



Date: 14 November 2025

Our ref: 11198

Andy Watt
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By email only: Planning Department, planninginfo@midsussex.gov.uk

Thank you for requesting advice on this application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Sussex 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.

Application: DM/25/1894
Location: Land West Of Ockley Lane Burgess Hill West Sussex
Proposal: Construction of cycle path link

Thank you for consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection: Mandatory Biodiversity Net Gains	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, including the Preliminary Ecological Appraisal (Ecology Partnership Ltd, February 2025) relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We have also reviewed the Biodiversity Net Gain Feasibility Assessment (Ecology Partnership Ltd, June 2025)

We are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

Mandatory Biodiversity Net Gains:

Applications 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.

As a result, we have reviewed the submitted documents and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- A Statutory Biodiversity Metric – Calculation Tool has not been submitted as part of the biodiversity net gain documents. This was requested from the LPA on 16th October 2025.

Where mandatory biodiversity net gains applies, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under [paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990](#) and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring

of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development.

Additional comments – Protected species:

We note that Hazel Dormouse have identified within the wider site and therefore are likely to be present and affected by the proposed scrub clearance. As a result, we support the applicant's ecologist recommendation to extend the European Protected Species Mitigation Licence for this scheme, which was previously secured for works to the south of the site.

We also note that a dead tree and Oak tree (T4) have been assessed as having suitability house individual bats 'PRF I' and further surveys have been recommended to establish the presence / likely absence of roosting bats. However, from the Arboricultural Impact Assessment (ACD Environmental) it appears that these trees are likely to be retained. Furthermore, best practice guidelines state that further surveys are not required for 'PRF I' features and instead should be felled under a precautionary working method statement. As a result, whilst we welcome the proposed surveys to be fully certain on whether roosting bats are present, we do not consider it reasonable to request further survey information prior to determination of this application, as the LPA has certainty of likely impacts upon protected species.

Please note that we also have no comment to make on Great Crested Newt, as we have been instructed by the Council to leave this to the NatureSpace Partnership.

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 do not hesitate to contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Senior Ecological Consultant

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Place Services provide ecological advice on behalf of Mid Sussex 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.