



Date: 14 August 2026
Our ref: 16236

Andrew Horrell
Mid Sussex District Council
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

By email only: 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.

Application: DM/26/0082
Location: Balcombe Cricket Club Cricket Pavilion Haywards Heath Road
Balcombe
Proposal: Change of use of land outside the boundary of the cricket playing
area for the replacement of existing practice nets

Thank you for re-consulting Place Services on the above application.

No ecological objection	☐
No ecological objection subject to attached conditions	☒
Further information required/Temporary holding objection	☐
Recommend refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (BioRegional Forestry Ltd), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (BioRegional Forestry Ltd) should be secured by a condition of any consent and implemented in full. This includes the 'Appendix B: Protected Species Precautionary Working Method Statement (PWMS)' and is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We note that the proposals are within 15m of an Ancient re-planted woodland. However, we agree that the proposals will result in no direct impacts and the only minor indirect impact would be the removal of semi-natural habitat immediately adjacent to the irreplaceable habitat.

The Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (BioRegional Forestry Ltd) does confirm that the proposed works will result in the removal of 0.013ha of Lowland Mixed Deciduous Woodland Priority habitat. As a result, we strongly recommend that the applicant considers the mitigation hierarchy to avoid impacts upon this Priority habitat in the first instance. However, ultimately appropriate compensation measures can be secured via a registered biodiversity gain site or via an off-site strategy secured via a planning obligation as part of the Biodiversity Gain Condition. This will also be necessary to ensure appropriate compensation measures are achieved for the loss of Priority habitat and allow the LPA to comply with its biodiversity duty under the NERC Act 2006 (as amended).

The applicant should be aware that Lowland Mixed Deciduous Woodland is classified as a habitat of High Distinctiveness within the Statutory Biodiversity Metric. Consequently, replacement habitat units can be difficult to source and are often associated with significant costs. Based on the information submitted, the development is anticipated to require approximately 0.16 habitat units of Lowland Mixed Deciduous Woodland to achieve a

measurable biodiversity net gain and ensure appropriate compensation. The cost of securing such units can be substantial and may exceed £40,000 to £90,000 per unit, depending on availability, location and market conditions.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted information in principle. Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage.

As a result, a Biodiversity Gain Plan should be submitted prior to commencement as part of the discharge of the statutory Biodiversity Gain Condition. This should include the following information for non-phased development:

- 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.

Based on the submitted post-intervention values as they are currently submitted and Government Guidance on what constitutes a significant on-site enhancement, it is considered that no significant on-site enhancement is currently proposed as part of the development design.

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- A detailed condition assessment of the woodland would need to be issued for the pre-development baseline.

- Following the publication of the West Sussex Local Nature Recovery Strategy (LNRS), all pre-development baseline calculations should be classified as 'low strategic significance'. Therefore, an updated metric should be submitted which amends the values for the on-site Lowland Mixed Deciduous Woodland.
- Off-site units will be required to allow a measurable biodiversity net gain to be demonstrated and ensure appropriate compensation measures are achieved for the loss of Priority habitat.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details for the proposed brash / log piles should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (BioRegional Forestry Ltd) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations

2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. **WITHIN THREE MONTHS OF CONSENT: BIODIVERSITY ENHANCEMENT STRATEGY**

“Within three months of consent, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, in line with the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (BioRegional Forestry Ltd), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed log piles / brash piles;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

“Biodiversity Net Gain

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) 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. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

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

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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 Place Services at Essex County Council
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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.

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.