

[REDACTED]
90 Lewes Road
Haywards Heath
West Sussex
RH17 7SX

29 April 2025

Re: Outline application for Land at Colwell Farm Lewes Road under reference DM/25/0445

Dear Ms Fisher,

I write in connection with the above planning application in response to two supporting documents recently submitted by the developer: "Response to MSDC Ecology Consultee comments" and "UPDATED BNG Habitat Management & Monitoring Plan".

In addition to my comments here, I note my previous submissions where I highlighted a number of ecological issues that the Council's Ecology Consultee had not considered, and my detailed analysis of the developer's original Ecological Impact Assessment and BNG/HMMP report. Please consider these submissions in addition to my comments below.

Millers Homes has not responded to any of my comments in this recent submission, and I hope that a future Ecology Consultee response will consider my comments as well as those submitted by the developer.

Response to Millers Homes' "MSDC Ecology Consultee comments" submission:

Bats:

The developer highlights only 4 trees that are scheduled for removal, but does not appear to have considered any of the trees that need to be removed for the 4 roads that will be crossing the hedge/tree lines between each of the fields.

In addition, the developer has not clarified the inconsistencies between EclA and WLC Lighting Design Lighting Strategy. The developer needs to submit a unified lighting strategy so Place Services can assess the impact of its lighting strategy on bats and other wildlife.

Millers Homes has not included information on additional light sources, impacts on bat foraging and commuting habitats, direct mortality and injury to bats by construction, collision with road and predation by cats.

This information needs to be provided by Millers Homes to allow a full assessment of its mitigation.

Reptiles

Millers Homes suggests retaining translocated reptiles in a narrow strip of grass and woodland on the edge of the site. However, ecological guidelines state that translocated reptiles need to be moved to a suitable habitat with a buffer zone.

According to The Herpetofauna Groups of Britain and Ireland (HGBI)'s Best Practice Guide, reptiles prefer "dry, species-rich, undisturbed open habitat...sunny hollows, banks and gullies." Woodland is not generally considered a reptile habitat because as ectotherms, they need the warmth of the sun to get them fully active.

However, the vast majority of the habitat being offered up by Millers Homes is woodland not grassland. The grassland areas appear to be around 15m wide at the widest point, and in one section there is approximately 1m of grassland between the end of the concrete road and the woodland.

In addition, the developers themselves admit that this area of land is likely to become a dumping ground for rubbish and garden waste saying in their management plans that “any rubbish and tipped garden waste (from residents) will be removed.”

The Herpetofauna Best Practice Guide states: *“It is important to ensure that if in-situ measures are considered, sufficient habitat is set aside to allow the persistence of a viable population. An important consideration is the inclusion of buffer zones around suitable habitats defined within the planning application. These should help to protect the animals from disturbance by humans, their pets, recreational usage and other damaging actions.”*

This narrow strip of land cannot in any way be deemed a “sufficient habitat” to “allow the persistence of a viable population”. It also does not include any buffer zone and therefore any reptiles will be disturbed by humans and pets.

The developers continue to claim that the population size of reptiles is low, despite the fact that their methodology did not allow them to estimate population size. As I have repeatedly stated in my submissions, it only enabled them to determine presence or absence of reptiles. At least 20 visits are recommended (rather than the 7 carried out by the developer) to enable population size to be estimated.

It is recommended that an additional study is carried out by Millers Homes to estimate population size before determining the scale of mitigation required.

BNG Habitat

The developers claim that bracken is covered by the grassland criteria in the BNG assessment. However, an independent ecological consultant has advised me that the bracken should have been included separately, as the guidance states *“patches of shrubs with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.”*

The developer is also incorrect in its claim that the bracken does not include other vegetation – other plant species within the bracken have been observed during a site visit.

It appears the developer has purposefully grouped bracken in with grassland to enable the grassland to fail criteria D.

Criteria D: Cover of bracken Pteridium aquilinum is less than 20% and cover of scrub (including bramble Rubus fruticosus agg.) is less than 5%

Millers Homes now provides more information on its grassland assessment and claims it only meets criteria A and E.

Criteria 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

Criteria E “Combined cover of species indicative of suboptimal condition 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.

However, an independent ecological consultant, who visited the site recently, has highlighted to me that he believes it also meets Criteria B, C, D and F:

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.

C Cover of bare ground is between 1% and 5%, including localised areas, for example, rabbit warrens.

*D Cover of bracken *Pteridium aquilinum* is less than 20% and cover of scrub (including bramble *Rubus fruticosus* agg.) is less than 5%.*

F "There are 10 or more vascular plant species per m² present, including forbs that are characteristic of the habitat type.

Regarding criterion C, it is noted that the main areas of bare ground in the field were caused by the developer themselves when they moved heavy machinery through the fields in late 2024/early 2025, dug a trench and left deep tyre marks. The developers themselves state in the updated BNG "The ground had been damaged by access in some areas leading to bare ground being present." The only access to the field that has caused damage has been by the developers themselves!

It is ironic that they rely on the damage they themselves have caused to the fields to allow them to classify the grassland as "poor".

Thank you for your time in considering this submission.

Yours faithfully

