



The countryside charity
Sussex

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Examination in Public: Horsham District Local Plan 2023-40

Matter 4 – Conserving and Enhancing the Natural Environment

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?

The following amends my submission for CPRE Sussex in respect Strategic Policy 17 Green Infrastructure and Biodiversity: 1191006.

CPRE Sussex recommends that the following additions and modifications be made to Strategic Policy 17 Green Infrastructure and Biodiversity:

1. Reinforce Strategic Policy 17 paragraph 10: by stipulating that 'regard should be given to the Natural England and Forestry Commission Guidance Ancient Woodland, ancient trees and veteran trees: advice for making planning decisions' (published 14 January 2022)'.

1.2 Natural England and the Forestry Commission stipulate that LPAs “should take this advice into account when making planning decisions that affect ancient woodland, ancient trees or veteran trees”.

1.3 This addition to Policy 17 is needed to ensure that development that would or could affect ancient woodland, ancient trees or veteran trees is Guidance compliant.

1.4 The Guidance was cited and given considerable weight by the Planning Inspector who decided and dismissed the Appeal, Appeal reference: APP/C1435/W/23/3321978 Land at Downlands Farm, Uckfield TN22 3PU; decision date: 6 February 2024.

1.4.1 For example, paragraph 23 states that in respect of Ancient Woodland: 'Whilst the 15m is set as a recommended minimum”, the guidance goes on to say that the size of the Buffer Zone will depend on the scale and type of

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development and the character of the area. It recommends that Buffer Zones are planted as woodland or a mix of scrub, grassland, heathland and wetland.

1.4.2 It also advises that larger Buffer Zones may be needed where the surrounding area is less densely wooded or close to residential areas. In this regard, although it is not recommended that access to Buffer Zones is prohibited, they are intended to ensure not only that RPAs to individual trees are protected, but also that other potential impacts, such as noise, air or light pollution, which may impact on species which live within Ancient Woodland are avoided.

2. Reinforce Strategic Policy 17 by stipulating that ecological and biodiversity appraisals submitted in support of planning applications comply with ‘Natural England's Standing Advice: Guidance Wild Birds: advice for making planning decisions. How to assess planning applications when there are wild birds on or near to a proposed development site’.

2.1 This Guidance is Natural England’s ‘Standing Advice’ for wild birds and is “a material planning consideration for local planning authorities (LPAs), which should take this advice into account when making planning decisions. It forms part of a collection of standing advice for protected species “.

2.1 The Guidance stipulates that LPAs should ask for a survey if the proposal site is likely to affect breeding birds, wintering birds, birds listed in Schedule 1 of the Wildlife and Countryside Act, birds listed in Section 41 of the Natural Environment and Rural Communities Act 2006, and Red and Amber List birds of Conservation Concern.

2.2 This should be stipulated in Strategic Policy 17 because contrary to the Guidance, Ecological and Biodiversity Appraisals submitted in support of planning applications are rarely informed by actual on-site bird surveys.

2.3 In the absence of Guidance-specified data LPAs cannot fulfil fully their biodiversity duty under the NERC Act, Section 40, nor their Government Circular 06/2005 Biodiversity and Geological Conservation Statutory Obligations (NPPF Foot Note 65 refers).

3. Reinforce Strategic Policy 17:4 by adding: 'Pollution of river catchments by stormwater outflows and spillage from wastewater and

sewage infrastructure will be prevented by the timely provision of infrastructure that does not spill or discharge raw or partially treated sewage into water courses and river catchments”.

4. Reinforce Strategic Policy 17 in respect Green Infrastructure (GI) and Local Nature Recovery Network (LNRN) by including the following as policy requirements:

- i. Natural England's Accessible Natural Green Space Standard recommendations and the Woodland Trust's Woodland Access Standard be used to assess a development proposal's location in relation to existing accessible natural green space and woodland.
- ii. Development proposals which reduce, block or harm the functions of GI and/or LNRN should be refused.
- iii. GI networks and LNRN are afforded the highest protection from existing or identified potential threats.
- iv. Development proposals should maximise the opportunity to maintain and extend GI links to form a multi-functional network of open space, providing opportunities for walking and cycling.
- v. Cross-boundary matters relating to GI and LNRN should be considered at the early stage of an application.
- vi. Major development proposals will be required to provide new and/or create links to GI as well take into consideration the use of SuDS and methods that incorporate blue infrastructure into development designs to reduce surface water run-off and improve the visual amenity of the development.

For and on behalf of CPRE Sussex

Dr R F Smith,

Trustee CPRE Sussex

22 November 2024

