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

Our ref: 09721
Date: 29 January 2026

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.

Application: DM/25/1050
Location: Land Adj. To Barn Cottage Cuckfield Road Ansty Haywards Heath
Proposal: Proposal to erect a single four-bedroom house in land adjoining Barn Cottage (Additional BNG and Ground Level Tree Assessment Received 18.12.2025).

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

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection on <ul style="list-style-type: none">Mandatory Biodiversity Net Gains	<input checked="" type="checkbox"/>
Recommend Refusal	<input type="checkbox"/>
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	<input type="checkbox"/>

Summary

We have reviewed the Ground Level Tree Assessment (JWK Wildlife Surveys, December 2025) supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We are now satisfied that there is sufficient ecological information available for determination of this application. However, we are still 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 Small Sites Metric (November 2025), the baseline habitat map, and the Tree Protection Plan (Avery Places Architects, October 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- We note that two trees with stem diameter greater than 30cm (classified as Medium trees), two tree groups with unknown stem diameters, and four hedgerows are shown on-site within the Tree Protection Plan (Avery Places Architects, October 2025) which are not included within the Small Sites Metric. Any hedgerows or trees of size class Medium and above cannot be classified under the area habitat Vegetated garden and should be input into the metric separately. These habitats should also be included in the baseline habitat map.

As 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](#). However, it is indicated that Council's position is that significant on-site enhancements do not apply for minor development. Therefore, a HMMP or legal agreement is not expected for this application.

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. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We note that post-intervention values have not been provided. However, based on the post-intervention habitat map it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- It is indicated that individual trees can not be recorded in private garden. Therefore, if this is the case, individual trees should be removed from the post-intervention values.

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

Hallie Rees MSci (Hons)
A Current Qualifying Member of CIEEM
Assistant 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.

