



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

Our ref: 17551
Date: 28 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/26/1179
Location: Land South And West Of Imberhorne Upper School Imberhorne Lane East Grinstead West Sussex
Proposal: Discharge of planning conditions no 1 BNG relating to planning application DM/23/2699

Thank you for consulting Place Services on the above discharge of condition relating to measurable biodiversity net gains.

Condition

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) 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.

Comments

We have reviewed the submitted documents for this application. This includes the following:

- BNG Habitat Management & Monitoring Plan (Ecosupport Ltd, December 2025)
- Statutory Biodiversity Metric – Calculation Tool
- BNG Correspondence.

We note that whilst the statutory Biodiversity Gain Condition has been included in the Decision notice for the planning application DM/23/2699, albeit the application is not subject to mandatory biodiversity net gains as it was submitted before 12th February 2024.

However, the requirement for Biodiversity Net Gains has been secured as part of the s.106 agreement for this application, with management and monitoring measures required for a period of 30 years from the completion of development. Notice of practical completion will be required to be submitted to the LPA and monitoring reports will be required to be submitted to the Council at specific intervals (years 2, 5, 10, 15, 20, 25, 30) in line with any approved Habitat Management & Monitoring Plan.

Whilst this application is technically not subject to mandatory BNG, it is indicated that policy 'DP38: Biodiversity' of the Mid Sussex District Plan 2014 – 2031 does requires development to demonstrate a net gain in biodiversity. Therefore, it is expected that the application should demonstrate a net gain biodiversity for the proposals to be supported. This should preferably outline a 10% measurable biodiversity net gain in line with mandatory BNG and the use of the Statutory Biodiversity Metric – Calculation Tool should follow rules and principles outlined in the Statutory Biodiversity Metric – User Guide.

As a result, on review of the Statutory Biodiversity Metric – Calculation Tool, we note that the metric shows the following trading issues:

- Cropland - Temporary grass and clover leys: -29.36 habitat units of low distinctiveness habitat not offset
- Woodland and forest - Lowland mixed deciduous woodland: -5.83 habitat units of high distinctiveness habitat not offset

As a result, whilst the calculations demonstrate that a 10% net gain can be achieved for habitat units and hedgerow units, we are not satisfied that a measurable biodiversity net gain can be demonstrated with these trading rules not being addressed. In particular, the LPA has a biodiversity duty to conserve and enhance Lowland mixed deciduous woodland, as it is a Priority habitat under the NERC Act 2006 (as amended). As a result, the scheme we need to be designed to include additional creation / enhancement to address this trading issue, particularly for high distinctiveness habitats. Alternatively, off-site units should be secured via a suitable off-site habitat bank.

Furthermore, whilst we welcome the intention to aim for high distinctiveness habitat creation, we also query whether it is realistic and deliverable to create 0.07928ha of Lowland mixed deciduous woodland Priority habitat in moderate condition within 30 years, when the metric specifically outlines that this habitat type takes longer than 30 years to establish. As a result, we would recommend that further justification is supplied on how this can be delivered to provide certainty to the LPA that the proposed woodland habitat can be achieved. Alternatively, the woodland creation should be amended to 'Other woodland; broadleaved' to provide a more realistic target for the habitat creation.

The BNG Habitat Management & Monitoring Plan (Ecosupport Ltd, December 2025) document will also need to be updated to account for any updates within the metric. However, we are broadly satisfied with the management measures proposed within the plan. Nevertheless, we do recommend the following updates should be included:

- We recommend that a 'Risk Register and Remedial Measures' section or table is included within the report. This should set out a site-wide risk register associated with establishing and managing each habitat type.
- We recommend that a simple adaptive management statement is included, to allow for flexibility of management actions to address any unexpected events which have not been identified as part of the risk register.
- We would expect a more comprehensive monitoring schedule to be included within the report. This should expand on monitoring strategy, setting out the specific methodology that will be undertaken to assess the progress of habitats and ensure the targets are being met. (e.g. quadrat assessments for grassland monitoring).
- We note that current intervals for reporting actions to the Council are proposed to be from years 1 – 5 and then every 5 years to year 30. Therefore, whilst we have no objection with this approach, we suggest that it should be clear what intervals the BNG monitoring reports will be legally required to be submitted to the Council for comment.

Finally, as the development is a hybrid application, we also highlight that technically BNG information relating to the Suitable Alternative Natural Greenspace (SANG), school, sports pitches and care home should be included as part of the net gain assessment. Therefore, we suggest that an approach broadly in line with mandatory biodiversity net gains is followed, via the submission of an overall and phased Biodiversity Gain Plan. The condition can then be discharged in full following the approval of submission of BNG information relating to the full and outline planning application.

Recommendation

We are unable to recommend the discharge of the BNG condition until the additional information outlined above has been provided.

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.