



Rebuttal Proof of Evidence

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Appeal Number 6005786

LPA Ref Number DM/25/0445

Site Name Land at North Colwell Farm, Haywards Heath

Date 14th July 2026

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Response to the Rule 6 Party Ecology Proof of Evidence (Mr Carpenter, Bioscan)

1 Introduction

- 1.1 I am Lyndsey Barratt, principal ecologist of Ecosupport Ltd. The full details of my qualifications and experience are included within my submitted Proof of Evidence, and I do not repeat them here.
- 1.2 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 Rebuttal

- 1.3 In this Rebuttal, I respond to Mr Carpenter's Ecology Proof of Evidence on behalf of the Rule 6 Party, in respect of the Ecology topics covered in my Main Proof of Evidence:
- Reptile Receptor Suitability (R6 Party's Issue 2)
 - Biodiversity Net Gain (R6 Party's Issue 3)
 - Bats: Survey Information and Mitigation (R6 Party's issue 4)
- 1.4 This Rebuttal is not intended to be an exhaustive response to all points raised, nor should it be taken as acceptance that any of the points presented by Mr Carpenter.
- 1.5 This Rebuttal will not respond to Section 3 of Mr Carpenter's Proof of Evidence in respect of ancient woodland. The Appellant's evidence on this matter is addressed by Mr Forbes-Laird.

EcIA

- 1.6 I have referred here to the final versions of the two documents:

- (1) The Ecology Impact Assessment (EcIA) (CD2.20a (July 2025)
(This updated CD2.6 (April 2025) and CD1.8 (January 2025)); and
- (2) the Biodiversity Net Gain and Habitats Management & Monitoring Plan (HMPP) (CD2.15 (June 2025)
(This updated 2.8 (April 2025) and CD1.15 (January 2025))

2 Reptile Receptor Suitability

4.1.1 Site Survey Conditions

- 2.1 Mr Carpenter is wrong to state that ‘several survey visits were conducted under sub-optimal weather conditions (such as visits 2, 5 and 7)’.
- 2.2 The guidance for the completion of reptile surveys (Froglife, 1998) (CD 20.7) states at page 3 under “Weather conditions” that these should be ‘...between 9 and 18°C. On cooler days, bright sunshine is a good sign, while hazy or intermittent sun gives the best results at the warmer end of the scale’.
- 2.3 Mr Carpenter’s assertion that the weather conditions were ‘sub-optimal’ is incorrect, as shown in **Figure 1** below. All survey visits were undertaken within the recommended temperature range and with appropriate cloud cover:

Figure 1. Results and weather data for the reptile surveys completed in 2024.

Date	Start Time	Weather Conditions (Temp, Wind, Cloud %, Precipitation)	Common Lizard	Grass Snake	Adder	Slow Worm				Reptile Mat Number/Location
						AM	AF	SA	J	
08/04	9:00	13°C, 1, 40%, 0	1	0	0	0	2	1	3	47,49,9,5,7
11/04	11.05	14°C, 1, 100%, 0	2	0	0	1	0	0	1	15, 48
29/04	1145	13°C, 1, 70%, 0	1	0	0	0	1	0	1	12,110,113
08/05	10:15	15°C, 1, 5%, 0	0	1	0	0	2	2	0	1, 13, 52
10/05	9:52	18°C, 0, 80%, 0	5	0	0	0	2	0	0	5,6,45,55,100,105
20/05	9:38	14°C, 1, 5%, 0	3	0	0	0	1	0	0	6,43,109,110
23/05	10:03	16°C, 2, 80%, 0	3	0	0	0	0	1	2	6,13,15,47,106

4.2.1 Suitability of the Proposed Reptile Receptor.

- 2.4 Mr Carpenter has failed to consider the guidance in the Reptile Habitat Management Handbook (CD20.13) on habitat requirements at pages 15-18, Sections 4.2 and 4.3, most notably on page 15 at the start of Section 4.2: “*Thermoregulation by behavioural means not only entails seeking warm microhabitat to raise body temperatures but also involves taking shelter from the sun to avoid fatal overheating. Shuttling between sunshine and shade allows reptiles to maintain a surprisingly high body temperature very precisely throughout much of the day.*”
- 2.5 Mr Carpenter is also wrong to state that the location is too shaded to be suitable, in particular his claim that ‘40% of the proposed receptor will comprise closed canopy woodland and/or dense scrub’ and his further claim that the ‘receptor is unlikely to receive full sun in the first part of the day’. Reptiles were found in this location during the surveys carried out in the first part of the day.

- 2.6 I disagree with his statement that reptiles require only sunlight for thermoregulation. Reptiles rely on a range of microhabitats to regulate their body temperature, including areas of full sun, partial shade and shelter, allowing them to move between warmer and cooler conditions as required. When these thermoregulatory requirements are taken into account, the area of the receptor providing suitable conditions is approximately **1.117ha**. This area was measured using GIS software with a georeferenced post-development plan.
- 2.7 The Handbook explains that reptile's habitat requirements, includes a mix of sun and shelter to allow suitable temperature regulation during different weather conditions. In addition, access to the woodland provides hibernation opportunities for reptiles under log piles and tree stumps.
- 2.8 Mr Carpenter is mistaken in the assessment of the carrying capacity of the receptor. The reptile receptor meets the recommendations set out in the Reptile Habitat Management Handbook (CD 20.13).

4.2.2 Modified Grassland

- 2.9 Mr Carpenter is incorrect to describe the proposed receptor area as containing modified grassland. No modified grassland is being proposed in the reptile receptor as shown in Appendix 2 of the BNG Assessment Report and HMMP (June 2025) (CD2.15: Post-development Habitats Map).

4.2.2 Grass Cuts

- 2.10 Mr Carpenter's paragraph 4.2.2, second bullet-point, states that two grass cuts a year in a reptile receptor would be unsuitable. This contradicts Mr Carpenter's earlier assertion that the receptor should be clear of vegetation that could cause shading. An absence of cutting would create an environment dominated by fast-growing coarse grasses, and promote the succession of the area into scrub.
- 2.11 The Reptile Habitat Management Handbook, page 32, Section 7.2 states: *'On sites where botanical interest requires cutting during the reptiles' active season, then survey should be carried out to identify any foci to exclude these areas from the cut. The remainder of the site should be cut at intervals staggered over several weeks, so that there is always some vegetation cover available. The cut should be made as high as possible (minimum 15 cm)'* (CD20.13)
- 2.12 This is in-line with section 5.3.1 of the BNG and HMMP Report (June 2025) (CD2.15) which states at page 16 under "Management Once Established": *'To ensure maximum flowering and wildlife diversity, the buffer must be managed in sections at varying times between late June and the end of August as this will allow a diverse, balanced sward to be achieved. Consistently cutting late (August and September) allows coarse grasses and other dominant species to grow unchecked and is therefore not recommended.'* and 6.4.5.2 of the EclA (CD2.20a, July 2025) which includes at page 73 under "Five Year Management Plan (Reptile Receptor Post Development Management and Landscaping): *'Grassland cut to a depth of no less than 300mm (this should be done on rotation in different areas year to year. The relatively early cut will help to reduce vigour of the sward, allowing flowering species to persist)'*

4.2.3 Deer Fencing

- 2.13 As explained in Mr Cook's Landscape Proof of Evidence (Appendix 2), deer fencing will be proposed around the site to protect the proposed habitats.

4.2.3 Cat Predation

- 2.14 Cat predation can be suitably minimised by the planting of thorny species at the interface between the receptor and the development. In addition, the receptor will support a varied structure and new hibernacula to increase sheltering opportunities for reptiles from predators (as recommended within the Reptile Habitat Management at Section 5.1- General Principles (third bullet-point) (CD20.13, page 23).

4.2.4 Summary

- 2.15 Mr Carpenter's summary at paragraph 4.2.4 is therefore incorrect based on the above information.
- 2.16 The proposed reptile receptor area will provide suitable habitat in line with the guidance. The LPA and the statutory consultee, Place Service agreed that it would be appropriate and acceptable in all respects, including for the purposes of the Wildlife and Countryside Act 1981.

3 Biodiversity Net Gain

5.2.2 Table: Grassland: Other Neutral Grassland

- 3.1 Mr Carpenter is wrong to record at Row B of the table that the grass appears 'tussocky'. This is different to the varied sward height required to meet criteria 2 and does not mean the criteria has been met. The criteria requires: *'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.'*
- 3.2 Mr Carpenter is also wrong to conclude at Row C that the habitat is supporting 1-5% of bare ground cover based on aerial photography showing mole hills. There are no mole hills on site and aerial photography would not show these at such a resolution (**Fig 2**).

Figure 2. Aerial imagery of Colwell Farm taken from 2025.



5.2.3: Findings

- 3.3 Mr Carpenter's desktop condition assessment concludes that the other neutral grassland should be classified as 'moderate' rather than 'poor'. Ecosupport's assessment clearly set out why the condition should be assessed as "poor" and none of Mr Carpenter's desktop findings are correct (as summarised above).

5.2.4: BNG

- 3.4 Mr Carpenter has noted that the Biodiversity Net Gain (BNG) metric assumes the loss of all areas of other neutral grassland within the pre-development baseline, despite a proportion of this habitat being retained on site. I can confirm the area of other neutral grassland for the reptile receptor is being retained. Changing this only makes a minor difference to the number of habitat units being generated from the scheme (+0.72% to +1.47%).
- 3.5 In response to paragraph 5.2.7 of Mr Carpenter's Proof of Evidence, I have reviewed the classification of the line of trees at the site entrance and agree that these are appropriately categorised as 'urban trees' within the Biodiversity Net Gain metric. The metric has been updated accordingly, resulting in a change from a net gain of +0.72% to a net loss of -3.14% habitat units (see **Appendix 1**).
- 3.6 Notwithstanding this adjustment, it remains my professional opinion that the Proposed Development can achieve the required biodiversity net gain using off-site credits, as part of ongoing discussion with the intended provider.
- 3.7 A local nature recovery strategy was released by West Sussex in June 2026, after the initial determination of the outline planning application by Mid- Sussex Council. The BNG metric has been accordingly updated to reflect the change in the spatial multiplier pre- and post- development. This has resulted in a small gain to the habitat units (**Appendix 1**) from the -3.14% reported above to -2.39%. As no LNRS species or habitats have been identified or proposed on-site, all spatial multipliers have been set to 'low'.

5.2.9: Track

- 3.8 The track Mr Carpenter is referring to is outside of the redline boundary and the area considered for development. This track would still require cutting through hedgerow to act as a suitable site entrance.

5.2.15 (bullet-point 5): Habitat Creation

- 3.9 Mr Carpenter is wrong to assert that having no delay to starting habitat creation is not credible.
- 3.10 Guidance within The Statutory Biodiversity Metric Guide (CD 2.9) states:

'Where you cannot deliver habitat in advance, you should plan to deliver habitat compensation alongside each phase of the project where possible to ensure that biodiversity is being compensated for without delay.'

- 3.11 The development is not phased and, accordingly, will not require a delay to starting habitat creation.

4 Bats: Survey Information and Mitigation for Bats

2.4(4) The R6 Party's Case

- 4.1 The Rule 6 Party's Updated Statement of Case made a very limited reference to bats at paragraph 3.26, only questioning the 'feasibility of ensuring that the dark corridors will not be illuminated above 0.1 lux'.
- 4.2 As noted in my Proof of Evidence, the Rule 6 Party also originally indicated in an e-mail of 15 June 2026 that they would not pursue any further case on bats. Bats were not identified as one of their three main issues for evidence.
- 4.3 For the first time, Mr Carpenter's paragraph 2.4, point 4, attempts to raise the broader issue of whether the impact on bats (both roosting and foraging) has been adequately assessed.
- 4.4 Mr Carpenter's attempt to introduce a new issue only at the stage of Proofs of Evidence is not appropriate. However, there is no merit in this point.

6.1.1 Report Presentation

- 4.5 Mr Carpenter's complaint is merely a preference in report presentation. It does not challenge the survey outcomes.
- 4.6 "Non-exhaustive" does not mean "unreliable"; it means the assessor inspected what was reasonably visible and accessible, which is standard practice for preliminary roost assessment (BCT, 2023) (CD20.3).
- 4.7 The absence of a tabulated tree list is a reporting preference, not a methodological failing.

6.1.2 Mature Trees

- 4.8 Mr Carpenter is also wrong to refer to 'mature trees' within the breaches within internal woodland. No mature trees are being removed since existing natural gaps have been chosen for the breakthrough locations.

6.1.3 Track

- 4.9 Mr Carpenter's comment is unclear and the 'track' is that is being referred to.

4.9.4 Section Felling

- 4.10 Paragraph 6.1.4 refers to 'section felling' of the trees, however, this is encompassed by 'soft felling'. BCT interchangeably use both terms, however, the work referenced by BCT to support the felling technique outlined within the mitigation guidelines is explained within a CIEEM article (CD 20.18) on soft- felling techniques for trees with PRFs. As can be seen from page 29, 'Sectional dismantling and tree rigging', the methodology outlined by Mullholland (2015) involves : *'Working from the top down, sections of the tree are removed until the tree is small enough to be felled. Sections can be 'hand cast' (thrown from the tree by the climber) or lowered by securing a rigging rope or attaching the section to a crane.'*

5 Planning Policy Compliance

7.1.5 Accordance to Policy DP38

- 5.1 In conclusion, Mr Carpenter is wrong to state that there will be a breach of Policy DP38. Mr Billington addresses all matters of policy interpretation and compliance. However, all of the observations in Mr Carpenter's [7.1.5] are incorrect.

7.1.5(1) Biodiversity Net Gain

- 5.2 The Ecosupport EcIA (CD2.8 (April 2025) and CD 2.20a (July 2025)) and HMPP (CD2.8 (April 2025) and CD2.15 (June 2025)) and the earlier documents (CD1.14 and CD1.15 (January 2025)) made clear throughout the entire application process that off-site credits would need to be purchased. That is in full compliance with the Biodiversity Net Gain legislation.

7.1.5(2)-(3) Protection of habitats

- 5.3 The linear tree lines will be protected using tree protection fencing. The reptile receptor will be protected by reptile exclusion fencing. Deer fencing is being used to protect off-site ancient woodland and newly created grassland.

7.1.5(4) Priority Habitats

- 5.4 As there are no priority habitats on-site, there is no need to recreate these. This is not appropriate or realistic for this site.

APPENDIX 1: BNG Calculation Update to Consider Individual Urban Trees and LNRS

The below assumptions have been made based on the loss of ‘Good’ condition urban trees in replacement of ‘Line of Trees’ at the site access. The tree sizes have been based on the Arboricultural report produced by Mr Forbes- Laird (CD 1.29).

Figure 1. Pre-development habitat baselines.

Ref	Existing area habitats				Distinctiveness		Condition		Strategic significance			Required Action to Meet Trading Policy	Ecological baseline Total habitat units
	Broad Habitat	Habitat Type	Irreplaceable habitat	Area (hectares)	Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic significance multiplier		
2	Grassland	Other neutral grassland	No	1.019	Medium	4	Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required (2)	4.88
3	Grassland	Other neutral grassland	No	2.191	Medium	4	Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required (2)	8.76
4	Urban	Vegetated garden	No	0.069	Low	2	Condition Assessment N/A	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same distinctiveness or better habitat required (2)	0.14
6	Woodland and forest	Lowland mixed deciduous woodland	No	1.438	High	6	Good	3	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same habitat required (2)	25.88
7	Individual trees	Urban tree	No	0.1829	Medium	4	Good	3	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	Same broad habitat or a higher distinctiveness habitat required (2)	1.95
8													
9													
10													
11													
12													
				Total habitat units									46.60

Figure 2. Post-development habitat creation.

Asset Value	Project habitat	Area (hectares)	Distinctiveness		Score	Strategic significance				Targeted mitigation				Habitat units created	Habitat units retained			
			Distinctiveness	Score		Condition	Score	Strategic significance	Strategic significance multiplier	Strategic significance target multiplier (score)	Strategic significance target multiplier (score)	Standard time to target condition applied	Standard time to target condition applied			Standard difficulty applied	Standard difficulty applied	
Grassland	Other neutral grassland	1.019	Medium	4	Good	3	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	10	Standard time to target condition applied	10	0.700	Low	Standard difficulty applied	Low	1	11.63
Grassland	Modified grassland	0.084	Low	2	Medium	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	4	Standard time to target condition applied	4	0.040	Low	Standard difficulty applied	Low	1	0.89
Urban	Residential storage system	0.191	Low	2	Good	3	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	4	Standard time to target condition applied	4	0.040	Medium	Standard difficulty applied	Medium	0.67	0.94
Grassland	Other neutral grassland	0.28	Medium	4	Medium	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	4	Standard time to target condition applied	4	0.040	Low	Standard difficulty applied	Low	1	1.67
Urban	Vegetated garden	0.069	Low	2	Condition Assessment N/A	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	Standard time to target condition applied	1	0.040	Low	Standard difficulty applied	Low	1	1.03
Urban	Developed land, mixed urban	0.076	Very Low	1	Very Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	Standard time to target condition applied	1	1.000	Low	Standard difficulty applied	Low	1	0.00
Urban	Developed land, mixed urban	1.118	Very Low	1	Very Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	Standard time to target condition applied	1	1.000	Low	Standard difficulty applied	Low	1	0.00
Individual trees	Urban tree	0.019	Medium	4	Medium	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	27	Standard time to target condition applied	27	0.040	Low	Standard difficulty applied	Low	1	1.57
Urban	Artificial concrete, paved urban	0.019	Very Low	1	Very Poor	1	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	1	Standard time to target condition applied	1	1.000	Low	Standard difficulty applied	Low	1	0.00

Figure 3. Total loss of urban tree units to be offset.

Medium Distinctiveness						
Habitat group	Group	On-site unit change	Off-site unit change	Project wide unit change	Cumulative broad habitat change	
Cropland - Arable field margins cultivated annually	Cropland	0.00	0.00	0.00	0.00	
Cropland - Arable field margins game bird mix	Cropland	0.00	0.00	0.00		
Cropland - Arable field margins pollen and nectar	Cropland	0.00	0.00	0.00		
Cropland - Arable field margins tussocky	Cropland	0.00	0.00	0.00		
Grassland - Other lowland acid grassland	Grassland	0.00	0.00	0.00	-3.95	
Grassland - Other neutral grassland	Grassland	-3.95	0.00	-3.95		
Grassland - Upland acid grassland	Grassland	0.00	0.00	0.00		
Heathland and shrub - Blackthorn scrub	Heathland and shrub	0.00	0.00	0.00		
Heathland and shrub - Bramble scrub	Heathland and shrub	0.00	0.00	0.00	0.00	
Heathland and shrub - Gorse scrub	Heathland and shrub	0.00	0.00	0.00		
Heathland and shrub - Hawthorn scrub	Heathland and shrub	0.00	0.00	0.00		
Heathland and shrub - Willow scrub	Heathland and shrub	0.00	0.00	0.00		
Heathland and shrub - Hazel scrub	Heathland and shrub	0.00	0.00	0.00		
Heathland and shrub - Mixed scrub	Heathland and shrub	0.00	0.00	0.00		
Lakes - Ponds (non-priority habitat)	Lakes	0.00	0.00	0.00		
Lakes - Reservoirs	Lakes	0.00	0.00	0.00	0.00	
Sparsely vegetated land - Other inland rock and scree	Sparsely vegetated land	0.00	0.00	0.00	0.00	
Urban - Cemeteries and churchyards	Urban	0.00	0.00	0.00	0.00	
Urban - Biodiverse green roof	Urban	0.00	0.00	0.00	-0.39	
Individual trees - Urban tree	Individual trees	-0.39	0.00	-0.39		
Individual trees - Rural tree	Individual trees	0.00	0.00	0.00		
Woodland and forest - Other Scot's pine woodland	Woodland and forest	0.00	0.00	0.00	0.00	
Woodland and forest - Other woodland; broadleaved	Woodland and forest	0.00	0.00	0.00		
Woodland and forest - Other woodland; mixed	Woodland and forest	0.00	0.00	0.00		
Intertidal sediment - Littoral coarse sediment	Intertidal sediment	0.00	0.00	0.00		
Intertidal sediment - Littoral sand	Intertidal sediment	0.00	0.00	0.00	0.00	
Intertidal hard structures - Artificial hard structures with integrated greening of grey infrastructure (IGGI)	Intertidal hard structures	0.00	0.00	0.00		
		-3.94	0.00	-3.94		

Figure 4a. Headline results.

On-site baseline		Habitat units	46.60			
		Hedgerow units	0.00			
		Watercourse units	0.00			
On-site post-intervention (including habitat retention, creation & enhancement)		Habitat units	45.48			
		Hedgerow units	1.65			
		Watercourse units	0.00			
On-site net change (units & percentage)		Habitat units	-1.11	-2.39%	On-site net gain is less than target set (2)	
		Hedgerow units	1.65	N/A	Zero baseline units - % cannot be calculated	
		Watercourse units	0.00	0.00%		

Figure 4b. Headline results.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-1.11
	Hedgerow units	1.65
	Watercourse units	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Habitat units	-2.39%
	Hedgerow units	N/A
	Watercourse units	0.00%
Trading rules satisfied?	No - Check Trading Summaries ▲	