



Date: 3 June 2025

Our ref: 04721

Steven King
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/25/0017
Location: Land West Of Turners Hill Road And North Of Huntsland Turners Hill Road Crawley Down West Sussex
Proposal: Outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. 'Additional information received on 27/03/25 regarding Transport, Flood Risk, Landscapes, Heritage and an updated access and movement parameter plan, illustrative masterplan.' "Additional ecology information received 03/04/2025 and change to description regarding the care home'.

Thank you for re-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 further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' by Aspect Ecology (April 2025).

We are still not satisfied that sufficient ecological information has been provided to address our previous holding objection on mandatory biodiversity net gains. 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 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, Ltd April 2025), the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and the Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- Whilst we acknowledge that condition assessments for the pre-development baseline has been included within the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) in Appendix 6482/7, the submitted condition assessment does not match the submitted Statutory Biodiversity Metric (January 2025). As a result, we recommend that revised calculations are submitted using the condition assessment sheet (excel document).

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).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 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.

We reiterate that there are issues with the post-intervention calculations, as referenced in our previous response. However, we agree that this can be addressed as part of the biodiversity gain condition.

Additional comments - European Protected Species – Bats:

We note that the further information states that Consideration of Planning Consultation Response from Place Services (dated 24th March 2025) (Aspect Ecology, April 2025) includes a further Ground Level Tree Inspection of on-site trees to determine what further actions will be required to minimise impacts upon roosting bats.

We support the conclusions of this document and note that 'TG24' and 'TG26' (trees with Ash dieback) were categorised as 'FAR' (Further Action Required), even though they have been assessed as having no potential roost features. As a result, we are satisfied that the applicant's ecologist has provided sufficient professional justification on why they consider securing pre-commencement surveys may be a proportionate approach in this instance, given the presence of Ash die-back.

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)
Senior Ecological Consultant
 Place Services at Essex County Council

Email: PlaceServicesEcology@essex.gov.uk



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.

