

Steven King

From: [REDACTED]
Sent: 09 April 2026 22:12
To: Steven King
Cc: planninginfo
Subject: Planning Application DM/25/3129 - Outline Planning Permission for the Erection of 125 dwellings on land At Borde Hill Lane, Haywards Heath, West Sussex
Attachments: Re: Your comments on Planning Application DM/25/3129 - Outline Planning Permission for the Erection of 125 dwellings on land At Borde Hill Lane, Haywards Heath, West Sussex

Dear Mr King,

I attach the response that I have recently received from Mr Fanning of the Environment Agency in response to my email to him dated 20/3/26 (which I copied to you at the time. Further copy attached with related email string for ease of reference). Whilst he has not replied directly to all the points I raised, his reply seems to confirm my worst fears. Namely that his original comments on the above planning application - on behalf of his department, were based almost entirely upon the sole evidence presented by the developer in a study commissioned, defined and paid for by the developer, and most importantly confined largely to the development site itself, with little to no regard to flooding and drainage consequences beyond it.

Mr Fanning has not commented as to whether he has actually visited the site itself, never mind what time of the year that visit / non-visit would have taken place. Nor if his comments were based solely on desk-top analysis. Neither has he confirmed that any independent modelling has been commissioned or taken place in regard to the wider implications of drainage concerns beyond the site itself, or the developments likely impacts on pre-existing settlements, or the likely future impacts of climate change (Most of which I would previously have assumed would have been issues of direct responsibility to his Agency as "consultees").

He does make reference to the expected sewage capacity issue as the development does propose to connect to existing mains, but again his department seems impotent to comment further on the vague statements so far produced by Southern Water in relation to a system already unable to cope with existing loads (as evidenced by multiple recently recorded overflow / discharge incidents. It might have been useful if these incidents had been recorded), or the likely timescales for any future capacity to be brought on-line.

Again all these issues are cumulative across the region. Besides this proposed development at Borde Hill there is also the fresh proposal to development yet more land at Wickham Fields which given its location would also seem likely to be adding to the over-burdening of the same failing infrastructure if approved. I suspect that the consideration of the wider implications of that site will fall to an entirely different Planning Officer.

Reading between the lines it is hard to see who precisely is expected to take responsibility for what. There is a clear danger of multiple bodies relying on what look like substantive inputs from organisations (Consultees) whose titles beguile and mislead others as to their actual responsibilities.

It seems clear to me that we can probably rely on the department of the Environment to warn us of impending flood risks - in this case only after they have been heightened by further development on existing flood plans - on which they have undertaken no independent analysis of their own and purely relied on developer's evidence. I see little evidence of more scientific measures being deployed in order to avert disaster or if not disaster consequential impacts to others. All of which I am sure I recall used to be activity that they engaged with more positivity in the past.

Nowadays most of the coastal erosion and flooding evidence I see being published seems to result of various independent University led studies (whether Government funded or not I do not know). I hope that others in the final decision-making process are fully aware of these limitations, on comments received from Departments and

Organisations that they are obliged to seek comment from but who in reality only primarily work from reports commissioned by developers.

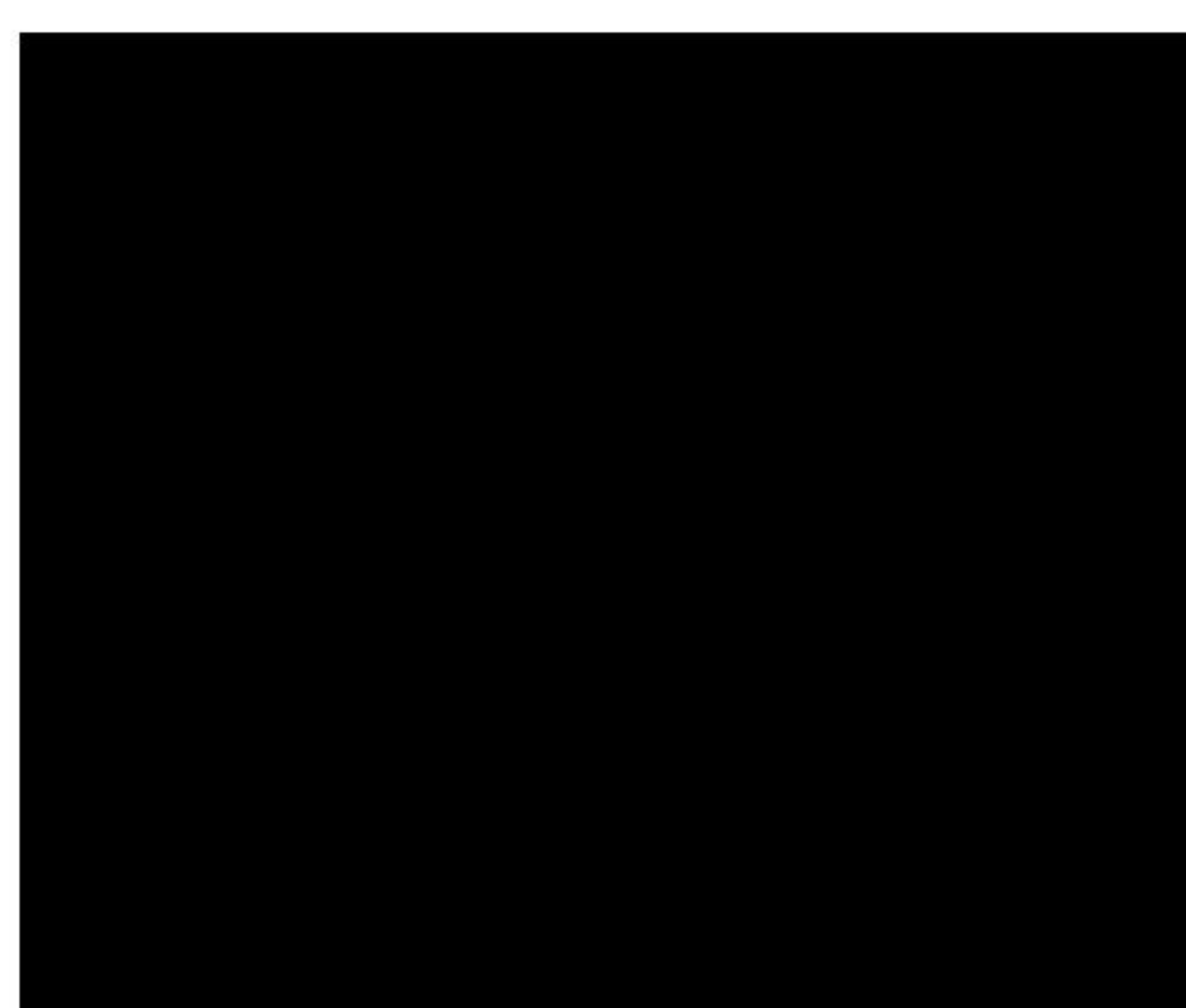
I recall seeing a similarly vaguely worded input from Highways again relying on inputs purely submitted by the developer in regards to key issues like traffic data and traffic impacts.

Where Mr Fanning ends his response by stating; "We have engaged with the local planning authority as a consultee and offered our input to them as they ultimately have responsibility for determining the application in line with relevant local and national planning policy. You appear to have already raised your concerns with the LPA, which is the appropriate avenue for you to highlight these issues for consideration and I would encourage you to continue to liaise with the LPA through their consultation process" - I would hope that there have been other more substantial inputs than those currently posted on the planning web-site beyond his original comments of (reference HA/2026/127478/01-LO1) dated 26th February 2026.

As he ends by basically redirecting responsibility to you as representative of the LPA, can I ask you what studies / further consultations you might have undertaken to assess the likely flood risks beyond the site from the Scrase stream and its tributaries which according to the Environment Agency's definition of its responsibilities' would presumably not be covered by them, as it is hardly likely to count as a main river, and we are somewhat distant from the sea? Yet despite this it already contributes to flooding in other parts of Haywards Heath, and Lindfield beyond the site directly in question here, and even appears on the Environment Agency's own flood warning web-site just to highlight how arbitrary all of these vague lines of demarcation actually are in reality!

I am not seeking to undermine Mr Fanning personally in anyway, merely to expose what seems to me to be the clear limitations he is forced to work within, and once more to urge that implications at and beyond the site are considered fully, properly, and not merely relying on developer's evidence.

Yours sincerely,



-----Original Message-----

Sent: 09 April 2026 17:09

Subject: RE: Your comments on Planning Application DM/25/3129 - Outline Planning Permission for the Erection of 125 dwellings on land At Borde Hill Lane, Haywards Heath, West Sussex

Dear Mr Downing,

My sincere apologies for the delay in getting back to you.

With regard to who commissioned the documents on which the application is based, I can offer no special insight. As an informal general observation, I would note I would typically expect that the burden of the costs associated with the production of documents associated with a planning application would be borne by the applicant in most cases. One of the responsibilities of the local planning authority (as supported by advice from consultees) is to assess that documentation and decide if it is suitable and fit for purpose. If you have concerns regard the impartiality of the planning process, I would suggest these concerns are best raised with the local planning authority.

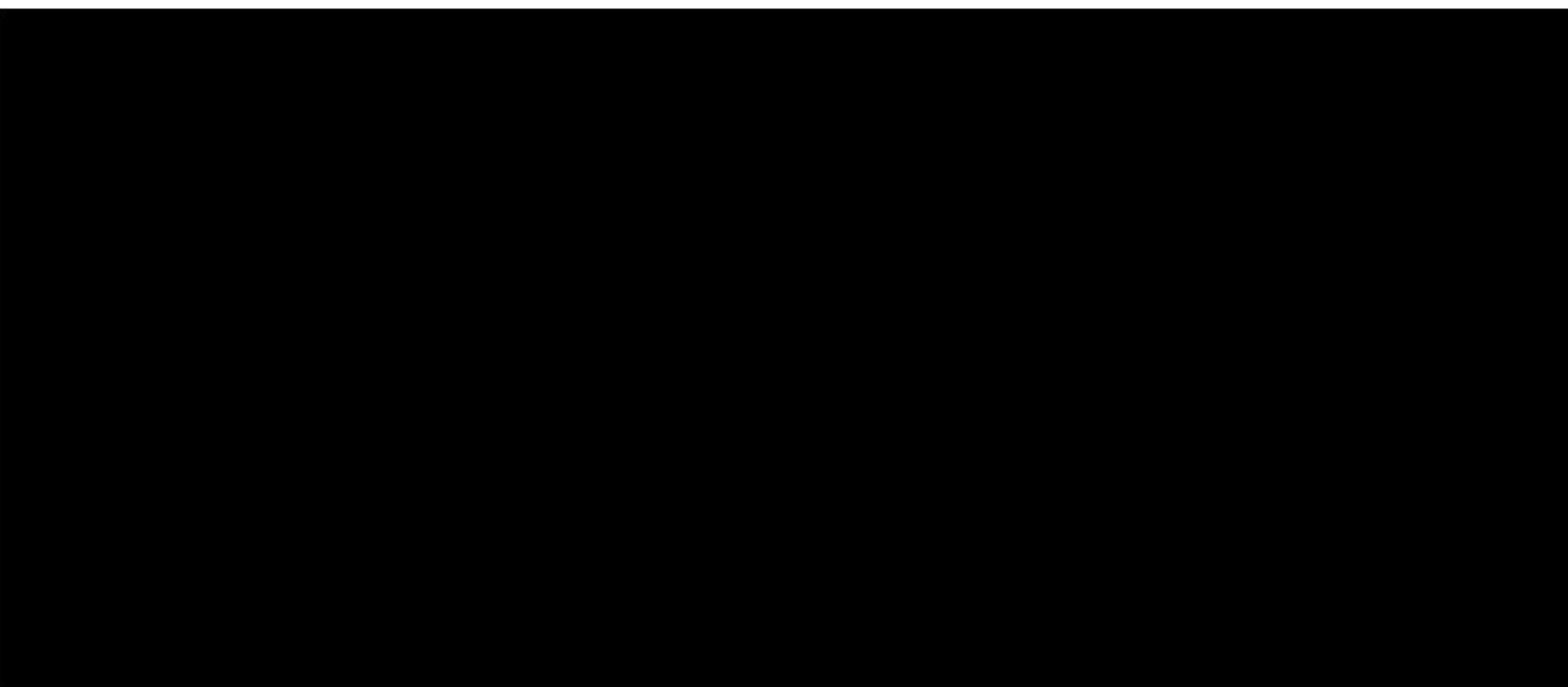
As you appear to be aware, responsibility for flood risk management involves a number of different organisations with differing roles in the process.

The Environment Agency plays a role in providing and supporting the provision of background data on which much flood risk and drainage assessments are based but specifically when consulted at planning application stage our role is to assess flood risk from main rivers and the sea. The Lead Local Flood Authority are responsible for consideration of flooding from surface water, ground water and ordinary watercourses. I note that the LLFA have raised concerns with the development and are requesting further clarification/information.

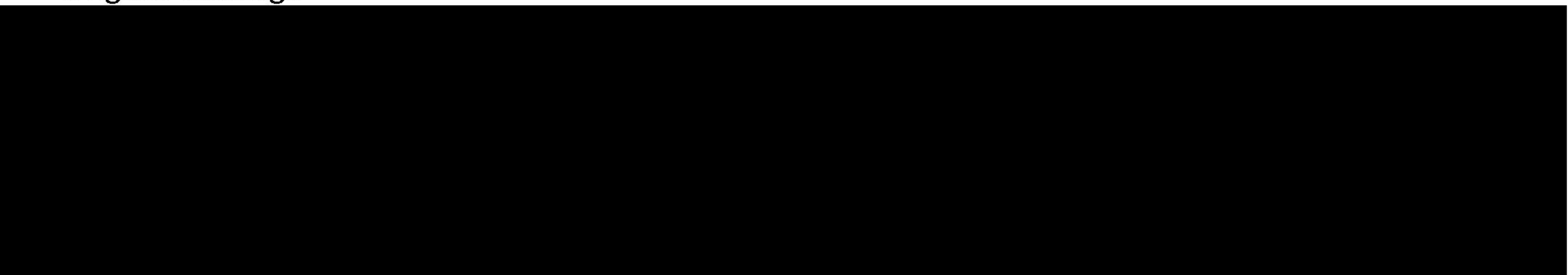
With regard to concerns in relation to sewage capacity, the role of the Environment Agency typically relates to commenting on development where the applicant is not proposing to connect to the main sewer network. In this case, I note the development is proposing to connect to mains. I note the comments of Southern Water in this regard and the proposed condition to manage sewer capacity.

We have engaged with the local planning authority as a consultee and offered our input to them as they ultimately have responsibility for determining the application in line with relevant local and national planning policy. You appear to have already raised your concerns with the LPA, which is the appropriate avenue for you to highlight these issues for consideration and I would encourage you to continue to liaise with the LPA through their consultation process.

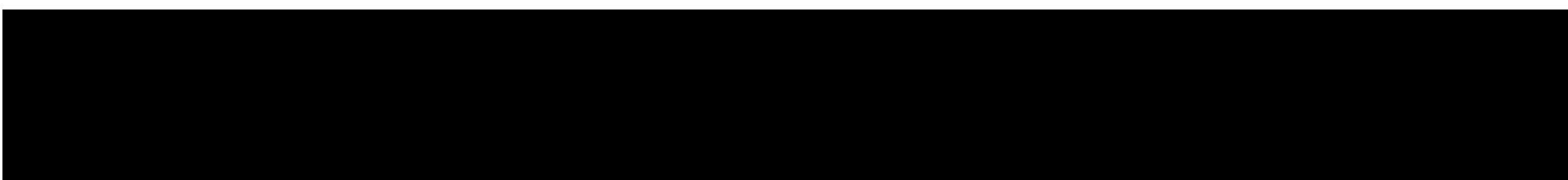
Regards,



-----Original Message-----



Subject: Re: Your comments on Planning Application DM/25/3129 - Outline Planning Permission for the Erection of 125 dwellings on land At Borde Hill Lane, Haywards Heath, West Sussex



FAO: Mr J. Fanning
Environment Agency
Canal Walk, ROMSEY, Hampshire, SO51 7LP.

Dear Mr Fanning,

Issues Relating to Mid Sussex District Council Planning Application
DM/25/3129 - Land At Borde Hill Lane - Haywards Heath, West Sussex.

I refer to my emails of 26th and 27 February 2026 and your acknowledgement of 28th February 2026.

May I take this opportunity to respectfully remind you that I still await your promised substantive response? The consultation period for this planning application is fast closing (period ends 23rd March 2026), and I now fear any response will now be too late to be of any use to me, in trying to fully understand the wider implications of your original comments (Reference HA/2026/127478/01-LO1 dated 26th February 2026) in order for me to challenge certain assumptions that already seem to be being made by others directly relying on your Departments inputs. People far more important than me, actually working within the actual planning process itself - either as officials, elected representatives as Counsellors, or Members of Parliament need this input far more urgently than I do.

I urge you to please respond to all the points I raised, so that all may fully understand the true Environmental impacts of this development, especially in regards to, general drainage, potential flooding risk (including that well beyond the actual site itself - please see my earlier comments), waste water and sewage treatment, Clean water supply (already an issue with our water company's current failing infrastructure) as well as wider Environmental damage including; but not limited to noise, pollution, loss of wild life habitat, and general pollution levels.

So far it seems that undue weight is being placed on the vague promises of "mitigation" measures based solely on reports focusing purely on the impacts of the site itself, commissioned and paid for by the developer themselves, with apparently little to no independent assessments beyond this. I hope you can prove me wrong in this respect. The dictionary definition of "mitigation" provides little comfort to me in its common usage, however in this context - on this site - it simply means to me making things a little less worse than they might otherwise be, when it should be plain for all to see, that any significant development on this site (already flagged as having concerns for future development precisely because of wider drainage issues) should be subject to the intense scrutiny. The fact your original comments suggested forbidding actual occupation of any houses built until mitigation measures had been sufficiently proven at least in part acknowledges this broader concern.

However, to my mind to use a common phrase, this rather seems to be putting the cart before the horse!

The net gains of building 125 new homes only to flood and cause on-going jeopardy to another 125 or more elsewhere is lost on me.

From what I have read Southern Water are saying that it will be at least another 2 years before they can even begin to bring on-line further capacity to deal with sewage treatment facilities already failing under current loads. Meanwhile, South East Water - our clean water supplier - has recently been heavily fined for failures in supply dating back over

2 years or more ago, and will still have to answer for this year's and lasts far more serious regional supply issues. With what seems to be the five year cycle of Water Company corporate collapse, resulting in re-sale and reacquisition (from what almost invariably always seems to be off-shore investors) it remains to be seen if any of the forward commitments made by any of their current owners will actually be upheld or enforceable on whomsoever might take them over in the future. Even under current ownership the promised priority replacement of our current water main due in 2014 has still not taken place in 2026 and seems now to have been quietly forgotten about altogether.

It is therefore ever more vital that vital infrastructure precedes approvals, forced through on whatever new Central government building targets are being forced onto local authorities - who will ultimately be held responsible for and have to deal with the problems created by poor planning.

It is therefore ever more vital than ever that appropriate Departments of State, Agencies or whatever perverse organisational structures are created for them to operate under, take full responsibility for the professional advice they are obligated to provide.

I do hope that we will all be hearing from you shortly.

Yours sincerely,

David Downing



On 2026-02-27 13:18, John Fanning wrote:

> Dear Mr Downing,

>

> Thankyou for the email below, I can confirm receipt.

>

> I will look to respond in more detail once I'd had a chance to review.

>

> Regards,

>

> John Fanning

> Planning Advisor | Sustainable Places

> Solent & South Downs | Environment Agency

> Email: PlanningSSD@environment-agency.gov.uk

> Telephone: +44 20 8026 1887

>

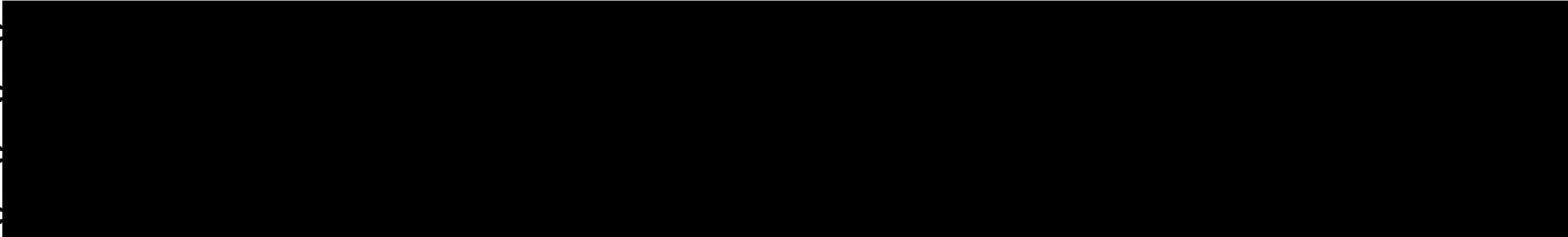
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> -----Original Message-----

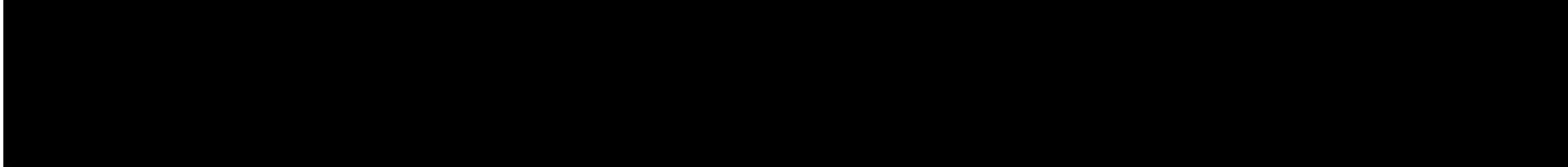
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> Subject: Fwd: Your comments on Planning Application DM/25/3129 -

> Outline Planning Permission for the Erection of 125 dwellings on land

> At Borde Hill Lane, Haywards Heath, West Sussex

>

> 

> Dear Mr Fanning,

>

> I am sending this email again as overnight I received an unable to

> deliver message. All of my other recipients are shown as having

> received my message.

>

> I have copied in again Steven King in Mid Sussex Planning as he might

> have another way of forwarding this to you via the internal UK.Gov.uk

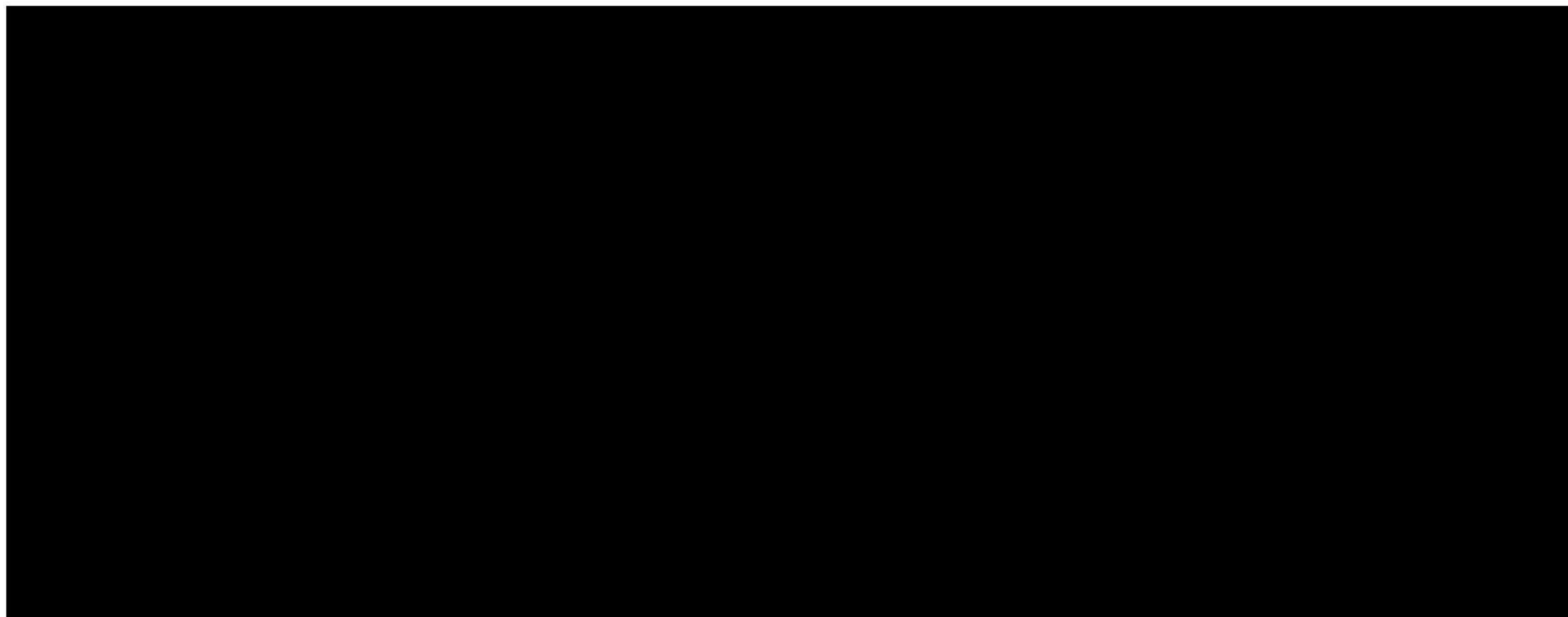
> network.

>

> Grateful if you could at least acknowledge receipt in the first

> instance, as I have not re-used email request for delivery and read

> receipts on this transmission just in case your servers might have
> been blocking them and that might have been the reason for the
> reported delivery failure.
>
> Yours sincerely,
>



> Dear Mr Fanning,
>
> Reference: Your letter: HA/2026/127478/01-LO1 dated 26 February 2026
>

> Your letter at reference, sets out your departments initial (I don't
> know possibly only) comments on Planning Application DM/25/3129.
>
> Within your comments you seem to place great reliance on the report
> produced by "Aqua Terra Consulting." Can I ask who commissioned and
> paid for this report, and if I suspect the developer - then how
> credible do you consider its independence to be?
>

> Am I correct in assuming that the calculations put forward in this
> study only relate to the development site itself, with minimal
> consideration of the impacts on other areas on the Scrase Steam,
> related water ways and drainage systems further afield - and which are
> already the subject of regular Department of Environment flood
> warnings? There is also another website monitoring and reporting on
> these issues, I suspect you are already aware of it, but in case you
> are not I include a link to it below;
>
>

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww%2F&data=05%7C02%7CSteven.king%40midsussex.gov.uk%7C5ca1226395274954238a08de967cb405%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C639113659540938662%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWFrpbGlzIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=I1fsKh1EDOIbWNDkHCTnBFdf82%2FMI4kLB4wBiRuGU4o%3D&reserved=0>.

> floodmapper.co.uk%2Fstations%2Flewes-road-lindfield-wps-walstead&data=
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> sdata=OrO%2BnNDG3CtHF7dD616SJ63JxmzS22%2F%2FniISM480To%3D&reserved=0
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>

> Has it not been Environment Agency policy to try and encourage the use
> of up-stream agricultural land to provide catchment areas and
> soakaways to help ease flooding? Assuming you have visited the site

> itself I wonder if you saw the adjacent large lakes within Borde Hill
> Gardens Estate land directly opposite the proposed development site?
> If not then a google search on the post code RH16 1XP will show them.
>
> Can I ask what if any additional modelling, or studies will be
> independently undertaken by the Environment Agency to verify the
> proposed viability of this site for development in the way proposed
> and how will your studies be coordinated with other interested parties
> such as Southern Water particularly concerning waste water management
> both off-site and into other hard pressed sewer systems already
> failing under existing loads? Themselves already the subject of
> Environment Agency monitoring and concerns not mentioned in your
> comments.
>
> I see you propose placing a hold on allowing occupancy of any of the
> newly built dwellings, until the drainage arrangements for the site
> can be validated / proved as effective. I note that this restriction
> only seems to consider flood impacts on the new build properties, but
> apparently gives little or no consideration of the impacts on existing
> settlements. Can I ask you to comment further on this? Can I ask what
> period you have in mind for this validation period? Anything less
> than a year would surely not allow for a proper assessment to be made,
> considering the likelihood of heavier rains during winter months, and
> likely faster run off from sun baked clay soils during the summer and
> any heavy summer thundery storms. Even a year might not give a true
> representation given altering weather patterns of late and the growing
> impacts on global warming. Remember from the very outset when this
> site was being considered for 60 houses, drainage and flooding
> concerns were highlighted. The developer now proposes 125 new homes.
>
> Can I ask have you actually visited the site yourself, and if so at
> which time of year were your observations based or was this purely a
> desk-top study based on drawings and documentation so far submitted?
>
> I recently watched an ITV documentary called "Floods: New-build
> Nightmares." See link below;
>
>
<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww%2F&data=05%7C02%7CSteven.king%40midsussex.gov.uk%7C5ca1226395274954238a08de967cb405%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C639113659540963775%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWFPbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=6hctxOUm2K8LdtiDooC%2Fi58%2FVOkfqkxNJvnQ96bGbus%3D&reserved=0>
> itv.com%2Fnews%2Ftyne-tees%2F2026-02-12%2Fflooding-prompts-discovery-o
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> nDnJ%2BwmSxM20EZ%2B2VSI%2BSlyxs1d2E%3D&reserved=0
>
> This programme highlighted an alarming number of new developments
> across the country that were suffering major flooding both during and
> shortly after completion. Part of the programmes message seemed to be
> that actual responsibility for flooding did not fall to the
> Environment Agency but the local authorities or higher level

> Government bodies approving such plans on appeal. As most of these
> other approving bodies seem to be relying so heavily on inputs from
> the Environment Agency would you like to comment on how such problems
> could be avoided should this site actually obtain approval? So far
> both Ansty and Staplefield and Haywards Heath Town Councils have both
> rejected the proposal with drainage and flooding concerns being cited
> high up on their list of wider concerns.

>

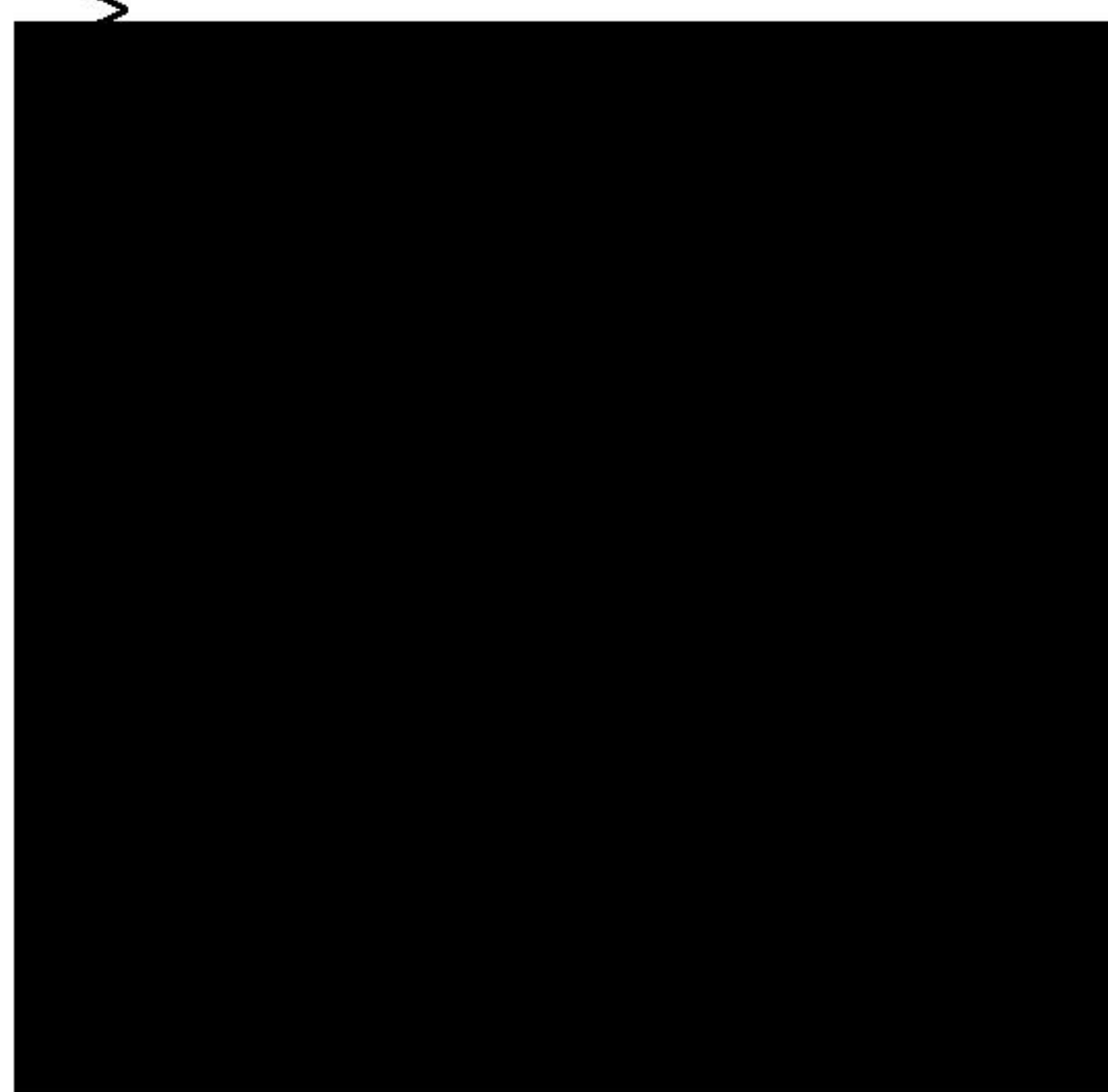
> I remain highly concerned that to date your departments comments only
> seems to focus on protection of the new build dwellings with apparent
> scant regards to wider issues. I appreciate that you no doubt have to
> work within a highly regulated set of procedures when advising on such
> issues, but I would nonetheless be grateful for your further thoughts,
> as may I suspect, other copy addresses.

>

>

> Yours sincerely,

>



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