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Friday, 7 January 2022

Dear Mr Robins,

Environmental Impact Assessment (Screening Opinion)

Planning Application WD/2022/6500/SO

1. We are writing to you as the Co-Chairs of Village Concerns, a local Action Group from East Hoathly with Halland Parish. We represent the views of over 200 supporters against the overdevelopment of our Parish.
2. We have read a copy of the request for an Environmental Impact Assessment EIA (Screening Opinion) by Urbanissta for land in East Hoathly that has been submitted under reference WD/2022/6500/SO. We would like you to consider our comments on this matter before making your decision on the Screening Opinion.
3. Wealden District Council (WDC) produced a Screening Opinion published on 30 June 2020 and relating to Planning Application WD/2016/2796/MAO which decided that an EIA was not required. We considered this to have been a mistake and put our concerns to you in a letter dated 1 July 2020. We have attached a copy of that letter to remind you of those comments. The majority of these comments remain valid and unanswered and we ask that you review them in the light of this new request for a Screening Opinion.

Changes Since 2020

4. Urbanissta clearly want you to conclude that no EIA is necessary and that you should merely rubber stamp the 2020 Screening Opinion. They are quoting many of your statements from what they call the Extant Screening Opinion as evidence and asserting that nothing has changed. We urge you to reconsider your position from 2020 and wish to make it very clear that things have changed since then.

5. Since your 2020 Screening Opinion, **the 2021 Environment Act has become law**. It contains a huge amount of new legislation relating to the Environment that must be considered as part of any EIA Screening Opinion. Amongst other things, it sets new air quality emission targets, provides greater protection for trees and requires a net biodiversity gain for any new development.

Proposed Development - Access

6. A major point of change for the proposed Full Planning Application is that it shows 2 entrances onto London Road. **This was neither approved nor considered by the Planning Committee in 2020**. When the idea of 2 entrances on London Road was originally put forward in 2016, ESCC Highways Department submitted an objection to the proposal dated 20 Jan 2017. This matter in itself should require an EIA to be carried out. The road access arrangements will have a significant effect on the safety of this approach to the village and the character and visual amenity of this element of the environment of this historic rural village.

7. The proposed drawing that accompanies this Screening Opinion request shows a widening of the road and the addition of what appear to be traffic calming measures in the area of Long Pond. Long Pond itself has been omitted from Urbanista's plan. It is difficult to see how these proposals could be achieved without the loss of part of Long Pond and the removal of several trees and hedgerow along the roadside including one particularly important mature oak tree. The hedgerow is designated as an Intact Species Rich Hedgerow with Trees (Reference 2694). **None** of these proposals were included on the application determined in 2020 and are a significant change.

8. The existing public right of way (Wealdway) through the site is not shown on the plan provided by Urbanissta and has had a new road access and housing put in its place. The Wealdway is a very important public right of way and much valued for tourism and its unspoilt rural setting. The proposed urbanisation will have a damaging impact on the environment of this asset and should be fully considered and examined particularly if, as appears the case, Urbanissta are proposing to re-route it. We believe this warrants an EIA.

Threshold for EIA Screening

9. The Threshold for EIA Screening to be required is: **developments of more than 150 homes or more than 5 Hectares**. This proposal significantly exceeds these thresholds and yet Urbanissta are content to simply assert that "it would not result in any likely significant environment effects". We feel strongly that this proposal exceeds the threshold by so much that an EIA should be mandatory. Further, we feel the threshold of the number of homes should also be considered against the existing number of homes in the settlement. A proposal for 205 new homes in a town of 10,000 might not warrant an EIA but in a village of only 381

homes (with other consents granted for 55 homes and other applications being appealed or considered) should require a mandatory EIA. It is screamingly obvious that adding 260 homes to an environment of 381 homes will have an impact and that should be examined in detail in an EIA.

Sensitive Area

10. In the 2020 Screening Opinion, WDC concluded that the proximity of the site to listed buildings (including one Grade 2 star building) and a Conservation Area did not amount to an absolute environmental restriction. You stated that this was because none of these protected assets were within the site. You ignored the fact that the site is the most significant part of the setting for these protected assets and as such will cause harm to them. You were quite right when you pointed out that the proposal to build a housing development on this site is “a constraint to development” but you should have also concluded that it would devastate the natural rural environment that is the setting for the heritage assets of this community and its Conservation Area. This view was evidenced by the many public objections, the view of Historic England in their objection to the proposal, the objection submitted by the Georgian Group, the report submitted by Asset Heritage Consulting and the report submitted by Railton TPC Ltd. It was further evidenced by the concerns raised by Councillors during the planning meeting in 2020. Several Councillors raised significant concerns about the harm that the proposal would cause to the Heritage Assets and the setting of the Conservation Area. Mitigation was discussed, buffer zones were discussed and a reduction in the scale of the proposal. We urge you to review your position in the light of the position your Councillors took regarding this matter.

Biodiversity

11. In your 2020 Screening Opinion you stated that the site did not contain any environmental designations. This remains not wholly true. The site abuts a Site of Nature Conservation Interest (SNCI), Ancient Woodland and it contains a breeding pond for Great Crested Newts. The statutory buffer zones required to protect these assets would be part of the proposed site. Development of the site will clearly impact these environmental assets and they should not be ignored. The site contains many important trees and species rich hedgerows that are currently used as habitats by many animals. The paddocks and open spaces are used for foraging and transits for these animals. It remains baffling that the Wealden Biodiversity Officer did not produce a report as a consultee for this planning application. It is even more baffling that you considered it appropriate to come to a decision on an EIA Screening Opinion on such environmental matters without a biodiversity report.

12. This disregard for even considering the biodiversity of this site is being replicated by Urbanissta. They do not mention Ancient Woodland just describing

it as woodland. They do not mention the SNCI at Croom Cottage. They do not mention Long Pond which is a recorded breeding pond for Great Crested Newts. Even more worryingly they have erased this significant pond (over 1000 square metres) from their map and drawn a path over the position of this nature habitat. The site of Long Pond was closed to public access on safety grounds following the collapse of the pond bank alongside the adjoining housing (Urbanissta were informed of this at their consultation event during which they had excluded the Long Pond site from their development boundary).

13. Since 2020 the Climate Emergency has deepened, the Environment Act has passed into law and the importance of protecting trees and biodiversity has come to the fore. Any new planning application should show a net biodiversity gain and it difficult to see how this application has even considered the existing biodiversity. We feel strongly that this should require an EIA.

Urbanissta's Comments on Reports

14. Urbanissta indicate that the Reports that accompanied the original application in 2016 "[identified the potential impacts of the development proposals on the environment](#)" These Reports were therefore available when WDC carried out their 2020 Screening Opinion. Urbanissta then go on to indicate that they are not submitting any of their reports until the Full Planning Application is submitted. The Reports submitted in 2016 were not satisfactory and presented a view that merely supported the wishes of the developer. In the absence of these new reports by Urbanissta it is difficult to see how you cannot carry out an EIA, the old reports are out of date and the new ones not presented. Two examples are worthy of comment:

The Great Crested Newt Survey Report submitted on 9 Dec 2016 was heavily criticised and shown to be lacking in its methodology and execution. No follow up work has been published to correct its shortcomings. As already stated, the WDC Biodiversity Officer has not made any comments and now the new developer seems to be proposing to fill in an established Great Crested Newt Breeding Pond. We have attached our comments on the report as a reminder for you. In the absence of any new reports from Urbanissta you should carry out a full EIA.

Urbanissta mention a range of reports that they intend to submit including one by GTA Civils on Drainage but they fail to mention the disposal of Sewage. This has been identified by Village Concerns since 2016 as being a major issue for any new development in this village and particularly for one of 205 homes in this particular site.

The existing East Hoathly Sewage Treatment Facility is already working at its capacity and this is evidenced by the fact that it

overflowed into the adjoining stream 41 times in 2020 for a total of 416 hours (equivalent to 17 complete 24-hour days of overflow in a year that only recorded 220 days of any rainfall). Any overflow of untreated sewage into a watercourse should be a matter of great concern but this level of failure should warrant an EIA in itself.

East Hoathly has already been burdened by a further 55 homes in a recent decision with no plans as to how the existing facility will cope. Adding a further 205 homes to give 260 additional homes compared to the existing inadequate and failing facility for 381 homes will clearly not work. Urbanissta do not even mention this issue. It will clearly present an environmental issue and should in itself warrant an EIA.

The topography of the proposed site is very inconvenient for access to the East Hoathly Sewage Treatment Facility. The centre of the village is on a slight ridge of land between the 2 locations. Gravity Feed would be impossible with the existing sewage pipe. Thus, a new main sewer would need to be routed through the village. No feasibility study was submitted for the previous application Urbanissta merely fail to consider it an issue. The upgrading and potential re-routing of the main sewer through the entire village would clearly have a significant impact on the environment and should be the subject of an EIA.

Urbanissta make a comment that they believe the proposed development will give rise to socio-economic benefits for the community. The only ones they specify are “[new market and affordable housing](#)”. Please be quite clear - this is of no benefit to this community, it is only of benefit to WDC achieving its housing targets and the profits of the developers and landowners. These are the wrong homes in the wrong place.

Climate Change

15. Urbanissta have at least mentioned Climate Change in their document but their comments are hugely disingenuous. At their consultation event many members of the public asked such questions as: how the homes would be heated, what level of renewable energy generation would be provided, would all homes and visitor spaces have electric vehicle charging points, would the homes be constructed to the highest level of insulation and energy efficiency? The answers were not good. The staff at the consultation event accepted that much of the development would be oil heating (some even still believed that the village has a gas supply) with very little on-site generation of renewable energy. It emerged from their answers that the new homes would be built to existing building standards only, nothing would be done to exceed or excel on these existing standards.

16. We regard this as highly disappointing and that this community deserves more. The planet certainly deserves more. The existing building standards allow homes to be built that already pose a problem for the Climate Emergency. To build new homes that will need new heating systems within a decade and are unlikely to meet future building standards is farcical. We also have significant concerns that the electrical load that this development will place on the already problematic supply to East Hoathly will cause further issues. No feasibility study has been done to establish if the existing electrical infrastructure can cope with this load.

Summary

17. We believe that the proposed plan put forward by Urbanissta is significantly different to the one considered in 2020:

It proposes 2 vehicle access points onto London Road.

It proposes re-routing and urbanising the Wealdway public right of way.

It proposes the removal of Long Pond - a Great Crested Newt Breeding Pond.

It proposes the removal of Hedge 2694, an important Species Rich Hedge with trees including one particularly important mature Oak tree.

18. Irrespective of the changes with this new proposal, the scheme is one that would see this community almost double in size (in addition to the 55 homes on South Street) and that will have a significant effect on the natural environment and the social and human environment of this community.

19. In your first Screening Opinion you gave little importance to the impact on the Heritage Assets or setting of the Conservation Area. The views of Historic England and the Councillors who spoke at the Planning Meeting showed this not to be a widely held view and we believe you should change your opinion.

20. You undervalued the impact on biodiversity, Ancient Woodland and Long Pond in your first Screening Opinion. The new Environment Act sets a higher standard that should make you change your opinion.

21. The plan to deal with sewage from this site has not been explained in the first application nor by Urbanissta. This issue will have a significant environmental impact on this community.

22. This proposal to put 205 homes, built to out-of-date environmental standards, with around 500 cars in a rural community with no school places and no jobs, needs to be examined against the impact it will have on Wealden's Climate Emergency.

23. We feel that these reasons make it very clear that this proposal should be subject to an Environmental Impact Assessment.

Katherine Gutkind and Kathryn Richardson
Co-Chairs
Village Concerns

cc

Councillor Standley
Councillor Draper

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Wednesday, 1 July 2020

Dear Mr Robins,

Environmental Impact Assessment (Screening Opinion)

I am writing to you as the Chair of Village Concerns, a local Action Group from East Hoathly with Halland Parish. We represent the views of over 200 supporters against the overdevelopment of our Parish.

We are concerned that the Screening Opinion published on 30 June 2020 and relating to Planning Application WD/2016/2796/MAO contains errors, misjudgements and lacks balance. Our comments on your letter to Mr Dann and questions are detailed below.

Screening Opinion

You state that the proximity of the site to listed buildings (including one Grade 2 star building) and a Conservation Area does not amount to an absolute environmental restriction. You state that this is because none of these protected assets are within the site. You ignore the fact that the site is the most significant part of the setting for these protected assets and as such will cause harm to them. You are quite right when you point out that the proposal to build a housing development on this site is “a constraint to development” but you should have also concluded that it would devastate the natural rural environment that is the setting for the heritage assets of this community and its conservation area.

You state that the site does not contain any environmental designations. This is not wholly true. The site abuts a Site of Nature Conservation Interest (SNCI), Ancient Woodland and a breeding pond for Great Crested Newts. The statutory buffer zones required to protect these assets would be part of the proposed site. Development of the site will clearly impact these environmental assets and they should not be ignored. The site contains many important trees and species rich hedgerows that are currently used as habitats by many animals. The paddocks

and open spaces are used for foraging and transits for these animals. It remains baffling that the Wealden Biodiversity Officer has still not produced a report as a consultee for this planning application. It is even more baffling that you can make decisions on such environmental matters without a biodiversity report.

Test of Significance

You have carried out your “test of significance” under 3 main considerations:

The characteristics of the development, including its size, cumulation with other developments, use of natural resources, production of waste, pollution and nuisance and the risk of accidents having regard to the substances and technologies used;

You state that: “the character of the development has been carefully devised to respond positively to the residential developments to the east and south of the site through a combination of design, physical integration through footpath links and open space.” This sounds as if it is a quote from the developer. It is certainly not true. The submitted plans have not changed since first submitted in 2016 and there has been no liaison with the local community to respond positively or otherwise. Can you tell us precisely how the proposal satisfies your statement ?

You state that the proposals “are consistent with and complement adjoining land uses” Please could you explain in what way this is achieved ? How does a housing development, particularly one of such huge scale, complement an Ancient Woodland, an SNCI or the settings of a rural Conservation Area and Listed Buildings ?

You state that: “the integration of employment, social and cultural activities on the site, the proposal will significantly further the sustainability and community agendas”. The application contains no provision of employment or social and cultural amenities on site. Please explain the basis of your statement and where you have gained such information from ?

You state that: “the proposal will significantly further the sustainability and community agendas”. Sustainability is about a built environment having all its needs met in that location such that travel is not necessary. This proposal would be totally car dependant for almost everything. Could you also explain how sustainability is furthered by this proposal when all the new residents will be car dependant for employment, schools, shopping, leisure and most doctors appointments ? You also indicate that there is a community agenda. Please could you let us know what this is and when Wealden came to discuss this with the community ?

The location of the development e.g. the existing land use, the abundance of natural resources in the area and whether it is intended for a sensitive location;

In this section you seem to want to use the Appeal judgement for a proposal to build 74 homes to the rear of South Street with this application for 205 homes on the main approach to the village and adjoining the Conservation Area and in setting of several listed buildings. The two examples are not comparable and this specifically applies to the scale of the proposed development and the impact on the natural environment.

You include mention that “the area has been identified for some growth”. You fail to add that the scale of the growth identified for East Hoathly was 66 homes for the whole of MSOA 13 South. By the time the Draft WLP was published 18 of these had been built leaving a Windfall Allowance of 48 still available. By the time the 2019 Submission WLP was sent to PINS in January 2019 this had reduced by another 27 leaving a residual Windfall Allowance of 21 for the 3 parishes of MSOA 13 South. The Wealden AMR 2019 indicated that most of this remaining allowance had now been used up. We have asked for an update of the remaining allowance but none has been forthcoming. The point is that the growth identified for this area (in your 2019 Submission WLP) has been achieved.

The paragraph that follows your extract from the PINS opinion does not make it clear that this is not the opinion of the PINS Inspector for the South Street site. You state that the Hesmonds site “does not occupy a sensitive location in landscape terms”. We strongly believe that it does occupy a sensitive location. In the 2019 Submission WLP the description of East Hoathly’s Development Boundary refers to the important and integral countryside surrounding East Hoathly and specifically states “where any extension or consolidation of development would be harmful to the character and landscape setting of the village.” It also explains that the tightly drawn Development Boundary “provides a visual link with the countryside beyond”. In relation to the Northern part of the village it states: “since further building in this area would conflict with its essentially rural character”. Please explain based on your own words from the 2019 Submission WLP that the proposed site is not a sensitive location ?

You make statements about transport links that are factually inaccurate and do not give a balanced impression of the isolation of East Hoathly from public transport. It is the type of language that we usually read from developers and are disappointed that you cannot be more balanced. You state that the site has established bus routes linking to

Ringmer and Lewes. There is no service to Lewes or Ringmer from East Hoathly. Please explain your statement and perhaps let us know the timings for such a return journey and please include allowance for services being cancelled with no notice? You also state that there is a railway station at Uckfield. This statement is meaningless. It does not make this community sustainable. What evidence do you have to show that people from East Hoathly use this station as opposed to that of Lewes, Haywards Heath or Tunbridge Wells. Some villagers do use Uckfield but its limited service and destinations mean that most use Lewes or Haywards Heath.

The characteristics of the potential impact, its duration and frequency, etc.

You state that the design will “reduce the need to travel”. Please explain how building 205 homes and introducing 500 more cars onto Wealden’s roads in a community with no jobs, no school places, no shopping centre and very limited leisure facilities will reduce the need to travel?

We would also be interested to know how building a housing development would “embrace the land” perhaps you could explain this developer like phrase? You talk about keeping areas “free of development and opportunities for biodiversity promoted fully”. Please could you identify where in the site these areas are? Please explain how the biodiversity that will have been destroyed will benefit from this biodiversity promotion?

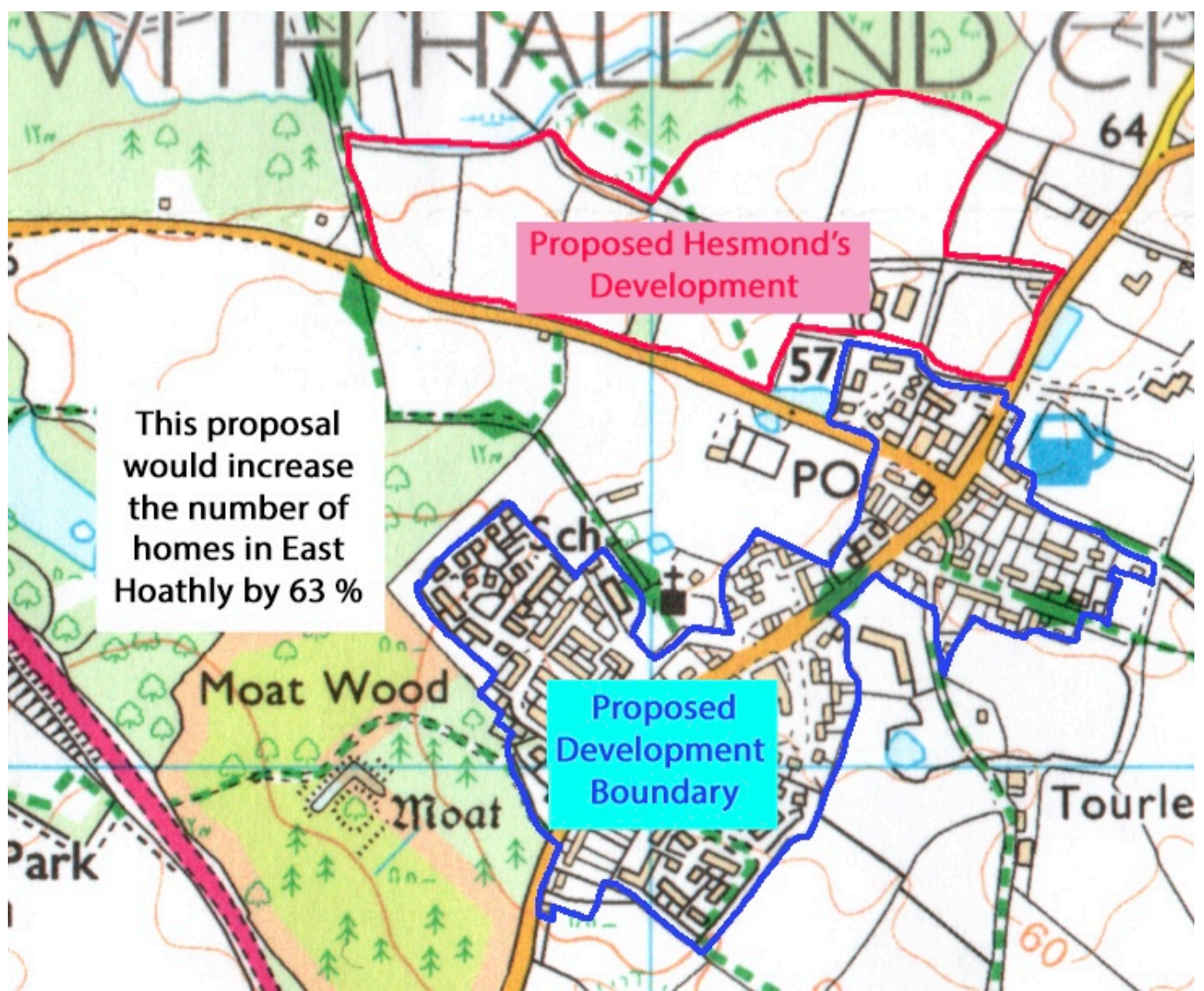
You claim that: “the proposed development will have no significant impact ... on pollution ...” This ignores the fact that the proposed development would be totally car dependant and that the estimated 500 cars would cause pollution. Please justify your claim that this would not be significant and how it fits in with your Climate Emergency Plan? The proposal contains no provision for renewable energy sources, no public electric vehicle charging points and no domestic electric vehicle charging points.

You state that the Council is satisfied that the development of this site will not cause any significant loss of valuable agricultural land. You do not state what category of agricultural land is contained in the proposed site. Under the Saved Policy DC1 of the 1998 Wealden Local Plan you undertake to protect from development land falling within Grades 1, 2, and 3a. Natural England’s records show no survey data for this land to indicate that the land category has been assessed. Please publish this designation so that your opinion as to its agricultural value can be assessed.

You state that “The council is satisfied that the development of this site ... will not impact upon any area of flood protection and will not compromise or undermine any acknowledged asset of natural, ecological heritage, or cultural value within the site’s vicinity.” We strongly contest this statement. The submissions of Historic England, Doctor Nicholas Doggett, The Georgian Group and your own Conservation Officer all indicate the harm that will be caused to heritage and cultural value.

Screening Matrix

The notes to Part 3 of your Screening Matrix indicate that the relevance of the magnitude and spacial extent (including population size affected) should be taken into account. We feel that you have ignored the scale of the proposed development on this community. We have pointed out many times that building 205 homes in a community of only 381 homes is grossly disproportionate. The map below shows the scale of the area of the proposed development to the Development Boundary proposed in the 2019 Submission WLP. It clearly doubles the physical size of the village and you have made no reference to this. Building 205 homes on the edge of a town would have a significant environmental impact. Building 205 homes in East Hoathly would have an impact on a wholly different scale.



This also does not give sufficient weight to the other planning applications that have been submitted for this village and that you have either given your recommendation for approval or given every indication that you intend to support. The photograph below shows the scale of the changes that you should be considering collectively in this Screening Opinion.



In Section 3.1 of your Matrix you state that there will be no toxic emissions to air. Please could you indicate where you have taken account of the emissions from domestic heating that will occur and more importantly the emissions from vehicles. It is estimated that the 205 homes will be have at least 500 cars based on the car ownership in this village. The proposed development will be totally car dependant for employment, schooling, shopping and leisure so these vehicles will add to Wealden's emissions. Wealden's Climate Emergency Plan has clearly identified this as a problem so why have you chosen to ignore it ?

Ecological Data Search SxBRC/16/740 - Summary Report

An ecological data search was carried out for land at Hesmonds Stud, East Hoathly on behalf of Jonathan Walker on 09/02/2017.

The following datasets were consulted for this report:

	Requested	Radius/buffer size
Designated sites, habitats & ownership maps	Yes	Site only
Protected, designated and invasive species	Yes	Site only

Summary of results

Sites and habitats

Statutory sites	None present
Non-statutory sites	1 LWS
Section 41 habitats	1 habitat
Ancient and/or ghyll woodland	Present

Protected and designated species

International designations	9 species	18 records
National designations	52 species	261 records
Other designations	110 species	501 records
Total	115 species	526 records
Invasive non-native	15 species	43 records

The report is compiled using data held by Sussex Biodiversity Record Centre (SxBRC) at the time of the request. SxBRC does not hold comprehensive species data for all areas. Even where data are held, a lack of records for a species in a defined geographical area does not necessarily mean that the species does not occur there – the area may simply not have been surveyed.

**This summary page may be published.
The full report and maps may not be published or otherwise shared.**

The data search report is valid until 09/02/2018 for the site named above.

In Section 6.2 you have made comments about the biodiversity but have not had a report on this site from your own Biodiversity Officer. You also fail to mention the adjacent SNCI or Ancient Woodland.

In Section 8 you have mentioned the proximity of a listed building but generally underplayed the significance and not even mentioned the specific buildings affected, their grading or the impact on the setting of the Conservation Area. You have made no reference to the setting of these Heritage Assets or the fact that these should be protected. It is difficult to imagine under what circumstances you would see a need to carry out an EIA if not in such a situation where the setting and environments of these protected assets is under threat. This section also mentions Ailies Lane which is nowhere near the village and is an indication that this has been a desk top exercise with no real knowledge or understanding of this community.

In Section 9.1 you state that: [“the existing footpaths running through the site can remain unobstructed and where feasible, opportunities will be taken to enhance these route”](#). Please explain how the Wealdway footpath through open countryside with historic views of the Wealden landscape and our historic village will be enhanced ? The developer has shown the footpath covered in tarmac and repositioned away from the village so that much of the route would be on the roadside adjacent to the 60 mph traffic. Clearly you have given this some thought and we would welcome your ideas ?

In Section 9.2 you disregard the impact of new traffic generated on the local roads as a site specific issue. We have pointed out on previous occasions that the demise of the Wealden Local Plan does not abrogate your responsibility to protect the SACs from traffic pollution. The 205 homes proposed here are in excess of the numbers considered by the Natural England and the Planning Inspector. Therefore, the in combination effect of the resulting pollution should be fully considered for the effect it will have on the SACs.

In Section 10.1 you make no reference to the Stud facilities that will be demolished as part of this application. These include a stud managers house and a range of stables, barns and exercise ring. All of these were recently refurbished to a high standard and one is a very characterful stable block adjoining the Conservation Area. These were originally to be replaced by a new development on Ailies Lane but this was removed from the application. No indication has been given that the existing Stud business will still be viable with the loss of these facilities and this is the cause of significant local concern.

In Section 10.2 you state that the area has not seen much recent development. You approved the Nightingales and Juziers developments that were completed in 2009 resulting in a 30 % increase in the size of this village. We consider that this is recent development and that it was too much. Please correct your statement.

Summary

We had hoped that you would have concluded from your screening that an Environmental Impact Report would have been required for such a significant development proposal in a small rural village. Our view is that that combination of all the harms caused by this proposal and the scale of the proposed development in both the number of houses and land area in comparison with the existing village does amount to significant harm. We are concerned that your EIA Screening Opinion dated 30 June 2020 contains many inaccuracies and questionable opinions. It is written to the developer in language that we normally associate with a developer. It says exactly what they want to hear and seems to sweep aside any real consideration for the natural environment of this community. We urge you to reconsider your position.

We expect that, as with our previous letters, you will add it to the application website as a “neighbour comment” and not respond to it. This will then be lost in the growing list of over 1000 such comments. We are therefore copying it to others who may be interested.



Kathryn Richardson
Chair
Village Concerns

cc

Councillor Standley
Councillor Draper

Biodiversity Objection

Thursday, 16 February 2017

Dear Sir,

I object to the Planning Application Number WD/2016/2796/MAO for both the Hesmonds main site on London Road/Waldron Road and on Ailies Lane. This objection adds to my earlier objection dated 9 January 2017.

Phlorum's Failure to Publish Sussex Biodiversity Record Centre Data

I requested an Ecological Data Search from Sussex Biodiversity Record Centre (SxBRC) and the Summary Sheet of their report is attached. It records 115 Protected and designated species in the area of the proposed developments. The Phlorum Preliminary Ecological Appraisal and Hedgerow Survey Report only refers to 19 of these protected species. The majority of the Phlorum Report is padded out by their methodology and about how much they are adhering to various policies. They claim to have commissioned their own report from SxBRC but have clearly chosen not to base their report on its contents or publish its Summary Sheet. In place of this they seem to have gathered data by walking around the site for part of one day in April 2016. They have based their work on a selective desk survey and on the results of the observations of this single day. This grossly underestimates the number of protected and designated species that are now under threat. **This is inadequate and should be redone.**

Phlorum's Failure to carry out a Reptile Survey for Protected Reptiles

Phlorum did not carry out a survey for protected reptiles despite them being clearly identified in the SxBRC Report. Phlorum chose to grade the site as providing Low potential for reptiles. This ignores the recorded sightings lodged with SxBRC and they made no attempt to detect them on site. They should have carried out a proper survey. This would have included placing artificial cover objects over the appropriate season and surveying them accordingly. **This is a legal requirement and should now be done before any planning approval is granted.**

Phlorum's Failure to Survey Whole Site

The Phlorum Report claims to have carried out a survey of the whole site including Ailies Lane. However, it appears that they did a desk based survey of both sites but that only the London Road sight was considered for many aspects of their Report. An example of this is the lack of a Great Crested Newt survey for the ponds in the area of the Ailies Lane site. None of the ponds in this area were included in their survey despite being clearly within 500 meters of the site. Phlorum claim that their map and aerial photograph assessment

counted 29 ponds within 500 meters of the site. I count 41 ponds within 500 meters of the site from the Ordnance Survey Website. I have not included aerial photographs that would show even more ponds such as the 3 ponds in my garden that contain Great Crested Newts and do not appear on the Ordnance Survey Map. I estimate that there are more likely to be 60 ponds in the site area and Phlorum chose to only survey 6 ponds within a stones throw of the London Road Site. Their survey is therefore wholly inadequate and should be re done. **This is a legal requirement and should now be done before any planning approval is granted.**

The Phlorum Report states at Paragraph 4.13 that “the habitats on site were widespread and common with the general area and the site was considered not to support any features of ecological value at [District] level.” I contest this most strongly. Dr Keith Corbett (an internationally known expert on Herpetology) correctly identified this site as being central to a meta population of Great Crested Newts and of National importance. A more thorough survey by Phlorum might have helped them to also identify this but they seem to have missed it. Their Great Crested Newt Survey came in for huge criticism from Sussex Amphibian and Reptile Group, Sussex Wildlife Trust and Dr Corbett.

Duty to Protect Biodiversity

The Phlorum Report states that surveys were carried out ... “in order to devise appropriate mitigation”. Caring for biodiversity should not be about devising appropriate mitigation. It should be about protecting the biodiversity. The whole basis of their report is that the development will go ahead, so how can the developer proceed within the current legislation. This is a shabby approach and is at odds with Wealden District Core Strategy Local Plan WCS 12 and WCS 13. An Environmental Consultant would have much more credibility if they told their client about the damage that the development would do to the local biodiversity. I can see no statement from Phlorum that suggests any restriction on the plans of the developer. For example, they seem to be happy that the pond on the London Road site (which they accept is a breeding pond for Great Crested Newts) is surrounded by concrete and has all its foraging habitats and transit routes removed.

The Phlorum Report comments on the biodiversity of the sites and proposes things to mitigate the destruction of the habitats and wildlife. It does not consider fully consider the effect of removing the green space as foraging land for the biodiversity that lives on or surrounds the sites. It does not give any consideration to the effect that the proposed development will have on the adjoining habitats. These will then be exposed to noise pollution, light pollution, nitrogen emissions and the inevitable contamination from household waste and chemicals brought about by the proximity of householders to these habitats. It does not give any consideration to the effect that a housing estate full of children and pets will have on the surrounding biodiversity. The Report does not give any consideration to the effect of water run off from these large areas of development. This water run off will enter the water courses and cause flooding to the areas of Ancient Woodland and Ghyll Woodland at both sites. These woodlands and the biodiversity they support are very sensitive to changes in water levels and will be damaged by the run off

and periodic flooding. How can an Environmental and Ecological Consultant not comment on such matters ?

Summary

The Phlorum Report does not consider all the available data, it under estimates the effect on protected and designated biodiversity and in particular has massively misjudged the importance of the site in the meta population of Great Crested Newts. It failed to carry out a protected reptile survey and failed to carry out a Great Crested Newt Survey of the ponds around the Ailies Lane site. It takes no account of the effects that the pollution and flooding from the developments would have on the habitats surrounding the proposed development. I urge you to reject this application.

Yours Sincerely

Jonathan Walker

Addendum to Biodiversity Objection - Extract -Submitted 9 January 2017

Long Pond, which abuts the site, is a breeding pond for Great Crested Newts and this has been confirmed by SxARG survey in 2005 and Camber Ecology survey in 2009. The Great Crested Newt survey carried out by Phlorum for this application was of very poor quality and grossly underestimates the importance of this pond and the whole area for Great Crested Newts. This view has been supported by SxARG. The village has a significant number of ponds which link a meta population of this protected species. Long Pond occupies a highly important position linking the North and South elements of this area of ponds and waterways.

Phlorum report that their Survey was restricted by access issues to the ponds. One example is that they carried out no bottle trapping of one pond because it had a wire mesh fence around it. This fence is about 2 feet high so can easily be crossed by raising one leg in the air, and has adequate places to cross it safely including a flat area of paving and grass from which bottle trapping could have been carried out. They appear to have been too easily put off from carrying out a full and thorough survey. If they were put off so easily at this pond then the same is probably true at the other sites.

It appears that one team Surveyed 6 ponds in an evening. The evidence from one pond is that they were at the pond for no more than 15 minutes. This is too little time to carry out anything other than a very superficial survey. They state that no Great Crested Newts were found whereas a more accurate statement would be that *No real effort was made to find any Great Crested Newts.*

The data in the survey results is contradictory. It states that eggs were found in Pond 1 (Paragraph 3.27) but that this indicates that individuals are not breeding within this water

body. The presence of eggs is not recorded in the Survey Data in Appendix B. Paragraph 3.3 states that “Great Crested Newts were found to be breeding“. Clearly Phlorum and Parker Dann did not proof read these contradictions in the report they paid for. It is generally indicative of the shoddy work that this application presents.

The largest pond in the area is adjacent to the proposed development. Phlorum’s surveyors asked the owner for permission to carry out a survey. Before granting permission the owner asked why the survey was being done and for whom. The surveyors said that they didn’t know and did not return. Thus, this pond was not surveyed and having spoken to the owners I am certain that Great Crested Newts are present on this property. My own garden, which borders the site, contains many of these wonderful creatures but because I do not have a pond marked on a map, I was not approached for a survey. This photograph shows 6 Great Crested Newts under a seed tray in my greenhouse in 2016. A further example of how the Phlorum survey grossly underestimated the size of the local Great Crested Newt population.



Great Crested Newts only spend part of their life in ponds. Much of their life is spent foraging in the fields, hedgerows and ditches around the ponds. It is also important that they can transit between breeding ponds in order to maintain a healthy and genetically diverse meta population.