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90 Lewes Road  
Haywards Heath  
RH17 7SX

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Nicola Pettifer, Senior Planning Officer  
Development Management Horsham District Council  
Albery House  
Springfield Road  
Horsham  
RH12 2GB

By email: [planning@horsham.gov.uk](mailto:planning@horsham.gov.uk), [Nicola.Pettifer@horsham.gov.uk](mailto:Nicola.Pettifer@horsham.gov.uk)

Dear Ms Pettifer,

**DC/26/1204 — All outstanding reserved matters for 82 dwellings pursuant to DC/25/0102, Land at Campsfield, Linfield Close, Southwater — OBJECTION**

I object and ask the Council to **refuse the reserved matters as submitted**.

The outline permits "**up to 82 dwellings**" and reserves layout, scale, appearance, landscaping and "access to and within the site" (condition 2). It does not establish that a layout at the maximum number is acceptable. This one is not, for six principal reasons:

1. The basin outfall — swale, headwall and watercourse connection — crosses the ancient woodland buffer, on the engineer's own words "through the existing area of ancient woodland", unassessed by ecologist or arboriculturist.
2. Engineered highway pavement sits inside the root protection area of category A oak T44. The Council's tree officer says that "will not be acceptable".
3. Acceptable sleeping conditions and overheating performance are not demonstrated for the homes facing the A24 — all of them affordable homes.
4. The dormouse assessment excludes some 3.2 ha of the woodland being cleared without explanation, and its compensation land has no settled location.
5. The surface water discharge rate rises from the approved 7.51 l/s to 9.60 l/s, contrary to condition 5 and to the Lead Local Flood Authority's written advice.
6. The ecological mitigation is not shown to work as one scheme: dark corridors with no lighting design, and one boundary strip serving as woodland buffer, bat corridor, species receptor, open space and drainage route.

In each case the missing or contradictory evidence prevents a judgment the Council must make before approving layout and landscaping, and resolving it may require the layout to change. A promise of later detail is no answer.

**Principal ground 1 — The woodland outfall is not shown to be compatible with protecting Hogs Wood**

The Drainage Technical Note says the basin "discharges into a proposed above-ground vegetated swale incorporating erosion control matting. The swale provides a stable conveyance route **through**

**the existing area of ancient woodland** before discharging into the existing ordinary watercourse located adjacent to the western boundary" [Paul Basham Associates, 091.5027/TN/2 Rev 2, para 4.10].

Drawing 091.5027-0501 P01 shows a HydroBrake, a headwall and a swale running west to the site boundary, annotated "HEADWALL TO DISCHARGE INTO SWALE WITH EROSION CONTROL MATTING TO MINIMISE IMPACT OF WATER FLOW ON ANCIENT WOODLAND" and "SWALE TO TIE INTO EXISTING GROUND LEVELS. **EXACT LOCATION OF WATERCOURSE TO BE CONFIRMED**".

The swale scales at about 15 m — the depth of the ancient woodland buffer. It is a permanent engineered outfall designed for up to 9.6 l/s, mown and cleared every six months [TN/2, section 8].

An outfall whose receiving watercourse has not been located is not a resolved design. Its position fixes the swale's length and alignment, whose land it crosses, what is excavated and which roots and soils are affected.

The outline was approved on the basis that this buffer would be free of works. The Council's ecology consultant supported "a 15m buffer **between any works** and the ancient woodland" and asked for it to be conditioned; the committee was told "the overall integrity and function of the ancient woodland would be preserved by way of the 15m buffer" [committee report 7 Aug 2025, paras 3.9, 6.47].

Neither committee report nor either ecology response mentions a swale or outfall.

The case officer's pre-application letter of 8 June 2026 records "a 'development free' buffer to the western ancient woodland, as per the expectations of the outline scheme" [Planning Statement, Appendix A]. Conditions 3 and 25 secure the Parameter Plan and the EcIA mitigation that depend on it.

The applicant's documents do not agree on this boundary:

- The Constraints Plan [1006/PL Rev B] hatches the whole western buffer "Construction Exclusion Zone" and omits the outfall swale and headwall.
- The Tree Protection Plan [Barrell, 23047-TPP-10] shows the buffer beside ancient woodland compartment AW5 (category A) as continuous fenced exclusion, with no outfall through it.
- The Arboricultural Impact Appraisal lists no tree needing special precautions and says "all the RPAs of retained trees will be robustly protected... by the use of barriers" [23047-AA7-PB, Table 1, para 1.4]. It does not mention the outfall or any drainage run.
- The July 2026 EcIA does not assess the outfall, its excavation, discharge or maintenance. Its section on designated sites (6.3.2) covers only Local Wildlife Sites.
- The Planning Statement says the ancient woodland is "outside of the redline site boundary" (para 2.9). If the swale runs "through" it, part of the works lies outside the application site.

NPPF (August 2026) policy N6(2): proposals "which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland...) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists".

Natural England / Forestry Commission standing advice lists "changing the water table or drainage", "damaging roots and understorey" and "damaging or compacting soil" as causes of deterioration, requires a buffer "of at least 15 metres... to avoid root damage", and says: "You should not approve development proposals, including gardens, within a buffer zone. You should only approve sustainable drainage schemes if: they do not affect root protection areas; any change to the water table does not negatively affect ancient woodland".

Nobody has addressed either safeguard. HDPF Policy 31(4), paragraph 9.33 and Policy 33(6) point the same way.

The Council cannot conclude that the outfall will not cause deterioration of ancient woodland, so the N6(2) test cannot be passed and the western layout and landscaping cannot be approved.

Required: an overlay of the designated woodland, red line, ownership and located watercourse; construction details, excavation depths and maintenance method; arboricultural and ecological assessment of roots, soils, hydrology and pollution; alternative outfall routes; and the views of Natural England and the Forestry Commission. The LLFA itself requires that "the connectivity of the watercourse to the wider network will need to be demonstrated" [TN/2 Appendix A].

## **Principal ground 2 — Highway pavement in the root protection area of oak T44**

HDC's arboricultural officer, 16 September 2026: "having a new engineered highway pavement within the root protection area of the central oak tree (Tree T44) will not be acceptable (it was formerly clearly shown in the schematic plan that this was not proposed and it is not broached within the arboricultural submissions...) – please get amended plans with the pavement removed."

T44 is a category A oak. On the Tree Protection Plan its root protection area extends beyond the protective barrier where the new road and footway run, yet the AIA lists no tree needing special precautions: it has not assessed the submitted layout.

This is a specialist objection to the layout itself. The remedy is to move the footway and road edge, not a condition. HDPF Policy 33(6); NPPF N2(1)(d), N3.

## **Principal ground 3 — Noise and overheating are unresolved, and the burden falls on the affordable homes**

The noise report identifies façades exceeding Approved Document O night-time limits with windows open and says "it will therefore be necessary for the overheating assessment to assume that windows to bedrooms on these façades are closed at night", with "alternate means of controlling solar gain and rejecting excess heat" [24 Acoustics R11503-1 Rev 4, paras 7.2–7.3].

It then claims "all the requirements of Condition 12... have been addressed in full" (8.6). Condition 12 requires a scheme which "shall include an overheating assessment". There is none. The Energy Statement in the Planning Statement (section 9) is not one.

Whether bedrooms on the A24 frontage can be both quiet and cool depends on orientation, glazing, room layout and which homes are put there — all reserved matters. A layout cannot be approved on an untested assumption that a solution exists.

Comparing noise Figure 6 with the Tenure Plan [1703/PR Rev B], the closed-window façades are the two eastern-most rows: affordable rent (plots 43–47, 54–59, 61–62) and shared ownership (48–51, 60).

No open-market home is among them. All 29 affordable homes are concentrated in the eastern parcel nearest the road. NPPF P3(1) requires regard to "intended occupiers... including where certain groups could be particularly vulnerable"; HDPF Policy 32 requires inclusive design.

Required now: the overheating assessment; the ventilation and cooling proposed and who pays to run and replace it; and a tenure layout that does not put every noise-constrained home in the affordable tenures. HDC Housing cannot support the application without Registered Provider engagement [3 September 2026]. Has any provider seen Figure 6?

## Principal ground 4 — Dormouse: most of the woodland excluded without explanation; compensation land unsettled

- The EcIA says presence is "assumed in all woody / scrub habitats on-site" (Executive Summary) and "Dormice should be assumed to be present within all areas of the site" (7.7.1).
- It counts only 0.285 ha of woodland/bramble and 21 m of treeline as dormouse habitat, while "approximately 3.2ha of plantation woodland will be cleared also (which was considered unsuitable habitat for Dormice)" (7.7.2).
- It describes that woodland as downy birch with "an understory... of Bramble and Blackthorn scrub" (4.2.1).

The impact may be understated more than tenfold, with consequences for the Natural England licence, the compensation required and the derogation tests. Required: the habitat suitability evidence; the positions of the 50 nest tubes relative to the plantation (Figure 5); and the Council's position under condition 6, which refers to the first reserved matters submission and bars relevant works without a licence or Natural England's written statement.

Compensation relies on "a large area of woodland (1.349ha)... directly adjacent to the southern boundary" (7.7.4), planted "prior to the commencement of works" (7.7.6). The BNG report says "the locations are still subject to landowner agreement" and the hedgerow position is "indicative" [BNG Assessment & HMMP, 4.2.1, Table 6].

New trees are not functional dormouse habitat when the existing habitat is cleared. After 12 months responsibility passes to a management company "as yet unappointed" (7.7.7). Who holds, funds and enforces the 30-year obligation?

## Principal ground 5 — The discharge rate exceeds the approved rate

Condition 5 requires the scheme to be "in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment/Drainage Strategy dated 07/04/2025 and additional appendices dated 01/07/2025".

- The approved strategy: "All run-off (up to and including the 1-in-100-year rainfall event (+45% Climate Change)) shall be restricted to the proposed impermeable area's QBAR (7.51 l/s)" [FRADS/4, paras 1.8, 10.8]. The mid-2025 drawing sent to the LLFA is labelled "HYDROBRAKE... DISCHARGE RATE: 7.51l/s".
- The reserved matters: impermeable area up from 1.375 ha to 1.757 ha and the rate up to **9.60 l/s** — both about 28% [TN/2, Table 1].
- The note claims the LLFA agreed this at pre-application. The only LLFA advice it appends, dated 7 May 2026, says: "**The rates and volumes from the approved FRA/Drainage Strategy shall be followed.**" [TN/2, Appendix A].

Pre-application discussion cannot amend a condition; that takes a section 73 or 96A application. The scheme breaches condition 5.

Nor is a 28% growth in impermeable area shown to be consistent with the Parameter Plan (condition 3), where the Planning Statement admits "some minor deviations" (para 3.4). The effect of the higher rate on the receiving watercourse and the woodland it runs through is unassessed.

## Principal ground 6 — The ecological mitigation is not shown to work as one scheme

**Lighting.** Barbastelle (Annex II) was recorded on the southern and western boundaries; Bechstein's is recorded within 2 km [EcIA Tables 4, 6; 7.4.1]. Mitigation depends on corridors held to 0.2 lux horizontal and 0.4 lux vertical, dark "hop-overs" with red part-night lighting, and unlit hammerheads.

The outline Lighting Strategy Rev 5 (condition 25) is expressly "a framework for a sensitive lighting design at the detailed design stage", based on the illustrative masterplan, leaving dark zones and columns to be "defined at detailed design stage". This is that stage.

There is no lighting layout or lux contour plan; the landscape legend says "Refer to Engineers drawings... for details on all lighting elements" and there are none. Whether the corridor stays dark depends on where dwellings, windows, parking and roads sit beside it — layout — and ILP/BCT Guidance Note 08/23 expects proof by calculation.

The EcIA gives a different limit for dormouse habitat ("no higher than 0.5 Lux", 7.7.5.1), applies its measures only "as far as is practicable" (7.4.2), asserts a light spill zone of "one metre" without calculation (5.2.2), and says "the created roads will also not be adopted". Who then funds and maintains part-night red lighting for the life of the development? NPPF P3(2)(e); HDPF Policy 24.

**Competing uses of the same land.** The western and southern strip is proposed as an ancient woodland buffer, barbastelle corridor, dormouse receptor, reptile receptor, outfall route with six-monthly maintenance and, to the south, the landing for new links to footpath SHI-2804.

1.415 ha of "other neutral grassland" in Moderate condition is to be created across the public open space for 82 households; the case officer asked how "public usability / desire lines and BNG habitat creation and protection" would be reconciled, and the BNG baseline itself records grassland "damaged due to public access". No plan shows these functions working together. NPPF N2(1)(g) requires green infrastructure "located and designed to minimise risk of future failure".

**The same defect, same applicant, same ecologist, tested at inquiry.** At the public inquiry into Miller Homes Ltd's appeal at Land at Colwell Farm, Lewes Road, Haywards Heath (PINS ref. 6005786; Mid Sussex DM/25/0445) the ecological evidence — by Ecosupport, with SLR Consulting as planning agent, as here — was cross-examined. As recorded in the Rule 6 party's closing submissions, the appellant's witnesses conceded that:

- reptile mitigation land had **simultaneously been counted for biodiversity net gain** as species-rich wildflower grassland, with irreconcilable mowing regimes between the two functions;
- reptile refugia had been placed only on field-boundary grassland, leaving the site centre unsurveyed — the ecologist's answer being "it's not contrary to guidance, I just chose not to do it";
- no guidance supported the composition of the reptile translocation area proposed;
- potential ancient woodland had been dismissed without the holistic assessment the Ancient Woodland Inventory Handbook requires, the arboricultural witness conceding a material possibility that the feature was ancient woodland;
- trees with bat roost potential were proposed for felling without emergence surveys; and
- the net gain calculation contained errors that had to be corrected during the inquiry.

Four of these recur at Campsfield. One strip is again asked to be reptile receptor, dormouse compensation, bat corridor, woodland buffer and net gain habitat at once, with no management

regime that reconciles them. Survey coverage is again unexplained: where the 50 dormouse nest tubes sat relative to the 3.2 ha plantation is not shown (ground 4).

Effects on ancient woodland are again unassessed (ground 1). The net gain figures again do not agree between documents (point 13).

Where methods shown to be deficient under cross-examination reappear from the same applicant and consultancy, the Council should not take the submitted documents at face value. Its duties under section 40 of the NERC Act 2006 and regulation 9(3) of the Habitats Regulations call for heightened scrutiny and independent ecological review before any approval.

## **Further grounds**

### **7. Age of the ecological surveys**

Bat transects and statics April–October 2023; dormouse tubes May–October 2023; reptiles May 2023; great crested newt eDNA April 2023; breeding birds April–June 2023. Most are over three years old; the spring surveys already were when the EcIA issued on 22 July 2026.

CIEEM: beyond three years "the report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist...)".

The EcIA's assessment (3.8.1) is that two walkovers found conditions unchanged so "it was considered pragmatic to not update the surveys". That is inadequate for mobile species — bats and dormice — when a layout, an outfall and a lighting regime are being fixed, and unlikely to support a dormouse licence. HDPF para 9.33.

### **8. Bat assemblage valuation**

The EcIA scores the assemblage 23 of 45 — "at least County" (Regional threshold 25) — yet calls the site "of regional importance" (6.2.2.1) and "regional value" (Conclusion). Scoring 23 means four *Myotis* species were counted although calls were not identified to species and were "presumed based on the local records".

Those records include Bechstein's within 2 km; counted on the same basis the score is 27. Which species were scored, on what evidence, and which valuation drove the mitigation?

### **9. Bat sustenance zone**

The Planning Statement says the site "contains a bat sustenance zone along its western edge" (para 2.10). HDPF para 9.34 ties that designation to barbastelle flight paths to The Mens SAC; Policy 31(5) requires HRA where impact is possible.

The outline committee report said the site was "not within the identified Bat Sustenance Zone" (para 6.90). One is wrong. With barbastelle on site and no lighting design, the Council must establish which and record whether its HRA conclusion holds.

### **10. Lesser spotted woodpecker**

The EcIA records a territory and foraging pair (red-listed, s41 priority, "Scarce" in Sussex at 11–100 pairs), accepts that displacement "would have an adverse impact on the county level", and in the same paragraph rates the site "Low ecological value to breeding and nesting birds" (4.8).

It relies on new woodland for the species to "re-establish" without saying what dead and decaying wood is lost or how long it would take to replace it. NPPF N2(1)(f), N2(2).

## 11. Great crested newt and reptiles

One pond was eDNA-sampled, in April 2023; pond 4 "was not accessible"; there are 18 records within 2 km and most of the site is in a NatureSpace red zone. One negative pond says nothing about the unsurveyed one, and ponds dry in summer 2026 say little about spring breeding.

All seven reptile visits fell within three weeks of May 2023, with no stated refugia settling period, and the receptor strip has the competing uses detailed in 6. The Executive Summary promises 2 hibernacula, the body of the document promises 4.

## 12. Biodiversity net gain

- The metric shows an **on-site net loss**: habitat units 16.61 → 16.35 (−1.58%); hedgerow units 7.32 → 6.70 (−8.45%). The claimed +26.62% / +11.76% comes wholly from 2.51 ha of off-site land [Metric, Headline Results]. The Planning Statement reports "24.29%" and "12.37%" (para 7.16) — figures in neither the metric nor the BNG report.
- The gain hierarchy puts on-site measures first; the outline committee was told of gains "within the site" (para 6.95); and the off-site land doubles as the unsettled dormouse compensation area. Which on-site losses could layout avoid?
- The BNG report's habitats sum to 5.09 ha against an application area of 4.87 ha. Even allowing the 0.59 ha road corridor (Planning Statement para 2.7) the figures do not reconcile. Mapped polygons are needed.
- Was the native birch/oak/ash stand tested against the lowland mixed deciduous woodland definition? The applicant's own 2024 UKHab map labelled boundary habitat "w1f".
- Ponds are "retained... so that their condition does not deteriorate" while the drainage design sends 70% of the central open space's runoff to the basin [TN/2 para 4.6].
- Watercourse units are nil, yet a headwall and outfall are to be built at a watercourse. Its classification, position and riparian zone must be established.

## 13. Smart water butts

Interception under National Standard 2 relies on "smart water butts to each dwelling" that release water ahead of forecast rain [TN/2 para 5.3]. The maintenance schedule omits them. Who guarantees their power, controls, servicing and replacement for the life of the development, and where does Appendix D show they deliver interception rather than delayed discharge? NPPF F8(2)(b); condition 19.

## 14. Play provision

Condition 4 requires "full details (including, but not limited to, type of play equipment, surfacing, planting, fencing, seating and signage for the local area of play)".

What is submitted is a page listing eight items "or similar approved" with library photographs; the specification says "Manufacturer to confirm design of play area". There are no equipment positions, play area dimensions, surfacing extents, safety clearances, enclosure, signage or buffer distance to dwellings. The Design Statement's contents page lists sections absent from the document on file.

## 15. Noise survey and model

- The survey ran 19–24 February 2026 at one position. West Sussex half-term was 16–20 February, so Thursday and Friday were school holiday and the rest is a weekend and one Monday. It is not shown to be representative.
- The CRTN model gives no traffic flows, speeds, HGV proportions, and no comparison of modelled and measured levels. It is uncalibrated on the evidence.

- Night-time levels are 59–60 dB LAeq free-field at 4 m height, 35 m from a dual carriageway. What does a 2 m boundary fence achieve for the first-floor bedrooms?
- Eastern gardens are "in the order of 54 dB" against a 55 dB upper guideline, with no stated model uncertainty.

## 16. Housing

HDC Housing: "Confirmation of Registered Provider involvement will be required before Housing Officers can support the application." The pre-application letter asked for M4(2) and M4(3) dwellings to be "identified across tenures and sizes", with some 30% of the waiting list needing adaptable homes. Neither the Tenure Plan nor the Planning Statement identifies any.

## 17. Gaps in the submitted drawings

- Levels Strategy sheet 2 of 4 (091.5027-0702) is not on the public file or in the Drainage Note's appendices. The tree officer also reports missing levels information.
- The drainage drawings are marked "PRELIMINARY — drawing/design is still in development".
- The pre-application letter flagged back-to-back distances under 21 m in the eastern parcel and sought more woodland planting on the southern edge of the western parcel. Neither is shown to be resolved.

## 18. Surface water flooding and the footpath links

The Constraints Plan shows the 1 in 100 year surface water extent across the south-west corner, along the southern boundary where the links to footpath SHI-2804 land, and around both ponds. WSCC's rights of way officer warns that raised levels "could increase the potential to flood the path". The LLFA should be asked for existing and proposed levels and exceedance routes there.

## 19. Foul drainage

Southern Water's 7 September letter promised a modelled response by 28 September; its 11 September letter confirms 0.74 l/s. Is anything outstanding?

Drawing 0501 shows connection to an "existing foul pump station" with "additional emergency storage provided in manhole F26". What works to that station are intended, has it capacity for 82 more homes, and what are the odour and noise effects on plots 1–2?

## 20. National policy

Every supporting report cites a superseded NPPF. The decision falls under the August 2026 Framework, and the officer's report should test the scheme against N2, N3, N6, P3 and F8.

## The outline conditions

The Planning Statement says this submission addresses conditions 5, 9(a), 10, 12, 13, 14, 16, 17 and 18.

- **Conditions 3, 4 and 5 are breached.** The western buffer is crossed by the outfall and impermeable area has grown 28% (3); full play details are absent (4); the discharge rate departs from the approved rate (5).
- **None of the others can be discharged on this material.** The tree protection plan conflicts with the layout at T44 and omits the outfall (9a); a levels sheet is missing (10); there is no overheating assessment (12); there is no lighting design (17). Conditions 16, 17 and 25 tie

mitigation to the Ecosupport EcIAs of December 2024 and April 2025, but the submission rests on a new July 2026 EcIA with no schedule of what has changed.

### **What I ask the Council to do**

1. **Refuse the reserved matters as submitted**, on the six principal grounds.
2. If amendments are invited instead, require before any decision: coordinated drainage, levels, tree protection, ecology, lighting and landscape drawings; the outfall assessment and located watercourse; pavement removed from the T44 root protection area; the overheating assessment and a revised tenure layout; the dormouse habitat justification and secured compensation land; and the LLFA's written position on the discharge rate.
3. Obtain the views of Natural England and the Forestry Commission on the outfall.
4. Withhold discharge of conditions 5, 9(a), 10, 12 and 17.
5. Re-consult on material amendments and new technical evidence.

Please acknowledge this objection and notify me of any amendments and of the committee date.

Yours sincerely,

