



Date: 5 December 2025

Our ref: 11390

Andrew Horrell
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/25/2530
Location: Orchard Nursery Holtye Road East Grinstead West Sussex
Proposal: Construction of 2 new single span polytunnels

Thank you for consulting Place Services on the above application.

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

Summary

We have reviewed the submitted documents and note that no ecological information has been submitted. As a result, we have considered the likely impacts upon designated sites, protected and Priority species / habitats. This included an assessment of Magic Maps, local records and aerial imagery. Following this desk study assessment, we are satisfied that proposal to provide 2 new single span polytunnels is not going to result in any potential impacts upon these ecological features.

However, please note we have no comments to make on Great Crested Newts, as we have been instructed by the Council to leave this to the [Naturespace Partnership](#).

We have also reviewed the information submitted relating to mandatory biodiversity net gains. This includes the Biodiversity Net Gain Statement, the Small Sites Metric – Calculation Tool and the pre-development baseline habitat map.

Biodiversity net gains is a statutory requirement set out under [Schedule 7A \(Biodiversity Gain in England\) of the Town and Country Planning Act 1990](#) and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) 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, based on the Council's position on significant on-site enhancements and the proposals are minor development, we are satisfied that significant on-site enhancements are not present. Therefore, a HMMP or legal agreement will not be required as part of the Biodiversity Gain Condition.

However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- The Pre-development baseline has recorded individual trees as being 'formally identified in a local strategy'. However, we recommend that this strategic significance is recorded as Low, in the absence of the published Sussex Local Nature Recovery Strategy.
- The proposals include the enhancement of 'Intensive orchard' to 'Arable field margins pollen and nectar'. However, whilst this habitat both come under the broad habitat type of 'cropland', we are not satisfied that this enhancement is appropriate for this location or for these habitat types. Therefore, alternative creation or enhancement options will need to be identified as part of the post-intervention values.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Biodiversity Gain condition

Natural England advises that 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](#). The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using [draft text](#) provided by the Secretary of State:

“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) 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. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

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



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.