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Our ref: 14537
Date: 27 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/26/0366
Location: Land At Queen Victoria Hospital Hackenden Lane East Grinstead
West Sussex
Proposal: Discharge of planning conditions nos 7, 8, 10 and 12 relating to
planning application DM/24/2704

Thank you for re-consulting Place Services on the above discharge of condition for the Biodiversity Gain Condition

Conditions

Condition 7: Further Information Required

If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*

- d) *the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) *details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- o initial enhancements, as set in the HMMP, have been implemented; and*
- o habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Condition 8: Recommend Discharge

No development shall take place unless and until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of "biodiversity protection zones".*
- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

Condition 10: Recommend Discharge

A Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Preliminary Ecological Appraisal (ACD Environmental Ltd., revised 26th November 2024) shall be submitted to and approved in writing by the local planning authority prior to any development above ground / slab level. The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to comply with Policy DP38 of the District Plan.

Comments

Condition 7

We have reviewed the following documents which have been submitted in order to discharge Condition 7:

- Part 1: Habitat Management and Monitoring Plan (HMMP) (ACD Environmental Ltd, March 2026)
- Part 2: Habitat Management and Monitoring Plan (HMMP) (ACD Environmental Ltd, March 2026)
- Biodiversity Gain Plan
- Statutory Biodiversity Metric – Calculation Tool and associated condition assessments
- Biodiversity Site Registration
- ACD Environmental Ecologist Response (March 2026)
- BNG Cost Presentation

We welcome the additional changes secured as part of the updated HMMP. However, we still recommend that the following measures will be required prior to the discharge of Condition 7:

- **Habitat Creation, Enhancement and Management – Risk Register and Remedial Measures.** A Site-wide risk register has been provided for all habitat to be created. However, this has not been undertaken for the habitats to be enhanced (woodland and ponds). Therefore, it is recommended that 'Table 2' is updated to include a clear risk register for the habitats to be enhanced (on-site and off-site).
- **Adaptive Management** - The monitoring strategy should include a simple adaptive management section, to clearly set out that alternative management approaches can be agreed with the Council if aims and objectives of the HMMP are not being achieved via the proposed management measures.

We also welcome the submission of the Biodiversity Gain Plan information. However, we re-iterate that the statutory Biodiversity Gain Condition will need to be formally discharged. This could be undertaken as part of the associated s.106 agreement application (DM/26/0556) and may require changes to the proposal text to ensure it is clear the discharge of condition application relates to the discharge of the Biodiversity Gain Condition.

We also highlight that the proposed off-site measures will need to be registered on the Biodiversity Gain Site Register before the Biodiversity Gain Plan can be discharged. Therefore, we welcome the submission 'Biodiversity Site Registration' form but indicate that evidence of registration of the off-site units will be required before the Biodiversity Gain Plan and HMMP condition can be discharged.

We also note that the submitted Statutory Biodiversity Metric – Calculation Tool shows that there is a trading issue within the metric. This is because -0.89 habitat units of woodland in medium distinctiveness has not been off set as part of the proposed BNG strategy. However, as the Sussex Local Nature Recovery Strategy (LNRS) has been published, we are satisfied that the pre-development baseline can record all units as having 'low strategic significance', which will address the trading rule issue and will result in further measurable biodiversity net gains for biodiversity. The on-site and off-site woodland enhancement can still be recorded as containing high strategic significance as it is located in an area suitable for woodland enhancement identified as part of the [West Suffolk LNRS Map](#).

Therefore, it is recommended that the Statutory Biodiversity Metric – Calculation Tool and Biodiversity Gain Plan will need to be updated to reflect the revised unit scores. This will be required before the Biodiversity Gain Plan and associated HMMP can be discharged.

Condition 8

We have reviewed the Construction Environmental Management Plan: Biodiversity, Rev A (ACD Environmental, March 2026) which has been submitted in order to discharge Condition 8.

We are now satisfied that this document provides appropriate mitigation measures for biodiversity during the construction phase, in line with requirements of the condition.

Condition 10

We have reviewed the Part 1: Habitat Management and Monitoring Plan (HMMP) (ACD Environmental Ltd, March 2026) which has been submitted in order to discharge Condition 10.

We are now satisfied that this document provides appropriate technical specification, locations, heights and orientations of the proposed bespoke enhancement measures, in line with requirements of the condition.

Recommendation

Subject to the implementation of the submitted details in full, we recommend the discharge of Condition 8 and 10.

We are unable to recommend the discharge of the Condition 7 until the further additional information has been supplied and that the HMMP is discharged concurrent with the discharge of the Biodiversity Gain Plan.

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

Yours sincerely,

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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.