24 July 2024

Hannah Darley
Horsham District Council
Parkside,
Chart Way,
Horsham,
West Sussex
RH12 1RL

By email only

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Horsham District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Dear Hannah

Application: **DC/24/0515**
Location: **Delspride Kent Street Cowfold West Sussex RH13 8BB**
Proposal: **Change of use of land from agricultural to allow for dog walking**

Thank you for consulting Place Services on the above application.

a) No ecological harm/No objection	
b) Requires further information on Mandatory Biodiversity Net Gain	Yes
c) Recommend grant permission subject to conditions	
d) Recommend refusal	
e) Subject to Natural England's formal comments on the conclusion of the Water Neutrality Appropriate Assessment	Yes
f) Discharge of condition	

Summary

We have reviewed the documents supplied by the applicant, but unfortunately there is an absence of ecological information included with the application. However, as there are no buildings, trees or hedgerows on site, the existing access will be used and the cark park area will be built on existing hard standing, we agree that no ecological surveys for protected or Priority species and habitats will be required.

However, we are not satisfied that there is sufficient ecological information available for determination of this application.

Mandatory Biodiversity Net Gain

As of 2nd April 2024, all minor development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

The submitted Application Form states the development has 'Temporary exemption for non-major developments (small sites exemption)'. As the temporary exemption applies to applications prior to 2nd April 2024, it is not relevant to this application, which was submitted on 3rd April 2024 and validated on 14th May 2024. Government Advice on Biodiversity Net Gain states that exemption applies where the development does not impact Priority habitat and impacts less than 25m^2 of on-site habitat or 5 metres of on-site linear habitats such as hedgerows. As this development covers an area of 0.68ha of permanent pasture, which is equivalent to 6,800m^2, we are not satisfied that this application can be described as 'Below the Threshold'. Therefore, we do not agree that it is exempt from the requirement to identify and pursue opportunities for securing a measurable biodiversity net gain, unless evidence can be provided that the change of use will not result in habitat degradation (loss or impact to habitats).

Therefore, we recommend further information relating to Biodiversity Net Gain is provided, including a description of the onsite habitats, whether or not any habitats with Biodiversity Value which might be present have an area greater than 25m^2 and whether or not this application meets the criteria to be classed as exempt from mandatory BNG requirements.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)
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Place Services provide ecological advice on behalf of Horsham District Council
Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.