



16 March 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. My family live in one of the properties close to the site.

In this letter, I will be focusing on the Ecological Impact Assessment (EclA) and BNG Habitat Management & Monitoring Plan (BNG/HMMP). I will be sending you a separate letter on the Transport Assessment and Framework Travel Plan at a later date.

By way of background, I have a First Class Degree in Biological Sciences from the University of Oxford. I have had a lifelong interest in nature and regularly attend courses with the Sussex Wildlife Trust (including recent courses on the Ecology of the Hazel Dormouse, and Native Reptile Ecology and Surveying).

To prepare this response to the EclA and BNG/HMMP, I have consulted with:

- The Ecology Co-op – these are environmental consultants, who prepared a Preliminary Ecological Appraisal of the Land at Colwell Farm in February 2022 – a copy of which the Council already holds.
- Two senior ecologists who work with local wildlife/conservation organisations and visited the site in March 2025.

I write to **object** to the application by Miller Homes on the basis that the proposal is incompatible with various paragraphs of the National Planning Policy Framework, the Natural Environment & Rural Communities Act (2006), the Conservation of Habitats & Species Regulations (2017), the Wildlife & Countryside Act (1981) and the Protection of Badgers Act (1992).

Key facts about this development:

- 1) The proposed development would cause significant harm to the following sites of biodiversity value, despite the mitigation measures proposed by the applicant, which are inadequate. **Therefore it does not meet National Planning Policy Framework (NPPF) paragraph 174a.**
 - a. Regional Wildlife Site – the EclA states in 4.3.6 that the site is of “*at least 'Regional' importance for bats*”
 - b. County Wildlife Site – the EclA states in 4.7.4 that the site is of “*County value for Dormice*”. However, the EclA methodology was insufficient to determine population size, therefore a full survey may deem the site of higher value.
 - c. Possible Wildlife Site for birds – the EclA only did 4, rather than the recommended minimum 6 bird surveys and therefore does not have enough data to categorise the site.
 - d. Possible Wildlife Site for reptiles – the EclA estimates the site is of “*Local Value*”, but EclA methodology was insufficient to determine population size, therefore a full survey may deem the site of higher value

- e. Possible Wildlife Site for Great Crested Newts – the EclA only surveyed 2 out of the possible 7 ponds near the site and therefore does not have complete information on the presence/absence of GCN.
- 2) The planning application has failed to enhance the natural and local environment. It has not recognised the intrinsic character and beauty of the countryside and has not recognised the wider benefits from natural capital and ecosystem services.
Therefore it does not meet NPPF 174b.
- 3) The planning application has failed to provide net gains for biodiversity. The proposed development would cause significant harm to the coherence of the ecological network, despite the mitigation and compensation measures proposed by the applicant. **Therefore it does not meet NPPF 174d.**
- 4) The proposed development would cause significant harm to the wildlife in the neighbouring South Downs National Park and the High Weald Area of Outstanding Natural Beauty (AONB). Local ecologists have stated that the site provides a vital wildlife corridor between the South Downs National Park and High Weald AONB as it has ancient, unimproved high-diversity meadows and is one of the few remaining south-facing sites that has not been developed. **Therefore it does not meet NPPF 176.**
- 5) The planning application has made inadequate efforts to mitigate harm on-site first, before jumping to the proposed off-site compensation. **Therefore it does not meet NPPF 180a.**
- 6) The proposed development would have an adverse effect on the Site of Special Scientific Interest (SSSI) at Chailey Common (1.5 miles from the proposed site). **Therefore it does not meet NPPF 180b.**
- 7) The proposed development would cause deterioration of the following irreplaceable habitats: ancient woodland and ancient trees. The EclA states: "*there is ancient woodland present south east of the site...Ancient trees have additionally been identified north east and north west of the site.*" There are no exceptional reasons to justify this deterioration. **Therefore it does not meet NPPF 180c.**
- 8) There are inadequate biodiversity improvements in and around the proposed development, to secure net gains for biodiversity. **Therefore it does not meet NPPF 180d.**
- 9) The planning application has not adequately limited the impact of light pollution from natural light on nature conservation. **Therefore it does not meet NPPF 185c.**
- 10) The proposed development will have an adverse effect on a habitat of principal importance for conserving biodiversity in England. The EclA admits "*the use of machinery on site could result in the damage of mature trees and boundary hedgerows/ woodland through root compaction*" and "*The proposed plans will require removal of sections of hedgerow/ mature trees.*". The proposed development will have an adverse effect on various species of principle importance for conserving biodiversity in England, including:
 - a. Barbastelle bat
 - b. Brown long-eared bat
 - c. Noctule bat
 - d. Soprano Pipistrelle bat
 - e. Hazel Dormice
 - f. Grass Snake
 - g. Common Lizard
 - h. Slow Worm
 - i. Dunnock
 - j. Song Thrush

Therefore it does not meet section 41 of the Natural Environment & Rural Communities Act 2006.

- 11) The proposed development would kill or disturb a number of protected species or damage/destroy its breeding site or resting place, and this would be detrimental to the maintenance of the species population at a favourable conservation status.

Species impacted include:

- a. 11 species of bats including Annex II Species Barbastelle. The EclA states: *"The works will result in a loss of foraging resources (grassland/ scrub) and any disruption to commuting routes (from external lighting and loss of portions of hedgerow) would likely have a **moderate adverse impact** at the **Regional** level of significance"*
- b. Hazel Dormouse (*Muscardinus avellanarius*). The EclA states: *"some areas of suitable habitat will require removal in order to deliver the development (trees/ scrub)... This will have a **moderate adverse impact** at the **County** level of significance."*

Therefore it harms species protected by the Conservation of Habitats & Species Regulations.

- 12) The proposed development would impact various species covered by the Wildlife & Countryside Act 1981.

- a. The proposed development would kill or injure wild birds or destroy/ damage its eggs. The EclA states: *"some scrub and trees require removal. This has the potential to directly impact nests and/or create disturbance if undertaken during the bird nesting season. Therefore it is considered the development will result in a **minor adverse impact**..."*
- b. The proposed development would kill or injure bats or disturb them while they are occupying a structure or place they use for shelter or protection, or obstruct access to it. The EclA states: *"The works will result in a loss of foraging resources (grassland/ scrub) and any disruption to commuting routes (from external lighting and loss of portions of hedgerow) would likely have a **moderate adverse impact** at the **Regional** level of significance"*
- c. The proposed development would kill or injure Hazel Dormice or disturb them while they are occupying a structure or place they use for shelter or protection, or obstruct access to it. The EclA states: *"some areas of suitable habitat will require removal in order to deliver the development (trees/ scrub)... This will have a **moderate adverse impact** at the **County** level of significance."* Millers Homes have already removed some areas of hedge and bramble within the site (see 7.2 in this document)
- d. The proposed development would kill or injure Grass Snakes, Slow Worms and Common Lizards. The EclA states: *"Slow Worms, Common Lizards and Grass Snakes...will be directly impacted upon by the proposed development.... This will have **moderate adverse impact**..."*

Therefore it harms species protected by the Wildlife & Countryside Act 1981.

- 13) The proposed development would obstruct access to a Badger's sett and disturb it while it is occupying a sett. The EclA states: *"the site is considered to hold confirmed presence of a Badger sett and foraging and commuting Badgers,"*. **Therefore it does not meet the Protection of Badgers Act (1992).**

- 14) The UK is committed to the Convention on Biological Diversity (CBD) and the Kunming-Montreal Global Biodiversity Framework (GBF), aiming to halt and reverse biodiversity loss by 2030, including protecting 30% of land and sea by 2030.

Developing this site, will reduce biodiversity and have an impact on the UK's ability to meet its commitment to the CBD and the Kunming-Montreal GBF.

I have provided further detail and evidence to support the above points in the attached report.

Yours faithfully

