The Town and Country Planning Act 1990

Appeal Reference: APP/C1435/W/23/3321978

Planning Appeal by Gleeson Land and John Alison Land and Research Ltd

LAND AT DOWNLANDS FARM, UCKFIELD

Summary Proof of Evidence

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on Behalf of the Downlands Action Group

Summary

1. For this appealed proposal, the Inspector becomes the competent authority and will be obliged to undertake a HRA if minded to allow the appeal. However, the sHRA provided by the Appellant to assist the competent authority in their appropriate assessment is devoid of evidence supporting the effectiveness of the proposed SANG/SAMM mitigation. As an appropriate assessment "*cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned"* the lack of this information in the sHRA means that any appropriate assessment based upon this document would be defective.

2. Bizarrely, Natural England has not questioned this lack of evidence. From examining many responses by Natural England to planning applications, it appears that they do not take issue with those appropriate assessments for proposals that include SANG/SAMM as mitigation in accordance with their guidelines. However, this approach does not comply with the Habitats Regulations which Natural England should abide by. Their status as a government agency does not provide any relief from compliance with these Regulations.

3. With no evidence supporting the effectiveness of the proposed mitigation contained in the Appellants sHRA, in the Council's HRA or Natural England's advice for this proposal, the Inspector is unable to ascertain whether the mitigation will avoid an adverse effect on the conservation objectives of the SPA. Therefore, a positive appropriate assessment cannot be concluded and thus permission for this appealed proposal should not be granted and the appeal thereby dismissed.

N J Daines
26 September 2023