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

Our ref: 11976
Date: 22 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/25/2569

Location:

Land North Of Jeremys Cottage Jeremys Lane Bolney Haywards Heath

Proposal:

Proposed erection of two new dwellings and associated landscaping.

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

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection: <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 documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the Preliminary Ecological Appraisal (Phlorum Ltd, August 2025) and the Tree Constraints Plan Information and Tree Schedule (The Arboricultural Consultancy Ltd, November 2025) and Arboricultural Impact Assessment (The Arboricultural Consultancy Ltd, November 2025).

In addition, we have reviewed the submitted Biodiversity Net Gain information. This includes the Small Sites Metric – Calculation Tool and the Pre-Development Plan Baseline Map and the Post-Development Map.

We are 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 BNG Information and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The Small Site Metric – Calculation Tool has classified the grassland on-site as modified grassland. However, the Preliminary Ecological Appraisal (Phlorum Ltd, August 2025) has recorded this habitat as ‘Other neutral grassland’ and based on the species composition we agree that this habitat type is present. As a result, the Small Site Metric – Calculation Tool and habitat map of the pre-development baseline will need to be updated to contain ‘Other neutral grassland’ instead of modified grassland.
- The habitat map of the pre-development baseline includes 7 small trees, whereas the PEA shows 11 trees. As a result, we recommend that further clarification should be provided on number of individual trees within the red line boundary, with these calculations based on the submitted Tree Constraints Plan Information and Tree Schedule (The Arboricultural Consultancy Ltd, November 2025). Where necessary, the Small Site Metric – Calculation Tool and habitat map of the pre-development baseline will need to be updated.

As mandatory biodiversity net gains apply, 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, has made the position that significant on-site enhancements are not present for minor development. Therefore, no HMMP or legal agreement for on-site measures will be required for this application. However, the decision on this matter is ultimately up to the Council.

We note that post-intervention values have also been provided. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- It is considered unlikely that a measurable biodiversity net gain will be achieved on-site with 'Modified grassland' being re-classified as 'Other neutral grassland'. As a result, it is considered that the applicant should secure off-site units via a habitat bank registered on the biodiversity gain site register.
- We note that the post-intervention values is proposing a varied landscape scheme, including the provision of 120 trees around the edge of the development, woodland and grassland enhancement. Whilst we do not object to these proposals in principle, it is indicated that habitat in private garden should technically only be recorded as either 'vegetated garden' or 'non-vegetated garden', unless medium – very high distinctiveness habitat is proposed to be created or enhanced (excluding individual trees).
- The submitted landscape plan also does not match the post-intervention habitat map (e.g. the proposed hedgerow planting and introduced planting). Therefore, we would expect the post-intervention map and metric to be updated to reflect the finalised plans as part of the Biodiversity Gain Condition.

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.

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.