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Our ref: 15466
Date: 8 May 2026

By email only: Planning Department, 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/26/0556
Location:	Land At Queen Victoria Hospital Hackenden Lane East Grinstead West Sussex
Proposal:	Discharge the obligations contained in Schedule 3 to the S106 Agreement: 1.1 - BNG Plan. 1.2 - Habitat Management and Monitoring Plan (HMMP) of the On Site and Off Site Biodiversity Areas

Thank you for re-consulting Place Services on the above discharge of obligations of schedule 3 of the s.106 agreement relating to the Biodiversity Gain Condition

Comments

We have reviewed the following documents which have been submitted in order to discharge Condition 7:

- Part 1: Habitat Management and Monitoring Plan (HMMP) (ACD Environmental Ltd, March 2026)
- Part 2: Habitat Management and Monitoring Plan (HMMP) (ACD Environmental Ltd, April 2026)
- Biodiversity Gain Plan (April 2026)
- Statutory Biodiversity Metric – Calculation Tool and associated condition assessments (April 2026)

- Biodiversity Site Registration
- ACD Environmental Ecologist Response (March 2026)
- BNG Cost Presentation

It is highlighted that we still have not reviewed a copy of the s.106 agreement, as it has not been saved as part of the original consent (DM/24/2704) or included as part of this application. Nevertheless, we have provided comments on whether the submitted documents are likely to be acceptable to meet the schedule requirements.

With regard to '1.2 - Habitat Management and Monitoring Plan (HMMP) of the On Site and Off Site Biodiversity', it is indicated that we support the changes included in the most up to date HMMPs (Part 1 & Part 2). We have also support discharge of the corresponding condition of the original consent (DM/24/2704), this relates to Condition 7 under the application 'DM/26/0366'.

With regard to 'Agreement: 1.1 - BNG Plan' we also support the amended Statutory Biodiversity Metric – Calculation Tool and Biodiversity Gain Plan in principle, which now shows a net change of 6.01 habitat units (36.73%) and 0.26 hedgerow units can be achieved, which is greater than 10% mandatory requirement. We are also broadly satisfied that the information provided is in line with [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](#) which sets out which documents need to be supplied as part of the Biodiversity Gain Plan.

However, we re-iterate that the proposed off-site measures will need to be registered on the [Biodiversity Gain Site Register](#) before the Biodiversity Gain Plan can be formally discharged.

In addition, we still advise that the Biodiversity Gain Condition will need to be formally discharged as a statutory pre-commencement condition, rather than only being dealt with as under the s.106 clauses and condition 7 of the original consent (DM/24/2704). As a result, we simply recommend that the proposal text for this application (or the associated discharge of condition application DM/26/0366) is changed to include 'the discharge of the Biodiversity Gain Plan', as the relevant documents have been included as part of both applications.

Recommendation

Subject to off-site measures being appropriately registered on the Biodiversity Gain Site Register and that the proposal text is changed to clearly reference the discharge 'the discharge of the Biodiversity Gain Plan', we would support the discharge of the obligations of schedule 3 of the s.106 agreement.

Please contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Senior Ecological Consultant

Place Services at Essex County Council



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.

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.