



8th April 2025

Joseph Swift
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

By email only

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/25/0110

Location: Land Adjacent To Jane Murray Way And North Of Gatehouse Lane Goddards Green Hassocks West Sussex BN6 9LD

Proposal: Widening and extension of the existing footway for creation of a shared footway/cycleway along the western side of the A273 between Gatehouse Lane and A272 roundabout via the removal of the carriageway hard strip, relocation of existing bus stop bench, lighting, landscaping and associated works.

Dear Joe,

Thank you for consulting Place Services on the above application.

Recommended Temporary Holding Objection pending further information on mandatory biodiversity net gain	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	

Summary

We have reviewed the Ecological Impact Assessment (Waterman Infrastructure & Environment Ltd., February 2025), Ecological Impact Assessment (Waterman Infrastructure & Environment Ltd., January 2025) and Outline Construction Environmental Management Plan (Waterman Infrastructure & Environment Ltd., December 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted to meet the requirements of mandatory biodiversity net gains. This includes Figure 3 WBLR Phase 3 Baseline Habitats Figure Ref WIE19442-



103_GIS_BNG_3D (Waterman Infrastructure & Environment Ltd., February 2025), Figure 4 WBLR Phase 3 Post Intervention Habitats Figure Ref WIE19442-103_GIS_BNG_4C (Waterman Infrastructure & Environment Ltd., February 2025) and Biodiversity Net Gain Statement (February 2025) and Statutory Biodiversity Metric (January 2025).

We note that the Ecological Impact Assessment (Waterman Infrastructure & Environment Ltd., February 2025) covers a larger site area than the red line boundary for this application.

We are not satisfied that there is sufficient ecological information available for determination of this application. This is because 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 Figure 3 WBLR Phase 3 Baseline Habitats Figure Ref WIE19442-103_GIS_BNG_3D (Waterman Infrastructure & Environment Ltd., February 2025), Figure 4 WBLR Phase 3 Post Intervention Habitats Figure Ref WIE19442-103_GIS_BNG_4C (Waterman Infrastructure & Environment Ltd., February 2025) and Biodiversity Net Gain Statement (February 2025) and Statutory Biodiversity Metric (January 2025). We are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessment. This is required to ensure that the habitats within the pre-development baseline have been recorded appropriately.
- The Tree Removal and Protection Plan Ref WIE19442-100 (Waterman, January 2023) appears to indicate that there are 'Trees, groups & hedges to be removed' within the red line boundary for this application. However, the On-site habitat baseline in the Statutory Biodiversity Metric – Calculation Tool comprises only Developed land, sealed surface and modified grassland. Therefore, we are not certain that the pre-development baseline contained within the Statutory Biodiversity Metric – Calculation Tool has been completed appropriately for this application and request clarification as to whether there are any trees or hedges on site.



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).

In addition, a [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We are aware that the Northern Arc scheme will deliver over 50 habitat units in the wider scheme and that the calculations for this application currently indicate a contribution to this overall delivery of 10.17% habitat units. The LPA case officer has advised that Biodiversity Net Gain has been secured by a Section 106 legal agreement (10% secured across the scheme as a whole), agreed as part of permitted outline application reference DM/18/5114 (Case Officer, email 8th April 2024). We understand from the Case Officer (email 8th April 2024) that the outline application secures the BNG through the S106 with obligations for reports to be submitted every 500 occupations.

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 (Case Officer, 4th April 2024).

Please contact us with any queries.

Yours sincerely

Genevieve Broad MCIEEM MSc BSc (Hons)

Ecological Consultant

Place Services at Essex County Council

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.

