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Our ref: 15466
Date: 7 April 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 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 submitted documents for this application. This includes the following:

- Statutory Biodiversity Metric – Calculation Tool
- Statutory Biodiversity Metric – Condition assessment (pre-development baseline)
- Part 1: Habitat Management Monitoring Plan (ACD Environmental Ltd, January 2026)
- Part 2: Habitat Management Monitoring Plan (ACD Environmental Ltd, January 2026)

It is highlighted that we 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). Therefore, it is recommended that a copy of Schedule 3 is submitted as part of this application.

Whilst we have not seen the requirements of the planning obligation, we have the following comments on the submitted BNG / HMMP information:

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, it is recommended that the discharge of the Biodiversity Gain Condition is secured via amended proposal text of this application or via a separate discharge of condition application.

In summary, the submission of a Biodiversity Gain Plan will consist of the following information, along with the submitted HMMPs:

- A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- The completed biodiversity metric - calculation tool (& condition assessment if using Statutory Biodiversity Metric – Calculation Tool)
- Completed pre-development and post-development habitat maps

If off-site biodiversity units are proposed, then evidence of registration / allocation onto the [biodiversity gain site register](#) will be required (if using blue line boundary land or a separate off-site provider). If [Statutory Biodiversity Credits](#) from the Government are proposed, then proof of purchase will be required.

It is highlighted that the Statutory Biodiversity Metric – Calculation Tool currently shows a trading loss in the submitted calculations, which is not in line with Rule 1 of the Statutory Biodiversity Metric – User Guide. This is because the calculations shows -0.89 units of medium distinctiveness woodland habitat, which has not been offset like for like via the same habitat type (or by a different broad habitat type of higher distinctiveness), as part of the proposed on-site and off-site measures. As a result, this trading issue must be addressed prior to the discharge of the Biodiversity Gain Condition.

With regard to the submitted HMMPs, it is noted that Habitat Management and Monitoring Plan (HMMP) Part 1 relates to the habitat creation measures on site and the Habitat Management and Monitoring Plan (HMMP) Part 2 relates to the management of habitat enhancement measures for retained features within the Approved Development Site and

adjacent woodland parcels. We also note that this condition is being discharged concurrently with the discharge of Condition 7 under DM/26/0366.

As a result, we recommend that the following additional information is included (in line with our response for DM/26/0366):

- It is recommended that a Site-wide risk register associated with establishing and managing each habitat type is included as part of HMMP 2.
- The monitoring strategy should clearly reflect the condition requirements of the submission of monitoring reports at years 1, 2, 5, 10, 15, 20, 25, and 30 within the schedule of works. The monitoring strategy should set out how the monitoring will be undertaken by the suitably qualified ecologist.
- The monitoring strategy should include a simple adaptive management section, to summarise what will be undertaken if aims and objectives of the HMMP are not being achieved.
- Appendix 3 Site Location Plan, Appendix 4 Soft Landscape Plan and Appendix 5 Ecological Enhancement Plan of the Habitat Management and Monitoring Plan (HMMP) Part 1 and the plans in Appendix 1 Soft Landscape Proposal in the Habitat Management and Monitoring Plan (HMMP) Part 2 should be updated to ensure they are high quality. Alternatively, the appendices should be submitted separately

Recommendation

It is recommended that further information is required to discharge the obligations of schedule 3 of the s.106 agreement.

It is recommended that the Biodiversity Gain Condition will still need to be discharged formally, so could be included as part of this application via amended proposal text.

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.