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West Sussex
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Our ref: 14537
Date: 10 March 2026

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.

Application: DM/26/0366
Location: Land At Queen Victoria Hospital Hackenden Lane East Grinstead
West Sussex
Proposal: Discharge of planning conditions nos 7, 8, 10 and 12 relating to
planning application DM/24/2704

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

Conditions

Condition 7: Further information required

If significant on-site enhancements are included within the approved Biodiversity Gain Plan, a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*

- d) *the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) *details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- o initial enhancements, as set in the HMMP, have been implemented; and*
- o habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Condition 8: Further information required

No development shall take place unless and until a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) *Risk assessment of potentially damaging construction activities.*
- b) *Identification of "biodiversity protection zones".*
- c) *Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) *d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) *The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) *Responsible persons and lines of communication.*
- g) *The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) *Use of protective fences, exclusion barriers and warning signs.*
- i) *Containment, control and removal of any Invasive non-native species present on site*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with Policy DP38 of the District Plan.

Condition 10: Further information required

A Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Preliminary Ecological Appraisal (ACD Environmental Ltd., revised 26th November 2024) shall be submitted to and approved in writing by the local planning authority prior to any development above ground / slab level. The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for biodiversity enhancements; and*
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.*

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to comply with Policy DP38 of the District Plan.

Comments

Condition 7

We have reviewed the Habitat Management and Monitoring Plan (HMMP) Parts 1 and 2 (ACD Environmental, January 2026) which have been submitted in order to discharge Condition 7.

We note that the Habitat Management and Monitoring Plan (HMMP) Part 1 relates to the habitat creation measures on site and the Habitat Management and Monitoring Plan (HMMP) Part 2 relates to the management of habitat enhancement measures for retained features within the Approved Development Site and adjacent woodland parcels.

We note that this condition is being discharged concurrently with the discharge of s.106 obligations under DM/26/0556.

We are not satisfied that the submitted information includes the detail required by this condition.

Firstly, it is indicated that the HMMP needs to be discharged concurrently with the statutory Biodiversity Gain Condition. This is a statutory pre-commencement condition which applies to all applications where mandatory BNG applies. [Paragraph 14\(2\) of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#) and [Articles 37C\(2\) and 37C\(4\) of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) sets out the requirements of the Biodiversity Gain Condition, which secures a 'Biodiversity Gain Plan'.

Therefore, in summary, the submission of a Biodiversity Gain Plan will consist of the following information:

- A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- The completed biodiversity metric - calculation tool (& condition assessment if using Statutory Biodiversity Metric – Calculation Tool)
- Completed pre-development and post-development habitat maps
- A Habitat management and monitoring plan (for [significant on-site enhancements](#) or off-site measures in land owned by the applicant)
- Legal agreement for monitoring and management of significant on-site enhancements or off-site measures in land owned by the applicant (if required by the LPA).

If off-site biodiversity units are proposed, then evidence of registration / allocation onto the [biodiversity gain site register](#) will be required (if using blue line boundary land or a separate off-site provider). If [Statutory Biodiversity Credits](#) from the Government are proposed, then proof of purchase will be required.

In addition, we recommend that the following additional information is included in the submitted HMMPs:

- Habitat Creation, Enhancement and Management – Risk Register and Remedial Measures. It is recommended that a Site-wide risk register associated with establishing and managing each habitat type is included as part of HMMP 2.
- The monitoring strategy should clearly reflect the condition requirements of the submission of monitoring reports at years 1, 2, 5, 10, 15, 20, 25, and 30 within the schedule of works.
- The monitoring strategy should set out how the monitoring will be undertaken by the suitably qualified ecologist.

- The monitoring strategy should include a simple adaptive management section, to summarise what will be undertaken if aims and objectives of the HMMP are not being achieved.
- Appendix 3 Site Location Plan, Appendix 4 Soft Landscape Plan and Appendix 5 Ecological Enhancement Plan of the Habitat Management and Monitoring Plan (HMMP) Part 1 and the plans in Appendix 1 Soft Landscape Proposal in the Habitat Management and Monitoring Plan (HMMP) Part 2 should be updated to ensure they are high quality. Alternatively, the appendices should be submitted separately.

Once the information has been submitted in full, the condition should be part discharged to secure the monitoring reports, unless the LPA is satisfied that the s.106 agreement provides an appropriate mechanism to secure these measures.

Condition 8

We have reviewed the Construction Environmental Management Plan: Biodiversity (ACD Environmental, January 2026) which has been submitted in order to discharge Condition 8.

We are not satisfied that the submitted information includes the detail required by this condition.

This is because the definition of the plans in Appendix 5 Soft Landscape Proposal Whole Sheet, Appendix 6 Sheet 1 Soft Landscape Proposal, Appendix 7 Sheet 2 Soft Landscape Proposal Sheet 2 and Appendix 8 Sheet 3 Soft Landscape Proposal in the Construction Environmental Management Plan: Biodiversity (ACD Environmental, January 2026) is poor and cannot be read in detail.

Condition 10

We have reviewed the Habitat Management and Monitoring Plan (HMMP) Part 1 which has been submitted in order to discharge Condition 10.

We are not satisfied that the submitted information includes the detail required by this condition.

We note that the details of the Schwegler 1FF bat box, Schwegler 2F bat box, Schwegler 1SP Sparrow box, Vivara Pro Seville Bird box and Vivara Pro Barcelon bird box are shown in Sections 6.30 to 6.33 Habitat Management and Species Mitigation of the Habitat Management and Monitoring Plan (HMMP) Part 1.

However, the details of the bee bricks, insect hotel and Hedgehog highway holes have not been included, although the locations are indicated in Appendix 5 Ecological Enhancement Plan.

Unfortunately, the definition of the plan in Appendix 5 Ecological Enhancement Plan in the Habitat Management and Monitoring Plan (HMMP) Part 1 showing the locations of the enhancements is poor and cannot be read in detail.

Recommendation

We are unable to recommend the discharge of Conditions 7, 8, and 10 until the additional information outlined above has been provided.

Please 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



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.

We are unable to respond directly to applicants/agents or other interested parties. Any additional information, queries or comments on this advice that the applicant/agent or other interested parties may have, must be directed to the Planning Officer at the relevant LPA, who will seek further advice from us where appropriate.