



Examination of the
Horsham District Local Plan 2023-2040

**MATTER 4, ISSUE 2: CONSERVING AND ENHANCING
THE NATURAL ENVIRONMENT**

HEARING STATEMENT

Prepared by Blue Fox Planning Ltd on behalf of:

Richborough

Representation Numbers: 1207902, 1211480 and
1211486

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1. Introduction

- 1.1 This Hearing Statement has been prepared by Blue Fox Planning Ltd on behalf of Richborough. This Statement has been prepared specifically in response to Matter 4, Issue 2: Conserving and Enhancing the Natural Environment of the Horsham District Council Local Plan Examination.
- 1.2 Richborough control two sites within Horsham District, these being:
 - Land at Glebe Farm Steyning; and
 - Land off Coneyhurst Road, East of Billingshurst
- 1.3 Land at Glebe Farm Steyning, is allocated within the Submitted version of the Local Plan under Strategic Policy HA17: Steyning Housing Allocation.
- 1.4 The Inspector is respectfully asked to note that the Glebe Farm site was subject to an outline application submitted on behalf of Richborough in September 2021. On 26th September 2024, Horsham District Council's (HDC) Planning Committee South resolved that outline planning permission should be granted subject to the completion of the necessary Section 106 Agreement(s).
- 1.5 Richborough therefore has extensive experience of promoting development in Horsham including in respect of biodiversity net gain.

2. Matter 4, Issue 2: Conserving and Enhancing the Natural Environment

Matter 4, Issue 2

“Whether the approach to the natural environment, biodiversity, landscape, coalescence, countryside, green and blue infrastructure and local green space is justified, effective, consistent with national policy and positively prepared?”

Q5. Is Strategic Policy 17: Green Infrastructure and Biodiversity Sound?

b) Is the requirement for relevant development proposals to deliver at least a 12% biodiversity net gain justified and effective?

c) Are the requirements for off-site biodiversity net gain justified?

b) Is the requirement for relevant development proposals to deliver at least a 12% biodiversity net gain justified and effective?

2.1 The Plan, through Strategic Policy 17: Green Infrastructure and Biodiversity, is proposing a requirement for “at least” 12% Biodiversity Net Gain (BNG) as part of any ‘relevant development’. The introduction of a minimum 12% BNG requirement is above that required by the Environment Act 2021, which requires a minimum of 10% BNG.

2.2 The Council seeks to justify this approach based on evidence prepared in support of the preparation of the Local Plan, which suggests that most sites can deliver a 12% BNG.

2.3 However, exceeding the requirements of the 2021 Act without proper justification is contrary to Planning Practice Guidance (PPG). The Inspector will be aware that PPG (paragraph: 006 Reference ID: 74-006-20240214), states that:

*“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development **unless justified**”.* (Blue Fox emphasis).

2.4 The PPG goes on to state that:

“To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”

- 2.5 However, we are unable to find any meaningful evidence demonstrating that development in the District has a greater impact on biodiversity than development anywhere else in the Country. Further, we note that the Council assesses the cost impact of BNG on development by referencing the DEFRA Impact Assessment of 2019. Whilst the use of this Assessment is understood, it has limitations due to the fact that it adopts broad cost implications that may not be transferable to Horsham District.
- 2.6 Consequently, we are concerned that the cost of BNG is not fully understood and therefore that there may be circumstances where otherwise suitable development proposals, which could deliver 10% BNG, may be left unviable by the HDLP policy approach.
- 2.7 Our Representation at Regulation 19 stage suggested a rewording of the policy, to refer to the 10% BNG target as a minimum, with the reasoned justification to the policy expressing an aspiration to exceed the 10% (where reasonable and viable). We respectfully ask the Inspector to consider this suggested approach.

c) Are the requirements for off-site biodiversity net gain justified?

- 2.8 Whilst the Council have increased the cost of Biodiversity Credits from what is outlined in the DEFRA Impact Assessment, it is still believed to be an under estimation. In particular, with the Council suggesting a 12% BNG, there will be more reliance on off-site measures to meet the target, placing a strain on those sites identified through the District's Green Infrastructure Strategy or the Local Nature Recovery Strategy. This acts as further justification that the increased BNG target may have a harmful impact on the viability of development, as outlined in the PPG above. It is believed that the Council have not clearly considered the full range of harmful impacts of the raised BNG target.
- 2.9 Furthermore, it is questionable why the Local Plan states that "*Submissions must make clear what will be provided to meet no net loss and what will deliver net gains*". It must be accepted that it may not be possible for a development to achieve no net loss "on site" and therefore require greater net gain "off-site". Whilst accepting that proposals should seek to minimise net loss, a provision for no net loss is again potentially harmful to the viability of proposals.
- 2.10 Government guidance confirms that "*Biodiversity gains may be delivered anywhere in England*". Whilst it is acknowledged that it is preferable to deliver these gains as close as possible to the proposals, the Council's limiting of BNG sites to within the District acts against this guidance, whilst also acting again as a barrier to the viability of development within the District. For this reason, and those set out above, it is believed that this policy is not "sound" and the requirements to off-site biodiversity within Horsham District are not justified.