



25th July 2025

Steven King
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/25/1327
Location: The Martlets Shopping Centre Burgess Hill West Sussex RH15 9NN
Proposal: Variation of conditions 6, 21 and 29 relating to planning application DM/19/3331 - amendment of approved drawings to improve the viability and deliverability of the scheme.

Dear Steven

Thank you for re-consulting Place Services on the above s73 variation of conditions application.

No ecological objection	
Recommend approval subject to attached conditions	Yes
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 note that Condition 6 relates to the submission of 1:20 scale vignettes, Condition 21 relates to modifications to the public highway and Condition 29 states that the development should be carried out in accordance with the listed plans.

We have now reviewed the updated Briefing Note (Rev.1) (ECOSA Ltd., July 2025) relating to Buildings 1, 2, 4, 5, 8 and 10 and the need for mitigation measures for roosting bats. The results of the previous surveys in 2019 returned very little bat activity across the site (two registrations) and no emergences/re-entries of any bats. Furthermore, the site is very well lit with light spill on the areas of vegetation and buildings, which further reduces the suitability for foraging/commuting bats. The site is also set within an urban landscape which lacks a good network of foraging/commuting corridors, further reducing the likelihood of



a key foraging/commuting route for bats. Several of the potential roost features are also quite exposed and unlikely to be a suitable roosting site for bats due to fluctuations in thermal conditions. Overall, the report considers that it would not be proportionate to update the bat activity surveys. Instead, it recommends that suitable features (raised leading flashing, gaps within soffits and bargeboards etc.) should be removed by soft demolition by hand. If a bat is found, all works must stop, advise from an ecologist sought and a licence would need to be obtained from Natural England before works can start again. After soft demolition, the remainder of the site can be demolished using other methods.

We support this professional judgement for buildings which have low suitability to support bats which is in line with industry good practice guidelines for bat surveys (Collins ed., 2023).

We are therefore now able to support the variation in Condition 29 to support a lawful decision on this s73 application.

We also support the proposed ten new integral bird nest units, such as Schwegler Brick Nest Boxes (or similar) which will be incorporated into the walls of new buildings recommended in the Briefing Note (Rev.1) (ECOSA Ltd., July 2025) to secure net gains for biodiversity. These are considered reasonable biodiversity enhancements for protected, Priority and threatened species, which meet the requirements in 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 Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended). We note that s73 applications are exempt from mandatory Biodiversity Net Gains.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. **ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS**
"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Briefing Note (Rev.1) (ECOSA Ltd., July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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 (as amended).



2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Briefing Note (Rev.1) (ECOSA Ltd., July 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*
- b) detailed designs or product descriptions to achieve stated objectives;*
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and*
- e) details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

We recommend that any ecology conditions secured on the consent for DM/19/3331 which have not yet been discharged, are attached to any new consent for this application.

Please contact us with any queries.

Yours sincerely

Sue Hooton CEnv MCIEEM 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.