



**Murray Planning  
Associates**

PLANNING FOR THE FUTURE

**Murray Planning Associates**

Ground Floor Office, Challenger House

Rumbolds Hill, Midhurst

West Sussex, GU29 9BY

T. 07815 476205

E. michael@murrayplanning.co.uk

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Planning and Building Control  
Mid Sussex District Council  
Oaklands  
Oaklands Road  
Haywards Heath  
RH16 1SS

**LAND AT 5 EDWARD WAY, BURGESS HILL, RH15 9UA**

Murray Planning Associates has been instructed by our client CityFibre to submit a discharge of conditions application relating to the above site. Specifically, the application relates to the clearance of Biodiversity Net Gain Condition 1 detailed on the decision notice reference DM/24/2403. The condition relates to the submission of a Biodiversity Net Gain plan.

**Background**

A planning application was submitted in October 2024 for the installation of 2x cabins (and associated infrastructure) that would provide the necessary infrastructure to operate a gigabit fibre network across the surrounding urban area. Planning permission was granted in January 2025, with five conditions and a further Biodiversity Net Gain (BNG) condition attached. The BNG condition is the only part of the decision

notice that requires further detail to be submitted to the local authority before development can commence.

BNG Condition 1 reads as follows:

*This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.*

*Please see the information contained within the notes to applicants/agents set out below.*

The 'Notes for Applicant's section of the decision notice contains a section relating to BNG. The relevant part of the notes section is extracted below:

*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.*

## **Assessment**

Although a number of details relating to Biodiversity Net Gain (BNG) were submitted at the time of the planning application, it is understood that these details have not been reviewed (or at least not formally approved), despite the Council granting planning permission.

The BNG details submitted to clear the informative comprise the following:

- Preliminary Ecological Appraisal (already reviewed and approved)
- Biodiversity Gain Plan Form
- Biodiversity Net Gain Assessment
- Biodiversity Metric Calculation Tool

The submitted documentation is considered sufficient to demonstrate that the proposal will result in a net 10% increase (or higher) in biodiversity net gain.

### **Summary**

This application seeks to discharge BNG Condition 1 placed on decision notice DM/24/2403 relating to the provision of a BNG plan.

The details submitted with the application are considered sufficient to provide the Council with the necessary information to confirm that the Biodiversity Gain Plan can be approved/signed off, thereby allowing CityFibre to go ahead and complete the approved development for what will be a critical piece of infrastructure serving the Burgess Hill area and surrounding rural areas.

Yours Faithfully

**MICHAEL BINGHAM**

**On Behalf of Murray Planning Associates**