by the ecologist in February 2026 to ascertain the pre-degradation baseline. I am satisfied with the resulting assessment and as such the baseline is now considered correct for area and hedgerow habitats. Concern resolved, with thanks.

1.1 It is understood from the drainage plans that a ditch is present to the east and south-east of the site, which goes under the road. During the site visit on 28th January, the south-eastern ditch was accessible, and the ditch contained moving water. Drainage is proposed into these ditches, including from the SUDS basin with installation of headwalls. Therefore, further information is requested as to why the watercourse module of the metric has not been completed.

The watercourse module of the metric has now been completed, with c.0.16km of ditch recorded in the east of the site. However, there is a ditch containing water in the south/south-west of the site. **Further clarification is requested on why this has been omitted from the assessment.**

1.2 It is understood that an oak tree, T12 (see Arboricultural Impact Assessment, RPS 2025, drawing ref. 5397-RPS-XX-XX-DR-AR-91710), is to be removed to facilitate pedestrian access to and from the Downs Link. T12 has a stem diameter of 35cm and therefore qualifies as a medium sized tree as per the metric user guide. From the baseline habitats map in the BNG Report, this tree is present in the line of tree habitats. As such, as per the rules stated in the metric user guide, this tree must be separated

from the linear habitat and accounted for separately as an individual tree in the baseline and marked as lost. All other trees to be lost are within woodland, which does not require tree loss of trees with a medium DBH or above to be listed separately.

Further trees have been added to the baseline, marked as lost. Concern resolved, with thanks.

1.3 The Post-development Retained Habitats Plan in the BNG Report depicts area of woodland that is to be retained in the east of the site. However, it appears that the parcel also contains a small area of woodland to be created. Please can this be checked and confirm the correct area size of woodland retention. It is understood that the remaining woodland to the east is to be enhanced, with areas of loss to facilitate the main development footprint, a new pathway and an attenuation basin.

The plans have been amended – concern resolved, with thanks. It is however noted that no enhancements on existing habitats are proposed.

Post-development

2.0 The Post-Development Enhanced Habitats Plan in the BNG Report depicts areas of modified grassland that have been enhanced to woodland habitat. However, this is not portrayed as an enhancement within the metric – which is considered the correct way. These parcels should therefore be depicted on the Post-Development Created Habitats Plan.

See response to point 1.3. This comment is no longer relevant.

2.1 It is noted that trees T1-3 will be retained, however they will be absorbed into surrounding woodland planting and will therefore no longer be classified as individual trees. It is therefore advised that these are either marked as lost in the metric, or a clearing is maintained around these trees to ensure there is limited competition for resources and the current environment around these trees remains as much as possible.

It appears on the post-development retained habitats plan that a clearing will be maintained to preserve these individual trees. Concern resolved, with thanks.

2.2 It is noted that much tree planting is proposed in retained mixed scrub. Further detail will be required on how this will be achieved.

2.3 The updated illustrative planning layout (drawing no. CSA/5675/111 Rev D) now shows additional parking within the RPA of the mature trees on the western boundary of the site. **It is advised to seek comments from the HDC Arboricultural Officer on certainty of retention of these trees for BNG purposes.**

2.4 There appears to be discrepancies between the BNG plans, the planning layout, and landscape strategy with regards to location and degree of green infrastructure proposed. It is advised to ensure consistency across documents submitted at Reserved Matters.

2.5 As mentioned in point 1.1, the drainage strategy (drawing no. 22-011-007 Rev C) details installation of headwalls into the ditch. As per the metric user guide, the change in watercourse encroachment must be reflected in the post-development tabs of the metric.

HMMP

3.0 No draft HMMP has been submitted, as per HDCs local validation list. This is requested to ascertain whether the proposed habitat creations and enhancements are

feasible. This is particularly important for this application, as the proposals include creation and enhancement of high distinctiveness habitats which have a high difficulty. Therefore, further information is requested as to what condition criteria are to be targeted for the habitats, and high-level information on the predicted management methods required to achieve them.

3.1 In the forthcoming final HMMP, it is advised to include detail pertaining to project information, appropriate post-development habitat maps, roles and responsibilities, areas of habitat retention, habitat target conditions and criteria to be met, species composition, management prescriptions to achieve the condition criteria, risk register and remedial measures, and monitoring strategy. [Please see Natural England's HMMP template, checklist, and companion document for more information.](#)

3.2 Detail will also be required on how the proposed mixed scrub will not encroach and take-over existing hedgerows and woodland, and how any management will ensure separation to avoid mismanagement of these existing habitats. [Please also see point 2.2 above.](#)

3.3 It is requested that all botanical species listed for protected/priority species enhancements in the PEA (Appendix R of the BNG Report) and any forthcoming species survey reports are included within the HMMP and Landscape Strategy Plans. Further, non-native species should be restricted to the main development footprint, with native species used in the open space areas. The Landscape Strategy does not include species for native hedgerows only. Given the thriving species present on the site visit, it is also recommended to incorporate guelder rose into the Landscape Strategy and HMMP.

ANY RECOMMENDED CONDITIONS:

If minded to approve:

Informative

Scenario 1: BNG Required

Condition

Habitat Management and Monitoring Plan (HMMP)

Pre-Commencement Condition:

The development hereby permitted 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, together with a timetable for its provision;
- (c) the management measures to maintain habitat in accordance with the Biodiversity Gain Plan from the completion of development; and
- (d) management responsibilities of the people or organisation(s) delivering the HMMP

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).

NAME:	Linsey King Ecology Officer (Planning)
DEPARTMENT:	Strategic Planning - Specialists
DATE:	29/01/2026 07/08/2026