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Wednesday, 3 August 2022

Dear Mr Robins,

Redrow Homes - Hesmond's Stud Detailed Planning Application WD/2022/0341/MAJ

Village Concerns Objection 9 - Biodiversity

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 object to Planning Application WD/2022/0341/MAJ. We wish to restate our objection of 3 March 2022 that there are fundamental problems with this application:
 - a. The application is incomplete and does not contain sufficient detail for a full planning application.
 - b. The applicant's claim on their website (<https://redrowconsults.co.uk/east-hoathly/>) to have begun the process of purchasing the site in early 2020. Elsewhere on the website they contradict this by saying they began the process of acquiring the site in Spring 2021. They also state on the website that they have exchanged contracts. At the public consultation event in November 2021 they went further and told many residents that they had purchased the site. We believe that this claim to be the owner of the site would amount to a breach of the planning obligation contained in the legal agreement that Planning Application WD/2020/2660/PO seeks to discharge.
3. We raised these matters with you on 3 March 2022 and you have not responded despite our request that you do so.

4. This objection covers biodiversity matters, further objections on other matters will follow. The sections highlighted in blue are quotes from Wealden District Council (WDC) documents or policy documents such as the National Policy Planning Framework (NPPF).

7. Redrow have copied many of the reports from the planning application submitted in 2016 (WD/2016/2796/MAO). They have not bothered to update them, nor have they obtained updated data from bodies such as Sussex Biodiversity Records Centre to inform their application. They have therefore presented all the data and arguments for the Ailies Lane element of the original 2016 Hybrid planning application in these old reports. This is lazy, confusing and misrepresents the data. They should provide new reports with up to date information and present it for this application not a previous hybrid version.

8. WDC have recently added 28 new documents to the application. Many of these concern biodiversity. They are not simple amendments to existing documents but are significant changes and contain much new information. They constitute a material change in the application and should require a new consultation period to be instigated.

Long Pond - Application Documents

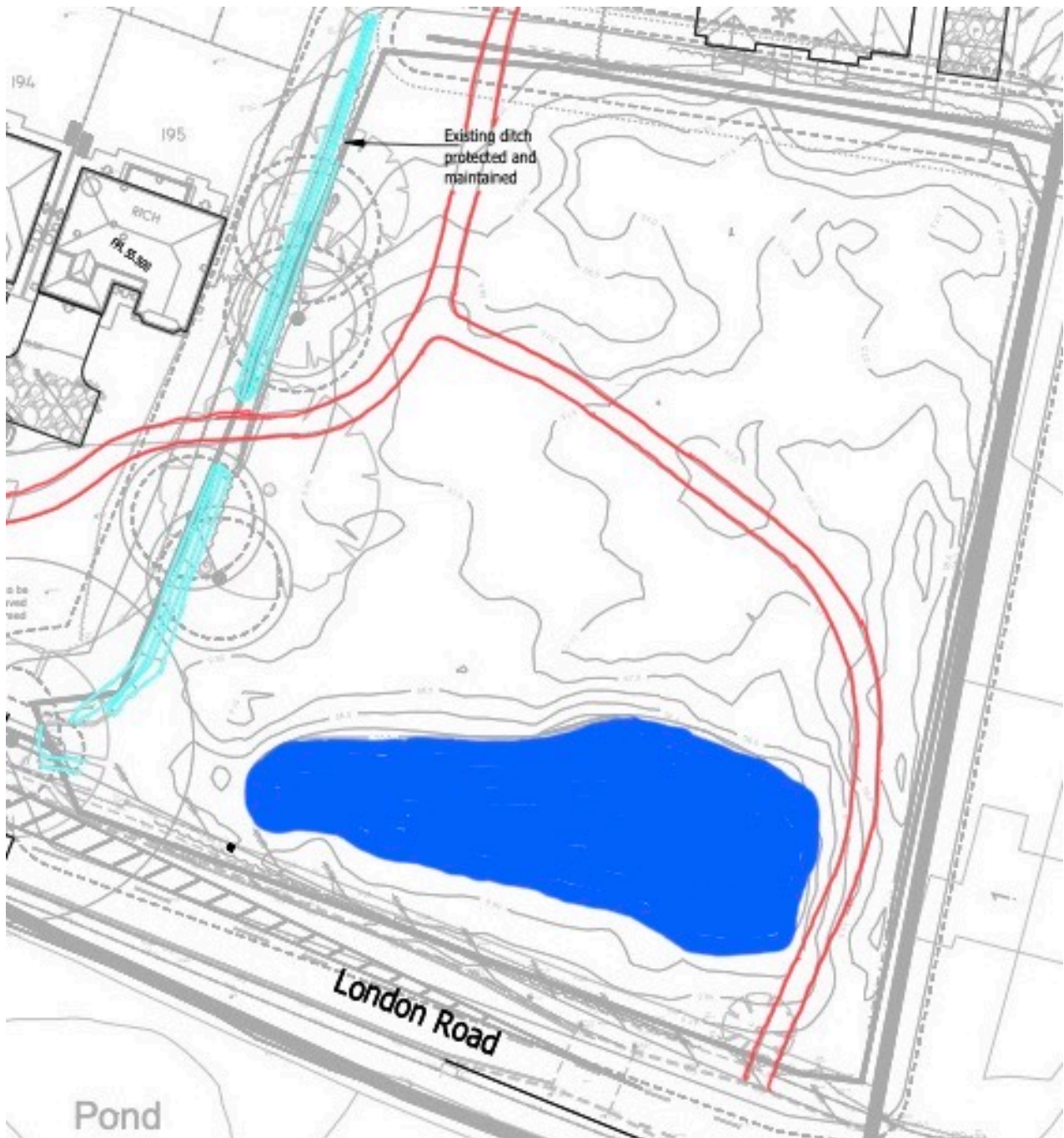
Documents Added - January 2022

9. Long Pond is within the site boundary and is rich in biodiversity. It is therefore bizarre that Redrow barely mentioned it in their application documents submitted in January 2022.

10. The Design and Access Statement Issue 3 dated January 2022 did not show Long Pond on its Masterplan nor on most of the supporting documents. As a detailed planning application the future of such an important local feature and wildlife site should have had a detailed plan for its future. Several of their drawings showed paths over the location of the pond. One showed a path around the outside of the pond between the pond and the rear gardens of Thomas Turner Drive. Even a cursory examination of a map, let alone a site visit or a reading of the planning history of the site, would show that this is impossible. It was quite clear that in January 2022, Redrow had no idea of what they proposed for Long Pond. This was unacceptable for a full planning application.

11. The proposed path in the area of Long Pond seeks to pass over what is currently a very steep section of banking. This banking collapsed some years ago during pond maintenance work and it seems highly doubtful that it is a suitable location for a public path. Irrespective of the engineering required it would not seem to be a particularly safe route for public access. This can be

seen on the following extract from the applicant's Surface Water Drainage Strategy Sheet 2 dated January 2022 which shows the compacted contour lines of the steep bank (colouring added by Village Concerns).



Documents Added - July 2022

12. A new Design and Access Statement - Issue 4 has been added dated July 2022 which does not resolve the issue of what Redrow plan to do with Long Pond. In Issue 4 they show four different plans for Long Pond. Figure 1 is a Masterplan without any paths but does show the current size of the pond, Figure 2 is a plan showing a single path but the profile of the pond has been changed,

Figure 3 has no pond and an additional path round the very steep bank and finally, Figure 4 shows no pond and a path across the existing pond.



Figure 1



Figure 2



Figure 3

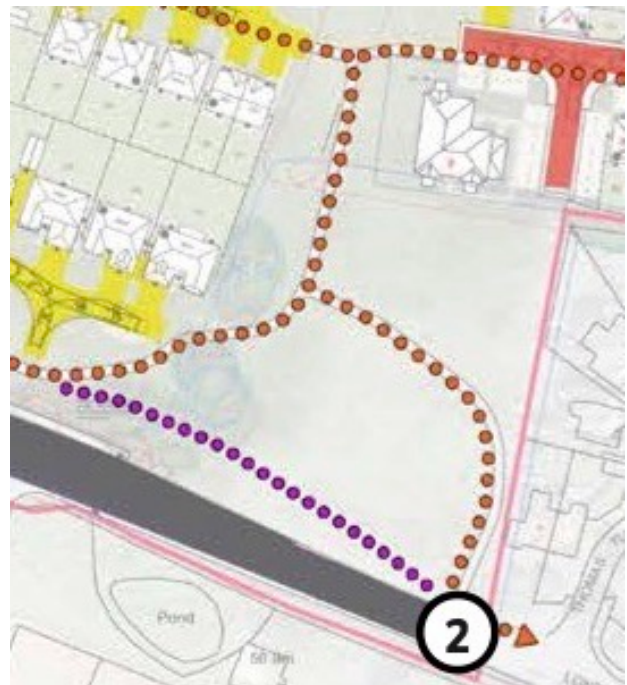


Figure 4

13. All of the drawings used in the Design and Access Statement Issue 4 dated July 2022 were out of date because Redrow added Planning Layout - Revision R dated 6 June 2022 (shown incorrectly on WDC website as 7 Jun 2022) and Revision S dated 13 June 2022. Revision R states “Proposed footpath connection to London Road moved to the east slightly to avoid conflict with existing pond” This small change to the footpath is shown in Figure 5 and it is clear that it has no significant impact on Long Pond, which again is not shown on the plan. The change in position of the footpath is irrelevant as it would still be positioned on a very steep and unstable bank. There could also be issues with placing it so close to residential housing. The problem with this is that it does not show the pond so is totally inadequate for a full planning application. It is also the same unworkable idea put forward in January 2022 (see Paragraph 11 above). This full planning application includes no definitive plan for Long Pond (including its associated ditch and area of scrub land). This failing flows through all the submitted documents. Nowhere is there a clear statement of what is proposed for the area of Long Pond. It needs a clear indication of what is proposed and only then can the impact on its biodiversity be determined. For example, if the path shown on the plans is constructed it is likely to require part of the Eastern end of the pond to be filled in. Would this mean it would be enlarged in another direction, if so, where ?

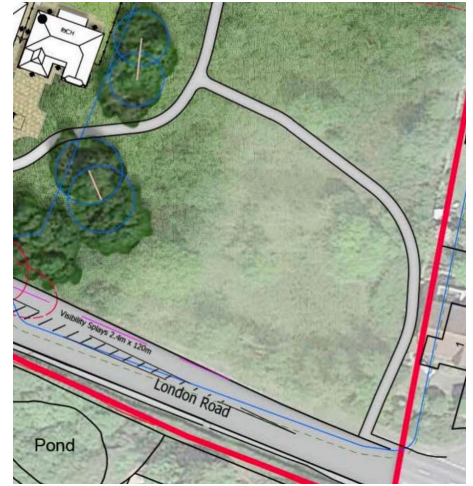


Figure 5

The Environment Act 2021

14. The Environment Act 2021 is now law and developers are required to provide a minimum 10% net biodiversity gain for all new developments. The biodiversity metric to enable a Mandatory Biodiversity Net Gain is expected to become law in 2023. The metric will provide the method by which the baseline of biodiversity for a site can be measured in order to then assess a minimum 10% increase. Under the new legislation the developer will also be required to fund the security of the habitat for 30 years. Within the existing law (Section 40 of the Natural Environment and Rural Communities Act 2006), a developer has a duty to conserve and enhance biodiversity (as amended by the Environment Act 2021 Section 102 (2)). Redrow make no reference to this requirement nor do they put forward any credible proposals to enhance the biodiversity on the site.

15. Redrow have belatedly acknowledged their responsibility to protect and enhance biodiversity and submitted a Biodiversity Net Gain Report (prepared by Corylus Ecology) but unfortunately it does not present its evidence and workings so is therefore just an assertion that the proposed development will result in a net

gain in biodiversity. The detail that has been provided contains errors and suggests that the estimated biodiversity gains are substantially overstated. The shortcomings of the Biodiversity Net Gain Report are:

- a. The Biodiversity Net Gain Report uses Defra Metric 3.0 for its calculations. The current Defra Metric is 3.1 (21 April 2022) so the figures require recalculation.
- b. Paragraph 1.5 of the Redrow Report quite correctly identifies that “scarce and protected species are likely to need separate consideration to the biodiversity metric”. The Redrow Report goes on to discuss this at Paragraph 3.3 but provides information that contradicts the currently submitted masterplan for the proposed development. It states that “mature trees will be retained and protected” yet does not comment on the proposal to remove many mature and important trees and to remove 1,247 metres of ancient hedgerows. It does not provide a separate consideration in relation to Great Crested Newts or other protected species known to be present on the site.
- c. Paragraph 1.5 of the Redrow Report quite correctly identifies “the importance of place and connectivity ... to enhance biodiversity in the locality of impacts, so far as possible, as well as contributing to wider ecological networks by creating more, bigger, better and joined areas for biodiversity”. The Redrow Report fails to recognise or comment on the existing ecological networks 400 year evolution and connectivity to existing habitats within and surrounding the site. The proposed plan would remove almost all the existing biodiversity and replace it with new fragmented segments in a housing estate where levels of disturbance and predation would be significant. At Paragraph 2.6 the Redrow Report states that it has not included ecological connectivity in its calculations. Redrow cannot in the same document, firstly, identify the importance of connectivity and then secondly, fail to include it in their calculations.
- d. Paragraph 2.7 of the Redrow Report states that they based the calculations on the Landscape Design Statement (Lloyd Bore dated January 2022). This document cannot be located in the application documents. The only document submitted by Lloyd Bore is Landscape Precedents and Specification dated 24 January 2022. Is there another document missing from the submission ? Paragraph 2.7 of the Redrow Report also states that they have used landscape masterplan 5762-LLB-XX-XX-DR-L-0001-S4. This does not show a clear plan for Long Pond, shows the incorrect route for the Public Right of Way. It is clear that the Biodiversity Net Gain Metric has been applied to an out of date drawing and that the calculations need to be done again. It should also be noted that until Redrow have provided a clear and acceptable plan for the future

of Long Pond, they cannot carry out a post development biodiversity assessment.

e. Village Concerns would like to challenge the Condition Scores allocated in Table 2 of the Redrow Report. The authors only present a summary justification and this is inadequate. The Redrow Report presents a plan at Figure 2 of the areas and features they are grading but the labelling is not clear enough to relate it to the assessment in the Redrow Report. Part of Figure 2 is also clipped and therefore unreadable. Examples that are under-scored are:

- (1) Semi-Improved Grassland. Comparison with the Biodiversity Metric 3.1 Technical Statement (18 May 2022) suggests that this site would meet Criterion 1 of the Condition Assessment Criteria and therefore achieve a Condition Assessment Score of Good. The Redrow Report has graded it as Moderate. This should be corrected.
- (2) Only one ditch on the site is covered. There are several and this should be corrected.
- (3) The Redrow Report has graded the area of scrub as Poor. Comparison with the Biodiversity Metric 3.1 Technical Statement (18 May 2022) suggest that this site would meet four of the Condition Assessment Criteria and therefore achieve a Condition Assessment Score of Moderate. This should be corrected. It is not clear how effectively the area of scrub has been surveyed as no survey reports have been submitted. The Redrow Report contained no summary justification of their score.
- (4) The Redrow Report has graded Long Pond as Poor. Comparison with the Biodiversity Metric 3.1 Technical Statement (18 May 2022) suggest that this site would meet six of the Condition Assessment Criteria and therefore achieve a Condition Assessment Score of Moderate. This should be corrected. It is not clear how effectively Long Pond has been surveyed as no survey reports have been submitted.
- (5) The Redrow Report has graded the area of woodland as Moderate. The Redrow Report contained no summary justification of their score and no score so it is impossible to view the evidence for their grading. Village Concerns believes that Comparison with the Biodiversity Metric 3.1 Technical Statement (18 May 2022) suggests that this it is likely that a Condition

Assessment Score of 33 would be achieved and therefore a grading of Good. This should be corrected.

f. By contrast with the under-grading of the existing biodiversity on the site, the post intervention grading is all over-graded. None of the proposed enhancements are costed. The Redrow Report only considers a monitoring period of 20 years whereas the Environment Act 2021 requires that monitoring and funding is provided for 30 years. Some examples of where the post intervention grading is inflated are:

(1) Much of the grassland proposed surrounds the Play Area and is all in public open spaces. This will understandably be much used by people and their pets. Biodiversity will suffer and not achieve the levels predicted.

(2) The proposal includes three new ponds with planting. The Redrow Report suggests that they can be considered as non-priority ponds or as SUDS features. These ponds would score very badly on the Condition Assessment Criteria and they should only be considered as SUDS features. The Redrow Report does not show how they have calculated the resulting habitat units and this should be published so that it can be verified.

(3) The Redrow Report states that new planting will result in an increase of 24.76 hedgerow units. However, they do not show how they have calculated the resulting habitat units and this should be published so that it can be verified. Examination of the plan provided at Figure 2 in the Redrow Report, suggests that 699 metres of new hedgerow will be created whereas 1,247 metres of existing ancient hedgerow will be removed, much of which is Species Rich with Trees Intact and very wide (at least 5 metres wide in places). It is difficult to see how the Redrow Report can state that this would result in an increase in 24.76 hedgerow units.

g. The methodology also penalises biodiversity by allowing the mismanagement of the existing site to downgrade the Condition Assessment that the site will achieve. This means the calculated net gain will be lower, therefore rewarding biodiversity mismanagement by the current owners.

Long Pond - Biodiversity

16. A previous planning application concerning Long Pond in 2012 (WD/2012/1280/PO) contained the following statement in the Officer's Report: "However, it is still considered appropriate to require the continued provision of the landscaped treed buffer with Thomas Turner Drive and to control all built form on the land, therefore, Schedule 4 of the planning obligation is to be retained. The retention of the treed buffer will continue to protect the amenity of residential properties in Thomas Turner Drive. In addition, this piece of land has previously been identified as of high ecological value and potential and the control over built form, as well as the retention of the treed buffer will protect the nature and biodiversity present in the future". This recommendation by the Planning Officer was approved by the Planning Committee and Schedule 4 of the existing planning obligation was retained in the Legal Agreement for the site.

17. The Redrow application cites the amphibian survey carried out in 2016. This survey was inadequate and made no real attempt to survey the amphibians in the area. The flaws and omissions in that survey were reported to the planning department who did nothing to challenge the survey report. The same report has been dusted off and submitted again. Redrow claim that they have carried out an updated survey in 2021 contained in a report by Corylus Ecology dated January 2022 but it is even worse than the original survey and of no value. They state as a Survey Constraint: "it was not possible to secure access to off-site ponds within 500m of the Site and therefore the survey for great crested newts was restricted to a survey of the on-site pond and existing desk study data". They also state at Paragraph 3.5.2 that "An attempt to undertake torch light surveys of the pond in 2021 had to stop after the first attempt due to the coverage of the water surface by *Lemna* spp, which completely obscured the pond's surface. The highly restricted access to the pond's banks also significantly restricted the validity of continuing with bottle trapping due, predominantly to health and safety considerations". This is unacceptable and is essentially saying that the updated survey is worthless because it is totally incomplete. It did not cover the whole area, it carried out no bottle trapping in Long Pond and they did not complete a torch survey. How did they attempt to secure access to off-site ponds ? What effort did they put in to secure access ?

18. Thus, it can be seen that the updated Corylus Report repeats all the original mistakes and again presents information regarding the Ailies Lane element of the original submission which is confusing and unnecessary. The fact remains that Long Pond is recorded by Sussex Biodiversity Records Centre as a breeding site for Great Crested Newts. The Sussex Amphibian and Reptile Group (SxARG) described in their objection "We believe that the local GCN meta population may have been heavily under recorded and hence the potential impact of the application has not been accurately assessed". They go on to state: "It is clear in the Residential Development Master Plan that the development will not contain any continuous green corridors and that pond 1 (Long Pond) will be completely enclosed by roads. SxARG does not believe that the loss of the terrestrial habitat

adjacent to the pond can be adequately replaced”. It is clear that a full and thorough survey is required before any mitigation strategy can be put forward and this should be done prior to consideration of a full planning application.



A view of some of the residents of Long Pond photographed in Spring 2022. This is a site that Corylus Ecology described as inaccessible and graded it as poor for ecology.

19. Redrow say that they have done a desktop review which claims that no change has taken place. A walk around of the Long Pond area even claims that the chances of the presence of amphibians has reduced since 2016 because the vegetation has cast more shadow on the pond. The surveyor could not properly access the pond because of the undergrowth. As far as this company of ecologists are concerned it appears that amphibians cannot be detected in natural ponds if it means that they have to display some modicum of effort to access them. This rather reflects their 2016 survey when they declined to examine one pond because it had a 50cm high fence around it which prevented their access ! The access to Long Pond is difficult and this has led to it becoming a truly natural environment. This makes it even more wonderful for biodiversity than it would be if it was a public open space and accessible by the public and their pets. This lack of human and pet disturbance is highly likely to have enhanced the level of biodiversity and the presence of amphibians.

20. One local resident reported to us that a man came to their house recently, asking if he could undertake a Great Crested Newt Survey. Initially the resident allowed him access to their pond. They then asked him if it was connected to the new housing proposals. He responded by claiming not to know anything about new housing and when asked who he was doing the work for he responded evasively and would not confirm who the work was for. He was asked to leave. If this person was working for Corylus Ecology on behalf of Redrow then this is not the way to conduct a survey. Surveyors should be briefed on who the client is and be able to present their credentials on request.

21. One of the things lacking from the attempts to survey Long Pond is an assessment of how it is fed with water. This is fundamental for the health of a natural pond. Survey Water Drainage Strategy, Sheet 2 of 2, Drawing 10917/1102 dated January 2022 shows the ditch running along the Western side of the Long Pond site. The levels of this ditch shows that only around 25 metres of this ditch could discharge into Long Pond and the remainder flows Northwards away from Long Pond. To protect and enhance this habitat it is essential that the source of its water is established and protected. If the proposed housing and its SUDs systems would take away water flow into Long Pond then this could significantly jeopardise the health of the biodiversity associated with Long Pond.

22. All of the previous attempts to carry out the legally required Great Crested Newt surveys have been unacceptable and inadequate. A new survey should be commissioned by a firm of ecologists who, at the very least, have the tenacity and spirit of adventure to arrange access to the numerous ponds within 500 metres of the site, surmount a 50cm fence and a few brambles.

Protection of Existing Hedgerows and Trees

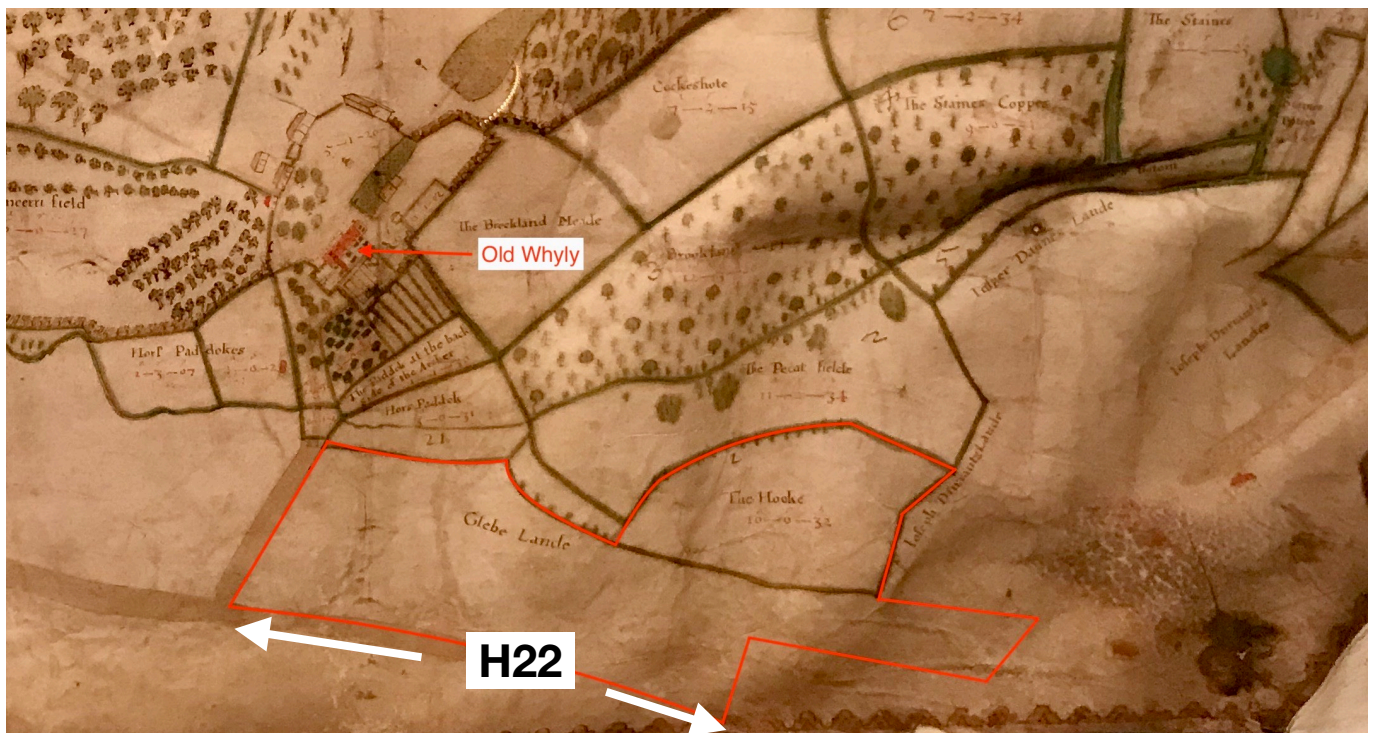
23. The Redrow Planning Application proposes to remove trees, hedgerows and habitats that are inconveniently placed for them to achieve their development plans. There is no need for this. A more environmentally sympathetic layout would retain all these havens of biodiversity and provide a more natural setting that does not resemble a housing estate. Redrow have imposed stock building designs in a standard housing estate layout that lacks any imagination to work with the existing nature. It may be that doing so might require them to build more smaller homes and less of the unwanted four and five bedroom homes but that is what a responsible developer would do in the setting of an historic rural village.

24. Hedgerow H13 appears from the drawings (Plan 5762 LLB DR Ab 0006 and 0007 Tree Protection Plan) to be proposed for removal by Redrow but it is shown in their Tree Removal Schedule as T13 (another piece of sloppy work in a rushed and incomplete full planning application). There is no need to remove hedges

H13, H16 or H32. The layout could be adjusted to accommodate these hedgerows retaining the majority of their habitats and providing access to each field through an opening in each hedgerow.

25. The most important hedgerow that must be retained is H22. This runs the length of London Road and is recorded by Sussex Biodiversity Record Centre as the highest classification available for a hedgerow - “Species Rich with Trees Intact” (Sx BRC Reference Hedge 2694). This is in stark contrast to Redrow’s consultants (Lloydore) who have graded it as C2 (albeit that they have failed to provide a key to explain what C2 means, it appears implicit that C2 is not the highest value grading) having ignored their own Phlorum Report which has identified H22 as “Ecologically Important” under the terms of the Hedgerow Regulations 1997. It is particularly wide in places (at least 5 metres wide) and provides a really important habitat for biodiversity as well as a powerful and attractive visual approach to East Hoathly village.

26. Hedgerow H22 should be protected as an “Important Hedgerow” under the Hedgerow Regulations 1997, Schedule 1, Part II Criteria, Archaeology and History. This hedgerow forms the boundary of Glebe Land adjoining the estate of Old Whyly as shown on the estate map dated 1625 shown below and the Yeakell and Gardner Map 1778-83.



Whyly Estate Map 1625



Yeakell and Gardner Map 1778-83

27. The Corylus Report includes the Preliminary Ecological Appraisal prepared by Phlorum (Appendix 3 dated 16 November 2016). This records all 11 hedgerows surveyed as Ecologically Important under the Hedgerow Regulations 1997 (Table 2). The Summary of this Report states “Overall on the basis of the survey results and the above criteria, habitats within the site are considered to be of ecological value within the local area. The site also provides suitable habitat to support a number of protected species groups including widespread breeding birds, bats, great crested newt, badger, water vole and dormice”.

28. The Conclusion and Recommendations of the Report states (Paragraph 5.5) “Habitats within the site were assessed as being of value to wildlife with the local vicinity with potential to support discrete numbers of breeding birds, bats,

hazel dormice, badger and great crested newt in suitable habitat. The on-site woodland and hedgerows are also classed as priority habitats. Although these features are discrete in nature, with higher quality and more extensive areas of these priority habitats in the locality, this features do contribute to the overall biodiversity value of the site in the local area. It is recommended that any proposals serve to retain and incorporate these features where possible and post development landscaping should serve to enhance these features beyond the baseline conditions”. Village Concerns wholeheartedly support these views and it is a pity that Redrow have chosen to completely ignore the recommendations of their own consultants.

29. Many people in the Parish regard the gateway to East Hoathly as the large trees either side of the London Road between Long Pond and the Tennis Courts. Redrow are proposing to remove the majestic oak tree (T1) on the corner of Long Pond. This would remove a perfectly healthy oak tree that is a significant biodiversity habitat and ruin the effect of this gateway into the village.



**Gateway to East Hoathly on London Road
Flanked by majestic oak trees**

30. The WDC Tree and Landscape Officer submitted an objection to this planning application on 27 July 2022. He quite rightly supports the protection of the Trees and Hedgerows on this site. Village Concerns urges WDC to force the developer to work around the trees and hedgerows that make the rural

environment so special. These habitats have evolved over many hundreds of years and cannot be replaced by some new planting.

Ongoing Maintenance Costs

31. The Redrow application makes reference to many matters that will require residents to pay for ongoing maintenance. Most of these relate to the planting schemes and elements of the natural environment. Redrow claim that the biodiversity benefits of these elements of their proposal are an integral part of their biodiversity proposals. It is therefore essential that the ongoing maintenance costs should be known prior to planning permission being granted. The cumulative cost may be prohibitive for new occupants and this could lead to the management plans becoming non-viable. This is important because all these maintenance plans, if they are not carried out well, will impact the biodiversity on the site. For example, a wild meadow planting scheme may fail if it proves to be too expensive to sustain. If this wild meadow planting was intended as a means of mitigating the loss of wild plants or as a means of providing biodiversity gain, then its failure would lead to an unacceptable loss in biodiversity on the site. These should be costed now and included as part of the application:

- a. **Landscaping and Planting** - a maintenance plan is proposed. This includes meadow and wildflower planting which, although a wonderful idea and highly beneficial for biodiversity, requires skilled and expensive maintenance. The cost will be high and should be clear at the outset.
- b. **Swales and Drainage System** - a maintenance plan is proposed.
- c. **Sewage System including Sewage Storage Tank and Sewage Pump** - which requires maintenance and cctv inspection. The developer expects this system to be adopted in time by Southern Water but residents will pay in the interim- a maintenance plan is proposed.
- d. **Play Area** - a maintenance plan is proposed.
- e. **Trees** - a maintenance plan will be required. No details of the proposed play equipment are provided. Some pictures and drawings indicate that it will be a natural play area with “woodland” play equipment. Others show conventional equipment.
- f. **Ecology Management** - a maintenance plan is proposed.

Damage to Ancient Woodland

Woodland Buffer

32. A 20m buffer has to be provided for the Ancient Woodland but on the section of boundary that is not Ancient Woodland, Redrow propose to build out to the boundary. This “bulge” spoils the transition of the housing to the woodland edge and it is mean-spirited to take advantage in this gap in the regulations. This section of woodland is home to some majestic Western Red Cedars which grow to an enormous size. Why not have a 20 m buffer for all the woodland to the North of the site to help protect these magnificent trees ?

33. There is no indication what form of boundary there would be to the woodland to the North of the site. This is a critical omission from the Redrow plans. The proposal is to put 205 homes with an estimated 700 new residents and their pets on a site with no boundary shown between them and the woodland. It should be a fence that permits the movement of wildlife and a hedgerow. This would provide additional biodiversity habitat.

34. The positioning of 205 homes on the boundary of Ancient Woodland will have an adverse impact on that Ancient Woodland. The use of the public footpath will increase. Improper trespassing within the woodland will increase and the indiscriminate movement of cats and dogs will have a significant effect on the wildlife in the woodlands. Predation of birds, mammals and amphibians will occur and most wildlife will be disturbed and almost certainly diminish. It is regrettable that the public footpath already results in a small amount of litter in the woodlands and this is almost certain to increase with the addition of so many more people. None of this has been considered by Redrow. This is not a responsible way to protect and enhance biodiversity. A detailed assessment of the effect of the proposed development on the Ancient Woodland and other woodlands should take place and an effective mitigation plan should be put forward for approval.

Surface Water Drainage

35. The applicant provides complex documents regarding surface water flooding and the design of the SUDs system claiming that it will easily cope and that no flooding will occur. However, similar schemes and claims were made for the new Juziers development in East Hoathly. This regularly discharges water onto the PROW on the site making it impassible.



36. The watercourse around Old Whyly Cottage regularly floods and discharges water into the woodlands. This has happened over many hundreds of years. The ecology has evolved to accommodate this but any change to this pattern will have an impact on the Ancient Woodland and biodiversity. The SUDs system cannot be allowed to cause any adverse impact on the Ancient Woodland or biodiversity in the area.

Environmental Impact Assessment

37. Urbanissta (on behalf of Redrow) applied for an Environmental Impact Assessment (EIA) Screening Opinion to be carried out under reference WD/2022/6500/SO dated 4 January 2022. Village Concerns made a representation to WDC indicating our belief that an EIA was necessary and provided detailed reasons as to why it was necessary. However, the Planning Department, despite the planning application lacking many of its important documents and reports, decided on 4 February 2022 that an EIA was not required. This failure to recognise the impact that this planning application will have on the environment of this village is shocking, so we repeat the key points of our submission where they are specifically relevant to biodiversity.

38. The existing Public Right Of Way (PROW) through the site was not shown on the plan provided by Urbanissta in their EIA request and had a new road access and housing put in its place. This changed on subsequent plans to propose the re-routing of the PROW. This PROW is a very important route connecting East Hoathly and Halland and much valued for tourism and the unspoilt rural setting. The proposed urbanisation and re-routing of the PROW will have a damaging impact on the environment of this asset. There is no need to re-route the PROW, the designers should move the proposed development to fit around the existing route and the natural setting, hedgerows and biodiversity that surrounds it. We still believe this should have justified an EIA.

39. 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 were content to simply assert that “it would not result in any likely significant environment effects”. We felt strongly that this proposal exceeded the threshold by so much that an EIA should be mandatory. Further, we felt 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 such as East Hoathly, of only 381 homes (with other consents granted for 55 homes and other applications being appealed or considered) should require a mandatory EIA. It remains screamingly obvious that adding 260 homes to an environment of 381 homes will have an impact on the local environment. Wealden should have recognised this and determined that an EIA be carried out.

40. The WDC 2020 EIA Screening Opinion (and not corrected in the 2022 determination) stated that the site does not contain any environmental designations. This remains not wholly true. The site abuts a Local Wildlife Site (LWS)), Ancient Woodland and it contains a breeding pond for Great Crested Newts (see Paragraph 13 for WDCs own description of Long Pond as a place of “of high ecological value”). The statutory buffer zones required to protect these

assets will 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. The buffer zones to protect the designated Ancient Woodland and the LWS, and the “high ecological value” of Long Pond are enough to warrant an EIA to be required.

41. This disregard for even considering the biodiversity of this site was replicated by Urbanissta in their application for an EIA Screening Opinion. They did not mention Ancient Woodland just describing it as woodland. They did not mention the LWS at Croom Cottage. They did not mention Long Pond which is a recorded breeding pond for Great Crested Newts. Even more worryingly, they erased this significant pond (over 1000 square metres) from their map and drew a path over the position of this nature habitat. It should be noted that at the public consultation event, Urbanissta had even removed Long Pond from the development boundary. The point is, that they have never fully considered Long Pond as part of the site and fundamentally do not understand its history or its “high ecological value”. WDC failed to correct these omissions when considering the Screening Opinion and should have determined that an EIA be carried out.

42. Since 2020 the Climate Emergency has deepened, the Environment Act 2021 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 is difficult to see how this application has even considered the existing biodiversity. We felt strongly that this should have been enough to require an EIA.

43. Urbanissta’s application for a Screening Opinion mentions a range of reports that they intended to submit, including one by GTA Civils on drainage, but they failed to mention the disposal of sewage. The absence of a fully designed and explained system to dispose of the sewage remains absent in the full planning application. This had 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.

a. 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 46 times in 2021 for a total of 593 hours. Overflows are designed to operate infrequently and as the result of heavy rainfall and this is the basis of their environmental permits - Meteorological Office data states that the average number of days of rainfall in East Sussex is 115 days per year. It can therefore be seen that the East Hoathly Sewage Treatment Facility overflows on almost half of the days when there is any rainfall. This cannot be regarded as operating infrequently nor as only

during heavy rainfall and amounts to a serious and persistent breach of the environmental permits. All such breaches are being investigated by the new Office for Environmental Protection. 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. Discharging untreated sewage is potentially hazardous to human health but also imposes a significant risk to biodiversity.

b. 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 did not even mention this issue and the WDC Scoping Opinion also ignored this matter. It will clearly present an environmental issue and should in itself warrant an EIA.

c. 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 to connect with the existing sewage pipe. Redrow have provided no detail of the pumping system to overcome this and only half the plan showing the proposed pipeline route. The additional load on the existing sewer pipe means that it would almost certainly need to be upgraded. No feasibility study was submitted for the previous application and Urbanissta merely failed 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.

44. Village Concerns were delighted when the full WDC recently voted to properly consider sewage spill data when considering new housing developments. It will be fascinating to see the reaction of the planning department to this decision.

Wealden Biodiversity Officer

45. It remains baffling that the Wealden Biodiversity Officer did not produce a report as a consultee for the 2016 planning application. It is even more baffling that, to date, a consultee report has not been submitted for the 2022 planning application. One has to question what is the purpose of this post if not to respond to major planning applications as a formal consultee ?

Conclusion

46. Redrow have belatedly added a Biodiversity Net Gain Report in an attempt to meet the requirements of the Environment Act 2021 to provide a minimum 10% net biodiversity gain. Unfortunately the report does not include its data or justifications for its gradings. Several of its assessments under-grade the existing biodiversity and over-estimate the effect of the proposed new habitats. The consideration of Long Pond in this full planning application is confused, with four different drawings shown in the latest Design and Access Statement and none of them being the latest Revision of the Masterplan. Long Pond itself is not shown on most of the site drawings. Redrow have resubmitted a discredited ecological report for Long Pond and added another Great Crested Newt survey that essentially did not bother to survey Long Pond or the wider area.

46. The layout of the proposed development has not worked around the existing hedgerows and trees, it simply proposes to remove them where they are inconvenient for the housing. This is the wrong approach and would devastate the biodiversity in the area and its ability to forage and transit through the area connecting the habitats on all sides of the site. Redrow have shown particular insensitivity to the gateway to the village by proposing to remove a perfectly healthy magnificent oak tree on the corner of Long Pond. This is to facilitate their proposal for a new entrance to the site. They should move the entrance, save the tree and work around the existing biodiversity.

43. The proposed development indicates that there will be at least six ongoing maintenance and management plans for the site. These vague ideas are all lacking in any detail or costings and would all require organisation and funding by the new residents. This would be a significant undertaking and should be fully costed and its long term viability considered as part of any planning decision.

44. Redrow have included the minimum legal requirement for a buffer zone with the Ancient Woodland but, mean spiritedly, built up to the boundary where they can avoid this. They have failed to provide an assessment of the impact of the proposed development on the Ancient Woodland. They show no boundary barrier and do not assess the impact of flooding, people, pets and litter on the biodiversity of the Ancient Woodland.

45. Village Concerns believes that WDC should have determined that an EIA was required for this site as it clearly met the requirements and remain baffled that the Wealden Biodiversity Officer remains silent on this application despite being a formal consultee.

46. We urge you to reject this application.

Katherine Gutkind and Kathryn Richardson
Co-Chairs
Village Concerns

cc

Councillor Draper
Parish Council
Tony Juniper Natural England
CPRE
DEFRA