



Date: 10 April 2025

Our ref: 02279

Joseph Swift  
Mid Sussex District Council  
Oaklands Road  
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West Sussex  
RH16 1SS

By email only: Planning Department, [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

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*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.*

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| <b>Application:</b> | DM/25/0446                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Location:</b>    | Burgess Hill Northern Arc, Land N And NW Of Burgess Hill, Between Bedelands Nature Reserve In The East And, Goddard's Green Waste Water Treatment Works In The West                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Proposal:</b>    | The construction of a single carriageway link road from the tie-in with the proposed Western Bridge and Link Road (WBLR), through to the proposed tie-in with Eastern Bridge and Link Road (EBLR) including tie-ins to the existing B2036 Cuckfield Road. The primary east-west route will typically comprise of a new 6.5m carriageway with one 3m shared footway/cycleway and one 2m wide footway and two 2.75m verges. While the 6.5m wide carriageway will be consistent throughout, some sections of the primary east-west route will diverge from this typical arrangement to complement area specific requirements. The northern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and single 2m footway. The southern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and a short extension of the Green Super Highway extending to the driveway entrance servicing the existing Oak Barn Bar & Restaurant carpark. The western end of the east-west road corridor and the southern link to the B2036 Cuckfield Road will both facilitate connections to the Green Superhighway. All will be constructed to an adoptable standard, together |



with associated crossing points, earthworks and vegetation removal, surface water and foul drainage infrastructure, utilities corridors and diversions, road lighting, soft landscaping, including tree-planting and temporary fencing, on-street parking and provision of in-line bus stops for bus services.

Thank you for consulting Place Services on the above reserved matters application.

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|----------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>No ecological objection</b>                                                                                 | <input type="checkbox"/>            |
| <b>Recommend approval subject to attached conditions</b>                                                       | <input type="checkbox"/>            |
| <b>Further information required/Temporary holding objection:</b><br>• <b>European Protected Species (bats)</b> | <input checked="" type="checkbox"/> |
| <b>Recommend Refusal</b>                                                                                       | <input type="checkbox"/>            |
| <b>Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment</b>      | <input type="checkbox"/>            |

### **Summary**

We have reviewed the Rev 01 Ecological Impact Assessment (AECOM, February 2025), for Northern Arc Avenue – Central Section, relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and non-mandatory Biodiversity Net Gain.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This information is within Section 7.6 of the Ecological Impacts Assessment (AECOM, February 2025).

We are not satisfied that there is sufficient ecological information on protected species available for determination. This is because the bat emergence surveys for Tree T39 are out of date to support this application, in line with CIEEM Guidance and paragraph 6.2.1 of British Standard (BS) BS42020 'Biodiversity – Code of practice for planning and development 2013'. This is because we understand that Tree T39 (dead Oak) which has PRFs for Multiple bats (PRF-M) was subject to an emergence survey in 2022 and no bats were observed. However, these surveys are over two and a half years old and therefore out of date. We recommend that an up-to-date assessment for bat roost potential in this tree is made in accordance with Government Standing Advice and the results of further assessment are provided for PRF-Ms in T39.

The additional assessment for roosting bats in Tree T39 is required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is 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 – protected species and irreplaceable habitat:**

We note from the Ecological Impacts Assessment (AECOM, February 2025) that Ground Level Tree Assessments for bat roost potential were undertaken in June 2022, August 2023 and September 2024, bat dusk dawn emergence surveys were undertaken in August and September 2022 and August and September 2024, bat activity surveys were undertaken in April 2022 monthly through to October 2022 and bat static detector surveys were undertaken in four locations in 2022.

We note that there are no buildings on site, although Buildings 11 and 12 (80m to the south) have low bat roost potential and Building 10 (90m to the south) has confirmed roosts for Common Pipistrelle and Soprano Pipistrelle. Therefore, we agree no surveys for bats and buildings are required.

We also note that trees CS10 (Oak) and T32 (Oak) are due to be felled and have Potential Roost Features for individual bats (PRF-Is) (Ecological Impact Assessment (AECOM, February 2025)). Therefore, we welcome the provision of bat boxes as compensation which will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). In addition, the trees must be inspected by endoscope on the day and felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). We support the Precautionary Method Statement for bats in Section 7.4.3.3 of the Ecological Impacts Assessment (AECOM, February 2025), which should be secured by a condition of any consent to manage the risk for trees CS10 and T32.

We also note that Tree AW15 (Oak), which has PRF-M, will be retained and we therefore support the use of hand tools within 10m of the tree and the timing of works in early spring or autumn to limit impacts to this tree (Section 7.4.3.3 of the Ecological Impacts Assessment (AECOM, February 2025)).

We also support the planting of trees to facilitate the bat crossing at the Central Section (Section 7.5.2 of the Ecological Impacts Assessment (AECOM, February 2025)), particularly as the rare Barbastelle bat has been recorded on site in low numbers.

We note that two outlier Badger setts will be lost to the development, and we therefore support the Precautionary Method Statement for Badger and mobile species (including Hedgehog, which is a Priority and threatened species) in Section 7.2.5 of the Ecological Impacts Assessment (AECOM, February 2025)). We also support the pre-construction surveys for Badger in Section 8.1.2.2 of the Ecological Impacts Assessment (AECOM, February 2025)) to inform the need for any licence from Natural England. These and details of any additional mitigation should be secured by a condition of any consent and implemented in full.

As there are records for Slow Worm and Grass Snake within 2km of the site and there is some suitable habitat to support reptiles in the north of the site, we support the implementation of the Precautionary Method Statement for reptiles and common amphibians in Section 7.4.3.2 of the Ecological Impacts Assessment (AECOM, February 2025)). This should be secured by a condition of any consent and implemented in full.

We also support the implementation of a Wildlife Friendly Lighting Strategy for this application (Ecological Impacts Assessment (AECOM, February 2025), to avoid impacts from light disturbance. We note that lighting documents of the proposed street lighting have been included with the application. However, it would be useful for the applicant to submit an ecological interpretation of these documents to ensure that the proposals will avoid lighting impacts to foraging / commuting bats. This should include reference to the Guidance Note:08/23 (Institute of Lighting Professionals).

We support the implementation of a 15m buffer zone between ancient woodland (irreplaceable habitat) and the development (Section 7.3 of the Ecological Impacts Assessment (AECOM, February 2025)) and the Outline Construction Environmental Management Plan (AECOM, January 2025)).

**Additional comments – BNG and bespoke enhancements:**

The Ecological Impacts Assessment (AECOM, February 2025) sets out the finalised proposals for biodiversity net gains for this phase of the reserved matters application and that a measurable biodiversity net gain can be achieved for hedgerow and habitat units. However, we recommend that the completed metric calculation tool and associated condition assessments should be submitted for the LPA to review, to allow certainty for the LPA that measurable biodiversity net gains will be achieved for this phase.

We recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented 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 Strategy and should be secured by a condition of any consent.

**Additional comments – Landscaping:**

We also support the submitted planting specifications and schedules set out within the Landscape Planting Plan, Planting Schedules (AECOM) and the Pond 12 & 13 Landscape General Arrangement And Planting Schedules - Rev 2 (AECOM) at an ecological perspective.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Please contact us with any queries.

Yours sincerely,

**Hamish Jackson ACIEEM BSc (Hons)**  
Senior Ecological Consultant

Place Services at Essex County Council

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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.*