



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Furnace Lakes, Guildford Road, Slinfold
DESCRIPTION:	Removal of 9 No. fishing swims and the siting of 3 shepherds huts for use as holiday accommodation together with associated works
REFERENCE:	DC/26/0379
RECOMMENDATION:	Objection
SUMMARY OF COMMENTS & RECOMMENDATION:	
MAIN COMMENTS: At the request of the Case Officer, I have been consulted to look at the BNG requirement of this development, and any impacts on irreplaceable habitat. As such, my comments below relate to these issues only, and Place Services and NatureSpace will review all other ecology matters, where appropriate. <u>Biodiversity Net Gain (BNG)</u> As this is a partially retrospective scheme, the deemed pre-commencement biodiversity gain condition cannot be applied and thus the mandatory BNG requirement cannot be enforced. Nonetheless, the biodiversity enhancements proposed are welcome and are in accordance with Policy 31 of the Horsham District Planning Framework (2015). However, please note these enhancements are outside of the red line boundary and therefore a legal agreement may be required to secure its delivery. <u>Irreplaceable Habitat</u> As has been highlighted, the woodland immediately adjacent to the eastern boundary of the site is designated as Ancient Woodland on Natural England's Ancient Woodland Inventory. From the submitted documents, it is understood that part of the ancient woodland on-site was cleared in 2018 and was not done in accordance with any planning permission. Fishing lake swims were installed in the woodland clearance area, which largely comprised laying of hardcore. The remaining grassland areas were kept to a short sward and subject to regular disturbance. Ancient woodland received strengthened protection via the NPPF in 2018, in that development that would result in the loss or deterioration of ancient woodlands should be refused unless wholly exceptional reasons outweigh the harm and a satisfactory bespoke compensation strategy is provided. Thus, any previous development involving	

clearance or deterioration of the ancient woodland like that undertaken in 2018 on the site would likely not have been considered acceptable.

Additional gravel and decking have since been added to the site with 2 of the 3 proposed huts located upon the setback gravel areas. Some areas of hardcore have been removed and replaced with wood chip.

The agent and ecologist argue that due to the already degraded woodland, the portion of the site relevant to the development footprint should no longer be considered ancient woodland. Natural England should be notified of such claims with supporting evidence to remove any non-ancient woodland designation from the inventory. It should be noted that with the removal of hardcore, the ancient seed bank within the soil may begin to re-establish via natural regeneration, particularly with improved management, and such sites are still afforded protection. As per government guidance, the condition of ancient woodland habitat is not considered when assessing the merits of the development proposal. As such, I am not convinced that the designation can be disregarded. The ecologist also states in the AW Mitigation Strategy (South Downs Ecology, 2025) that the glades are not an accurate predictor of true ancient woodland at the site. Whilst the glades on-site have been classified as modified grassland, glades are inherent features of woodland (including ancient woodlands). As such, this is not agreed.

In addition, section 4.11 within the Planning, Design & Access Statement (Batcheller Monkhouse, 2025) states that mitigation and enhancement measures are proposed following the mitigation hierarchy. However, there is no mention of why such development cannot be avoided, and I cannot see evidence as to why the huts cannot reasonably be located elsewhere within the site. It is also claimed that the area enhanced will exceed any habitat loss with regards to compensation impacts on ancient woodland. This is not agreed, as compensatory efforts will never exceed the removal or degradation of irreplaceable habitat, hence why a biodiversity net gain cannot be calculated on such losses.

Furthermore, the development lies within the standard 15m buffer of the 'remaining' ancient woodland adjacent to the site. As above, it is not clear for the reasons for locating the huts within the buffer zone. The agent argues that the proposed development will have a lower impact on the ancient woodland than the pre-development baseline of the site, due to reduced footfall and removal of hardcore in places. This is not wholly agreed, particularly with regards to incidental light spill, increased pollution via litter, noise, and surface water, and direct woodland disturbance via trampling and compaction. From the site photographs, there appears to be a window facing towards the woodland on the huts, and Section 6.9 of the Extended Phase 1 Habitat Survey report (AEWC, 2024) also details installation of fairy lights, downward-facing hanging lights adjacent to the path leading from the car park, and a single light on the front (west side) of each hut. Further information would also need to be provided, such as the additional service and maintenance that would be required for the development operation and the need for any generators, compared to the previous baseline of the tents on the fishing swims, to make an informed decision on impact. As per Section 6.5 of the Extended Phase 1 Habitat Survey report, materials must not be stored adjacent to the woodland to prevent soil compaction, suggesting that the buffer zone for the ancient woodland is still recognised, and Section 6.22 further advises a 50m buffer to avoid impacts from trampling and pollution.

The ecologist in the AW Mitigation Strategy states that the current cut-off date to consider degradation for biodiversity net gain calculations is January 2020, and as such this is a reasonable proxy for when degradation should be considered. As acknowledged,

this is due to the announcement of the biodiversity net gain requirement in the Environment Act to be published in 2021, and therefore this date has only been recognised as the cut-off as it is at this point that any degradation can be considered as pre-emptive to try and avoid the BNG requirement. This is not relevant when considering development impacts on ancient woodland afforded protection under the NPPF.

Finally, the AW Mitigation Strategy states that the proposed mitigation will not fully result in no net disturbance to ancient woodland, hence the need for compensation. This supports the points above, and therefore in conclusion I am minded to agree with the HDC Arboricultural Officers position on the matter. It is at the Case Officers discretion whether further information is required to inform a decision, and whether the need for the development outweighs the harm.

ANY RECOMMENDED CONDITIONS:

NAME:	Linsey King Ecology Officer (Planning)
DEPARTMENT:	Strategic Planning - Specialists
DATE:	15/06/2026