



Proof of Evidence

Name Lyndsey Barratt BSc (Hons) PGCert MCIEEM

Appeal Number 6005786

LPA Ref Number DM/25/0445

Site Name Land at Colwell Farm, Haywards Heath

Date 30th June 2026

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Report	Proof of Evidence
Site Name	Land at Colwell Farm, Haywards Heath
Prepared by	Lyndsey Barratt BSc (Hons) PGCert MCIEEM (Principal Ecologist)
Checked by	Adam Jessop MSc MCIEEM
Appellant	Miller Homes
Rule 6 Party	Protect Colwell Farm Action Group
Date of Issue	June 2026
Status	<i>Final</i>

1. INTRODUCTION

Qualifications and Experience

1.1. I am Lyndsey Barratt BSc (Hons) PGCert MCIEEM, a Principal Ecologist employed by Ecosupport Ltd.

1.2. I am instructed on behalf of the Appellant, Miller Homes, in respect of its appeal against the refusal of planning application DM/25/0445 for the 'outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses' at Colwell Farm, Lewes Road, Haywards Heath, West Sussex (hereafter referred to as 'the site').

1.3. I hold a BSc (Hons) in Biology from Cardiff University along with a postgraduate diploma in Wildlife and Conservation Management at the University of South Wales. I am a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM), have held a class 2 bat licence since 2024 (class 1 since 2018), a GCN licence since 2022 and a Dormouse licence since 2020. In addition to that, I have extensive experience of completing ecological baseline surveys for housing developments of up to 1600 homes, and I can prepare Natural England bat, Dormouse and Badger mitigation licences as the named ecologist.

1.4. I am now a Principal Ecologist with over 9 years' professional experience in ecological consultancy, including extensive work in habitat assessment, protected species survey, and biodiversity net gain. I hold Full Membership of the Chartered Institute of Ecology and Environmental Management (CIEEM) and adhere to its Code of Professional Conduct.

1.5. I have relevant expertise in ecological impact assessment, mitigation design, and compliance with UK planning policy and legislation, including the National Planning Policy Framework. I have prepared this Proof of Evidence in accordance with my professional duties, and it represents my independent and objective opinion based on the information available to me.

1.6. I confirm that the evidence I have provided is true and has been prepared with due care and diligence. I understand my duty to the decision-maker to provide impartial, professional advice, and that this duty overrides any obligation to the party that has instructed me.

Scope of Instruction

1.7. Ecosupport Ltd. was commissioned by the Appellant (Miller Homes) in October 2023 and undertook an Ecological Impact Assessment (EcIA) (CD 2.20), and Biodiversity Net Gain Assessment (CD 12.9 and 2.15).

1.8. During the application phase, the application documents (including the EcIA and BNG submissions) were reviewed by Place Services and found to be acceptable in all respects in terms of ecology [Appendix 2].

1.9. Place Services provided their initial response on March 2025.

1.10. Place Services confirmed that the proposed development is acceptable in principle and that sufficient ecological information had been provided to enable determination of the application. It was further confirmed that the proposed mitigation, enhancement and Biodiversity Net Gain (BNG) measures are appropriate, with construction impacts to protected species capable of being effectively managed through standard mechanisms, including a Construction Environmental Management Plan (CEMP), Natural England licensing for Dormice, and a sensitive lighting strategy for bats. The proposed BNG approach was also considered robust, with a detailed Biodiversity Net Gain Plan to be secured by condition prior to commencement.

1.11. The Report to Committee therefore recommended that permission be granted and did not identify any conflict with development plan policy or national policy in respect of ecology. The Committee did not request the inclusion of any reason for refusal in respect of ecology.

1.12. Accordingly, ecology is not a reason for refusal on the Decision Notice.

1.13. This is confirmed by the first Master Statement of Common Ground concluded with the Council on the 27th April 2026 (CD8.1, paragraphs 5.63-5.67).

1.14. Following the CMC (dated 28th April 2026), the Rule 6 Party was directed to issue a new, full Statement of Case. This was issued to the Appellant on 19th May 2026.

1.15. The Updated Statement of Case's ecology submissions are limited to the four matters, set out at paragraphs 3.21 to 3.27:

- 1) Ancient Woodland
- 2) Reptile Receptor Creation
- 3) Biodiversity Net Gain
- 4) Bats Dark Corridors

1.16. The Rule 6 Party later sent an e-mail to the Inspectorate on 15 June 2026 in respect of witness availability, in which it indicated that its case on ecology would cover Matters 1-3, without reference to Matter 4, in respect of bats.

Report Scope

1.17. I have been instructed in my capacity as a Principal Ecologist to provide independent professional evidence in relation to this appeal.

1.18. My evidence relates specifically to Matters 2–4 as identified above. The Appellant’s evidence in respect of Matter 1: Ancient Woodland is given by Mr Forbes-Laird. This Proof of Evidence is therefore concerned with Matters 2-4 only.

1.19. I was the lead ecologist of the team that conducted the surveys across the site, in respect of each of the topic areas in Matters 2-4 (reptiles, grassland, BNG and bats). In preparing my evidence, I have reviewed the relevant ecological surveys, assessments, and supporting technical documentation and provide my professional opinion on the likely ecological effects of the proposed development, together with the adequacy of proposed avoidance, mitigation, compensation, and enhancement measures.

1.20. The Rule 6 Party’s Statement of Case provides very limited explanation of the alleged omissions or methodological issues with the survey work.

1.21. I shall respond to the specific points raised in the SoC in the Sections below. However, in summary, the Rule 6 Party’s various submissions are incorrect, both factually and methodologically. All of the survey work in respect of reptiles and BNG is up-to-date and has been prepared in accordance with industry standards. None of the points raised in Matters 2-4 provides any basis for a different view to that reached by the Council and Place Services, that permission should be granted.

2. REPTILE RECEPTOR CREATION

The Rule 6 Party's Updated Statement of Case

2.1. The Rule 6 Party's Updated Statement of Case states at [3.25] that "the reptile receptor site on the eastern boundary of the Appeal Site includes a large component of closed-canopy woodland". It is then asserted that "Typically, suitable reptile habitats are locations which are sunny and comprise structurally diverse grassland."

2.2. On this basis, the Rule 6 Party submit that "the area is unsuitable to support a reptile population, and it consequently cannot be ascertained whether this area would be able to support the translocated reptiles."

2.3. It is then claimed that that "this does not meet best practice for reptile conservation and may not support the long-term viability of the relocated populations (per section 7.2 of the Reptile Mitigation Handbook)."

2.4. The Rule 6 Party then claim that "It appears that the proposed reptile receptor site will likely require the design and management of this area be revisited to see if a design can be found that will accord with DP38".

2.5. Finally, it is said that "this issue should be revisited" with a site visit.

2.6. As with all Issues 2-4, the Rule 6 Party's case is limited to the above critiques in a single paragraph, without any cross-reference or further explanation.

2.7. I do not agree with any of the Updated Statement of Case comments for the reasons outlined below.

Ecosupport Reptile Surveys

2.8. The Preliminary Ecological Appraisal was completed by Ecosupport in December 2023. The habitats were assessed for reptile potential in accordance with section 4 of the Reptile Habitat Management Handbook (2010).

2.9. During this survey, the grassland habitats and scrub pockets were identified as having the potential to support populations of reptile species, as outlined in section 4.9 of the above mentioned reptile habitat guidance (sunny woodland edge; grassland-scrub interfaces).

2.10. Seven reptile presence/absence surveys were completed in April and May 2024 by staff experienced in completing reptile presence/absence surveys.

2.11. The full survey methodology is outlined within section 3.2.5 of the EclA. The surveys were completed as per the methodology outlined within the Froglife Advice Sheet 10 (Froglife, 1998) for the completion of presence/absence reptile surveys. This guidance is the most up-to-date accepted guidance for reptile survey methodologies (CIEEM, 2021¹) (CD20.12).

Response to Rule 6 Party Comments

2.12. The Rule 6 Party's position can be answered by considering four points: (a) the population size of reptiles identified on site; (b) the nature of the on-site receptor location and its size; (c) the validity of the survey data and (d) on-site receptor design. Once these points are considered, it is clear that there is no merit in any of the Rule 6 Party's comments on the reptile receptor relocation proposals.

(a) Population Size

2.13. Given the size of the suitable areas of habitat, the number of refugia deployed and the maximum count of reptiles recorded (Slow Worms = 6; Common Lizards = 5; Grass Snakes = 1), 'Low' populations of Slow Worms, Common Lizards and Grass Snakes are present on site (as defined by the HGBI 1998 guidance).

(b) On-site Receptor Location and Size

2.14. The desirable approach is to avoid development within the areas used by reptiles. If this is not possible, reptiles should be moved to areas within the site that are to be retained, enhanced and managed to provide suitable habitat (page 14 of the English Nature Reptiles: Guidelines for Developers, 2004) (CD20.13), and follows the mitigation hierarchy.

2.15. Translocated reptiles will be retained on site within an area which will be temporarily excluded with fencing to prevent reptiles entering the construction area. The area allocated for reptiles will be on the eastern parcel, from the south of the field to the northeast corner (see Landscape Proof of Evidence; Mr Cook's Proof of Evidence, Appendix 2).

2.16. This area is 1.117ha in total (not including the opening up of the receptor to include the SuDS once construction works have finished).

2.17. Grassland present will be left to grow and not cut by the landowner prior to the reptile translocation to allow further development of tussocks within this area. This is in full accordance with the Reptile Habitat Management Handbook section 7.2 (CD20.13).

2.18. When designing a reptile receptor, the aim is to create a suitably sized area with a like-for-like size to the reptile habitat being lost, and to minimise the number of individuals being captured.

¹ CIEEM (2021) *Good Practice Guidance for Habitats and Species*

2.19. All of the reptiles found during the surveys were concentrated to the site boundaries where habitat is unmanaged and grass is of a sufficient height to provide cover (**Fig 1**). In total, when this area is measured it equates to approximately 1ha.

Figure 1. Location of reptiles identified on-site. Blue = reptiles absent; yellow = Slow Worms present; green = Common Lizards present; red = Grass Snake present



2.20. Having visited the Site many times, I am confident that the proposed reptile receptor area offers both sufficient sunny areas for basking, and access to shelter in the woodland for translocated individuals.

2.21. The location of the receptor on the eastern side was chosen due to the identification of reptiles already within this area, and the access from the receptor to the wider local area to prevent isolation of the reptile population, and allow wider dispersal and genetic mixing with local population.

(c) Validity of Survey Data

2.22. As set out above, I and the EcoSupport team conducted seven reptile presence/absence surveys were completed in April and May 2024.

2.23. The full survey methodology is outlined within section 3.2.5 of the EclA. The surveys were completed as per the methodology outlined within the Froglife Advice Sheet 10 (Froglife, 1998).

2.24. The CIEEM guidance for the lifetime of ecological reports (2019) (CD20.14) outlines that protected species surveys should be considered up to date for three years unless conditions have changed on-site I do not consider that conditions have changed on-site, having visited the site multiple times between May 2024 and the present day.

2.25. Reptile surveys should take place during the optimal period (April-May or September) to ensure the surveys are completed during suitable survey conditions (i.e. temperatures between 10-18 degrees). I consider that all surveys were undertaken in appropriate conditions.

2.26. The Rule 6 Party's general criticisms are wrong and their request for a further site visit is not justified. In my view, the surveys were robust, complete and there is no basis for any further re-survey work.

(d) On-site Receptor Design

2.27. To further improve the habitat and carrying capacity, the receptor area will be allowed to continue to grow prior to the translocation of reptiles to provide additional cover (section 4 of the Reptile Habitat Management Handbook).

2.28. Additionally, two new hibernacula will be created and retained in perpetuity in accordance with the specifications outlined in *Reptile Habitat Management: Guidelines for Landowners* (HART, 2009). These features will provide shelter and hibernation opportunities for reptiles, whilst also supporting a diverse invertebrate community, which represents an important food resource for reptile species.

2.29. In addition to the above, the Biodiversity Net Gain (BNG) proposals include the enhancement of grassland through seeding to increase forb diversity, together with the exclusion of public access to these habitats during both the construction and operational phases of the development.

2.30. The future management of the reptile receptor will consist of two annual cuts per year, in-line with the required management for BNG and section. Due to the sensitivities of this area, all cuts will be completed as a phased cut with hand trimmers and (with the exception of Bracken) will be cut to no lower than 30cm in height to ensure enough cover is maintained for reptiles (as per section 7.2 of the Reptile Habitat Management Handbook. The Rule 6 Party Updated SoC's single reference to section 7.2 includes no citation or explanation of any omission or error. The proposed design will accord with section 7.2.

Conclusion

2.31. In conclusion, the Rule 6 Party's criticisms are incorrect.

2.32. The proposed reptile receptor is in a location already occupied by reptiles.

2.33. The size of the proposed receptor, subject to enhancements, will be large enough to support a low population of Slow Worms, Common Lizards and Grass Snakes.

2.34. The receptor will have provision for basking and sheltering through a balanced mix of sunny and shaded areas.

2.35. Reptile surveys do not need to be updated until either at least three years have lapsed or management of the site has significantly changed. There have been no such changes in this case.

2.36. If three years have lapsed before the submission of the reserved matters application, updated reptile surveys will be completed during the suitable times of year for presence/ absence surveys (April-May and September). As I have explained above, there was no need for further survey work given my observations above.

3. BIODIVERSITY NET GAIN

3.1. Biodiversity Net Gain (BNG) is now a statutory requirement under the Environment Act 2021 for most Town and Country Planning Act development, with a minimum 10% gain to be demonstrated using the statutory biodiversity metric and secured through an approved Biodiversity Gain Plan. In this case, the BNG assessment has been completed using the statutory metric to establish the baseline, quantify losses and gains, and demonstrate that the appeal scheme can deliver a measurable and policy-compliant net gain in biodiversity.

3.2. The full details of the BNG assessment methodology are outlined within chapter 2.0 of the BNG Assessment and HMMP (Ecosupport, 2025) (CD 2.15)

Rule 6 Party Statement of Case

3.3. The Rule 6 Party Updated Statement of Case contains a short reference at [3.27] challenging the condition of other neutral grassland pre-development.

3.4. It is said at [3.27] that the Appellant's BNG metric appears to "misclassify habitats, uses the wrong baseline habitat value and has likely exaggerated post-development gains. In particular, other neutral grassland should be 'moderate' condition, not 'poor' as claimed by the Appellant. Bioscan (UK) Ltd undertook a shadow assessment. That shows a net loss of habitat units (-25.62%) and hedgerow units (-100%)."

3.5. It is then said that "The Appellant's proposed mitigation therefore does not meet the minimum statutory net gain targets for the purpose of Schedule 7A TCPA 1990.

3.6. However, the Rule 6 Party then state expressly "The R6 accept the Appellant will likely be able to achieve the biodiversity gain objective and that it will be corrected so the mandatory 10% post-development value is achieved, but it remains the R6's case that the Appellant's BNG assessment must be corrected."

Survey Work and the Baseline Position

3.7. The Statutory Biodiversity Net Gain requirements (Natural England, 2024) only require information at planning to determine a planning application. As stated in these requirements, a metric is required prior to the determination of planning permission, and mitigation only needs to be detailed in a conditioned Biodiversity Gain Plan.

3.8. I consider that the desktop survey and on-site survey work is sufficient and accurate for the reasons set out below.

Desktop Study

3.9. The full details of the desktop study methodology have been set out in section 3.1 of the EclA.

3.10. Ecosupport used historical aerial imagery and local knowledge to identify the Site as former pasture that has fallen out of active agricultural management following the cessation of livestock grazing.

3.11. Ecosupport have observed on successive visits since late- 2023 that the grassland has been subject to intense grazing by Deer and rabbits and, as a result, has shown limited forb diversity and areas of machinery damage.

Habitat Classification

3.12. The majority of the habitat present on site consisted of other neutral grassland (as defined by UKHabs 2.01 (page 41)), which was heavily grazed by Deer, therefore only present with a short sward (**Fig 2**). The grassland structure and species composition were similar across the three parcels.

3.13. Grass species noted included: Cock's Foot (*Dactylis glomerata*), Yorkshire Fog (*Holcus lanatus*), Annual Meadow Grass (*Poa annua*), False Oat-grass (*Arrhenatherum elatius*) and Meadow Foxtail (*Alopecurus pratensis*). Forbs recorded include Meadow Buttercup (*Ranunculus acris*), Mouse-ear Chickweed (*Cerastium fontanum*), Bird's-foot Trefoil (*Lotus corniculatus*), Red Clover (*Trifolium pratense*), White Clover (*Trifolium repens*), Creeping Cinquefoil (*Potentilla reptans*), Creeping Buttercup (*Ranunculus repens*), Germander Speedwell (*Veronica chamaedrys*) and Soft Rush (*Juncus effusus*).

Figure 2. Other neutral grassland subject to heavy grazing (taken May 2024 (a) and May 2026 (b)).



3.14. Although the site was dominated by forbs associated with high nutrient levels, isolated patches of Red Clover and Bird's- foot Trefoil were indicative of the more recent movement of the site away from pasture. The frequency of indicator species was low, and the grassland parcels were found still dominated by coarse grasses and rushes.

3.15. Ecosupport have identified that the condition criteria were largely failed due to the low number of species per m² (in many cases, below 6).

3.16. Due to the presence of indicator species, and in accordance with a precautionary interpretation of the BNG guidance, the habitat has been classified as ‘other neutral grassland’ rather than ‘modified grassland’. This approach ensures that the pre-development habitat baseline has been assessed conservatively, applying the highest defensible level of habitat distinctiveness.

Condition Assessment

3.17. As set out above, Ecosupport surveyed the Site in both 2023 and 2024. The site has been subsequently continuously monitored for any changes to the habitat that could indicate an updated detailed condition assessment would be required for the outline application.

3.18. The whole grassland parcel was walked first to pick out distinct vegetation patches, boundaries, and obvious changes in management or habitat quality.

3.19. Representative points across the site were then sampled using quadrats, and sward height, species composition, bare ground, litter, scrub encroachment, poaching, bracken, invasive species, and any signs of grazing, cutting, mowing, or nutrient enrichment were recorded within the quadrats. Limiting factors such as rank growth, waterlogging, compaction, or erosion were noted.

3.20. The final condition judgement was based on the balance of positive and negative indicators, with clear justification and any uncertainties recorded.

3.21. **Figure 3** below shows the results of the condition assessment of the other neutral grassland. This is explained in further detail Appendix 1.

Figure 3. Results of the condition assessment of the other neutral grassland.

Habitat Type	Area (ha)	Condition	Condition Assessment Notes	Strategic Significance
Other neutral grassland	4.655	Poor	The other neutral grassland present on site is heavily grazed by deer therefore supports a short sward across the habitat. Typical species were present (Cock's Foot, Yorkshire Fog, Annual Meadow Grass, Meadow Buttercup, Bird's-foot Trefoil, Cinquefoil Germander Speedwell) indicative of this habitat type. There was also scattered bramble scrub and bracken present. The ground had been damaged by access in some areas leading to bare ground being present. Passes 2 of 6 criteria (A, E).	Location ecologically desirable but not identified in local strategy.

3.22. Ecosupport considered that the site's failure to achieve better than ‘poor’ condition was primarily due to the regular grazing by wildlife and deer damage.

3.23. This has created a consistent sward height throughout the site with patches of damaged, bare earth and a deficiency of microclimates typically associated with other neutral grassland in favourable management.

3.24. The site is bordered in many places by large patches of Bracken.

Further Site Visits

3.25. Due to the continuous presence of Ecosupport on-site (a total of 40 visits) and the acceptance of the survey data at the planning application stage, there was no justification for a further survey visit. Bioscan did not identify any reason to suggest that the habitats had either significantly changed or that alternative evidence had arisen to suggest the surveys may need updating.

3.26. I do not agree that the Site therefore required any re-survey. BioScan never explained what this would comprise or why the original survey was in error.

3.27. Any increased condition of habitats pre-development would be off-set through purchasing an increased number of credits.

Conclusion

3.28. Since the site visit and aerial imagery combined indicated past use as pasture with recent movement towards less intensive management; the overall management features, and species present within the grassland indicate a habitat type of 'other neutral grassland'.

3.29. In addition, the habitat type failed 3/5 condition criteria, due to the presence large patches of Bracken, ground damage, and intensive Deer/ rabbit grazing, resulting in a condition classification of 'poor' condition other neutral grassland.

3.30. In summary, the Appellant and Ecosupport have correctly applied the recognised methodology and identified that the Site comprises poor condition Other Neutral Grassland.

(b) Post-development Biodiversity Net Gain

Introduction and Habitat Creation

3.31. Full details of the proposed habitat management prescriptions are provided within the BNG Assessment and HMMP.

3.32. The Rule 6 Party's Statement of Case, [3.27] states that the Appellant's BNG metric appears to exaggerate post-development gains.

3.33. It is said that ,in particular, other neutral grassland should be 'moderate' condition, not 'poor' as claimed by the Appellant. Bioscan (UK) Ltd state that they have undertaken a shadow assessment which shows a net loss of habitat units (-25.62%) and hedgerow units (-100%)."

3.34. I disagree with these statements, for the reasons set out below.

3.35. These proposals have already been reviewed during the determination of the planning application phase and there was no objection from the Council or Place Services.

Urban Habitat Types

3.36. The majority of habitats being proposed fall within the category of 'urban' habitat types and, therefore, either do not have target conditions imposed or will not require an exhaustive management regime to achieve the targeted habitat conditions.

Other Neutral Grassland

3.37. The most distinctive habitat being created is other neutral grassland which has a target condition of 'moderate' and 'good' throughout the site post-development.

3.38. As other neutral grassland is already evidenced on- site pre-development, this habitat is suitable for post-development habitat creation as a nature of the pre-existing site conditions and seed bank.

3.39. As such, I shall focus in this Section on targeted recommendations for achieving the correct condition targets for 'moderate and 'good' condition other neutral grassland.

Areas Closer to Development Centre

3.40. The proposals aim for 'moderate' condition other neutral grassland in areas closer to the development centre to account for any potential access damage and a potential failing in the target number of species being achieved (in this case 10 or more vascular plants per m²). Criteria, including the presence of indicator species, varied mowing/strimming regime, and management of Bracken, are relatively simple habitat requirements to manage as per the management prescriptions outlined within the HMMP.

3.41. Bracken management is relatively low intensity and can be incorporated within the cutting regime of the newly created grassland to prevent its long-term establishment. The grassland management regime would comprise two cuts per annum, with different areas cut on each occasion to create a varied sward structure across the habitat. Alternatively, a mosaic of sward heights could be maintained through selective mowing using a handheld trimmer (in sensitive areas) or a mower with adjustable cutting heights.

Grassland Bordering Outside of Site and Within Reptile Receptor

3.42. The grassland areas bordering the outside of the site and within the reptile receptor will be less impacted by human access and ground damage, as a result, reaching the target of 10 species per m² is achievable.

3.43. Yearly compliance checks will capture any failures to reach the target condition, and further seed mixture can be added where the habitat has failed to establish to the required condition.

3.44. While the establishment of species-rich other neutral grassland is a gradual process, the BNG Metric incorporates this through the 'time to target condition' and 'difficulty of creation/enhancement' multipliers, ensuring that habitat delivery is assessed in a robust and realistic manner. It is anticipated that the time taken to reach 'good' condition other neutral grassland will be longer than that for 'moderate' condition other neutral grassland but with favourable management and compliance checks, it is an achievable goal.

Conclusion

3.45. My position is that implementation of the HMMP, and associated management prescriptions and compliance checks will ensure that any targeted habitat creation will pass the required condition criteria.

3.46. Should any issues with establishment of the habitat arise, this will be identified in the annual compliance checks and dealt with according to the recommendations outlined within the associated compliance check forms.

3.47. Therefore, for all the reasons above I am confident that the post-development habitat targets can be achieved.

4. ISSUE 4: DARK CORRIDORS FOR BATS

Introduction and Areas of Importance for Bats

4.1. Ecosupport's survey work, findings and proposals in respect of bats are set out in the EclA at 4.3.

Rule 6 Party's Statement of Case

4.2. The Rule 6 Party Statement of Case states that for Barbastelle bats, "it is unclear how 10m dark corridors around the periphery of each parcel will be achievable particularly where there are to be breaches in the internal woodland belts for internal vehicular and pedestrian accesses. "

4.3. The Rule 6 then requests further detailed information "to understand the feasibility of ensuring that the dark corridors will not be illuminated above 0.1 lux".

4.4. I do not agree that there is any lack of clarity on dark corridors or their feasibility.

Surveys

4.5. Activity surveys and static detectors found bat calls dominated by *Pipistrellus* spp., especially Common Pipistrelle, with Soprano Pipistrelle also active. Less abundant species included Noctule, *Plecotus* spp., Daubenton's, Natterer's, Whiskered, Leisler's, Serotine, Nathusius' Pipistrelle, and Barbastelle passes.

4.6. Figures 4 and 5 below show the areas of the site identified as having the highest importance for bat activity around the site. As can be seen, activity is concentrated to the field boundaries and ancient woodland to the south of the site. Annex II Barbastelle bats were recorded along the northern boundary, the south west corner, and the south eastern boundary (in ancient woodland).

Figure 4. Heat map showing the areas with the highest density of recordings during transect surveys.

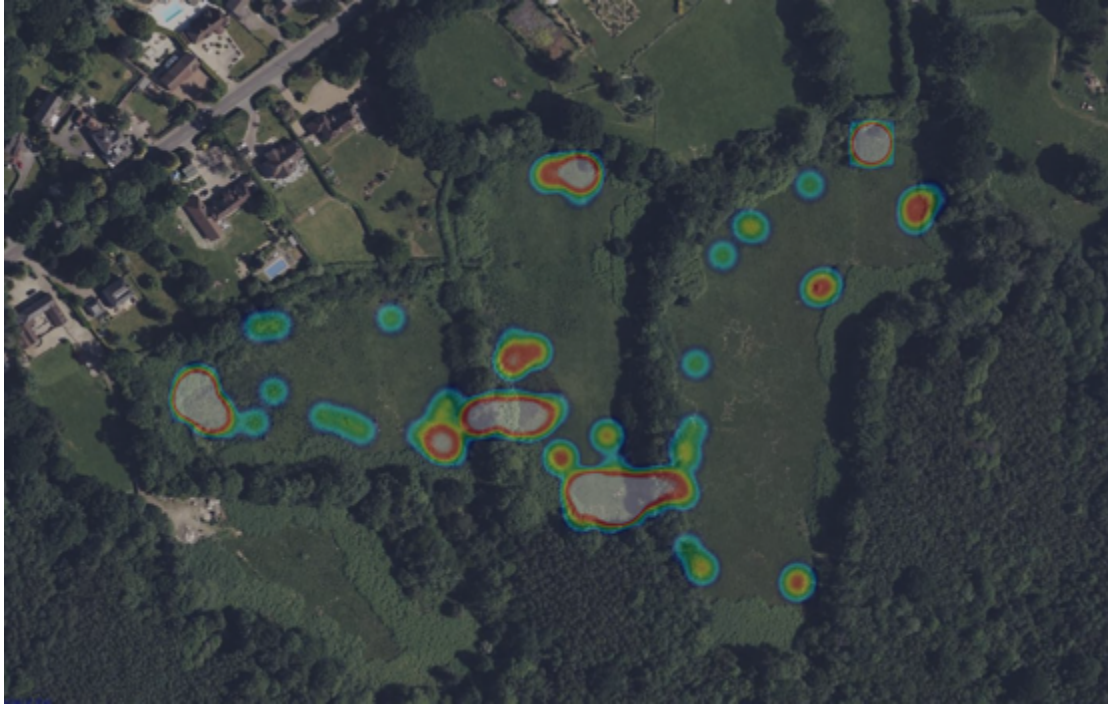


Figure 7. Location of Barbastelle recordings on-site.



Suitability of Proposed Mitigation

4.7. To mitigate impacts to the Barbastelles using the ecological areas on site, 10m dark corridors are to be implemented into the scheme (Landscape Proof of Evidence; Mr Cook's proof of evidence, Appendix 2).

4.8. New hedgerows providing further connectivity around the site are proposed as well as a SUDs in the southeast planted with wetland species.

4.9. Furthermore, a 15m buffer is to be implemented along the southern boundary of the site to safeguard the foraging and commuting habitat provided by the neighbouring ancient woodland.

4.10. Generally, lighting on site will be kept to a level below 1 Lux on site, however it will be kept below 0.1 lux in the buffers thus limiting the disturbance to foraging and commuting bats and maintaining connectivity across the site. Additionally, recommendations include any lighting installed follows basic principles for minimising impacts to nocturnal animals (e.g. warm lighting, zero upward light ratio, motion sensing security lighting).

4.11. Where light spill is at risk of impacting dark corridors, techniques such as increased lighting column spacing, directional hoods to avoid backwards spill, and avoiding street lighting where roads intersect tree lines can be utilised.

4.12. A number of areas will also be enhanced through planting of a number of new shrubs, trees and shade tolerant herbaceous species to generate an understorey.

4.13. As the scheme is currently at the outline stage, detailed lighting locations and contour plans have not yet been produced, however, it is common practice for LPAs to impose planning conditions outlining the maximum lighting in dark corridors and requiring a light contour plan as evidence to discharge the condition. It is considered appropriate for a lighting condition to be implemented in this case (Appendix 2).

4.14. Should there be conflict between road adoption requirements and minimising lighting for bats, an alternative compromise would be to install red lighting. Research shows that red light does not reduce activity in slow-flying, light-shy bat species that normally avoid illuminated area (Spoelstra *et al*, 2017).

Conclusion

4.15. The proposed layout retains the main boundary features, introduces additional hedgerow connectivity, and provides buffering and dark corridors to reduce disturbance to light-sensitive species.

4.16. Subject to the implementation of the proposed mitigation and a suitably worded lighting strategy condition, the scheme will be capable of maintaining bat movement and foraging use across the site.

5. CONCLUSION/ SUMMARY PROOF OF EVIDENCE

5.1. This Proof of Evidence has addressed three key ecological matters raised by the Rule 6 party in relation to the appeal for planning application DM/25/0445 at Land at Colwell Farm, Haywards Heath.

5.2. Place Services, the ecology consultee for the planning application, did not have any objections to the scheme when the planning decision was made. That was then reflected in the Officer Report to Committee, the Decision Notice (which included no ecology RfR) and the Council's position in two further Master SoCGs.

5.3. The Rule 6 Party's submissions on Matters 2 to 4 are all incorrect or unjustified.

Matter 2: Reptiles

5.4. The on-site reptile receptor has been designed with consideration to the location of reptiles on the Site, the natural ecotone at the interface between the grassland and woodland, and with sufficient enhancements proposed to ensure the carrying capacity of the receptor will be large enough to support low populations of Common Lizards, Slow Worms and Grass Snakes.

5.5. As such, it is my opinion that the proposed reptile receptor acts as suitable mitigation for the appeal scheme.

Matter 3: BNG

5.6. The BNG assessment has classified the grassland as other neutral grassland in poor condition, reflecting the intensive, deer/ rabbit grazing pressure, bracken encroachment, and low species diversity recorded during surveys. It is my opinion that the results from these surveys are still in-date and relevant.

5.7. The proposed habitat creation targets are achievable. Other neutral grassland already exists on-site, indicating suitable conditions for establishment. The HMMP sets out proportionate management prescriptions, and annual compliance checks will identify and address any establishment failures. The metric appropriately accounts for time to target condition and delivery risk.

Matter 4: Bats

5.8. The site supports including low numbers of Barbastelle bats. The layout retains key boundary features, introduces additional hedgerow connectivity, and incorporates a 10m buffer along the southern boundary. Dark corridors maintaining lighting below 0.1 lux in sensitive areas, secured through an appropriately worded planning condition, are sufficient to maintain bat commuting and foraging activity.

Appendix 1- CONDITION ASSESSMENT DATA

Condition Sheet: GRASSLAND Habitat Type (medium, high and very high distinctiveness)												
UK Habitat Classification (UKHab) Habitat Types												
Grassland - Lowland calcareous grassland Grassland - Lowland dry acid grassland Grassland - Lowland meadows Grassland - Other lowland acid grassland Grassland - Other neutral grassland Grassland - Tall herb communities (H6430) [Not to be confused with the Tall forbs secondary code – see UKHab guidance for details.] Grassland - Upland acid grassland Grassland - Upland calcareous grassland Grassland - Upland hay meadows Sparsely vegetated land - Calaminarian grassland												
Habitat Description												
The other neutral grassland present on site is regularly grazed by deer and has typical species present (Cock's Foot, Yorkshire Fog, Annual Meadow Grass, Meadow Buttercup, Bird's-foot Trefoil, Cinquefoil Germaner Speedwell). There is also scattered bramble scrub and bracken present. The ground has been damaged by access in some areas leading to bare ground being present.												
ukhab – UK Habitat Classification												
On-site or off-site, site name and location	On-site Land North of Colwell Farm		Survey date and Surveyor name		6th December 2023 June 2024 Lewis Lakudzala MRes ACIEEM							
			Survey reference (if relating to a wider survey)									
Limitations (if applicable)	No limitations		Habitat parcel reference									
			West	Central	East							
Condition Assessment Criteria			Grid reference									Notes (such as justification)
			TQ 35213 23268	TQ 35301 23293	TQ 35402 23292							
			Criterion passed (Yes or No)									
A	The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type (and relative to Footnote 3 suboptimal species which may be listed in the UKHab description). ¹ Note - this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.	Y	Y	Y							Grass species noted included: Cock's Foot (Dactylis glomerata), Yorkshire Fog (Holcus lanatus), Annual Meadow Grass (Poa annua), False Oat-grass (Arrhenatherum elatius) and Meadow Foxtail (Alopecurus pratensis). Forbs recorded include Meadow Buttercup (Ranunculus acris), Mouse-ear Chickweed (Cerastium fontanum), Bird's-foot Trefoil (Lotus corniculatus), Red Clover (Trifolium pratense), White Clover (Trifolium repens), Creeping	
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.	N	N	N							Short sward across habitat due to heavy deer grazing	
C	Cover of bare ground is between 1% and 5%, including localised areas, for example, rabbit warrens ² .	N	N	N							Bare ground present from grazing	
D	Cover of bracken Pteridium aquilinum is less than 20% and cover of scrub (including bramble Rubus fruticosus agg.) is less than 5%.	N	N	N							Extensive bracken present around the parcel boundaries	

E	Combined cover of species indicative of suboptimal condition ³ and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area. If any invasive non-native plant species ⁴ (as listed on Schedule 9 of WCA ⁵) are present, this criterion is automatically failed.	Y	Y	Y									
Additional Criterion - must be assessed for all non-acid grassland types													
F	There are 10 or more vascular plant species per m ² present, including forbs that are characteristic of the habitat type (species referenced in Footnote 3 and 5 cannot contribute towards this count). Note - this criterion is essential for achieving Good condition for non-acid grassland types only.	N											Approx 6-7 species per m2 recorded during condition assessment in June 2024
Essential criterion for Good condition achieved (for non-acid grassland) (Yes or No)													
Number of criteria passed		2											
Condition Assessment Result		Condition Assessment Score		Score Achieved x/√									
Acid grassland types (Result out of 5 criteria)													
Passes 5 criteria		Good (3)											
Passes 3 or 4 criteria		Moderate (2)											
Passes 2 or fewer criteria		Poor (1)											
Non-acid grassland types (Result out of 6 criteria)													
Passes 5 or 6 criteria, including essential criterion A and additional criterion F.		Good (3)											
Passes 3 - 5 criteria, including essential criterion A.		Moderate (2)											
Passes 2 or fewer criteria; OR Passes 3 or 4 criteria excluding criterion A and F.		Poor (1)		X									
Suggested enhancement interventions to improve condition score													
Notes													
Footnote 1 - Professional judgement should be used alongside the UKHab description.													
Footnote 2 – For example, this could include small, scattered areas of bare ground allowing for plant colonisation, or localised patches not exceeding 5% cover.													
Footnote 3 - Species indicative of suboptimal condition for this habitat type include: creeping thistle <i>Cirsium arvense</i> , spear thistle <i>Cirsium vulgare</i> , curled dock <i>Rumex crispus</i> , broad-leaved dock <i>Rumex obtusifolius</i> , common nettle <i>Urtica dioica</i> , creeping buttercup <i>Ranunculus repens</i> , greater plantain <i>Plantago major</i> , white clover <i>Trifolium repens</i> and cow parsley <i>Anthriscus sylvestris</i> . There may be additional relevant species local to the region and or site.													
Footnote 4 – Assess this for each distinct habitat parcel. If the distribution of invasive non-native species varies across the habitat, split into parcels accordingly, applying a buffer zone around the invasive non-native species with a size relative to its risk of spread into adjacent habitat, by applying professional judgement.													
Footnote 5 – Wildlife and Countryside Act 1981 (as amended).													

Appendix 2- COMMITTEE REPORT CONDITIONS



Date: 28 July 2025

Our ref: 07089

Joanne Fisher
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 outline 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/25/0445
Location: Land At Colwell Farm Lewes Road Haywards Heath West Sussex
Proposal: Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses. ADDITIONAL INFORMATION of a further Transport Note in response to the Highways Authority consultation.

Thank you for re-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 Further information regarding Dormice (Ecosupport Ltd, July 2025), Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact

Assessment (Ecosupport Ltd., January 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the revised BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025).

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As per our previous response, we support the recommendations outlined in the Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact Assessment (Ecosupport Ltd., January 2025). As a result, finalised mitigation measures should be set out within a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

As Hazel Dormouse have been identified within the red line boundary and the proposals will include the removal of hedgerow / mature trees and bramble scrub, it is indicated that a European Protected Species Mitigation Licence for Hazel Dormouse will be required prior to commencement and a copy of the licence should be submitted to the LPA. We welcome the submission of the Further information regarding Dormice (Ecosupport Ltd, July 2025) which sets further clarification on the survey methodology, mitigation and compensation to be secured under licence.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025) and are satisfied that the calculations now match. 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) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- A 10% biodiversity net gain will need to be demonstrated, as well as trading rules met, when submitting information relating to the biodiversity gain condition.

- The Temporal multiplier will need to be completed for the finalised Statutory Biodiversity Metric – Calculation Tool.

In addition, a finalised [Habitat Management and Monitoring Plan](#) (HMMP) should be secured for all [significant on-site enhancements](#). Based on the submitted post-intervention values, it is suggested that this includes the following habitats: 'Other neutral grassland' and 'urban tree' creation. However, the decision on whether significant on-site enhancements are present is up to the LPA.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure this as a planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

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 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) and delivery of mandatory Biodiversity Net Gain.

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. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the Response to Ecology Comments (Ecosupport, April 2025).

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) *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.*

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 (as amended).

2. **PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF EPS MITGATION LICENCE**

“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) *a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) *a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998.

3. **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 (Ecological Impact Assessment (Ecosupport Ltd., January 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).

4. **PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME**

“Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) *identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) *show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.”

Reason: To 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).

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) 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 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.

Hamish Jackson ACIEEM BSc (Hons)

Senior Ecological Consultant

Place Services at Essex County Council

Email: PlaceServicesEcology@essex.gov.uk



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.