

Bird in Eye Farm, Uckfield

Response to Comments on Application No: APP/C1435/W/24/3356658

Our Ref: AW/2401070/Letter

5th June 2025

Dear Mr Brown,

Further to the responses on behalf of Essex County Council (16th October 2024) Ardent Consulting Engineers (ACE) has been instructed to review the consultee comments provided by yourself and provide a response in relation to the raised comments regarding drainage drawing and the surface water modelling. We have set out the below, answering your queries on the application.

Uckfield Town Council Comments

Flooding

1. *It is noted that although the site itself is in Flood Zone 1, two access points from Framfield Road direction as well as the cycle pedestrian route are in zones 2 and 3. Uckfield TC feels strongly that the flooding seen each winter of the highway area and river catchment area is important and consideration should be given to the safety of pedestrians, cyclists and road users.*
2. *We note that reference has been made to the Uckfield Surface Water management plan (June 2016) however this document is considered to be out of date by Uckfield TC and we have repeatedly asked for this to be reviewed and updated over the last six years. We feel that further investigations or indeed documentation provided at the previous inquiry have been taken in to consideration in this regard.*
3. *As demonstrated within the previous inquiry documentation from the Rule 6 party (WD/2021/2198/MAO, APP/C1435/W/22/3307820) this area is prone to flooding, both from the Framfield Stream catchment area and from surface water run-off down Bird in eye hill. It sits adjacent to the site boundary and Uckfield TC feels it must be considered as a material aspect for this application due to the cycle pedestrian routes proposed and road users safety trying to pass through flood waters.*
4. *Within the above inquiry there is documentation from the Rule 6 party showing how deep this flooding can get. See Proof of Evidence document, Flood Risk and Drainage, Herrington Consulting appendices.*
5. *With an anticipated increase in surface water run-off from the proposed roundabout system by those living and working in this area, at present this point hasn't been fully considered or detailed within the documentation.*
6. *The sewage plant is at risk and already vulnerable from flood water. Local residents have witnessed operational issues from previous seasonal flooding. Consideration needs to be given to pollution to the Framfield Stream and wider watercourses.*
7. *Consideration of suitable highway drainage is also missing from the application. Whereas the applicant for a forthcoming application for the Bird in Eye North site has advised that they will improve drainage on the highway by the installation of highway drains in their catchment area.*

Ancient woodland

8. *Whilst we note and appreciate the buffer to the ancient woodland being shown as 50 metres, we do still have two concerns:*



- (i) *we note that there are SUDS basins within the Ancient Woodland buffer zone (one only partial). Our concern is will this affect the current natural hydrology to the woodland? This woodland has an ancient Ghyll and pond situated within it. Would these SUDS damage the natural water flow to the woodlands and subsequent water courses? Surely any form of structure would not be allowed within this buffer zone. See Illustrative drawing 292403-TOR-SK-102 to see SUDS Basin positions.*

ACE Response

Flooding

1. *It is noted that although the site itself is in Flood Zone 1, two access points from Framfield Road direction as well as the cycle pedestrian route are in zones 2 and 3. Uckfield TC feels strongly that the flooding seen each winter of the highway area and river catchment area is important and consideration should be given to the safety of pedestrians, cyclists and road users.*

This is not correct. There is no flooding on the footway/cycle route at all and only on the existing road offsite (Bird in Eye Hill, around the extents of the existing river), with means of escape available offsite and to the east if required during flood events. As is evident from the absence of LLFA objection, this is acceptable to the emergency planners in terms of safe access and egress to the site. As referenced within the previous inquiry for the larger site proposals, the catchment area for the area is relatively small, with any flooding anticipated to disperse and recede quickly, within a matter of hours. The nearest gauged data is for Isfield Weir and at Buxted on the River Uck, which shows 'flooding possible' within ranges of 20 hours and 12 hours respectively. These are for larger catchments than that of the Framfield Stream which is a tributary (approx. 13.5% of the catchment) to the River Uck, and with the smaller catchment, the flooding events are usually shorter in duration and will likely recede quicker (likely to be an hour or a few hours at most). The flooding as referenced at the last inquiry can be seen to be shallow, with vehicles driving through it, not hindering access. However, even if access is obstructed, this does not present long term issues for access to and from Uckfield, with alternative access heading east, looping back round using the B2102 (for the use of facilities in Framfield), Brookhouse Lane and then Eastbourne Road as alternative access back to Uckfield.

2. *We note that reference has been made to the Uckfield Surface Water management plan (June 2016) however this document is considered to be out of date by Uckfield TC and we have repeatedly asked for this to be reviewed and updated over the last six years. We feel that further investigations or indeed documentation provided at the previous inquiry have been taken in to consideration in this regard.*

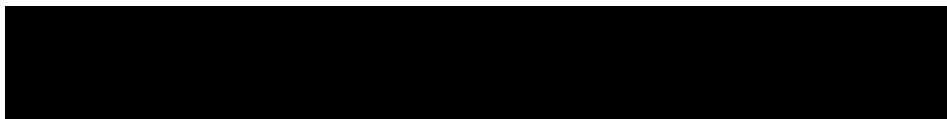
We have included a review of the latest Wealden Level 1 Strategy Flood Risk Assessment in May 2022 within the FRA, which is newer than the 'out of date' SWMP. There is no Uckfield Surface Water Management Plan from my review, and it is not within our power to update the SWMP. In addition to the above, our review includes all available mapping and modelling information from the EA and therefore our assessment is robust.

3. *As demonstrated within the previous inquiry documentation from the Rule 6 party (WD/2021/2198/MAO, APP/C1435/W/22/3307820) this area is prone to flooding, both from the Framfield Stream catchment area and from surface water run-off down Bird in eye hill. It sits adjacent to the site boundary and Uckfield TC feels it must be considered as a material aspect for this application due to the cycle pedestrian routes proposed and road users safety trying to pass through flood waters.*

The development itself and all access points are not at risk of flooding, with safe access and egress to the site available with alternative access to the east in case of emergencies.

4. *Within the above inquiry there is documentation from the Rule 6 party showing how deep this flooding can get. See Proof of Evidence document, Flood Risk and Drainage, Herrington Consulting appendices.*

There is no flooding that will affect our site and the flooding will not be increased offsite due to capturing flows and restricting the flows rates to QBar greenfield rates, up to and including the 1 in 100 year plus climate change storm even. The site has emergency routes for access and egress and thus there is not an issue during emergencies.



5. *With an anticipated increase in surface water run-off from the proposed roundabout system by those living and working in this area, at present this point hasn't been fully considered or detailed within the documentation.*

Any additional impermeable area from the roundabout can drain into the onsite drainage and SuDS system, to not increase offsite flows along Bird in Eye Hill.

6. *The sewage plant is at risk and already vulnerable from flood water. Local residents have witnessed operational issues from previous seasonal flooding. Consideration needs to be given to pollution to the Framfield Stream and wider watercourses.*

Reinforcement works will likely be required and the local water authority (Southern Water) have identified this within our pre-development enquiry. Southern Water have noted that reinforcement works will be provided by them and will commence following approval of outline planning approval. This is likely to alleviate some of the potential existing issues as part of any potential upgrade works as part of the development. This will be addressed with Southern Water in the course of discharging the proposed Grampian-style condition that will secure these matters for consideration at the reserved matters stage. The surface water strategy is aimed at reducing flows offsite, which should reduce the impact on the flooding to the surrounding area, resulting in a net betterment in consequence of the appeal scheme.

7. *Consideration of suitable highway drainage is also missing from the application. Whereas the applicant for a forthcoming application for the Bird in Eye North site has advised that they will improve drainage on the highway by the installation of highway drains in their catchment area.*

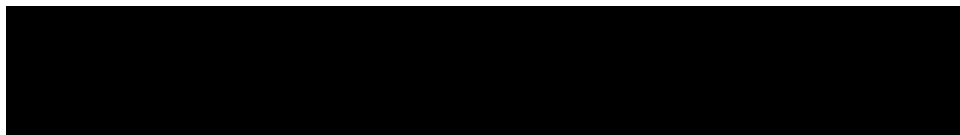
We have allowed for some of the access to drain to our drainage system and we can allow for further area to drain to our drainage system and have space to increase attenuation if required, to ensure there is no increase in the area draining to the highway drains. As this is an outline application, a suitable condition will be imposed to secure these matters. The appeal scheme is likely to result in a net reduction in highway runoff when the proposed condition details come to be agreed.

Ancient woodland

8. *Whilst we note and appreciate the buffer to the ancient woodland being shown as 50 metres, we do still have two concerns:*

- (i) *we note that there are SuDS basins within the Ancient Woodland buffer zone (one only partial). Our concern is will this affect the current natural hydrology to the woodland? This woodland has an ancient Ghyll and pond situated within it. Would these SuDS damage the natural water flow to the woodlands and subsequent water courses? Surely any form of structure would not be allowed within this buffer zone. See Illustrative drawing 292403-TOR-SK-102 to see SuDS Basin positions.*

All drainage features should be as per drawing 2401070-ACE-XX-XX-DR-C-0601 Rev 2.2. There are no drainage features within the required 15m (50m is the increased zone and the development providing a betterment) ancient woodland buffer and SuDS are allowed within the 15m buffer, (although we have kept SuDS outside of the 15m) subject to not causing harm or change in the water table within the ancient woodland. There are already substantial flows from upstream flowing through the watercourse within the ancient woodland buffer and it is not deemed to cause detrimental effect to the ancient woodland. The post-development hydraulic catchment for the area that is draining towards the Ancient Woodland is largely unaffected, with the larger hydrology coming from upstream and to the southeast of the site and the development only contributing approximately 7.5% of the total catchment. Part of the water conveyed and stored within the SuDS features will allow a small amount of infiltration, supplying additional flows towards the Ancient Woodland via interflow. In addition, the existing ditches on site will remain, conveying flows from the landscape areas and upstream of the site. With the small changes to the existing catchment area, existing ditches and small levels of infiltration, it is deemed that the site will have negligible effect



on the Ancient Woodland and the groundwater table levels. Extensive evidence as summarised above was presented in the last appeal (for a larger scheme) and, as we understand, was not challenged at the inquiry,

Town Legal Comments

Flood Risk – Offsite

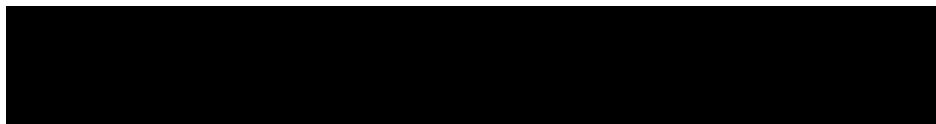
9. *This route continues to pass - albeit offsite - through flood zones 2&3 which are prone to surface water flooding. This issue was raised at the First Appeal but not specifically addressed by the inspector in her decision letter.*
10. *Paragraph 181 of the latest NPPF continues to require that flood risk is not increased elsewhere. This Appeal offers only one pedestrian access point to Uckfield, indeed only one pedestrian access point out of the site, which is at risk of surface water flooding. Flooding regularly occurs in this location as our evidence in respect of the First Appeal, set out at Appendix A.4 pages 36-38 of the Rule 6 Proof of Evidence for the First Appeal, shows (an extract of which is included at Annex 5)*
11. *An up to date check on the long term risk assessment that Government provides shows that Framfield Road is at high risk of surface water flooding today. Plainly more residents would be exposed to the risks of surface water flooding where development on the appeal site is permitted. Such an occurrence would mean that residents could not access any local services other than by car and, even then, by going a long way round to gain access to Uckfield at times of surface water flooding. Whilst we recognise that much of the policy guidance is focused on flood risk on a development site, it would undermine the policy approach to flood risk to simply ignore the fact that this development relies entirely for pedestrian and cycle access on a route known to flood at times of heavy rainfall.*
12. *Climate change means such rainfall events are set to rise, yet the developer, and for all we know the LLFA, continues to ignore this. More people will be exposed to this risk if the proposed development proceeds. Yet there is no recognition of this in the FRA. The exception test is not met. To suggest this is entirely the responsibility of the LLFA to manage would be inconsistent with NPPF paragraphs 178 a) and b). The inspector did not adjudicate on this last time because of the failure of the Appellant to pass the sequential test to which we now turn.*

Flood Risk – Onsite

13. *Recognising that within the redline of the site there are areas of land prone to flooding and in accordance with the Council's preapplication advice, the Appellants have submitted a Sequential Test (ST) exercise. This exercise needs to be done objectively in accordance with the PPG. In conducting the ST exercise the consultants have adopted an approach which is not borne out of the PPG, but out of a methodology that was adopted by other consultants promoting a mixed-use scheme including a school, built community facilities and a school. This involves adopting an approach of looking at sites that are only a fixed percentage- 25% higher or lower- than the application site. In fact, the inspector in the Mead case did not accept that the approach to the sequential test was flexible enough in accordance with the PPG. The challenge to that decision failed in the High Court; see Mead Realisations Ltd V The Secretary of State for LU,H&C & Anor [2024] EWHC 279 (Admin). The Court of Appeal has dismissed the appeal at [2025] EWCA Civ 32.*

ACE Response

Flood Risk – Offsite



9. *This route continues to pass - albeit offsite - through flood zones 2&3 which are prone to surface water flooding. This issue was raised at the First Appeal but not specifically addressed by the inspector in her decision letter.*

The development itself and all access points are not at risk of flooding, with safe dry access and egress to the site available with alternative access to the east in case of emergencies. Site occupiers and emergency services will be able to access and evacuate the site safely, via a dry route, even during an extreme flood event above and beyond the required design flood event for planning.

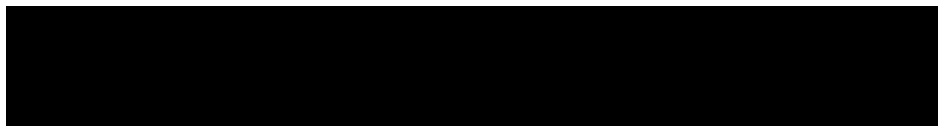
10. *Paragraph 181 of the latest NPPF continues to require that flood risk is not increased elsewhere. This Appeal offers only one pedestrian access point to Uckfield, indeed only one pedestrian access point out of the site, which is at risk of surface water flooding. Flooding regularly occurs in this location as our evidence in respect of the First Appeal, set out at Appendix A.4 pages 36-38 of the Rule 6 Proof of Evidence for the First Appeal, shows (an extract of which is included at Annex 5)*

Flood risk will not be increased offsite, with the surface water being attenuated onsite and the flows restricted QBar greenfield rates, up to and including the 1 in 100 year plus climate change storm event. This is reducing the flow rates offsite and reducing the impact on the flood risk off site. Emergency access is available to the east of the site and pedestrian access to the west may be limited during extreme storm events. Flooding on B2102 to the east of the access road, is limited during the 100 year event and is due to water ponding on the road rather than a flowpath. Predicted flood hazard could be very low which means that the site occupiers could even evacuate on foot during a flood event, if necessary. However, the advice of the emergency services will need to be followed in case of a flood event. As referenced within the previous inquiry for the larger site proposals, the catchment area for the area is relatively small, with any flooding anticipated to disperse and recede quickly, within a matter of hours. The nearest gauged data is for Isfield Weir and at Buxted on the River Uck, which shows 'flooding possible' within ranges of 20 hours and 12 hours respectively. These are for larger catchments than that of the Framfield Stream which is a tributary (approx. 13.5% of the catchment) to the River Uck, and with the smaller catchment, the flooding events are usually shorter in duration and will likely recede quicker. The flooding as referenced at the last inquiry can be seen to be shallow, with vehicles driving through it, not hindering access for vehicles.

11. *An up to date check on the long term risk assessment that Government provides shows that Framfield Road is at high risk of surface water flooding today. Plainly more residents would be exposed to the risks of surface water flooding where development on the appeal site is permitted. Such an occurrence would mean that residents could not access any local services other than by car and, even then, by going a long way round to gain access to Uckfield at times of surface water flooding. Whilst we recognise that much of the policy guidance is focused on flood risk on a development site, it would undermine the policy approach to flood risk to simply ignore the fact that this development relies entirely for pedestrian and cycle access on a route known to flood at times of heavy rainfall.*

Emergency access is available to the east of the site and pedestrian access to the west may be limited during extreme storm events. It is not anticipated that there will be a high pedestrian footfall during these extreme storm events. As referenced within the previous inquiry for the larger site proposals, the catchment area for the area is relatively small, with any flooding anticipated to disperse and recede quickly, within a matter of hours. The nearest gauged data is for Isfield Weir and at Buxted on the River Uck, which shows 'flooding possible' within ranges of 20 hours and 12 hours respectively. These are for larger catchments than that of the Framfield Stream which is a tributary (approx. 13.5% of the catchment) to the River Uck, and with the smaller catchment, the flooding events are usually shorter in duration and will likely recede quicker. The flooding as referenced at the last inquiry can be seen to be shallow, with vehicles driving through it, not hindering access for vehicles.

12. *Climate change means such rainfall events are set to rise, yet the developer, and for all we know the LLFA, continues to ignore this. More people will be exposed to this risk if the proposed development proceeds. Yet there is no recognition of this in the FRA. The exception test is not met. To suggest this is entirely the*



responsibility of the LLFA to manage would be inconsistent with NPPF paragraphs 178 a) and b). The inspector did not adjudicate on this last time because of the failure of the Appellant to pass the sequential test to which we now turn.

Withing the FRA, it is outlined that a climate change allowance of 45% has been used within the calculations for the onsite drainage. The proposed development and drainage features are located outside the 1000yr event for both fluvial and surface water flood events. The 1000yr flood extents are greater than the 100yr Climate Change flood extents required for planning according to the NPPF. Therefore, the exception test is met with even more onerous requirements than the ones outlined in the NPPF.

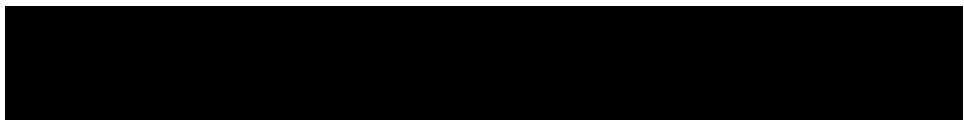
Flood Risk – Onsite

13. *Recognising that within the redline of the site there are areas of land prone to flooding and in accordance with the Council's preapplication advice, the Appellants have submitted a Sequential Test (ST) exercise. This exercise needs to be done objectively in accordance with the PPG. In conducting the ST exercise the consultants have adopted an approach which is not borne out of the PPG, but out of a methodology that was adopted by other consultants promoting a mixed-use scheme including a school, built community facilities and a school. This involves adopting an approach of looking at sites that are only a fixed percentage- 25% higher or lower- than the application site. In fact, the inspector in the Mead case did not accept that the approach to the sequential test was flexible enough in accordance with the PPG. The challenge to that decision failed in the High Court; see Mead Realisations Ltd V The Secretary of State for LU,H&C & Anor [2024] EWHC 279 (Admin). The Court of Appeal has dismissed the appeal at [2025] EWCA Civ 32.*

With the updated flood risk data released this year, flood risk has reduced on and adjacent to the site, with only small pockets of low flood risk on the site. The development is kept outside of these low flood risk, with the exception of buried sewers. Issues regarding the need for and results of the sequential test are dealt with by others.

Interested Party Comments

14. *Flooding has always been a problem at the bottom of Bird in Eye Hill with Framfield Stream bursting its banks and flooding the road making it impassable. With more concrete at the top of the hill this will undoubtedly become more frequent.*
15. *Loss of these green fields is also a problem as they are a natural drainage system and concreting over leads to flooding and is yet again the destruction of farmland that is needed for food security. Uckfield is situated between the North and South Downs in the Weald on the River Uck. The central part of the town sits at the lowest point between the higher ground to the north, the east (Bird in Eye Hill) and the south in New Town, Mount Ephraim. The central part of the town sits in the river valley between these areas of higher ground. Rainfall would be absorbed by these fields but when built upon can lead to flooding run off. The town has a risk of flooding when the river bursts it's banks, as happened in the year 2000. This risk is increased when the natural water cycle is disrupted.*
16. *The development proposal does not state how it has mitigated the potential flood risk and how it satisfies the requirements of the Framework and the Planning Practice Guidance.*
17. *The proposed development poses a significant threat to the nearby ancient woodland and its associated wildlife. The inclusion of a small SUDS swale or pond at the edge of the woodland increases the risk of flooding, which could cause irreversible damage to this fragile ecosystem. The woodland is already vulnerable due to its narrow, linear nature and proximity to the new 'hospital' development, leaving wildlife with little space for retreat. Encroaching on this habitat will further isolate and diminish the biodiversity of the area.*
18. *Flooding remains a serious concern, particularly at the bottom of the hill near the hospital. Local experience confirms regular flooding in this area, and the limited SUDS proposed for this development are wholly*



inadequate to address the increased runoff from 190 dwellings. This will only exacerbate existing problems, creating significant risks for local residents and infrastructure. Additionally, as highlighted in previous applications for this site, there are concerns for the sewage system that this site is likely to need connection with, which is already at capacity. Whilst there is a statutory requirement for service provision, it doesn't change the fact that there isn't provision now.

19. *Flooding at the bottom of Bird in Eye hill has always been a problem especially in periods of inclement weather. The road regularly floods making it impassable on foot or cycle and the nearby sewerage pumping station often will overflow and discharge untreated sewerage into the nearby stream. Building over 100 new homes is only going to make these situations worse. The recent Mallards Drive development despite promises and assurances has caused an increase in localised flooding at Bird in Eye.*

ACE Response

14. *Flooding has always been a problem at the bottom of Bird in Eye Hill with Framfield Stream bursting its banks and flooding the road making it impassable. With more concrete at the top of the hill this will undoubtedly become more frequent.*

Surface Water flows from the development will be taken into the onsite drainage system, with a series of cascading SuDS features to attenuate the flows and a flow restriction, restricting flows to the QBar greenfield rate, up to and including the 1 in 100 year plus climate change storm event, prior to discharging into the river. Thus, the appeal scheme will not increase flood risk offsite. Other aspects of this comment have been addressed above.

15. *Loss of these green fields is also a problem as they are a natural drainage system and concreting over leads to flooding and is yet again the destruction of farmland that is needed for food security. Uckfield is situated between the North and South Downs in the Weald on the River Uck. The central part of the town sits at the lowest point between the higher ground to the north, the east (Bird in Eye Hill) and the south in New Town, Mount Ephraim. The central part of the town sits in the river valley between these areas of higher ground. Rainfall would be absorbed by these fields but when built upon can lead to flooding run off. The town has a risk of flooding when the river bursts it's banks, as happened in the year 2000. This risk is increased when the natural water cycle is disrupted.*

Surface Water flows from the development will be taken into the onsite drainage system, with a series of cascading SuDS features to attenuate the flows and a flow restriction, restricting flows to the QBar greenfield rate up to and including the 1 in 100 year plus climate change storm event, prior to discharging into the river. A series of swales are proposed around the development to capture any additional flows during exceedance events. Accordingly, the appeal site will not increase flood risk offsite.

16. *The development proposal does not state how it has mitigated the potential flood risk and how it satisfies the requirements of the Framework and the Planning Practice Guidance.*

The development has been kept outside of the areas of medium and high flood risk, to not cause the flood risk to be pushed offsite. Flow rates have been restricted to the QBar greenfield rate up to and including the 1 in 100 year plus climate change storm event, to reduce the flows offsite and reduce the impact from the site on the surrounding area.

17. *The proposed development poses a significant threat to the nearby ancient woodland and its associated wildlife. The inclusion of a small SUDS swale or pond at the edge of the woodland increases the risk of flooding, which could cause irreversible damage to this fragile ecosystem. The woodland is already vulnerable due to its narrow, linear nature and proximity to the new 'hospital' development, leaving wildlife with little space for retreat. Encroaching on this habitat will further isolate and diminish the biodiversity of the area.*

The SuDS features have been kept outside of the 15m ancient woodland buffer and the ponds will be lined to avoid impact upon the woodland down the hill. An allowance for a 300mm freeboard has been allowed for within the SuDS features, which provides substantial additional storage should a flood event occur and reducing the risk of overtopping into the ancient woodland. The post-development hydraulic catchment for the area that is draining towards the Ancient



Woodland is largely unaffected, with the larger hydrology coming from upstream and to the southeast of the site and the development only contributing approximately 7.5% of the total catchment. Part of the water conveyed and stored within the SuDS features will allow a small amount of infiltration, supplying additional flows towards the Ancient Woodland via interflow. In addition, the existing ditches on site will remain, conveying flows from the landscape areas and upstream of the site. With the small changes to the existing catchment area, existing ditches and small levels of infiltration, it is deemed that the site will have negligible effect on the Ancient Woodland and the groundwater table levels.

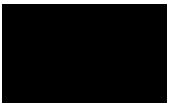
18. Flooding remains a serious concern, particularly at the bottom of the hill near the hospital. Local experience confirms regular flooding in this area, and the limited SUDS proposed for this development are wholly inadequate to address the increased runoff from 190 dwellings. This will only exacerbate existing problems, creating significant risks for local residents and infrastructure. Additionally, as highlighted in previous applications for this site, there are concerns for the sewage system that this site is likely to need connection with, which is already at capacity. Whilst there is a statutory requirement for service provision, it doesn't change the fact that there isn't provision now.

The surface water drainage system has been designed to the latest standards and design software, with all flows accommodated within the 4 attenuation basins and multiple swales across the site. Flow rates are restricted to QBar rates prior to discharging to the river, to utilise the storage provided within the basins. An additional 300mm freeboard has been provided, which can be used in extreme events above the 1 in 100 year plus climate change event or during exceedance events. With the reduced flows offsite, the equivalent greenfield runoff rates have been reduced and should aid the flood risk associated with the river. A Grampian condition will secure the need for a scheme the details of which are likely to facilitate that the local sewage system is in fact upgraded and improved – hence a net betterment with the appeal scheme.

19. Flooding at the bottom of Bird in Eye hill has always been a problem especially in periods of inclement weather. The road regularly floods making it impassable on foot or cycle and the nearby sewerage pumping station often will overflow and discharge untreated sewerage into the nearby stream. Building over 100 new homes is only going to make these situations worse. The recent Mallards Drive development despite promises and assurances has caused an increase in localised flooding at Bird in Eye.

These comments have been addressed above. Surface Water flows from the development will be taken into the onsite drainage system, with a series of cascading SuDS features to attenuate the flows and a flow restriction, restricting flows to the QBar greenfield rate up to and including the 1 in 100 year plus climate change storm event, prior to discharging into the river. This reduces the flows offsite and reduces the impact from the site on the surrounding area. A series of swales are proposed around the development to capture any additional flows during exceedance events.

Regards



Associate

Ardent Consulting Engineers

