

# Green Infrastructure and Biodiversity – Policy 17 Regulation 19 Response

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### 1. Summary

This report reviews the soundness of Policy 17 – Greenspace and Biodiversity – in Horsham District Council’s Regulation 19 Local Plan.

#### Local Plan policies

1. HDC’s Local Plan is unsound because it fails to comply with NPPF policies:
  - a. 174 and 179 – the Plan policies on biodiversity and nature recovery are weak, superficial and inconsistent, particularly given the scale of greenfield development being proposed elsewhere in the Plan.
  - b. The judgements made in the Sustainability Appraisal cannot be sound given they seem to be based on a presumption of a strong strategy and set of policies for protecting and enhancing habitat, biodiversity and ecological networks. For example, Local Plan strategic policy 30 and the Evidence Base do not stand up to scrutiny against the SA 6 Appraisal Questions. There is a focus on the internationally and nationally designated assets, which could lead to a positive appraisal against SA 6.1. But the lack of meaningful policy in relation to local designated assets, ancient and protected woodland, ecological networks, and net gain should preclude positive assessment against 6.2 and 6.3.
2. Sussex Wildlife Trust provided a number of strongly negative comments at Regulation 18 stage (/6192<sup>1</sup> and see Annex A to this report), concluding that ‘the plan should not be taken forward as the significant effects on biodiversity remain unquantified and poorly understood. Whilst any level of development has the potential to negatively impact on biodiversity, SWT believes that the conclusions of the SA are heavily influenced by the generalised nature of the assessment. Argues that the lack of sufficient up to date information on the District’s ecological assets and particularly the wider networks exacerbates this issue’. HDC’s response was to defend and not revise the approach taken, except to include the findings of the Habitats Regulations Assessment.
3. Also at Regulation 18 stage Natural England observed (/5834<sup>19</sup>) that the SA framework reference to restoration or enhancement of biodiversity is limited to ‘ecological networks’, with effects on designated biodiversity assets referring only to avoiding adverse effects. Natural England advised that the Sustainability Appraisal ascertains how restoration and enhancement of designated sites/assets and wider ecological networks is secured through the plan, in line with the NPPF. And that with regards to net gain, stated that it is unclear how an informed appraisal can be made when assessing the plan’s ‘promotion of net gain where possible’. These comments do not appear to have been addressed in the Regulation 19 draft.
4. The problem is that the Plan does not present any strategy or policy in relation to biodiversity. HDC has done the bare minimum in terms of anticipating and preparing for the new, and forthcoming, requirements of the UK Environment Act 2021, namely in respect of biodiversity net gain, and nature recovery. The Council should be taking a much more proactive and anticipatory approach, in line with other LPAs, particularly given the LGA

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<sup>1</sup> [Final-SA-Report-for-Horsham-District-Local-Plan-Reg-19-Appendices-document.pdf](#)

guidance<sup>2</sup> advising LPAs to prepare for action in the near future and gives examples of how some are already treating nature recovery as a corporate priority, securing funding and delivering projects.

5. Instead HDC's Green Infrastructure Strategy 2024 contains no strategy and is based on an inadequate underlying review of assets. The lists of assets and opportunities are short, high level and incomplete, and are the result of a desktop exercise carried out in 2014 apparently with no input from ecologists or consultation with conservation groups or local naturalists or communities (NPPF **179b**).
  - a. The main aim seems to have been to produce a map of assets, but without accompanying lists or descriptions of SSSIs, Local Wildlife Sites, ancient and protected woodland, or rivers. Or of the ecological or recreational assets which cross boundaries and require coordination with neighbouring authorities (NPPF **174**).
  - b. The strategy is non-existent. The Why is explained at some length. But there's almost nothing about the What and the How – no objectives, goals or plans for the Council, and no reference to how delivery might be resourced or funded. In fact the Plan and Evidence Base overall suggest a lack of preparation and ambition around the delivery of nature recovery, or net gain.
  - c. There is no consideration of cross-boundary cooperation with Crawley, Mole Valley or Mid Sussex LPAs.
6. The Local Plan focusses heavily on habitats and sites in scope of the Habitats Regulations Assessment, ie SPAs, SACs and RAMSARs. The problem is that there are almost certainly other areas of habitat of equal or greater importance which are so far undetected due to a lack of survey work, and under-recording in general.
7. HDC fails to provide any ecological data in the Evidence Base to support the Plan. There are no adequate up to date surveys for any of the sites allocated. Detailed surveys and assessments of significance should be considered, and made public, prior to consideration of any site as a potential allocation in the Plan. And as a part of the Plan process, detailed surveys should be used to assess whether 12% BNG is achievable on site
8. Since HDC has no strategy or policy in respect of nature recovery networks (NRNs), it cannot comply with NPPF **179 FN 62**: 'where NRNs are identified ...it may be appropriate to specify the types of development that may be suitable within them'
9. The Plan acknowledges the need to deliver biodiversity net gain but it's not at all clear that HDC has the skills or resources to ensure developers comply and that 30 year plans are enforced. The scale of development in the Plan and the extent of irreplaceable habitat and protected species at risk should mean that HDC is prioritising the need to correctly assess biodiversity loss and gain, not least by planning now for the necessary skills and resources.
10. **The Local Plan is deemed unsound** due to the failure to acknowledge the ecological value of the north of Horsham district and Ruspur parish in particular. Amendments to the Plan are proposed. Lack of cooperation with Mole Valley DC is a serious omission given the Mole rises in the north of the District, and the resulting landscape and habitat is typical Low Weald rich with ancient woodland and hedgerows. Similarly the lack of acknowledgement of the importance of the Green Infrastructure along the Horsham – Crawley boundary for both Crawley and Ruspur residents is a serious failure. The relatively high population density in Crawley means these areas are heavily used for recreation. Ifield Meadows and Kilwood Lane – both in Horsham District – are Crawley's only remaining rural fringe and should be protected in the same way that Chesworth Farm is protected for Horsham residents.

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<sup>2</sup>[https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20Update%20for%20members\\_1%20Nov%202022.pdf](https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20Update%20for%20members_1%20Nov%202022.pdf)

## 2. Policy Requirements

This section considers the policies set out in the NPPF and HDC's draft Local Plan as well as looking at the emerging requirements from the Environmental Act 2021 for nature recovery.

### a. NPPF

The NPPF states in paragraphs **174 and 179**:

**174** *'Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework<sup>3</sup>; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'*

**179** *'To protect and enhance biodiversity and geodiversity, plans should:*

- a. *Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b. *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'*

**HDC's Local Plan policies are weak, superficial and inconsistent in terms of biodiversity and habitat, to such an extent that NPPF 174 and 179 are contravened.**

- **HDC's Green Infrastructure Strategy is undeveloped, and based on an inadequate underlying review of assets.** The analysis / description of the landscape, habitats and biodiversity of the District is very partial and insubstantial, with the focus almost exclusively on areas protected by a significant designation (Habitats Regulation) with no regard for other areas of priority habitat, or priority species. There is no recognition that these other areas are often under-recorded and that further designations could and should be granted once the recording is done. For example, the recent discovery of colonies of Bechstein's Bats in the north of the District. The District's SSSIs are not even listed and described.
- **HDC's Local Plan acknowledges 'Connectivity and Nature Recovery Networks (NRNs)' but presents no real policy in respect of NRNs. It fails to mention the ecological networks which cross boundaries with neighbouring local authorities, in particular St Leonards Forest, and rivers such as the Mole in the north. And it doesn't acknowledge the importance of Biodiversity Opportunity Areas.**
- The weakness of HDC's policies given the scale of housing development proposed on greenfield sites, and the richness of habitat at risk, must mean that the Plan is unsound in respect of NPPF **174** and **179**.

Paragraphs **180b** and **180c** are also relevant for the allocation of the West of Ifield site in the Plan:

- **180b** *'development ... within or outside a SSSI which is likely to have an adverse effect on it ... should not normally be permitted.'*
- **180c + footnote 63** *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland...) should be refused, unless... wholly exceptional reasons and a suitable compensation strategy exists'*

## b. The UK Environment Act 2021

The Environment Act 2021 places new duties on local authorities:

- All planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain from Nov 2023 (S98-101).
- Enhanced duty for local authorities to conserve and enhance biodiversity (S102) and report on their actions (S103). Local planning authorities will need to have regard to the Local Nature Recovery Strategy (LNRS) in local planning policy and decisions (S102).
- Responsible authorities appointed by the Secretary of State (S105) to lead the Local Nature Recovery Strategy, working with a broad range of stakeholders.

What does this mean?

*‘Net gain is an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand.’*

*‘Nature recovery is about stepping beyond conservation into active restoration of the natural world and halting the decline in species abundance by 2030.’*

### Nature Recovery

**HDC does not have any meaningful policy for biodiversity or nature recovery, or any stated ambition for one. And such a policy inevitably would conflict with other Plan policies for huge housing developments on greenfield land. But Horsham is not unique – other LPAs face the same challenge. Unfortunately HDC’s Plan is focussed on house-building, and plays only lip service to the need for action on climate change and nature recovery.**

Local authorities are not yet bound by Regulations in respect of nature recovery strategies; Government consultations during 2021 and 2022 were supposed to lead to publication of targets at end October 2022 and then further progressed via secondary legislation, but this did not happen. Nonetheless many local authorities and partner organisations are putting nature recovery strategies in place, based on the existing legislation and guidance from bodies such as the Local Government Association.

**The Act** requires nominated ‘responsible authorities’ to prepare a local nature recovery strategy (LNRS), including a statement of biodiversity priorities and a local habitat map for the strategy area. These must include descriptions of the area and its biodiversity, and the opportunities for recovering or enhancing the biodiversity – habitats and species. Priorities for recovery must be identified, and measures to deliver should be proposed. The local habitat map must identify national conservation sites, nature reserves and ‘other areas which in the opinion of the responsible authority are, or could become, of particular importance for biodiversity, or are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits’.

At local planning authority level – ie HDC – the Act requires production of a biodiversity report at least every five years, providing data on the quantity, composition and location of expected biodiversity gains and losses. These data will feed into updates of the relevant LNRS.

**The LGA guidance**<sup>4</sup> advises LAs to prepare for action in the near future and gives examples of how some are already working on a range of nature recovery activities aligned with the delivery of the Nature Recovery Network, including:

- **Mapping and gathering data** on existing assets and the emerging NRNs, as well as highlighting potential locations for creating new areas of habitat and where to better manage existing areas. Coordinating data and evidence **across boundaries** at a strategic level. LAs are identifying a clear need for the **skills and expertise** to use the data and analytical techniques.

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<sup>4</sup><https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20Update%20for%20members%201%20Nov%202022.pdf>

- **Local policy and strategy.** In anticipation of the LNRS for their county some LPAs have declared a biodiversity emergency and set out the **vision, policies and practical actions** needed to restore declining species and habitats. Some LPAs have embedded the opportunities from nature as part of their **wider corporate priorities** via alignment of teams and new posts leading on nature recovery and natural capital.
- **Partnerships.** A growing number of partnerships have already been established including [Local Nature Partnerships](#) and [Catchment Partnerships](#), with a number of LPAs hosting and coordinating the former.
- Local delivery of **projects and plans** that put nature recovery at the heart of service delivery. This includes investing in tree planting, working with farm clusters and landscape partnerships, delivering pollinator projects to schools and parish councils.
- **Funding and resources.** Some local authorities have been successful in securing seed and revenue funding such as Defra's Natural Environment Investment Readiness Fund (NEIRF) which provided much needed capacity and resourcing to get project proposals off the ground.

**HDC's Local Plan and Evidence Base suggest a lack of preparation and ambition around the delivery of nature recovery.** This conclusion is based on:

1. **The Plan has several paragraphs about the purpose of nature recovery policy, but nothing about possible process, opportunities and challenges.** There is no indication that HDC has started thinking about how to deliver nature recovery, which raises questions about the intent.
2. **HDC's Green Infrastructure Strategy contains no strategy, is undeveloped and based on an inadequate underlying review of assets.**
3. **The existing map only includes the minimum level of detail, sourced from Defra.** No analysis appears to have been done to add further information on existing assets, potential assets and the emerging NRN. There has been no attempt to coordinate data and evidence across boundaries at a strategic level. And lastly, no recognition of the need for technical skills and expertise to find and use data and evidence to inform the development and delivery of nature recovery activities.
4. **The Plan and supporting documents don't mention financial and resource planning for biodiversity.** Other authorities have secured funding from Defra or elsewhere but HDC's thinking / preparation seems so behind the curve that they won't be in a position to even bid for funding for several years yet. Further evidence that HDC is very far from making biodiversity a corporate priority.
5. **HDC doesn't have in-house ecological expertise,** and instead pays Essex County Council (Place Services) for advice. There is no indication that this will be reviewed and the need for in-house expertise assessed, given the scale of development in the Plan. HDC is also paying for two members of Sussex Wildlife Trust staff to work on the Wilder Horsham District project.

HDC might argue that the Env Act did not pass into law until November 2021. But its content has been debated and consulted on for several years. In October 2020 the South East Nature Partnerships published 'Principles of Nature recovery Networks across the South East of England'<sup>5</sup> setting out the main requirements from the draft Bill. Plus many other local authorities have been anticipating and preparing despite the policy uncertainty, to the extent that they already have nature recovery plans and projects.

### c. HDC Local Plan Policy 17 – Green Infrastructure and Biodiversity

- **Identifying and mapping wildlife-rich habitats and ecological networks (NPPF 179a)**

Local Plan Strategic Policy 17 – Green infrastructure and Biodiversity states (**6.34**) that *'The Strategy identifies the key*

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<sup>5</sup> [http://sussexlnp.org.uk/wp-content/uploads/2021/12/12.-Joint-SE-NRN-principles\\_approved\\_Oct2020.pdf](http://sussexlnp.org.uk/wp-content/uploads/2021/12/12.-Joint-SE-NRN-principles_approved_Oct2020.pdf)

strategic Green Infrastructure assets and opportunities in the District. These assets include SSSIs, Local Wildlife Sites<sup>6</sup>, Ancient Woodland, river valleys and canals, long distance footpaths, allotments, village recreation grounds, the South Downs National Park and the High Weald Area of Outstanding Natural Beauty. The opportunities include the identified biodiversity opportunities areas and those presented by the district nature recovery network, the Weald to Waves initiative and the West Sussex Local Nature Recovery Strategy. Green Infrastructure extends beyond Council boundaries; the Downs Link, for example, extends north to Guildford and south to Shoreham-by-Sea.'

And (7.34) 'The network of Green Infrastructure within the District must be maintained and enhanced. Further detail on the location of the key strategic Green Infrastructure assets is available in the Council's Green Infrastructure Strategy documentation, or any future revisions and the Local Plan Policies Map'.

**Unfortunately the Green Infrastructure Strategy 2024 is undeveloped and based on an inadequate underlying review of assets.** The lists of assets and opportunities are short, high level and incomplete, and are the result of a desktop exercise carried out in 2014 apparently with no input from ecologists or consultation with conservation groups or local naturalists or communities (NPPF 179b).

**The main aim seems to have been to produce a map of assets, but without accompanying lists or descriptions of SSSIs, Local Wildlife Sites, ancient and protected woodland, or rivers. Or of the ecological or recreational assets which cross boundaries and require coordination with neighbouring authorities (NPPF 174). There are also no references to sources for such lists, to the Sussex Biodiversity Records Database, or any groups consulted such as the Sussex Wildlife Trust.**

- **Taking a strategic approach to maintaining and enhancing networks of habitats (NPPF 174)**
- **Promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species (179)**

**Policy 17 is very weak in terms of conservation, restoration and enhancement of ecological networks and priority species and habitats. As explained under Nature Recovery above, HDC does not have any meaningful policy for biodiversity or nature recovery, or much ambition for one.** The relevant Plan paragraphs – 6.38, 6.39 – talk about the regional Local Nature Recovery Strategy, although this doesn't yet exist. In fact the LNRS is referred to repeatedly throughout Policy 17 and the Green Infrastructure Strategy, although it hasn't been drafted yet. So HDC is waiting for it, before starting to plan. But given the rate at which habitat and species are being lost to house-building across the District, HDC should be taking a much more proactive and anticipatory approach, in line with other LPAs. Particularly given the LGA guidance<sup>7</sup> advises LAs to prepare for action in the near future and gives examples of how some are already treating nature recovery as a corporate priority, securing funding and delivering projects.

Since HDC has no policy in respect of nature recovery networks, it cannot comply with NPPF 179 FN 62: 'where NRNs are identified ...it may be appropriate to specify the types of development that may be suitable within them'.

Other **amendments** are needed to balance the Plan in respect of the north of the District, and these are made in our response to Policy HA2.

### 3. The Local Plan Evidence Base

The following reports from the HDC Local Plan evidence base<sup>8</sup> are considered below:

- a. Sustainability Appraisal<sup>9</sup>, July 2021
- b. Green Infrastructure Strategy / Study<sup>10</sup>, 2024

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<sup>6</sup> Local Wildlife Sites were formerly titled Sites of Nature Conservation Interest (SNClS)

<sup>7</sup> [https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20Update%20or%20members\\_1%20Nov%202022.pdf](https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20Update%20or%20members_1%20Nov%202022.pdf)

<sup>8</sup> <https://www.horsham.gov.uk/planning/local-plan/local-plan-review-evidence-base>

<sup>9</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0004/104593/Final-SA-Report-for-Horsham-District-Local-Plan-Reg-19-Appendices-document-Reduced-size.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0004/104593/Final-SA-Report-for-Horsham-District-Local-Plan-Reg-19-Appendices-document-Reduced-size.pdf)

<sup>10</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0013/132610/24-01-19-GI-Strategy\\_ALL-Final\\_rdc.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0013/132610/24-01-19-GI-Strategy_ALL-Final_rdc.pdf)

## a. The Sustainability Appraisal

There are many issues with the conduct and conclusions of the Sustainability Appraisal:

1. Local Plan strategic policy 30 and the Evidence Base do not stand up to scrutiny against the SA 6 Appraisal Questions. There is a focus on the internationally and nationally designated assets, which could lead to a positive appraisal against SA 6.1. But the lack of meaningful policy in relation to local designated assets, ancient and protected woodland, ecological networks, and net gain should preclude positive assessment against 6.2 and 6.3.
2. At Regulation 18 stage Sussex Wildlife Trust provided a number of strongly negative comments (/6192<sup>11</sup> and see Appendices), concluding that ‘the plan should not be taken forward as **the significant effects on biodiversity remain unquantified and poorly understood**. Whilst any level of development has the potential to negatively impact on biodiversity, SWT believes that the conclusions of the SA are heavily influenced by the generalised nature of the assessment. Argues that **the lack of sufficient up to date information on the District’s ecological assets and particularly the wider networks exacerbates this issue**’. HDC’s response was to defend and not revise the approach taken, except to include the findings of the HRA. See Appendix x for SWT’s full comments and HDC response.
3. At Regulation 18 stage Natural England’s comments (/5834) included:
  - a. That the SA framework reference to restoration or enhancement of biodiversity is limited to ‘ecological networks’, with effects on designated biodiversity assets referring only to avoiding adverse effects. **Natural England advised that the SA ascertains how restoration and enhancement of designated sites/assets and wider ecological networks is secured through the plan, in line with the NPPF.**
  - b. And stated that it may also be beneficial to clarify how the provision of new (additional) green infrastructure is included in the assessment.
  - c. With regards to net gain, stated that it is **unclear how an informed appraisal can be made when assessing the plan’s ‘promotion of net gain where possible’**.

None of these comments appear to have been addressed in the Regulation 19 draft.

4. Natural England’s comments on the SA Scoping Report stated that it had not reviewed the plans listed but recommended that the following types of plans are considered: – Green infrastructure strategies – Biodiversity plans – Rights of Way Improvement Plans – Shoreline management plans – Coastal access plans – River basin management plans – AONB and National Park management plans. – Relevant landscape plans and strategies. HDC responded that the comment had been noted.

**Natural England should be asked to review the plans HDC has in place, in particular the 2024 Green Infrastructure Strategy. HDC should also be required to produce a Biodiversity Plan given the risks from proposed development, and the lack of strategy or policy for protecting or enhancing habitat, biodiversity and ecological networks.**

5. Horsham’s Green Infrastructure Strategy is listed in SA Appendix B under Biodiversity Policy context, but is described incorrectly: ‘The strategy informs the production of planning policy to ensure that future strategic development delivers, protects, improves and enhances the green infrastructure network. It also seeks to contribute to the creation of sustainable communities through the provision of a wide range of ecosystem services and quality of life and health benefits for both future and existing residents.’

**As discussed in this document the Strategy provides very little to inform planning policy for protecting, improving and enhancing green infrastructure. A Strategy should be produced which does this, in conjunction with a Biodiversity Plan, as suggested by Natural England.**

6. **The generally positive judgements made in the SA seem to be based on a presumption of a strong strategy and set of policies for protecting and enhancing habitat, biodiversity and ecological networks. But the Local Plan and Evidence Base documents don’t provide this.** As explained above the Plan and 2024 Green Infrastructure Strategy provide an inadequate list of existing assets, a set of aspirational statements about policies that should

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<sup>11</sup> [Final-SA-Report-for-Horsham-District-Local-Plan-Reg-19-Appendices-document.pdf](#)

be developed, and requirements on developers to provide strategies and plans around Green Infrastructure and biodiversity net gain but with no guidance or requirement of what these should contain, or how delivery against them will be monitored going forwards. It seems as though the presence of these vague statements are judged sufficient to at least partially mitigate for the negative effects of development.

**7. This presumption leads to a number of judgements which are not substantiated by existing policy or underlying evidence:**

- a. (8.26) SA judges that Local Plan Spatial objective 1 – to ‘Ensure that future development in the District is based on sustainable development principles that strike the correct balance between economic, social and environmental priorities ...’ – will ensure ‘The delivery of new development to incorporate appropriate environmental priorities is likely to help ensure protection of the built and natural environments in the District as well as local environmental quality. This is likely to include protection of water resources and air quality. As such minor positive effects are also expected in relation to SA objective 6: biodiversity and geodiversity’.

**But there is no statement or policy in the plan around the requirements on developers, and how delivery will be monitored.**

- b. (8.40) SA judges that Local Plan Spatial Objective 9 – ‘To safeguard and enhance the environmental quality of the District, maintaining and enhancing ecosystem services, and delivering biodiversity net gain and building the nature recovery network – ‘addresses the maintenance and enhancement of the District’s ecosystem services and nature recovery network. This includes delivering biodiversity net gains and minimising any impacts on environmental quality. A significant positive effect is therefore expected in relation to SA objective 6: biodiversity’.

**But this is inconsistent with the fact that there is no policy in the Plan for how the ecosystems and networks will be maintained and enhanced, or biodiversity net gain delivered or monitored.**

- c. (8.218) SA judges that ‘Policy 30: Green Infrastructure and Biodiversity should help to protect and enhance the District’s network of green infrastructure and the Nature Recovery Network as well as supporting development which contributes positively to natural capital. It seeks to ensure that development proposals result in at least 10% net gains to biodiversity and to demonstrate that existing biodiversity is protected and enhanced. The supporting text of the policy sets out that proposals which take in core sites within the Nature Recovery Network will, in many cases, be required to retain those sites for nature conservation purposes’.

**But again, this is inconsistent with the fact that there is no policy in the Plan for how the ecosystems and networks will be maintained and enhanced, or biodiversity net gain delivered or monitored. The statement that ‘Significant positive effects are therefore expected for Policies 24 to 31 in relation to SA objective 6: biodiversity and geodiversity’ cannot be substantiated.**

- d. (9.33) ‘In all, the effects of new development on Horsham District’s biodiversity and geodiversity are to some extent uncertain until detailed proposals for particular sites come forward at the planning application stage’. Similarly, (9.35) ‘Overall a cumulative uncertain minor positive and significant negative effect is expected in relation to biodiversity and geodiversity’.

**As suggested by SWT, sites should not be allocated based on the totally inadequate assessment of habitat and biodiversity assets, and without sight of the developers’ proposals**

- e. (9.34) ‘The Local Plan seeks to ensure the protection and enhancement of biodiversity and geodiversity in the District, particularly through Policy 26: The Natural Environment and Landscape Character and 30: Green Infrastructure and Biodiversity. These policies require that the natural environment including designated landscapes, biodiversity sites and habitats are appropriately considered as part of the development process and that 10% biodiversity net gain is achieved at development sites. Furthermore, development should maintain and enhance green infrastructure, the Nature Recovery Network and natural capital’.

**Since meaningful policies are non-existent this statement is aspirational and the Local Plan cannot be viewed as effectively protecting and enhancing biodiversity.**

- f. Appendix B paras 223-7 provide a high level description of the District’s biodiversity Baseline (in fact containing more information than the Green Infrastructure Strategy). The Biodiversity Opportunity Areas



identified across the District are mentioned followed by the statement 'This approach is to be linked to the targeted landscape-scale approach to conserving biodiversity in Sussex', but with no further discussion of what this means.

**HDC has done the bare minimum in terms of anticipating and preparing for the LNRS. The Council should be taking a much more proactive and anticipatory approach, in line with other LPAs. Particularly given the LGA guidance<sup>12</sup> which advises LAs to prepare for action in the near future and gives examples of how some are already treating nature recovery as a corporate priority, securing funding and delivering projects.**

- g. Similarly Table B.14 identifies a Key Sustainability Issue as 'The District contains and is in close proximity to a wide variety of both designated and non-designated natural habitats and biodiversity features. This includes those designated for their national and international importance'. The current Plan review process 'also offers the opportunity to update planning policy in relation to the protection of areas which are of importance in terms of their biodiversity ... value with consideration for the future evolution of development in the District and the provision of net biodiversity gain.'

**The Green Infrastructure Strategy does not provide planning policy in relation to the protection of areas which are of importance in terms of their biodiversity. It doesn't appear that resources have been dedicated to addressing to establishing a meaningful assessment of the baseline of habitats and biodiversity beyond the national and international designated sites.**

## **b. Green Infrastructure Strategy and Guide, 2024**

**The Green Infrastructure Strategy<sup>13</sup> is undeveloped, and based on an inadequate underlying review of assets.**

The bulk of the Strategy document appears to be entirely based on national guidance with nothing specific to Horsham District. And nothing strategic in it at all. Perhaps it is simply intended as guidance for developers, in which case it is neither a Strategy or a Study.

There is a heavy reliance on the Horsham District Nature Recovery Network report<sup>14</sup>, and repeated references to District and County LNRSs as if they exist, although they don't. So the Plan is not informed by a local LNRS, despite constant references to LNRS as if it is. This feels misleading and not a sound way to plan.

The list of assets is still till desk-based and doesn't appear to have changed much since the 2014 version of the document, and so is still very thin and unbalanced.

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<sup>12</sup>[https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20update%20for%20members\\_1%20Nov%202022.pdf](https://www.local.gov.uk/sites/default/files/documents/PAS%20Biodiversity%20Net%20Gain%20and%20Nature%20Recovery%20update%20for%20members_1%20Nov%202022.pdf)

<sup>13</sup> [https://www.horsham.gov.uk/\\_data/assets/pdf\\_file/0013/132610/24-01-19-GI-Strategy\\_ALL-Final\\_rdc.pdf](https://www.horsham.gov.uk/_data/assets/pdf_file/0013/132610/24-01-19-GI-Strategy_ALL-Final_rdc.pdf)

<sup>14</sup> [Horsham District Nature Recovery Network report | Horsham District Council](#)

## ANNEX A Sustainability Appraisal–Sussex Wildlife Trust comments

At Regulation 18 stage **Sussex Wildlife Trust's comments** (/6192<sup>15</sup>) were (summarised by HDC):

'States that the assessment of sites and potential growth options is very generalised. Several of the SA objectives such as wellbeing (SA5) and crime reduction (SA objective 4) are not capable of differentiation between sites, whilst others, such as minimising travel (SA objective 13), air pollution (SA objective 14) and climate change (SA objective 15) overlap considerably. Argues that the sites therefore have differences only on a few actors and the SA does not help the Council make an informed decision about the most sustainable spatial strategy.

Highlights text at paragraph 1.138 of the Interim SA NTS that states 'No one overall quantum of growth or spatial strategy stands out as being markedly superior in sustainability terms when compared to the others'. Paragraph 32 of the NPPF states that SAs should demonstrate how plans have addressed the relevant economic, social and environmental objectives and that significant adverse impacts on these objectives should be avoided. Looking at the Interim SA it is stated that this has not been done for SA objective 6: Biodiversity.

States that all 6 spatial strategy options in chapter 2 come out as an overall significant negative effect likely. In chapter 3, the lower growth option results in minor negative effects whilst the medium and higher growth options result in a significant negative effect likely. For the large site options in chapter 4, 10 of the 11 sites considered have significant negative effects likely, whilst one further site is expected to a mixed significant negative and minor positive effect (although these are uncertain). Also highlights that paragraph 5.15 states that the majority of the 66 small site options are expected to have negative effects in relation to SA objective 6 and finally all growth scenario options in chapter 6 result in uncertain significant negative effects.

States that the plan should not be taken forward as **the significant effects on biodiversity remain unquantified and poorly understood**. Whilst any level of development has the potential to negatively impact on biodiversity, SWT believes that the conclusions of the SA are heavily influenced by the generalised nature of the assessment. Argues that **the lack of sufficient up to date information on the District's ecological assets and particularly the wider networks exacerbates this issue**'. HDC's response was to defend and not revise the approach taken, except to include the findings of the HRA. :

### **HDC response:**

The SA includes the SA framework to appraisal the potential effects of the Local Plan. SA objectives have been worked to form this framework by identifying the key sustainability issues for the District and considering the policy context for the preparation of the Local Plan and the SA as described in Chapter 3 of the Interim SA Report for the Reg 18 Local Plan. While some of the SA objectives overlap the appraisal questions included for each SA objective (see the Table 1.1 - SA Framework for the Horsham Local Plan Review of the Interim SA Report for the Reg 18 Local Plan) allow for consideration of different elements of the potentially overlapping themes.

The SA has identified nuanced differences between the different spatial strategy options considered. It included initial recommendations for the approach to the spatial strategy for the Local Plan (see from paragraph 2.208 of the Interim SA of Growth Options) which then informed the preparation of the nine more spatially specific growth scenarios that could be included in the Local Plan Review. These were subsequently appraised as part of Interim SA of Growth Options report.

In relation to the appraisal of biodiversity included through the SA work, as the consultee has stated, any level of development has the potential to negatively impact on biodiversity and the SA has reflected this. The appraisal of site options has reflected the SA assumptions (Appendix A of the SA of Growth Options) and the potential for development to have implications in relation to nearby international, national and local biodiversity sites. This work has reflected Natural England's Impact Risk Zones (IRZs) making use of details of the types of proposals which could pose potential risks to these designations. The findings of the HRA have been reflected in this iteration of the SA to ensure findings in relation to European sites are also incorpora

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<sup>15</sup> [Final-SA-Report-for-Horsham-District-Local-Plan-Reg-19-Appendices-document.pdf](#)