



## **Supplementary Response to Further Application Information**

10th August 2026

**Planning Application LW/25/0339 — Land at Cooksbridge Road, Cooksbridge, East Sussex**

### **Proposal:**

The provision of 151 residential dwellings, including 40% affordable housing and commercial floorspace, together with public open space, landscaping, play space, community orchard, vehicular access, car and cycle parking, sustainable drainage and associated infrastructure.

Our position remains as objection to this application for all the reasons given previously and in this document.

AI has been used in the analysis and review of documentation and the preparation of this response which has been thoroughly and fully read by a human prior to submission.

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## 1. Executive Summary and Requested Decision

Hamsey Parish Council submits this supplementary representation in response to documents and consultation advice issued since the Parish Council's previous representations of July 2025 and February 2026, which this document supplements rather than replaces. Where an earlier concern is not repeated here, that silence should not be read as withdrawal — it means the position is unchanged and is not affected by the material considered below.

The principal new material is: the applicant ecologist's rebuttal to Sussex Wildlife Trust (6 March 2026); the Lead Local Flood Authority's objection (19 March 2026) and subsequent no-objection response (27 April 2026); the applicant's Hydraulic Modelling Addendum (28 March 2026); the further amended Highway Authority response (14 April 2026); the Council Arboriculture Specialist's comments; the Sussex Ornithological Society's letter; Network Rail's consultation response; and the County Ecologist's holding response (16 June 2026).

### 1.1 Overall position

Some matters have genuinely been resolved. The Highway Authority and the Lead Local Flood Authority (LLFA) have both withdrawn objections that were live as recently as March 2026, and this representation records that accurately — it does not claim either consultee continues to object. But the evidence base, as a whole, has not reached a point where the application can properly be determined. Most importantly, the County Ecologist's holding response of 16 June 2026 continues to recommend refusal for want of information, and several matters not fully captured within that holding response — above all the effect of the development on North End Stream and its sea-trout population, and the compatibility of the highway works with newly protected oak trees — remain unresolved on the evidence now available.

### 1.2 What remains outstanding

- Ecological baseline for the eastern and western watercourses, and their possible status as Habitats of Principal Importance;
- Otter and water vole — no survey or assessment of either species has been carried out;
- Breeding birds, including a specific, independently reported Nightingale record on the western part of the site;
- Sussex Sea Trout — whether the applicant's proposed drainage mitigation has been shown, rather than asserted, to protect a known population in a connected watercourse;
- The Biodiversity Net Gain baseline and metric, which presently omits the watercourse component and excludes a strip of red-line land;
- Compatibility of the revised highway access works with three oak trees now protected by Tree Preservation Order No. 22 (2025);
- Deliverability of the southbound bus-stop improvement and the 40-mph speed-limit change, both of which depend on processes not yet complete;
- The operational effect of 151 additional dwellings on Cooksbridge Station and the level crossing, which Network Rail's response does not address; and
- The cumulative effect of this proposal together with committed and emerging growth around Cooksbridge, assessed on a consistent basis across disciplines.

### 1.3 Requested decision

Hamsey Parish Council respectfully requests that Lewes District Council:

1. Preferred course: defers determination of LW/25/0339 until the outstanding ecological, aquatic, arboricultural, transport, railway and cumulative evidence identified in this representation has been submitted, independently reviewed and subject to further public consultation.
2. If determination is not deferred: refuses the application, because the present evidence does not establish that the development would avoid unacceptable ecological and infrastructure harm, or that the mitigation on which its acceptability depends is deliverable or in fact suitable in the long term.
3. If permission is nevertheless granted: secures, through pre-commencement and pre-occupation conditions, Section 106 obligations and Section 278 agreements, the full package of safeguards set out at Section 9.5 and Appendix C — in particular, without deferring by condition any ecological survey work that should properly have informed the decision itself.

This objection is not a rejection of development or housing need in principle. The objection is that, on the evidence currently before the Local Planning Authority, those benefits cannot yet be weighed with confidence against the ecological, arboricultural, infrastructure and cumulative harms the proposal may cause, especially given a development this size is completely out of proportion to the existing local community.

## **2. Introduction and Status of this Representation**

### **2.1 Purpose and relationship to earlier representations**

This representation supplements Hamsey Parish Council's substantive objection of 14 July 2025 and its further representations of February 2026 (including the hydraulic-modelling critique prepared in March 2026 but not previously issued, portions of which are drawn on in Section 5 below). It does not withdraw or restate those submissions; they remain the Parish Council's position except where this document expressly records that a matter has since been addressed. Its purpose is to identify what has changed since February 2026, record how consultee positions have developed, acknowledge matters consultees now consider resolved, and identify what remains outstanding or improperly deferred to conditions.

### **2.2 Documents considered**

This representation is based on the documents listed in full at Appendix D, principally: the applicant ecologist's Sussex Wildlife Trust rebuttal (6 March 2026); the LLFA's objection (19 March 2026, ref. SUD/LW/25/014/R5) and no-objection response (27 April 2026, ref. SUD/LW/25/014/R6); the Hydraulic Modelling Addendum (Water Environment Ltd, 28 March 2026, ref. 25092-HMD-TN-02 C01); the Highway Authority's consolidated response (original 2 August 2025, amended 20 February 2026, further amended 14 April 2026); drawings 2302048-01 rev M (site access), 2302048-TK01 rev G (swept-path analysis) and 3192-A-1710-PL-A (residents' cycle access); the LDC Arboriculture Specialist's comments; the Sussex Ornithological Society's letter; Network Rail's consultation response; and the County Ecologist's holding response (16 June 2026). A full chronology appears at Appendix A.

### **2.3 Approach taken**

Factual statements below are referenced to their source document, date and, where available, page or paragraph. Four distinctions are maintained throughout: applicant evidence (submitted by the applicant or its consultants); consultee advice (the stated position of a consultation body); established document fact (a date, figure or feature shown directly in a submitted document); and Hamsey Parish Council conclusion (the Council's own interpretation or planning judgement). Where the applicant's own conclusions use language such as “negligible”, “no constraint” or “sufficient mitigation”, this representation records that as the consultant's conclusion and examines the evidence for it, rather than treating the label as established fact. Equally, where a consultee's objection has been formally withdrawn, this representation says so — it does not suggest an objection continues where it has not.

A technical consultee's no-objection response is a material consideration but does not, by itself, resolve matters outside that consultee's remit: the LLFA addresses flood risk and its impact on people and property, not the ecological acceptability of discharges into a sensitive watercourse; the Highway Authority addresses highway safety and network operation, not arboricultural or landscape acceptability; Network Rail addresses asset protection during construction, not station capacity, passenger demand or level-crossing operation; and the County Ecologist's response is expressly a holding recommendation based on presently insufficient information, not a final clearance.

### 3. Chronology of the Evidence Base Since February 2026

The evidence base has continued to evolve materially since Hamsey Parish Council's February 2026 representation, in two directions at once: some objections have been withdrawn following further applicant submissions, while other, more fundamental ecological and arboricultural issues have only emerged during that same period. The current position is therefore the product of successive, still-incomplete revision, not a scheme whose acceptability was established at submission. The full chronology is at Appendix A; the key milestones are:

| Date           | Event                                                            | Effect                                                                                         |
|----------------|------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| 6 Mar 2026     | Applicant ecologist's rebuttal to Sussex Wildlife Trust          | First applicant assessment of Sea Trout — confirms EclA had not covered the species            |
| 19 Mar 2026    | LLFA objection (ref. R5)                                         | Objection: insufficient information to assess flood-risk acceptability                         |
| 28 Mar 2026    | Hydraulic Modelling Addendum issued                              | Additional modelling responding to LLFA's requests                                             |
| 14 Apr 2026    | Highway Authority further amended response                       | Highway objection withdrawn, subject to conditions and legal agreements                        |
| 27 Apr 2026    | LLFA response (ref. R6)                                          | LLFA objection withdrawn, subject to conditions and further drainage detail                    |
| 2026 (various) | Arboriculture Specialist, Sussex Ornithological Society comments | TPO No. 22 (2025) and Nightingale record identified — both post-date earlier applicant surveys |
| 16 Jun 2026    | County Ecologist holding response                                | Recommends refusal pending further ecological information                                      |

The significance of this chronology is not that no progress has been made — plainly it has on drainage and highways — but that the discipline where the most serious concerns arise, ecology, was the last to report, and reported that the application should not yet be approved. The Local Planning Authority should therefore ask, discipline by discipline: is all information necessary to understand likely significant effects now available; are later conditions being used for genuine detail or to defer matters fundamental to acceptability; and do conclusions reached in one discipline (for example, the LLFA's flood-risk sign-off) remain valid when read alongside another (the ecological sensitivity of the same watercourses)?

## 4. Ecology and Biodiversity

Ecology is the most significant unresolved technical matter in the application. The County Ecologist's consultation response of 16 June 2026 is expressly a holding response recommending refusal, stating that insufficient information has been provided to assess biodiversity impacts or to inform appropriate mitigation, compensation and enhancement, with further advice to follow once that information is received.

*Source: ESCC Ecology consultation response, 16 June 2026, page 1, holding-response box; page 1 also notes the advice is given under a service-level agreement and is not a statutory consultation response.*

Hamsey Parish Council agrees with that overall conclusion, and — separately — considers that the response's treatment of one specific issue, North End Stream and Sussex Sea Trout (Section 4.3 below), is itself not sufficiently robust, notwithstanding the wider holding recommendation.

### 4.1 Matters on which the Parish Council agrees with the County Ecologist

For clarity, and so that this representation is not read as objecting to every element of the ecological evidence, Hamsey Parish Council agrees with the County Ecologist that: the present ecological information is insufficient overall; the eastern and western watercourses require further baseline assessment and their potential Habitat of Principal Importance status should be considered; Natural England should be consulted if it has not already been on these new particular aspects; lighting must be tightly controlled and access gaps minimised to maintain bat connectivity; dormouse, otter and water-vole information is required before determination; reptile mitigation requires strengthening; the breeding-bird assessment is inadequate; and the BNG baseline and watercourse metric require correction. The Parish Council also does not pursue separate objections on great, crested newt or badger, where the County Ecologist considers the risk manageable through the precautionary methods already proposed.

*Source: ESCC Ecology consultation response, 16 June 2026, pages 2–8, paragraphs 8–31, 38–39.*

### 4.2 Survey age and genuine survey gaps

Most species surveys date from 2023, with the Ecological Impact Assessment dated December 2025 and a walkover/tree-roost update from January 2025. The County Ecologist considers this age generally consistent with current best practice, and the Parish Council accepts that conclusion in relation to the surveys that were actually carried out. The issue is not survey age but that certain surveys were not carried out at all: an adequate breeding-bird survey, otter and water-vole assessment, full assessment of the eastern and western watercourses, an original sea-trout assessment, and completion of the watercourse component of the BNG metric.

*Source: ESCC Ecology consultation response, page 2, paragraph 8.*

### 4.3 North End Stream and Sussex Sea Trout — the central dispute

The County Ecologist records that ordinary watercourses along the eastern and western boundaries are tributaries of North End Stream, that their relationship to the red-line boundary is unclear, that they may qualify as Habitats of Principal Importance, and that the Ecological Impact Assessment should be updated to provide a proper baseline and assess the effect of the proposed new SuDS outfalls into them.

*Source: ESCC Ecology consultation response, page 3, paragraphs 11–12.*

Independent evidence from the Wild Trout Trust (A. Thomas, December 2025) confirms Sea Trout — a Species of Principal Importance and an emerging Local Nature Recovery Strategy priority species — in North End Stream and potentially its tributaries. The original Ecological Impact Assessment did not address the species; the applicant's ecologist did so for the first time in a rebuttal dated 6 March 2026.

The County Ecologist also states;

*Sea trout is a Species of Principal Importance (SPI) under the NERC Act and a Priority Species within the soon-to-be-published East Sussex and Brighton & Hove Local Nature Recovery Strategy (LNRS). They require clean, fast-flowing water and gravel beds for spawning.*

*Source: ESCC Ecology consultation response, page 7, paragraphs 36.*

At the time of writing, further representations have been submitted, or are expected imminently, from Dave Bangs Local field Naturalist & Author and The Ouse & Adur Rivers Trust (ODART), each bringing specialist knowledge of the North End Stream catchment and Sussex Sea Trout. The Local Planning Authority is respectfully requested to take those representations into account before determining the application."

The omission was first identified by Sussex Wildlife Trust, which objected on 17 February 2026 on the ground that "the potential impacts on biodiversity have not been fully considered." The Trust records that the applicant's ecological assessments did not include North End Stream, which it describes as "a significant tributary of the Sussex Ouse running parallel to, and within metres of, the site's northern boundary." It notes that the emerging Local Nature Recovery Strategy identifies Sussex Sea Trout (*Salmo trutta*) as a priority species for recovery "in accordance with the Environmental Targets (Biodiversity) England Regulations 2023," and that the Wild Trout Trust's advisory visit of December 2025 confirmed Sea Trout "currently present and active in the North End Stream," a watercourse of "significant importance both locally and nationally as a rare and critically important spawning and nursery habitat for migratory Sea Trout and other protected fish species of conservation interest." The Trust concludes that the stream "is a vital element of the district's local ecological network and must be protected from the impacts of development."

*Source: Sussex Wildlife Trust objection (C. Owen, Conservation Manager), 17 February 2026.*

The applicant's rebuttal accepts a hydrological pathway from the site to North End Stream (a western-boundary ditch and an eastern-boundary stream) and accepts potential effects through altered flow, water quality and sedimentation, but concludes that the proposed SuDS system provides sufficient mitigation and that converting the land from agricultural to residential use may itself reduce diffuse pollution.

*Source: ESCC Ecology consultation response, page 7, paragraph 36; Ecosupport Ltd, Rebuttal to Sussex Wildlife Trust, 6 March 2026, pages 2–5.*

The County Ecologist's paragraph 37 substantially adopts that case — relying on the rebuttal, the Simple Index Approach used in Section 9 of the Flood Risk Assessment and Drainage Strategy, and confirmation that foul drainage has sufficient treatment capacity — in concluding that "we do not consider the presence of Sea Trout to be a constraint to development in this case".

*Source: ESCC Ecology consultation response, page 7, paragraph 37.*

Furthermore, the applicant's rebuttal goes on to conclude;

*"In summary, we respectfully submit that:*

*The site is an allocated location for growth under the Draft Local Plan, and the application is accompanied by proportionate ecological assessments in line with Policy CB1.*

*North End Stream, while ecologically important, lies outside the site; its interests can be robustly protected through the proposed design, SuDS strategy and standard planning conditions without precluding development.*

*National biodiversity targets and the emerging LNRS seek sensitive, well-mitigated development that contributes to species recovery; they do not amount to an embargo on housing adjacent to priority habitats where no significant residual harm is demonstrated.*

*With appropriate conditions and detailed design, the development has the potential to maintain or enhance the ecological function of North End Stream through pollution control and to support wider catchment-scale objectives for *Salmo trutta* and associated species"*

*Source: ESCC Ecology consultation response, page 5, paragraph 36; Ecosupport Ltd, Rebuttal to Sussex Wildlife Trust, 6 March 2026.*

Their own use of the word "Draft" The Local plan is at regulation 18 stage, an emerging plan, not a draft and the allocation of this and the adjoining 19HY site are being significantly objected to. The applicant's ecologist is now relying on emerging allocations as though it were a settled fact, in a document the case officer will read. The NPPF paragraph 49 governs weight to emerging plans by reference to the stage of preparation, the extent of unresolved objections and consistency with the Framework. A Regulation 18 draft sits at the bottom of that scale. Reinstate the point and cite their sentence.

"North End Stream... lies outside the site."\*\* whilst true beside the point its impact is not constrained to the site boundary

The County Ecologist records at her paragraphs 11 and 12 that the ordinary watercourses along the eastern and western boundaries are tributaries of North End Stream, that their relationship to the red line boundary is unclear, that they may qualify as Habitats of Principal Importance, and that the assessment should address the effect of the proposed new SuDS outfalls discharging into them. The pathway is not the mainstream. It is the tributaries, and the outfalls discharge into them.

*Source: ESCC Ecology consultation response, page 3, paragraph 11&12.*

"...where no significant residual harm is demonstrated."\*\* This reverses the burden. The applicant's position is that no significant residual harm has been demonstrated. The County Ecologist's position is that there is insufficient information to assess biodiversity impacts at all.

You cannot demonstrate the absence of significant residual harm on information a statutory adviser has found insufficient to assess.

Lastly, the final sentence, "the development has the potential to maintain or enhance". Potential is not a commitment and cannot be conditioned and at best is highly subjective and non-demonstratable.

Hamsey Parish Council does not consider this demonstrated with sufficient rigor, for Six reasons:

1. the rebuttal is prepared by the applicant's own consultant, not an independent assessor;
2. the Simple Index Approach is a design-stage pollution-mitigation tool, not evidence of the system's actual long-term ecological performance;
3. the claim that arable-to-urban conversion may improve water quality is an unquantified, prospective hypothesis rather than site-specific evidence;
4. the applicant's own Hydraulic Modelling Addendum records measurable changes in water levels and in-channel flow caused by the proposal (Section 5 below);
5. the SuDS system's effectiveness depends on final design, construction, groundwater conditions, outfall arrangements and long-term maintenance, several of which remain outstanding or subject to future approval, and has been repeatedly evident in other local housing developments, not adequate in the long term.
6. County Ecologist's conclusion relies in part on 'other regulatory mechanisms relating to water quality'. In practice that means the environmental permitting regime administered by the Environment Agency. The Environment Agency's responses on this file are dated 3 July 2025 and 8 July 2025, five months before the Wild Trout Trust confirmed active sea trout redds in North End Stream in December 2025. It has never been consulted on the species, its spawning habitat, or the effect of the proposed outfalls upon them. A conclusion that rests on a regulatory regime cannot be safe where the body operating that regime has not been asked the question.

The question is not whether an impact pathway to North End Stream exists — the applicant accepts that it does. The question is whether avoidance and mitigation have been demonstrated with sufficient independent, site-specific certainty. Hamsey Parish Council requests that the sea-trout issue be reviewed by an appropriately qualified aquatic ecologist or fisheries specialist, independent of the applicant, before determination, and that this review be integrated with the hydraulic modelling findings at Section 5.

Hamsey Parish Council also asks that the Environment Agency be re-consulted specifically on sea trout, spawning habitat and water quality in North End Stream, and that its response be published before determination

#### **4.4 Otter and water vole**

The Ecological Impact Assessment contains no assessment of otter or water vole, despite watercourses on three sides of the site and SuDS infrastructure (including basin 3 and new outfalls/headwalls) close to or discharging into them. The County Ecologist finds that robust survey information or adequate justification for its absence has not been provided, that absence of local records may simply reflect lack of recording effort (otter records may in any event be held confidentially by the Sussex Biodiversity Records Centre), and that none of the exceptional circumstances in BS 42020:2013 that might justify deferring survey work by condition appears to apply.

*Source: ESCC Ecology consultation response, pages 4–5, paragraphs 21–26.*

This is one of the clearest unresolved matters in the application. It is a pre-determination information requirement and Standing Natural England Advice where a development could affect freshwater or Migratory fish. — establishing the

presence and likely impact — not a matter that can properly be left to a construction-phase condition. The Parish Council requests a desk study (including confidential otter records), habitat-suitability assessment of both watercourses, appropriate surveys, and assessment of the effects of the proposed basins, outfalls and construction, before determination.

#### **4.5 Breeding birds and Nightingale**

The only breeding-bird information in the Ecological Impact Assessment derives from a biological records search. The County Ecologist identifies moderate breeding potential in the site's treelines and hedgerows, possible use by raptors and ground-nesting farmland birds such as yellowhammer and corn bunting, and concludes that the application has not met best practice for assessing breeding-bird impacts — current guidance recommends surveys between late March and early July, including at least one evening survey capable of detecting species such as Nightingale and owls which are known to be present in the area.

*Source: ESCC Ecology consultation response, pages 6–7, paragraphs 32–35.*

That gap is reinforced by the Sussex Ornithological Society's letter, which records Nightingale — a Red-listed species and Local Nature Recovery Strategy priority species — on the western part of the site, states that it was unable to locate a breeding-bird survey in the application documents and requests a full survey and demonstration of how Nightingale habitat will be protected before the application progresses.

*Source: Sussex Ornithological Society consultation response (single-page letter).*

Given this species-specific evidence from the county's specialist ornithological body, Hamsey Parish Council considers a full breeding-bird survey — including territory mapping, habitat assessment and consideration of recreational pressure, lighting, pets and long-term vegetation management — should be completed before determination, not deferred by condition.

#### **4.6 Reptiles and dormouse**

The 2023 reptile survey recorded a peak of five slow worm and two common lizard, but was condensed into September, with four of seven visits at or above the recommended maximum survey temperature — meaning reptiles may have been under-recorded. The applicant's proposed 20-day translocation period is well below the 60 days referred to in best-practice guidance. The County Ecologist recommends at least 30 capture days, double refugia density (100/ha), and revised long-term receptor-area management; Hamsey Parish Council supports these requirements and requests a full Reptile Mitigation Strategy before determination.

*Source: ESCC Ecology consultation response, pages 5–6, paragraphs 27–29.*

The applicant's dormouse survey (nest tubes, June–November 2023) found no evidence but scored 18 against a best-practice threshold of 20 for confidently assuming absence. The Ecological Impact Assessment does not assess the operational effects of 151 dwellings on dormouse — increased human access, cats and dogs, lighting, informal paths and vegetation cutting — which should be assessed before a conclusion of no significant effect is reached.

*Source: ESCC Ecology consultation response, page 4, paragraphs 16–18.*

#### **4.7 Bats and lighting**

At least ten bat species were recorded, including rare, light-averse barbastelle in low numbers; the site is considered of County-level importance for bats, with highest activity along the western-boundary stream corridor and the eastern A275 hedgerow, and three mature oaks identified with roost potential. The County Ecologist recommends a sensitive lighting scheme, minimised access-gap widths and additional lighting along the A275, and planting of heavy or extra-heavy standard trees at access points to allow bat “hop-overs” to form over time.

*Source: ESCC Ecology consultation response, pages 3–4, paragraphs 13–15.*

Hamsey Parish Council supports these recommendations but notes a direct interaction with the highway works addressed in Section 6: the same access points require visibility splays, carriageway widening and vegetation clearance, and replacement trees will take years to provide the canopy connectivity that existing mature vegetation currently offers. A single coordinated drawing showing retained and removed vegetation, sightlines, lighting, replacement planting and the anticipated bat-crossing function to provide full, long-term mitigation should be required before determination.

#### 4.8 Biodiversity Net Gain

The applicant's statutory metric claims +8.25 habitat units (+42.36%) and +1.34 linear/hedgerow units (+12.69%), delivered entirely on-site.

*Source: ESCC Ecology consultation response, page 7, paragraph 40; Statutory Biodiversity Metric, Ecosupport, 22 December 2025.*

Three specific gaps mean these figures should be treated as provisional, not settled. First, the watercourse tabs in the metric have not been completed, so the eastern and western watercourses are not yet included in the BNG calculation at all — despite forming part of the receiving environment for the SuDS discharges discussed above, and despite the standard 10-metre riparian zone that should be captured where the red-line boundary extends into it; a River Condition Assessment may also be required. Second, a strip of land within the red-line boundary appears to have been excluded from the baseline because the current landowner may want to use it for access in future — but land should not be excluded from a baseline merely because a future proposal might alter it later. Third, the emerging Policy CB1 20% BNG requirement is not yet met on the linear/hedgerow component (12.69%) if applied separately by unit type, and the County Ecologist defers to Lewes District Council on whether it should be. The Local Planning Authority should confirm, before determination, whether the 20% figure applies separately across habitat, hedgerow and watercourse units, and how any shortfall would be addressed.

*Source: ESCC Ecology consultation response, pages 7–8, paragraphs 41–44.*

A related, smaller point: the Arboriculture Specialist notes that many proposed trees would be planted in private gardens, where they are not securely retained and householders may remove them — the Local Planning Authority should establish whether such planting is counted within the BNG metric and, if the claimed gain depends on it, whether equivalent planting should instead sit on managed communal land and come with the appropriate long term management strategy.

*Source: LDC Arboriculture Specialist comments, page 4, "Trees in Gardens".*

#### 4.9 Natural England and designated sites

The site lies close to three designated sites — the South Downs National Park (c. 36m south-west), Offham Marshes SSSI (c. 1.4km south, hydrologically connected via North End Stream and the River Ouse) and Clayton to Offham Escarpment SSSI (c. 1.5km south) — and the County Ecologist considers the proposal likely to trigger a Natural England Impact Risk Zone consultation criterion, while noting it is unclear whether Natural England has in fact been consulted.

*Source: ESCC Ecology consultation response, page 3, paragraph 9.*

Hamsey Parish Council requests confirmation that Natural England has been formally re-consulted on the current, amended proposal with the latest drainage, hydraulic and ecological information, and that any robust response is published before determination. Their 2025 application response has no comments but does however note that Local Planning Authorities are provided with "Impact risk Zones (IRZs) and to use them to assess potential impact. Something the ESCC Ecologies is now stating does trigger.

#### 4.10 Information required before determination

Hamsey Parish Council requests the following before the application is determined:

1. Updated Ecological Impact Assessment addressing the eastern and western watercourses' condition, ecological function and possible Habitat of Principal Importance status.
2. Independent aquatic ecological assessment of North End Stream and its tributaries, specifically addressing Sea Trout and the effects of altered flow, water quality, sedimentation, outfalls and construction as required by Natural England — not inferred principally from the applicant's own SuDS design claims.
3. Otter and water-vole desk study and surveys, including access to confidential records.
4. Full breeding-bird survey compliant with current guidance, including evening survey effort, and a species-specific Nightingale assessment and mitigation.
5. Further dormouse assessment addressing operational effects, and a Reptile Mitigation Strategy reflecting the County Ecologist's recommended capture effort and refugia density.

6. Corrected statutory BNG metric: all red-line land included unless properly justified otherwise; completed watercourse metric, including riparian zones and any required River Condition Assessment; and clarification of how the emerging 20% requirement applies by unit type.
7. Coordinated lighting assessment and a bat-connectivity plan integrated with the access and highway drawings.
8. Natural England's updated consultation response, and a revised Habitat Management and Monitoring Plan reflecting the corrected baseline and survey findings.

#### 4.11 Ecology conclusion

The County Ecologist's holding recommendation — that information is presently insufficient to assess biodiversity impacts and determine appropriate mitigation — should not be set aside lightly, notwithstanding the progress made elsewhere. Hamsey Parish Council agrees with that recommendation and additionally considers that the treatment of North End Stream and Sea Trout does not yet provide a sufficiently independent or precautionary assessment of the applicant's own mitigation case. The existence of a proposed SuDS system is not, by itself, proof that aquatic ecological impacts will be avoided, that water quality will improve, or that sensitive tributary habitat will be protected: those are questions the ecological evidence should answer directly, independently and before determination. Noting that the purpose of SuDS is not principally to protect the environment but first and for most people and property that only needs protecting because it's put there in the first place.

Whilst Sustainable Drainage Systems can provide significant water-quality and biodiversity benefits when appropriately designed and maintained, Hamsey Parish Council does not consider that the existence of a proposed SuDS strategy should, in itself, be treated as demonstrating that the ecological impacts upon the receiving watercourses and North End Stream have been adequately assessed. Those ecological effects require their own evidence-based assessment

### 5. Water Environment, Hydraulic Modelling and Flood Risk

The Lead Local Flood Authority (LLFA) no longer objects to the application on surface-water flood-risk grounds. Its response of 27 April 2026 concludes that the proposed layout and drainage strategy are feasible and that identified risks can be controlled by condition, and this representation records that accurately. The Parish Council's remaining concerns are narrower: the additional modelling resolves the LLFA's specific procedural requests but still depends on unvalidated assumptions; it identifies measurable hydraulic change caused by the proposal; important drainage detail remains deferred to condition; and the LLFA's remit is flood risk, not the ecological acceptability of altered flows into a sensitive watercourse — a matter that must be read together with Section 4.

#### 5.1 What changed between March and April 2026

On 19 March 2026 the LLFA objected because insufficient information had been provided to assess flood-risk acceptability (ref. SUD/LW/25/014/R5), requesting flood-depth difference mapping, upstream/adjacent/downstream flow comparisons, clarification of rainfall seasonality and critical storm duration, justification of channel-bed roughness, model runtime/stability/software disclosure, and consideration of the relationship between modelled flood levels, basin crest levels and finished floor levels. Water Environment Ltd's Hydraulic Modelling Addendum (28 March 2026, ref. 25092-HMD-TN-02 C01) was prepared in direct response, testing four scenarios — winter and summer rainfall, each at the original and a higher channel-bed roughness — for the 1-in-100-year event plus the 2080s climate-change allowance.

*Source: ESCC LLFA response, 19 March 2026; Hydraulic Modelling Addendum, page 1, paragraphs 1.1–1.3, and page 3, paragraphs 3.1–3.3.*

The addendum explains the flow increase as arising because the proposal diverts an existing overland flow route into the ordinary watercourse. It also records that the combined summer/higher-roughness scenario raises absolute modelled flood levels beside the basin by approximately 0.35m relative to the original winter model, which led the applicant to revise its recommended minimum basin-bank levels (now no lower than 14.8m AOD at the southern end and 14.0m AOD at the northern end, to preserve roughly 300mm freeboard). The applicant characterises all of this as localised and negligible, with no effect on sensitive receptors and no adverse effect on the urban area of Cooksbridge upstream and concludes that the LLFA's comments have been addressed.

*Source: Hydraulic Modelling Addendum, page 7, paragraphs 3.16–3.17; page 8, paragraph 4.4 and concluding sections. (Paragraph 2.18 appears to contain a typographical error — “1.5m AOD” where the surrounding text and paragraph 3.17 indicate 15.5m AOD was intended; this should be checked in the final approved levels information.)*

Following the addendum, the LLFA withdrew its objection on 27 April 2026 (ref. SUD/LW/25/014/R6), concluding that the pluvial modelling shows the works affecting the identified flow path would not increase off-site or downstream flood risk, and that the layout and drainage strategy are feasible. That conclusion is the current, correct flood-risk position and this representation does not dispute it. The LLFA nevertheless requires, before or through conditions: detailed hydraulic calculations demonstrating greenfield discharge rates up to the 1-in-100-year-plus-45%-climate-change event; detailed outfall design (cross-sections, invert levels); investigation of the receiving watercourse's condition, with any necessary improvements carried out before outfall construction; safe exceedance-flow routing; groundwater monitoring between autumn and spring, with at least 1 metre of unsaturated ground below basin bases (or alternative mitigation); and a lifetime maintenance and management plan.

*Source: ESCC LLFA response, 27 April 2026, pages 1–2, condition points 1–6.*

Hamsey Parish council would also add that any management plan should not place undue long-term burden on new or existing residents or the Local Council due to the failings and inadequacies of design.

## **5.2 Why this does not resolve the ecological question**

Hamsey Parish Council's earlier, unissued critique of the original Hydraulic Modelling Report (March 2026) identified that the underlying model was not calibrated or validated against gauged flows or observed flood events, that its own sensitivity testing showed flood levels varying by 28–61% under alternative runoff assumptions, that the A275 bridge culvert was represented as a simplified channel rather than modelled as a culvert (with building footprints artificially raised to prevent modelled internal flooding), and that the model addressed land-raising near the attenuation basin rather than the complete drainage network for 151 dwellings. The April addendum answers the LLFA's specific procedural questions — seasonality, storm duration, roughness sensitivity, runtime and software disclosure — but it does not introduce calibration against an observed event, and it does not replace the underlying estimated runoff and infiltration parameters with measured data. The proposal is consequently not shown to be hydraulically neutral: it changes local water levels, diverts an existing overland flow route into the watercourse, and increases in-channel flow in the scenarios tested.

*Source: HPC draft response to the Hydraulic Modelling Report, March 2026, citing the underlying report at pages 4, 6, 7, 12, 13, 18 and 21–22. Available on request*

None of this means the LLFA's conclusion is wrong for flood-risk purposes within their remit — the Parish Council accepts it is the current, competent professional view on that question. The point is a narrower one: the LLFA's remit is flood risk to people and property, not the ecological condition of the surrounding landscape or receiving watercourse and in planning terms, to accept an applicant's data and conclusions rather than verifying it which should be carried out independently. The County Ecologist's sea-trout conclusion (Section 4.3) does not appear to integrate the quantified in-channel flow increases recorded here, and the two assessments — one now signed off, one still outstanding — need to be read together, not treated as independent. The County Ecologist's response also states that foul drainage will discharge via Cooksbridge Wastewater Treatment Works, with capacity confirmed by Southern Water;

*Source: ESCC Ecology consultation response, page 7, paragraph 37.*

That should be checked against Southern Water's own consultation response and any conditions attached to it and verified independently in light of Southern Water's track record on this issue, since manhole or in fact treatment-works capacity does not by itself establish network capacity at every point or the absence of storm overflows. We have also made requests in previous responses for verification of this capacity.

## **5.3 Foul drainage & Wastewater capacity**

The County Ecologist records at paragraph 37 that foul sewage is not addressed in the applicant's ecological rebuttal and proceeds on the understanding that discharge will be via Cooksbridge Wastewater Treatment Works, which Southern Water is said to have confirmed has sufficient capacity. Southern Water's comment on this file is dated 8 July 2025 and makes no reference to capacity. Their confirmation of capacity is in the applicants flood Risk Assessment Appendix and notes only 2 manhole references.

That predates the events on which this Council holds contemporaneous evidence: foul water flooding affecting residential property at Chandlers Mead, photographed and dated 27th & 28th January and 3 February 2026.

*Source: HPC LW-25-0339 Supplementary Follow Up Responses 260219. Appendix Pg 13&14.*

Manhole capacity does not establish network capacity at every point. Under the Water Industry Act 1991 a developer has a right to connect to the public sewer and the undertaker has a corresponding duty to accept that connection. A statement that capacity exists is therefore not evidence that the network can accommodate the development without an increase in spill frequency or duration.

The Wild Trout Trust's advisory report of December 2025 identifies the mechanism that connects this to Section 4: any failure generating raised ammonia or biochemical oxygen demand risks the loss of incubating salmonid eggs and of parr residing downstream of the outfall.

Hamsey Parish Council asks that Southern Water be re-consulted on the current proposal, that its response be published in full, and that it be asked specifically whether the development can be accommodated at the Cooksbridge Wastewater Treatment works without increasing spill frequency or duration to North End Stream rather than just acceptance at face value of its letter to the applicant dated 10<sup>th</sup> February 2025 that

*“There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 1.36 l/s for the above development at manhole reference TQ40131701 and TQ40132701. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with.”*

Source: Motion Flood Risk Assessment & Drainage Strategy appendix O, pg. 57 Southern Water Capacity

The Parish Council has reviewed the underlying Southern Water DWMP data and wishes to clarify that the document refers to an additional forecast of **78 population equivalent (PE)** by 2050, rather than 70 dwellings as previously stated. The earlier reference appears to have arisen from an inadvertent simplification of the PE growth figures from Southern Water referenced in a number of other responses. Correcting this point strengthens, rather than weakens, the underlying concern, as 78 PE is equivalent to only around 34 average dwellings using the occupancy assumptions adopted in the Lewes Water Cycle Study, whereas the proposed development alone would generate approximately 347 PE.

#### 5.4 Requested actions

1. Coordinated drainage and ecological review of the modelled water-level and in-channel flow increases, before outfall details are approved.
2. Detailed outfall drawings (cross-sections, invert levels, bank treatment, erosion control) reviewed jointly by the LLFA and the ecological adviser.
3. Watercourse-condition survey by suitably qualified professionals, with any proposed “improvement” works ecologically assessed rather than treated as routine engineering.
4. Groundwater monitoring over a full autumn-to-spring period, published before relevant conditions are discharged.
5. Final basin levels and freeboard consistent with the worst tested credible scenario, and a lifetime SuDS management plan with named responsibility, funding and enforcement.
6. A requirement for LLFA reassessment if basin levels, land-raising, outfall locations or drainage catchments materially change from what has been modelled.
7. Independent verification and not just acceptance of applicant’s own claims as proof.
8. Confirmation from Southern Water of its actual capacity limits at the Cooksbridge Wastewater treatment works and projections of growth rather than just acceptance of its Initial letter to the applicant dated 10<sup>th</sup> February 2025.

## 6. Highways, Access and Trees

The Highway Authority withdrew its objection on 14 April 2026 after receiving further information, and Hamsey Parish Council does not contend that it continues to object. What remains is: a substantial package of highway engineering still dependent on Section 106, Section 278, a Traffic Regulation Order and conditions; a specific, unresolved conflict between the access works and three oak trees newly protected by a Tree Preservation Order; and wider concerns about rural character, Hamsey Lane pedestrian safety and cumulative growth that fall outside the Highway Authority's safety-and-network remit and the observed and reported increasingly material degradation of the local highways infrastructure due, in part, to the substantial increase in both construction traffic and residential traffic on the existing network which does sit within their remit.

### 6.1 What the Highway Authority has accepted

The original response (2 August 2025) and the 20 February 2026 amendment retained an objection pending five matters: western-access tracking and radii; an in-principle southbound bus-stop drawing; articulated-vehicle tracking at the builders' merchant; "KEEP CLEAR" marking and island changes; and clarification of cycle-storage access. Following further submissions, the 14 April 2026 response accepted: the revised western refuse-vehicle swept path (drawing 2302048-TK01 rev G, a 12m future ESCC vehicle); relocated "KEEP CLEAR" markings (moved from the western access to the Hamsey Lane junction); the residents' cycle-access drawing (3192-A-1710-PL-A); and the applicant's explanation of articulated-vehicle movements at the builders' merchant. It also accepted that the southbound bus-stop solution could be "explored" through Section 278 detailed design rather than fixed now which has a high chance of just being subsequently reduced or even omitted via viability arguments later on.

*Source: ESCC Highway Authority responses, 20 February 2026 (pages 5–9) and 14 April 2026 (page 2).*

All of the access drawings remain marked "FOR PLANNING – NOT FOR CONSTRUCTION", and the swept-path drawing expressly disclaims the accuracy of third-party survey data and vehicle-library specifications. These are normal professional qualifications, not defects, but they confirm the drawings are in-principal planning evidence, not final engineering.

*Source: Motion drawings 2302048-01 rev M and 2302048-TK01 rev G, title blocks and notes.*

### 6.2 What remains dependent on later processes

- The 40-mph transitional speed limit at the site frontage is under 200m long against a normally recommended 600m, has ESCC Road Safety Team support but not yet confirmed police agreement we are aware of (neither Sussex police (10<sup>th</sup> July 2025) Nor Sussex Police & Crime commissioner responses dated 11<sup>th</sup> July 2025 make any comment or reference to this), and depends on a Traffic Regulation Order that has not yet been made — the decision should not assume this arrangement will necessarily be implemented as shown, and a fallback position should be identified if it is not.
- The southbound bus stop is currently substandard (the rear of a stopping bus protrudes into the carriageway, prompting overtaking that the Highway Authority links directly to delays caused by the level crossing). The applicant's "willingness to explore" a lay-by extension through Section 278, whilst welcome, is not a demonstrated deliverable solution given the identified constraints (verge width, two manholes, the pedestrian refuge); Hamsey Parish Council requests at least an in-principle dimensioned design before determination.
- A Section 106 contribution of £1,500 per dwelling (£226,500 total), a Travel Plan and a £6,000 monitoring fee are sought for bus-service enhancement; the legal agreement should specify the service or route funded, duration, triggers and what happens if the funded improvement is not delivered.
- The Highway Authority's response repeatedly refers to the "A265" where the site and access road are on the A275 — an error that should be corrected in any condition, Section 106 or Section 278 agreement, TRO documentation or decision notice.
- Traffic modelling incorporated three named committed schemes (Old Malling Farm, North Street Quarter, Land West of Lewes Road) and found some junctions already operating at or close to capacity in peak periods (for example the B2116/A275 junction, RFC 0.91 without this development and 0.93 with it, in the PM peak); the Highway Authority judged the added delay small and below the NPPF "severe" threshold, and this representation does not dispute that finding, but it confirms the network already contains constrained locations before this development is added.

*Source: ESCC Highway Authority responses, 20 February 2026 (pages 5–8) and 14 April 2026 (pages 2–3).*

### 6.3 The TPO oaks and the access works — an unresolved conflict

Since the original Tree Survey, Tree Constraints Plan and Arboricultural Method Statement were prepared, three oak trees east of the A275 have become protected by Tree Preservation Order No. 22 (2025). The Council's Arboriculture Specialist records that the tree-constraints drawing shows a path through the Root Protection Areas (RPAs) of all three trees, and that the current Motion highway drawing shows a different footpath alignment within the same RPAs — meaning the highway design has not yet been reconciled with arboricultural protection. A revised Arboricultural Method Statement is required, along with: permeable, above-grade cellular-confinement construction (rather than bituminous macadam) for any path or access road within an RPA; no-dig construction where excavation would otherwise be needed; protection of southern-boundary trees from compaction; and project-arboriculturist supervision through construction, secured by condition.

*Source: LDC Arboriculture Specialist comments, pages 1–2, “Arboricultural Concerns”, “Footpath Design” and “Access Road Design”.*

Highway acceptance of the access geometry does not, by itself, establish that it is arboriculturally deliverable. The visibility splays the Highway Authority requires (2.4m × 92m south, 2.4m × 130m north, based on measured speeds of up to 46mph) must be kept clear in three dimensions indefinitely, which may conflict with retaining the oak canopies, the vegetation the County Ecologist wants retained for bat connectivity (Section 4.7), and the level changes the access works require around the trees' rooting environment. The Local Planning Authority should require coordinated cross-sections through the carriageway, access, shared path, cellular-confinement build-up and the protected trees before determination, rather than approving the highway drawing and the Arboricultural Method Statement as if they were independent documents. We would also question if the baseline speed of only 46mph is acceptable (at least southbound) given the 60mph zone preceding it and the lived and recorded speeding known in this particular stretch.

*Source: LDC Arboriculture Specialist comments, page 1; ESCC Highway Authority response, 20 February 2026, page 7.*

More broadly, the Arboriculture Specialist considers the proposed tree palette limited, the number of street trees visible from the road low and “out of character with the rural nature of the site”, and questions reliance on trees in private gardens (which are not securely retained) rather than communal land. The highway package itself — ghost-island right-turn lanes, carriageway widening, refuge islands, gateway surfacing, a large speed roundel and new signage, new concrete edging and surfaces — will visibly and fundamentally urbanise the rural approach to Cooksbridge and should be assessed honestly on that basis, not described as minor.

*Source: LDC Arboriculture Specialist comments, pages 2 and 4.*

### 6.4 Hamsey Lane and pedestrian safety

The revised drawing includes a warning sign for “pedestrians in road” facing westbound traffic on Hamsey Lane, indicating the proposed arrangement does not provide a fully segregated footway there. The Local Planning Authority should establish who is expected to use this route, the anticipated increase in pedestrian movements, and whether a warning sign is an acceptable long-term solution rather than a substitute for proper provision.

*Source: Motion drawing 2302048-01 rev M.*

### 6.5 Requested actions

1. A coordinated highway and arboricultural plan (access geometry, RPAs, canopies, visibility splays, levels, construction build-ups) and cross-sections through the TPO oak area, before determination.
2. A revised Arboricultural Method Statement expressly addressing the current access drawing and TPO No. 22 (2025), with construction supervision secured by condition.
3. An in-principle, dimensioned southbound bus-stop design before determination and a recorded commitment by the applicant, not just a desire, and confirmation of the TRO/police-consultation strategy with a fallback if the 40-mph buffer is not secured.
4. Assessment of Hamsey Lane pedestrian safety addressing the proposed in-carriageway pedestrian movement.
5. Correction of all “A265” references to “A275” in any condition, legal agreement or decision notice.
6. Clear Section 106/Section 278 occupation triggers, so that transport and tree-protection mitigation is delivered before, not after, occupation creates the corresponding demand.

## 7. Railway, Station and Level-Crossing Impacts

Network Rail's consultation response is substantially limited in scope and content: it is confined to protecting its operational assets during construction: it asks the developer to engage its Asset Protection and Optimisation (ASPRO) team before works commence, using the Asset Protection Customer Experience (ACE) system, and notes an Asset Protection Agreement may be required. Hamsey Parish Council supports that engagement — construction near the railway can affect ground stability, drainage, plant, excavation and fencing close to operational infrastructure — but it is a different question from whether the development's operational effects on the station, passenger demand and the level crossing are acceptable in planning terms.

Network Rail is a statutory Consultee in two capacities under the Development Management Procedure Order 2015: Article 16, as infrastructure manager, for applications within 10 metres of railway land, which has produces exactly the letter response noted above; and Schedule 4, paragraph (J), for development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing, under which the consultees are **\*\*the network operator of the railway in question and the Secretary of State for Transport\*\***. Hamsey Parish Council request confirmation of whether that consultation happened and whether DfT was consulted and if not, we request that these happen before determination as Network Rail's consultation letter does not address that second requirement at all.

*Source: Network Rail consultation response, page 1, paragraphs 3–6.*

### 7.1 The gap in the evidence

Cooksbridge Station lies approximately 550 metres south of the site and is likely to be central to the applicant's sustainable-transport case. Hamsey Parish Council's previous representations to this application and to the wider Local Plan have argued that the station's role has been misclassified against NPPF guidance, and that position is maintained here. The Highway Authority separately notes that most dwellings would fall within 400 metres of existing station-area bus stops and acknowledges that reliance on those stops adds pressure to them. Yet no document among those reviewed quantifies forecast additional rail trips, assesses platform or waiting-space capacity, audits station facilities (shelter, ticketing, cycle storage, accessible routes), or considers parking displacement onto surrounding roads. "Engage before works commence" is an appropriate instruction for construction methodology; it is not a substitute for assessing, before permission is granted, whether the station and level crossing can absorb the demand this development would add.

*Source: ESCC Highway Authority original response, page 10, "Existing Conditions"; amended response, 20 February 2026, pages 5–6.*

### 7.2 The level crossing is not a background feature

The Highway Authority's own response confirms that crossing closures already have operational highway consequences: drivers may attempt to overtake a stationary southbound bus after being delayed at the crossing gates. Increased pedestrian and vehicle movement associated with 151 additional dwellings would interact with those same closures, queues and turning movements at both proposed accesses, at Hamsey Lane, and at the builders' merchant, at chandlers mead and at Chatfield Way — none of which is addressed in Network Rail's response, and none of which appears to have been separately modelled for barrier-closure conditions rather than average junction operation.

*Source: ESCC Highway Authority response, 20 February 2026, pages 5–6.*

### 7.3 Requested actions

1. A proper operational assessment of forecast rail demand, station capacity, accessibility and parking, prepared with the rail operator or Network Rail's station-planning function, not just its asset-protection team.
2. Assessment of level-crossing interaction with both proposed accesses and Hamsey Lane during barrier closures, rather than reliance on average junction-delay modelling alone.
3. Early — not merely pre-construction — engagement with Network Rail's Asset Protection and Optimisation team, with any Asset Protection Agreement secured by condition.
4. Publication of any further railway or station evidence for consultation before determination.

## 8. Cumulative Impacts and Reliance on Future Approvals

### 8.1 Cumulative growth around Cooksbridge

This application should not be assessed as though 151 dwellings represent the only prospective growth affecting Cooksbridge. The Highway Authority's own response acknowledges an emerging Local Plan proposal for approximately 600 further dwellings east of Cooksbridge when discussing the importance of active-travel route L13 — confirming that substantial further growth is a foreseeable planning context, not a speculative Parish Council concern. That same route is, however, at an early, uncosted stage with no secured funding, so this application should not be described as benefiting from a future Cooksbridge–Lewes cycle route as though its delivery were assured.

*Source: ESCC Highway Authority response, 20 February 2026, page 8.*

Different disciplines currently use different cumulative baselines. Highway modelling includes three named committed schemes and finds the added delay from this development small, despite published real world experiences; but no equivalent strategic, cross-catchment cumulative assessment appears to exist for drainage, groundwater, the North End Stream catchment, wastewater infrastructure or ecological networks — each of which this application shares with the same wider committed and emerging growth. The Local Planning Authority should require a single, consistent cumulative baseline applied across all technical disciplines, covering at minimum: the A275 corridor and its junctions; Hamsey Lane; level crossing and Cooksbridge Station, Beechwood Lane and the Drove junction at Offham; bus-service capacity; walking and cycling infrastructure; the North End Stream catchment and connected watercourses; wastewater treatment capacity; ecological networks; and the setting of the South Downs National Park.

### 8.2 The risk of piecemeal assessment

The consequence of assessing each application in isolation is that infrastructure and environmental capacity shared across the wider Cooksbridge growth area — the level crossing, the A275, the station, North End Stream, the wastewater network — is never assessed against the full prospective demand upon it, only against each individual scheme's incremental share. Hamsey Parish Council requests that the officer report set out explicitly what cumulative baseline has been used in each technical discipline, and why, so that this risk can be tested rather than assumed away.

The consequences of piecemeal assessment are not hypothetical: Hamsey Parish Council notes the cumulative pressure experienced in nearby villages such as Ringmer and Wivelsfield Green, where successive applications assessed in isolation are understood to have contributed to infrastructure and environmental strain not fully anticipated at the time each individual permission was granted.

### 8.3 Reliance on conditions and future approvals

A consistent feature of the further evidence reviewed above is reliance on matters to be resolved after permission: further ecological survey and assessment; detailed drainage design, groundwater monitoring and watercourse investigation; Section 278 highway design, a Traffic Regulation Order and a deliverable bus-stop scheme; a revised Arboricultural Method Statement; and Network Rail's asset-protection engagement. Hamsey Parish Council accepts that conditions and legal agreements have a legitimate role and does not contend that every detail must be finalised before determination. The relevant distinction, applied consistently through Sections 4–7 above, is between genuine construction detail (which conditions can properly control) and information needed to establish whether the development is acceptable in principle — whether Species of Principal Importance (SPI) or a Priority Species would be harmed, whether the receiving watercourse can accept the proposed discharges, whether claimed biodiversity gains are correctly calculated, whether protected trees and the access works can coexist, and whether the level crossing and station can accommodate the development. Those matters go to the acceptability of the proposal itself and should be resolved, so far as reasonably possible, before permission is granted rather than by condition afterwards.

## 9. Planning History

### 9.1 EIA Scoping Opinion

We are aware historically that both a previous applicant and subsequently CALA Homes both applied for a Scoping opinion for an Environmental Impact assessment. Hasey Parish Council would argue and substantial material ecological and environmental evidence and more importantly, more local to the site, has emerged since those applications were determined and as such, the need for an EIA should be re assessed.

### 9.2 Application Description and advertising.

This application has been publicised by site notice once, on 17 June 2025, and advertised in the press once, on 20 June 2025, on the description as originally submitted. Substantial further material has since been submitted and substantial new consultee evidence has emerged as recently as July 2026. Several documents re-issued in January 2026 are textually identical to those they replace, and no schedule of amendments was provided. The amended layout also removes the community orchard in lieu of the preferred raised beds following parish council consultation however this does in fact change the description that forms part of the advertised description of development. We ask that the applicant be required to produce a schedule of substantive changes, that the description be reviewed against the current drawings, and that the application be re-advertised and reconsulted given the significant additional information and emerging data from the date that schedule is published.

## **10. Planning Balance, Conclusions and Requested Decision**

### **10.1 Matters substantially addressed**

The Highway Authority and the LLFA have both withdrawn objections that were live as recently as March 2026, subject in each case to conditions and legal agreements; the applicant has produced further modelling and drawings responsive to those consultees' specific requests; and several individual ecological matters (survey age generally, great crested newt, badger) are accepted by the County Ecologist as capable of being satisfactorily controlled. Hamsey Parish Council records this progress accurately and does not seek to revive technical objections that the relevant consultees have expressly accepted subject to some independent verification requests.

### **10.2 Matters that remain unresolved**

Notwithstanding that progress, the County Ecologist's 16 June 2026 holding response continues to recommend refusal for want of information and has not been superseded by any later ecological advice. Alongside that unresolved holding recommendation, this representation has identified four further matters that in the Parish Council's view are not adequately answered even within the County Ecologist's own response: the adequacy of the sea-trout and North End Stream assessment (Section 4.3); the conflict between the access works and the TPO-protected oaks (Section 6.3); the undemonstrated deliverability of the southbound bus stop and 40 mph buffer (Section 6.2); and the absence of any operational assessment of Cooksbridge Station and the level crossing (Section 7). None of the LLFA's or Highway Authority's no-objection responses answers any of these four points, because each falls outside that consultee's remit.

### **10.3 Requested decision**

Hamsey Parish Council respectfully requests that Lewes District Council:

1. Preferred course: defers determination until the outstanding ecological, aquatic, arboricultural, transport, railway and cumulative evidence identified in this representation has been submitted, independently reviewed and verified and subject to further public consultation.
2. If determination is not deferred: refuses the application, because the evidence does not yet establish that the development would avoid unacceptable ecological, arboricultural and infrastructure harm.
3. If permission is nevertheless granted: secures the full safeguards package at Section 9.5 and Appendix C through conditions, Section 106 obligations and Section 278 agreements, without deferring by condition any survey work that should properly have informed the decision.

### **10.4 Suggested reasons for refusal**

The following are offered as drafting suggestions only, for the Local Planning Authority's own planning and legal officers to review, adapt and support with the precise adopted and emerging policies engaged:

Ecology: "The application has not been supported by sufficient up-to-date ecological information to enable the Local Planning Authority to assess the likely effects of the development on Species of Principal Importance (SPI) and priority species, watercourses, riparian habitats, breeding birds, North End Stream and associated ecological networks, or to establish that appropriate avoidance, mitigation, compensation and Biodiversity Net Gain can be delivered; in particular, adequate information has not been provided in relation to otter, water vole, breeding birds including Nightingale, aquatic ecology, the eastern and western watercourses, watercourse biodiversity units, and the ecological implications of the proposed drainage outfalls and altered flows."

Arboricultural/deliverability: "Insufficient coordinated highway and arboricultural information has been provided to demonstrate that the proposed accesses, shared pedestrian/cycle infrastructure, visibility requirements, drainage and associated level changes can be constructed without unacceptable harm to the TPO-European oak trees and their Root Protection Areas."

Cumulative/infrastructure: "The application has not demonstrated, through a coordinated cumulative assessment, that the proposal can be accommodated alongside committed and foreseeable development without unacceptable combined pressure on the A275, the Cooksbridge level crossing, public transport, station facilities, active-travel infrastructure, the drainage catchment, the ecological network and local landscape character."

## 10.5 Minimum safeguards if permission is granted

| Topic              | Minimum safeguard                                                                                                                                                                                                                                  |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ecology            | Outstanding surveys and independent aquatic-ecology review completed before works affecting relevant habitat; corrected BNG metric; Nightingale, otter, water-vole and reptile mitigation; legally secured Habitat Management and Monitoring Plan. |
| Drainage           | Detailed hydraulic calculations, groundwater monitoring, ecologically reviewed outfall design, watercourse-condition survey, exceedance routing, lifetime management plan, mandatory reassessment if levels change.                                |
| Highways and trees | Coordinated highway/arboricultural plans and cross-sections, revised Arboricultural Method Statement, no-dig/permeable construction, arboricultural supervision, deliverable bus-stop design, TRO fallback.                                        |
| Railway            | Network Rail asset-protection agreement; station and level-crossing operational assessment; monitoring of actual travel behaviour.                                                                                                                 |
| Legal/management   | Secured affordable housing; SuDS, ecological and open-space management funded in perpetuity; clear occupation triggers; public reporting of major condition discharges.                                                                            |

## 10.6 Overall conclusion

Hamsey Parish Council acknowledges that the applicant has responded constructively to the Highway Authority's and LLFA's technical requirements. But the application remains incomplete in respects that are fundamental, not incidental, to its acceptability: the County Ecologist continues to recommend refusal for want of information; the ecological baseline for the connected watercourses, and the evidence for the sea-trout conclusion specifically, remain inadequate; the access works have not been shown to be compatible with newly protected trees; the bus-stop mitigation the highway case depends on is unproven; and the operational effects on the station and level crossing have not been assessed at all. On the evidence currently available, the Local Planning Authority cannot yet conclude with confidence that ecological harm will be avoided, that the mitigation relied upon is deliverable, or that the development can be accommodated alongside the wider growth planned for Cooksbridge. Hamsey Parish Council's continued objection alongside previous responses reflects that evidential gap, not an objection to development in principle.

Yours sincerely,

On behalf of Hamsey Parish Council

## Appendix A – Chronology of Documents Reviewed

| Date                      | Document / response               | Author                        | Original position                        | Current significance                           |
|---------------------------|-----------------------------------|-------------------------------|------------------------------------------|------------------------------------------------|
| 2 Aug 2025                | Original highway response         | ESCC Highway Authority        | Objection                                | Superseded                                     |
| 17 Feb 2026               | Ecology representation            | Sussex Wildlife Trust         | Objection                                | Led to applicant rebuttal                      |
| 20 Feb 2026               | Updated highway response          | ESCC Highway Authority        | Objection                                | Superseded                                     |
| 6 Mar 2026                | Ecology rebuttal                  | Ecosupport Ltd                | Applicant response                       | Relied on for sea-trout conclusion — see 4.3   |
| 19 Mar 2026               | LLFA response R5                  | ESCC LLFA                     | Objection: insufficient information      | Superseded                                     |
| 28 Mar 2026               | Hydraulic Modelling Addendum      | Water Environment Ltd         | Additional applicant evidence            | Led to LLFA withdrawal — see Section 5         |
| 14 Apr 2026               | Amended highway response          | ESCC Highway Authority        | Objection withdrawn, subject to measures | Current highway position — see Section 6       |
| 27 Apr 2026               | LLFA response R6                  | ESCC LLFA                     | No objection, subject to conditions      | Current flood-risk position — see Section 5    |
| 16 Jun 2026               | Ecology consultation response     | ESCC County Ecologist         | Holding response recommending refusal    | Principal unresolved objection — see Section 4 |
| 19 Jun 2026 (upload date) | Consultation response             | Sussex Ornithological Society | Nightingale record; survey requested     | Unresolved — see 4.5                           |
| 26 Jun 2026               | Arboriculture Specialist comments | LDC Arboriculture Specialist  | TPO No. 22 (2025) identified             | Unresolved — see 6.3                           |

*Dates above represent actual document dates unless otherwise stated*

## Appendix B – Current Consultee Position and Outstanding Matters

| Consultee                     | Current position                                    | Matters accepted                                    | Matters outstanding                                                                         |
|-------------------------------|-----------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------------------------|
| County Ecologist              | Holding response recommending refusal               | Survey age; GCN; badger; some mitigation principles | Watercourses, otter, water vole, breeding birds/Nightingale, BNG, Sea Trout — see Section 4 |
| LLFA                          | No objection, subject to conditions                 | Planning-stage flood-risk feasibility               | Detailed drainage, outfalls, groundwater, exceedance, maintenance — see Section 5           |
| Highway Authority             | No objection, subject to obligations and conditions | Access principle, modelling, tracking, cycle access | TRO, S278 design, bus-stop delivery, detailed implementation — see Section 6                |
| Arboriculture Specialist      | Further information required                        | Retention principle                                 | Revised AMS, levels, no-dig construction around TPO oaks — see 6.3                          |
| Network Rail                  | Asset-protection engagement required                | Construction liaison principle                      | No operational station or level-crossing assessment — see Section 7                         |
| Sussex Ornithological Society | Further survey requested                            | —                                                   | Breeding-bird and Nightingale evidence — see 4.5                                            |

## Appendix C – Schedule of Further Information and Safeguards Requested

| #  | Item requested                                                                     | Discipline | See       |
|----|------------------------------------------------------------------------------------|------------|-----------|
| 1  | Updated Ecological Impact Assessment covering the eastern and western watercourses | Ecology    | 4.3, 4.10 |
| 2  | Independent aquatic ecology assessment of North End Stream and Sea Trout           | Ecology    | 4.3, 4.10 |
| 3  | Otter and water-vole desk study and surveys                                        | Ecology    | 4.4, 4.10 |
| 4  | Full breeding-bird survey and species-specific Nightingale assessment              | Ecology    | 4.5, 4.10 |
| 5  | Reptile Mitigation Strategy and further dormouse assessment                        | Ecology    | 4.6, 4.10 |
| 6  | Corrected BNG metric (red-line land, watercourse tabs, 20% policy clarification)   | Ecology    | 4.8, 4.10 |
| 7  | Coordinated lighting and bat-connectivity plan                                     | Ecology    | 4.7, 4.10 |
| 8  | Natural England consultation response, published before determination              | Ecology    | 4.9       |
| 9  | Coordinated drainage/ecology review of modelled water-level and flow increases     | Drainage   | 5.3       |
| 10 | Detailed outfall design, reviewed jointly by LLFA and ecological adviser           | Drainage   | 5.3       |

|    |                                                                             |                |          |
|----|-----------------------------------------------------------------------------|----------------|----------|
| 11 | Watercourse-condition survey and ecological review of any improvement works | Drainage       | 5.3      |
| 12 | Full autumn–spring groundwater monitoring, published                        | Drainage       | 5.3      |
| 13 | Final basin levels/freeboard and lifetime SuDS management plan              | Drainage       | 5.3      |
| 14 | Coordinated highway/arbicultural plan and TPO cross-sections                | Highways/trees | 6.5      |
| 15 | Revised Arbicultural Method Statement and secured supervision               | Highways/trees | 6.3, 6.5 |
| 16 | In-principle dimensioned southbound bus-stop design                         | Highways       | 6.2, 6.5 |
| 17 | TRO/police-consultation confirmation with fallback position                 | Highways       | 6.2, 6.5 |
| 18 | Hamsey Lane pedestrian-safety assessment                                    | Highways       | 6.4, 6.5 |
| 19 | Correction of A265/A275 drafting error in all legal documents               | Highways       | 6.2, 6.5 |
| 20 | Operational station and level-crossing assessment                           | Railway        | 7.1–7.3  |
| 21 | Network Rail asset-protection engagement secured by condition               | Railway        | 7.3      |
| 22 | Consistent cumulative baseline applied across all disciplines               | Cumulative     | 8.1, 8.2 |

## Appendix D – Full Document Reference Schedule

### New evidence considered in this representation

- Ecosupport Ltd, Rebuttal to Sussex Wildlife Trust, 6 March 2026
- ESCC Lead Local Flood Authority response, ref. SUD/LW/25/014/R5, 19 March 2026
- Water Environment Ltd, Hydraulic Modelling Addendum, ref. 25092-HMD-TN-02 C01, 28 March 2026
- ESCC Highway Authority, further amended consultation response, 14 April 2026
- ESCC Lead Local Flood Authority response, ref. SUD/LW/25/014/R6, 27 April 2026
- Motion, drawing 2302048-01 rev M, Proposed Site Accesses
- Motion, drawing 2302048-TK01 rev G, Swept Path Analysis – Western Site – Refuse Vehicle
- Omega Architects, drawing 3192-A-1710-PL-A, Residents Cycle Access Routes
- Lewes District Council Arboriculture Specialist, consultation comments
- Sussex Ornithological Society, consultation response
- Network Rail, consultation response
- ESCC County Ecologist, consultation response, 16 June 2026
- Sussex Wildlife Trust, objection, 17 February 2026

### Earlier Hamsey Parish Council representations relied upon

- Hamsey Parish Council, objection to LW/25/0339, 14 July 2025
- Hamsey Parish Council, further representations, February 2026
- Hamsey Parish Council, response to the applicant's Hydraulic Modelling Report, March 2026 (prepared but not previously issued; drawn on in Section 5)

### Underlying applicant documents referred to via consultee responses

- Ecological Impact Assessment, Ecosupport, December 2025
- Statutory Biodiversity Metric, Amy Johnston/Ecosupport, 22 December 2025
- Biodiversity Net Gain Assessment and Habitat Management and Monitoring Plan, Ecosupport, December 2025
- Flood Risk Assessment and Drainage Strategy (Section 9, Simple Index Approach)
- Wild Trout Trust report, A. Thomas, December 2025
- Original Hydraulic Modelling Report (pre-dating the 28 March 2026 addendum)