



Date: 12 June 2025

Our ref: 03292

Rachel Richardson
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/25/0214
Location: Land To The Rear Of 43 Wivelsfield Road Haywards Heath West
Sussex RH16 4EN
Proposal: Demolition of existing car port and construction of three bed dwelling
with associated landscaping.

Thank you for consulting Place Services on the above application.

No ecological objection	☐
Recommend approval subject to attached conditions	☐
Further information required/Temporary holding objection: • Manadatory Biodiversity Net Gains	☒
Recommend Refusal	☐
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment	☐

Summary

We have reviewed the documents supplied by the applicant, including the Small Site Metric – Calculation Tool and the habitat map of the pre-development baseline.

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

- We note that the Small Site Metric has recorded the habitat on-site as 'Vacant or Derelict land'. We note that the site consists of an overgrown vegetated back garden. Therefore, we are not satisfied that site meets the UK Habitats Classification v2 criteria for 'Vacant or Derelict land'. The definition for this is as follows: *'Areas that have been disturbed by previous development or land use on constructed sites but are now abandoned. They will contain an open mosaic of habitats in the early stages of natural succession which may or may not fulfil the requirements of 'Open mosaic habitats on previously developed land'.* As a result, if land is still a private garden, we recommend that the habitat definition should be 'vegetated garden'. It is also highlighted that any trees over >30cm dbh or habitat above medium distinctiveness should be recorded separately for 'vegetated gardens for the pre-development baseline calculations.

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, 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).

We note that post-intervention values have also been provided and that significant on-site enhancements are not proposed. As a result, it is recommended that the following matters will also need to be addressed as part of the biodiversity gain condition:

- Urban trees can not be recorded in vegetated garden, in line with Small Sites Metric – User Guide. If this results in a net loss in biodiversity units, then landscaping may need to be re-designed or off-site habitat units secured.

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.

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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.