



HORSHAM DISTRICT COUNCIL CONSULTATION

TO:	Horsham District Council – Planning Dept
LOCATION:	Land Parcel at 519887 133300 Rusper Road Horsham West Sussex
DESCRIPTION:	Application for Approval of Details Reserved by BNG to approved application DC/25/1543
REFERENCE:	DISC/26/0220 and S106/26/0033
RECOMMENDATION:	Holding objection More information / Modification No objection
SUMMARY OF COMMENTS & RECOMMENDATION: All matters resolved. I recommend discharging both the deemed biodiversity gain condition and the HMMP and Biodiversity Gain Plan obligations within the S106. ~~Many of the comments have been addressed, which is positive. Minor amendments are required to Section 7.6 of the Biodiversity Gain Plan prior to discharge, and HMMP, with the latter being required for S106 purposes. These changes and justification for a high strategic significance for the SuDS basin are required before I can recommend discharging the deemed biodiversity gain condition and S106 obligations.~~ ~~Amendments are required to the metric, biodiversity gain plan, and HMMP, to discharge the deemed biodiversity gain condition and S106 obligation. It is also highlighted that the stated purchased units from one biodiversity gain site reference does not appear as an allocation on the biodiversity gain site register, and this needs to be visible prior to discharging the condition/obligation.~~ MAIN COMMENTS: <u>Biodiversity Gain Condition and S106 obligation</u> As per Para 13 under Schedule 7A of the Town and Country Planning Act 1990: <i>'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).</i> <i>(2)The condition is that the development may not be begun unless—</i> <i>(a)a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and</i> <i>(b)the planning authority has approved the plan (see paragraph 15).'</i>	

The following comments must be addressed to discharge the deemed biodiversity gain condition.

The obligation (clause 3.1) within the signed S106 agreement also requires the submission of a Biodiversity Gain Plan and HMMP to be approved prior to the commencement of development.

Metric

1.0 As submitted, there are entries within the post-development tabs of the metric for on-site area and hedgerow habitats that are assigned as having a medium strategic significance. As the West Sussex Local Nature Recovery Strategy was published in June 2026, this level of strategic significance can no longer be applied (please see the metric user guide). In accordance with the priorities mapped and identified within the LNRS, only the proposed woodland creation may receive the uplift, and therefore this entry should be amended to high strategic significance and all others as low by default.

It is not clear why other neutral grassland for the SuDS basin have been assigned a high strategic significance. Please can justification be provided detailing how these measures align with the mapped habitat priorities within the LNRS. Hedgerow is also still assigned a medium strategic significance, which cannot be assigned as per Table 7 of the biodiversity metric user guide.

The Strategic Significance has been amended to low (excl. watercourse post-development). Concern resolved, with thanks.

Clarification has been requested as to the reasoning for this request. This is because the latest BNG consultation response for the planning application was dated 23rd March 2026. The LNRS for West Sussex was published in June 2026, and as per PAS and Defra's LNRS transitional guidance, the strategic significance as per Table 7 of the biodiversity metric user guide must be applied to any live applications or permissions that have not yet had their biodiversity gain condition discharged.

Biodiversity Gain Plan

2.0 Section 6.4 should be amended to '16.09' area habitat biodiversity units, and Section 6.5 amended to read '2.93' units and '22.28%' net change for area habitats, as per the submitted metric calculation.

Apologies, the above figures were for an incorrect metric. The updated figures in Section 6.4 and 6.5 are now considered correct.

2.1 The numbers recorded in Sections 7.4 – 7.6 for watercourse figures need revisiting to align with the submitted metric calculation.

This does not appear to align with the updated metric (below).

Off-site baseline	Area habitat units	0.00	
	Hedgerow units	0.00	
	Watercourse units	5.62	
Off-site post-intervention (including habitat retention, creation & enhancement)	Area habitat units	0.00	
	Hedgerow units	0.00	
	Watercourse units	6.75	
Off-site net change (units & percentage)	Area habitat units	0.00	0.00%
	Hedgerow units	0.00	0.00%
	Watercourse units	1.13	20.08%

Section 7 does not refer to the combined net change. Please amend Section 7.6 entries to '1.13 units' and '20.08%' as per the off-site net change table above.

This has been amended. Concern resolved, with thanks.

2.2 There are no allocations under the habitat bank reference BGS-130225001 for permission DC/25/1543. The allocation is required prior to discharge the deemed biodiversity gain condition.

The allocation now appears on the register. Concern resolved, with thanks.

HMMP

3.0 Monitoring requirements must include year 20. Monitoring reports need to be in alignment with HDCs process – monitoring reports submitted in years 1,2,5,10,15,20,25 and 30.

This should be reflected in the monitoring reports schedule - MS-T02 of the HMMP. This is as per the S106 requirement.

This has been added. Concern resolved, with thanks.

3.1 Please include a watering frequency for whips to be planted in woodland, hedgerows and as individual trees.

This has been added. Concern resolved, with thanks.

3.2 Tables PM-B01 and PM-T01 – other neutral grassland is also proposed in good condition for SuDS basin. Please can this be added. Please also specify that the hedgerow to be created and existing hedgerow to be enhanced is to become species rich.

This has been added. Concern resolved, with thanks.

3.3 The height for cutting other neutral grassland is considered high (e.g., 50cm). Please amend GH-T01 to state a cutting height of 100mm/10cm. Please detail an additional cut in early autumn/late winter where required, ground conditions allowing. If needing to sow yellow rattle, 10cm may be too high for successful germination in early Spring. Note the frequency of cuts of every 2 weeks in year 1 (April – October) is considered intensive for establishment. A maximum of three cuts across this period should suffice. Furthermore, cuts are not considered necessary in April and May and are usually done late winter/early Spring (e.g., February or early March, ground conditions allowing), and June/July (with some pushed to August with regards to ground-nesting birds and invertebrate assemblage interest), and later in the year September/October. Note that scarification may not be necessary in year 3 onwards and may disrupt establishment efforts. This should be a remedial action instead.

This has been added. Concern resolved, with thanks.

3.4 Please refer to nesting bird season months throughout so it is clear to management contractors and refer to cautionary approach when pruning/cutting tree limbs.

This has been added. Concern resolved, with thanks.

3.5 Please detail the number of standard trees within hedgerow creation/enhancement if possible.

It has been confirmed that no additional standard trees are proposed in created or enhanced hedgerow but rather enhanced via whip planting. Concern dropped, with thanks.

3.6 The method of weeding should be manual/by hand in the first instance and herbicide should be a last resort (see Table HD-T02), unless treating invasive non-native species

as listed under Schedule 9 of the Wildlife and Countryside Act 1981 [as amended]. This should be the approach throughout the HMMP.

Concern resolved, with thanks.

3.7 The proposed tree mix is not going to achieve criterion A for individual trees, as the species mix does not meet the 70% native requirement. The other proposed species are cultivars and are not considered native. It is recommended to increase the abundance of native species to reach 70% (see consultation response comment regarding native tree planting near to the priority woodland habitat, which is still recommended), or to not target condition criterion A.

Condition criterion A is no longer targeted. Concern resolved, with thanks.

3.8 Please do not remove deadwood from the watercourse as it provides habitat for many freshwater species and acts as natural water flow regulators. Cutting additional bankside vegetation is likely to impact the watercourse by increasing light – removal of Himalayan balsam will contribute to this. Further bankside vegetation cutting and removal of deadwood were not included within the main planning application, and these actions are also considered off-site. As such, it is recommended to remove these actions from the HMMP.

This has been amended to general maintenance rather than direct enhancement.

Concern resolved, with thanks.

ANY RECOMMENDED CONDITIONS:

N/A

NAME:

Linsey King
Ecology Officer (Planning)

DEPARTMENT:

Strategic Planning - Specialists

DATE:

11/08/2026
[27/08/2026](#)
[23/09/2026](#)
24/09/2026