



The Planning Inspectorate

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Your Ref: WD/2021/0174/MEA

Our Ref: 3297419

Date: 23 June 2022

Sent by email:

Laura.jackson@dhaplanning.co.uk

Dear Laura

TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ('THE EIA REGULATIONS')

Appeal by: Peter and Robert Vine

Site Address: Mornings Mill Farm Eastbourne Road, Willingdon, Eastbourne BN20 9NY

We refer to the above appeal which commenced on 16 May 2022.

The development proposed consists of up to 700 dwellings, community facilities, school, retail, medical centre and provision of associated infrastructure. By virtue of Regulation 5 of the EIA Regulations the development proposed is EIA development.

The content of the Environmental Statement (ES) accompanying the planning application that is the subject of the above appeal has been considered, having regard to Regulation 2(1) and Schedule 4 of the EIA Regulations.

Following examination of the ES, the Secretary of State notifies you by this letter, pursuant to Regulation 25 of the EIA Regulations, that, to comply with Schedule 4 of those regulations (Information for inclusion in environmental statements) the appellant is required to supply the following further information:

Landscape and Visual Impact Assessment (LVIA)

- A construction stage landscape and visual impact assessment based on a recognised standard (e.g. the Guidelines for Landscape and Visual Impact Assessment 3rd edition) and confirmation as to whether the operational effects assessed in the standalone LVIA are significant and should form part of the ES.

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Where potential for significant effects is identified, a description of the forecasting methods used and the measures identified to address significant effects should be provided.

Reason: Townscape and Visual Impact Assessment has been scoped out of the assessment and is not considered within the ES. However, the application documents contain a standalone LVIA that identifies moderate adverse effects on residential visual receptors during operation and major adverse effects on users of public rights of way during operation. No construction assessment has been completed.

Land and soil

- A quantification of the agricultural land take and, where relevant, effects of the Proposed Development on Best and Most Versatile agricultural land.

Reason: To understand the effect of the Proposed Development on the use of natural resources, specifically land and soil.

Intra-project effects

- An intra-project effects assessment considering whether significant effects could arise as a result of different aspect effects interacting on the same receptor. This should include consideration of any new significant effects such as from landscape and visual impact assessments.
- **Reason:** To understand the significant effects of the Proposed Development.

Ecological assessment

- Details of how the documents used to implement mitigation measures will address significant effects on ecology, specifically the Framework Ecological Mitigation Strategy (FEMS) prepared in 2017 and the Landscape and Ecology Management Plan (LEMP). Details are also required to understand how these documents will be updated and details of any proposed monitoring arrangements.

Reason: The FEMS and LEMP are relied upon as mitigation for significant effects, but do not form part of the ES.

In addition, the following clarifications are requested:

- Please clarify whether native black poplar (*Populus nigra ssp betulifolia*) is affected by the Proposed Development, and if so, whether presence of these trees changes the value of the 'scattered trees' receptor and thus the conclusions of the assessment.
Reason: The arboricultural assessment identifies both Lombardy Poplar (*Populus nigra Italica*) and native black poplar trees are present within the application site. The 'scattered trees' baseline within the ES, however, only refers to Lombardy Poplar and the ES also notes that some of the scattered trees will be lost.
- Please clarify how the measures to offset significant effects through the provision of replacement bat roosts will be secured such that significant effects will be addressed.

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Reason: Paragraph 8.7.1.7 indicates that bat roosts may be lost as a result of the Proposed Development and that significant effects will be avoided by completing works under a Natural England licence. Paragraph 8.6.1.4 of the ES also identifies that replacement bat roosts are proposed to address significant effects from loss of existing bat roosts. However, this measure is not then mentioned within the summary Table 8.7.

A revised non-technical summary (NTS) incorporating all of the elements referred to above and clearly stating whether any effects identified are significant or not, should also be provided.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Regulation 25 of the EIA Regulations at the following direct link:
<http://www.legislation.gov.uk/ukxi/2017/571/regulation/25/made>

Although it is not a statutory requirement, in the interests of transparency and openness the appellant may wish to publicise the availability of the further information in accordance with Regulations 25(3), 25(4) and 25(8) of the EIA Regulations. Please can you advise the local planning authority if the further information is publicised.

We would be grateful if you could inform us, **within 2 weeks** of the date of this letter, how long you anticipate it will take to prepare this further information, so that an expected submission date can be identified. Please send your response for the attention of the Environmental Services Team using the contact details at the head of this letter.

In order to support the smooth facilitation of our service we strongly advise that you correspond via the email address at the head of this letter rather than by post.

A copy of this letter has been sent by email to Wealden District Council.

Yours sincerely

Richard Hunt

Richard Hunt
Operations Lead – Environmental Services

(Signed with the authority of the Secretary of State)

Cc: Planning & Environmental Services, Wealden District Council

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:
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