



Date: 3 August 2026
Our ref: 09807

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By email only: planninginfo@midsussex.gov.uk

Thank you for requesting advice on this discharge of condition 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.

Application:	DM/25/1672
Location:	Sussex Police Authority Police Station East Court College Lane
Proposal:	Discharge of BNG conditions relating to planning application DM/24/1340

Thank you for re-consulting Place Services on the above discharge of condition for the Biodiversity Gain Condition

Biodiversity Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply.

Comments

We have reviewed the revised submitted documents for this application. This includes the following:

- Biodiversity Net Gain Assessment (JWK Wildlife Ltd, April 2024)
- Biodiversity Gain Plan (June 2025)
- Statutory Biodiversity Metric – Calculation Tool (May 2024)
- Pre-development Values Habitat Map
- Post-development Values Habitat Map

It is indicated that [Paragraph 14\(2\) of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#) and [Articles 37C\(2\) and 37C\(4\) of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the requirements of the Biodiversity Gain Condition, which secures a 'Biodiversity Gain Plan'.

Therefore, in summary, the submission of a Biodiversity Gain Plan will consist of the following information:

- Biodiversity Gain Plan form, using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- Completed pre-development and post-development habitat maps
- Information regarding [Habitat degradation](#) (where required).
- Information regarding [Irreplaceable habitat](#) (where required).

In addition, the following information may also be required depending on whether the development contains significant on-site enhancements or whether off-site options or Statutory Biodiversity Credits are required:

- A [Habitat Management and Monitoring Plan](#) (HMMP) for significant on-site enhancements or offsite measures in blue line boundary land.
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in blue line boundary land.
- Evidence of off-site units being allocated to a Biodiversity Gain Site on the [Biodiversity Gain Site Register](#).
- Evidence of proof of purchase of Statutory Biodiversity Credits

Therefore, based on the submitted documents, we are still not satisfied that sufficient information has been provided. This is because we consider that significant on-site

enhancements are present for this major development and it is highlighted the following measures could be considered that significant on-site enhancements:

- o Urban tree – Creation (0.0489ha)
- o Mixed scrub – Creation (0.007ha)
- o Other neutral grassland - Creation (0.022ha)
- o Other neutral grassland - enhancement (medium to good condition) - 0.039ha
- o Other neutral grassland - enhancement (poor to medium condition) - 0.039ha

We note that s.106 agreement secured with the original application has not secured BNG monitoring costs. Therefore, if the Council agrees significant on-site enhancements are present, the applicant should submit a legal agreement and a HMMP to secure the long-term enhancement measures for a period of 30 years from the completion of development. The Biodiversity Gain Plan document should also be updated to reflect that significant on-site enhancements are present.

If the Council does not consider significant on-site enhancements to be present, then we recommend that the Council recommends the discharge of the Biodiversity Gain Condition in full and does not seek any further documents.

Recommendation

We are unable to recommend the discharge of the Biodiversity Gain Condition until the additional information outlined above has been provided. However, if the LPA does not consider that significant on-site enhancements are present for this major development, we recommend that the LPA can discharge the Biodiversity Gain Condition in full.

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

Yours sincerely,

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This advice has been provided by Place Services 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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.

AI may have been used in the preparation of this response, but its use will be limited to basic proof-reading, grammar, and spelling correction. This response has been reviewed by the author(s). If you have any queries, please [contact us](#) for information about our AI guidance.