



8th May 2025

Hamish Evans
Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

By email only

Thank you for requesting advice on this Prior Notification 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/25/0589
Location: Land North Of Leylands Road Burgess Hill West Sussex
Proposal: The installation of 1 No. 30 metre high lattice tower mounted with 6 No. antennas, 12 No. cabinets, within a compound comprised of 2.4 metre high palisade fencing painted green, 1 No. electrical metre cabinet and associated development thereto. (amended plans received 25.04.2025, amended photo montage received 01.05.2025 and amended description 06.05.2025)

Dear Hamish,

Thank you for consulting Place Services on the above Prior Notification application.

Recommended Refusal	
No ecological objections	
Recommended Approval subject to attached conditions	
Subject to Natural England's comments on the conclusion of the Water Neutrality AA	
Subject to Natural England's comments on the conclusion of the bat AA	
Further information required on European Protected Species (bats)	Yes
Recommended Discharge of condition	

Summary

We have reviewed the Preliminary Ecological Appraisal (PEA) (Betts Ecology, December 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures.



We note that the proposals include the removal of one to three dead trees that have Potential Bat Roost Features (PRFs). Therefore, further assessment should be undertaken in accordance with 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023) to establish whether PRFs for individual (PRF-Is) or multiple (PRF-Ms) bats are present. If only PRF-Is are present, then no surveys are needed. However, appropriate compensation will be required in advance of works which will need to be undertaken under a Precautionary Working Method Statement for bats which means that any PRF is inspected by a suitably qualified ecologist immediately before felling.

Prior notification/approval applications are required to be determined with regard to the requirements of the National Planning Policy Framework (Dec 2024). Biodiversity Advice Note Permitted Development Rights and Biodiversity (CIEEM and Association of Local Government Ecologists, 2017) advises that where protected species are at risk of harm from the development, LPAs should require an application for prior notification/approval to be accompanied by an assessment of the potential impact upon protected species and, where necessary, supported with proposals for appropriate mitigation. This means that ecological surveys may reasonably be requested and that pre-commencement conditions to secure necessary protection measures may be attached to a notice of prior notification/approval.

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results and mitigation measures for bats are required to make this proposal acceptable. These need to be provided prior to determination.

To fully assess the impacts of the proposal the LPA needs additional ecological information for the site, particularly for bats, which are European Protected Species. These surveys are required prior to determination because [Government Standing Advice](#) indicates that you should “*Survey for bats if the area includes buildings or other structures that bats tend to use or there are trees with features that bats tend to use nearby*”.

This information is therefore required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Additional Comments:

It is highlighted that permitted development (Development granted planning permission by a development order under section 59) are exempt from mandatory biodiversity net gains, as set out under [paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990](#).

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (PEA) (Betts Ecology, December 2024)), to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by [Guidance Note:08/23 \(Institute of Lighting Professionals\)](#) will be implemented:



- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and be secured by a condition of any consent.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

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 contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

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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.