



Date: 8 May 2025

Our ref: 03575

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

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. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DM/25/0961
Location: 201 Junction Road Burgess Hill West Sussex RH15 0NX
Proposal: Outline application with some matters reserved for five detached family houses including access.

Thank you for consulting Place Services on the above outline application.

No ecological objection	<input type="checkbox"/>
Recommend approval subject to attached conditions	<input type="checkbox"/>
Further information required/Temporary holding objection	<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 Ecology Appraisal (Libby Morris, March 2025) and the Biodiversity Statement.

We are not satisfied that there is sufficient ecological information available for determination of this application, as further clarification is required with regard to mandatory biodiversity net gains 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 submitted information, including the application form and are not satisfied that appropriate information has been provided prior to determination.

This is because the application form claims that the development is exempt from mandatory biodiversity net gains under the Self-build exemption. However, in the 'Residential/Dwelling Units' section it is claimed that proposed new units will be market housing. As a result, we recommend that the LPA seeks further clarification on whether the proposals will be exempt.

If it is confirmed that market housing is proposed, we recommend that information in line with the BNG PPG should be supplied. This would include the biodiversity metric calculation tool and habitat map of the pre-development baseline is submitted prior to determination.

Where mandatory biodiversity net gains applies, 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, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

Additional comments:

We note that the site is recorded as Lowland mixed deciduous woodland Priority habitat on the Priority habitat inventory. However, the Ecological Appraisal demonstrates that the woodland was cleared between 2013-2014 and appears to consist of bareground and modified grassland due to continuous clearance works. As the woodland is not listed within the Ancient Woodland inventory, we consider that no further action is reasonable in this instance as the site has been cleared for over 10 years.

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 do not hesitate to contact us if you have any queries in relation to this advice.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)
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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.