



Date: 3 October 2025

Our ref: 09807

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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. 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/25/1672
Location: Sussex Police Authority Police Station East Court College Lane
Proposal: Discharge of BNG conditions relating to planning application DM/24/1340

Thank you for consulting Place Services on the above discharge of condition application. We can only comment on conditions related to ecology.

Conditions

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 documents which has been submitted in order to discharge the Biodiversity Gain Condition. This includes the following:

- Biodiversity Net Gain Assessment (JWK Wildlife Ltd)
- Biodiversity Gain Plan
- Pre-development Values Habitat Map
- Post-development Values Habitat Map

In addition, we have reviewed the Statutory Biodiversity Metric – Calculation Tool submitted at application stage.

It is highlighted that the following information should be included as part of 'Biodiversity Gain Plan' for non-phased developments:

Paragraph 14(2) of Schedule 7A of the Town and Country Planning Act 1990 (as amended)

A Biodiversity Gain Plan must include the following matters:

- *information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;*
- *the pre-development biodiversity value of the onsite habitat;*
- *the post-development biodiversity value of the onsite habitat;*
- *any registered off-site biodiversity gain allocated to the development and the biodiversity; and*
- *any biodiversity credits purchased for the development.*

Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

The following specified matters are required for Mandatory BNG, where development is not to proceed in phases:

- *name and address of the person completing the Plan, and (if different) the person submitting the Plan;*
- *a description of the development and planning permission reference number (to which the plan relates);*
- *the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;*
- *the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;*
- *a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);*

- *(except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;*
- *pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;*
- *a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and*
- *if habitat degradation has taken place:*
 - *a statement to this effect,*
 - *the date immediately before the degradation activity,*
 - *the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and*
 - *any available supporting evidence for the value.*

Therefore, we have reviewed the submitted documents and consider that a Habitat Management and Monitoring Plan (HMMP) is required for significant on-site enhancements for this scheme. It is suggested that this includes the following habitats with medium distinctiveness.

- Urban tree – Creation (0.0489ha)
- Mixed scrub – Creation (0.007ha)
- Other neutral grassland - Creation (0.022ha)
- Other neutral grassland - enhancement (medium to good condition) - 0.039ha
- Other neutral grassland - enhancement (poor to medium condition) - 0.039ha

The Landscape Maintenance Plan (TGD Landscape Ltd, August 2024) submitted at the application stage is not sufficient to ensure that this habitat creation, as proposed within the Statutory Biodiversity Metric – Calculation Tool, will be secured and implemented. Therefore, the HMMP will be necessary to ensure that a 10% measurable biodiversity net gain can be achieved on-site. It is recommended that this is set out using the governments template: <https://publications.naturalengland.org.uk/file/4507840669286400>

The decision on whether significant on-site enhancements are present is ultimately up to the Council. These enhancements will need to be managed and monitored for a period of 30 years from the completion of development and secured via a separate legal agreement. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 3, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Recommendation

We are unable to recommend the discharge of the biodiversity gain condition until further information has been provided.

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.