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Our ref: 13865
Date: 16 February 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/26/0183
Location: Premier Inn Charles Avenue Burgess Hill West Sussex
Proposal: Discharge of Biodiversity Net Gain Condition 1 of planning application DM/24/2530.

Thank you for 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 the planning authority has approved the plan.*
- (b) 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 submitted documents for this application. This includes the following:

- Biodiversity Gain Plan form
- BGP Cover Letter

We have also reviewed the following documents submitted as part of the original planning consent:

- Statutory Biodiversity Metric – Calculation Tool v6 (5th November 2025)
- Statutory BNG File Note v6 (Arbtech Ltd, 5th November 2025)
- Detailed Landscape Proposals – Rev E (Indigo Landscape Architect Ltd)

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 where the development does not contain significant on-site enhancements or off-site requirements or considerations on irreplaceable habitats or habitat degradation:

- 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

Therefore, based on the submitted documents, we are satisfied that sufficient information has been provided. The submitted Biodiversity Gain Plan form reflects the Statutory Biodiversity Metric – Calculation Tool v6 (5th November 2025) and Statutory BNG File Note v6 (Arbtech Ltd, 5th November 2025) (which includes habitat maps of the pre-development baseline and post-development values). The proposals are also in line with the proposed soft landscaping strategy and are considered realistic and deliverable.

However, it is not clear whether this application contains significant on-site enhancements, based on the LPAs criteria that only major development will contain [significant on-site enhancements](#).

Therefore, if the Council considers that this application is minor development, we agree that no further action is required apart from an update to the Biodiversity Gain Plan form to include no reference to significant on-site enhancements.

If the Council considers that this application falls under major development, then it is indicated that a [Habitat Management and Monitoring Plan](#) should be secured for the following habitats:

- Urban tree - 0.0244ha
- Other neutral grassland - 0.02348ha
- Mixed scrub - 0.00858ha

A legal agreement should then be secured between the developer and the Council to secure the management and monitoring of the above significant on-site enhancements for a period of 30 years from the completion of development. 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.

Regardless of whether major development, as defined by Town and Country Planning (Development Management Procedure) (England) Order 2015, is technically present, the decision on whether significant on-site enhancements are present is ultimately up to the Council.

Recommendation

We are unable to recommend the discharge of the Biodiversity Gain Condition until the further clarification on significant on-site enhancements has been provided by the Council.

If no significant on-site enhancements are present, the applicant should submit an updated Biodiversity Gain Plan form (amending sections 4.7 & 4.8).

If significant on-site enhancements are present, the applicant should submit a HMMP and agree a legal agreement for long-term management and monitoring commitment with the Council prior to the discharge (or full discharge) of the Biodiversity Gain Plan.

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.