

Andy Watt

From: [REDACTED]
Sent: 01 September 2026 18:55
To: Andy Watt
Subject: Re: DM/26/1477 — Land adjacent to Nightingales, The Street, Bolney: handling of representations following the August 2026 NPPF

Subject: DM/26/1477 — Land adjacent to Nightingales, The Street, Bolney: response to the agent's note of 25 August 2026 on the new NPPF

1 September 2026

Dear Mr Watt,

I write in response to the note from the applicant's agent (Charlotte Tate, Bidwells) to you of 25 August 2026 regarding the effect of the revised National Planning Policy Framework (17 August 2026 edition) on this application. With respect, the note reads Policy S5 selectively, and read in full that policy does not deliver the approval it suggests. I set out why below, and I confirm at the outset the one point on which I agree with the agent. I should first record that this representation is made after the close of the publicity period, and the ground on which I ask that it be admitted: it addresses the revised Framework, published on 17 August 2026, and the agent's note of 25 August 2026, neither of which could have been addressed within the consultation period, and both of which bear on how the application must now be determined. It does three things and no more — it records the argument the agent has withdrawn, it explains why Policy S5 read as a whole does not deliver the approval the note suggests, and it identifies the questions I ask to be addressed expressly in the officer's report. If any part of it is considered too late to be entertained, I would ask that the remainder be admitted regardless, the points being severable. It supplements, and does not replace, my objection already on the file.

The agent's principal previous argument is now withdrawn.

The agent accepts that, because the new Framework has removed the "out-of-date" housing-policy route into the tilted balance, the applicant's earlier argument that the development-plan housing policies should be given limited weight in the balance is "no longer valid." I agree, and I would ask that this concession be recorded: the applicant's previous argument that the development-plan housing policies should be given limited weight has been given up in writing, and the planning balance must now be struck without it.

Policy S4's presumption in favour does not apply to this site.

The agent suggests the presumption in favour of development "remains (and has been strengthened)." That is correct as far as it goes, but the presumption is given different content inside and outside settlements, and the note does not say which applies here. Policy S3(1) provides that the presumption "means" that "Policy S4 in this Framework should be applied when considering development proposals within settlements" and that, "[o]utside settlements, policy S5 should be applied". Only Policy S4 carries the approve-unless test the note relies on. This site is outside the settlement: the applicant's own Planning Statement concedes at paragraph 8.3 that the proposals "would conflict with policies DP6, BOLE1, DP12, BOLE2 and DP15 of the Development Plan" — a concession qualified in the same sentence only by the "out-of-date" argument the agent has since withdrawn, and then only as to "a number of these policies", so that on the applicant's own case the conflict with the remainder was never qualified at all — and the Council refused a nearby scheme for precisely this reason on 30 July 2026 (DM/25/2569, two dwellings at Land north of Jeremys Cottage, Jeremys Lane, refused because the proposal was "outside of any settlement boundary and failing to comply with any rural exemptions or to be contiguous with a settlement boundary" and so constituted "an isolated development within the open countryside"). That the site is outside the settlement is confirmed by the Framework's own glossary. Annex B defines a settlement as including "cities, towns, villages and other predominantly built-up areas", together with "areas defined as a settlement in the development plan (whether using defined settlement boundaries or equivalent terms, or criteria for identifying settlement extents where boundaries have yet to be defined)", and provides expressly that "Settlements do not include

hamlets and scattered groups of houses located outside predominantly built-up areas, unless specifically defined as a settlement in the development plan.” Bolney’s settlement is its Built-up Area Boundary (Policy BOLBB1), which excludes this site; the loose group of houses along this part of The Street is not itself a settlement. The governing national policy is therefore Policy S5 (Principle of development outside settlements), which is a restrictive gateway, not a presumption in favour.

Policy S5(1)(e) — the site is not shown to be “limited” infilling, and is not infill for the development plan’s purposes.

The agent characterises the site as “limited infilling within groups of houses” under Policy S5(1)(e). I accept that the site sits between two dwellings — Nightingales to the west and Strawdust to the east — within a loose group of houses along The Street, and I do not suggest there is no “group of houses” here. But Policy S5(1)(e) permits only limited infilling, and neither the Framework nor the development plan defines what infilling is. The term is used in Policy S5(1)(e) (“Limited infilling within groups of houses”), in the Green Belt policy at Policy GB7(1)(c) (“Limited infilling in villages lying within the Green Belt”) and, in a plan-making context, in Policy L1 (“infill development within residential curtilages”), but — as a search of the whole text confirms — it has no entry in the glossary at Annex B; the Mid Sussex District Plan likewise uses it in Policy DP6 without defining it in the glossary at its Appendix D. The meaning conventionally applied to the term is nonetheless a settled one, and the nearest examples are two adopted plans in the neighbouring Lewes district, which define “infill development” in materially the same terms:

“development of a vacant site in a substantially developed frontage or area” (Lewes Joint Core Strategy, Local Plan Part 1, adopted May 2016 by Lewes District Council and June 2016 by the South Downs National Park Authority, Appendix 1 glossary, page 134) and “The development of a vacant site in a substantially developed frontage or area” (Lewes Local Plan Part 2, adopted 24 February 2020, Appendix 1 glossary, page 120). I should be clear that those definitions do not govern this application — they belong to a neighbouring authority’s development plan, and I cite them only as nearby illustrations of the conventional meaning of a term this development plan leaves undefined. The Part 2 glossary indeed describes itself as “only an introductory guide to planning policy terminology”, which is precisely the use I make of it. On that meaning the question is whether this is a vacant site in a substantially developed frontage or area, and on the applicant’s own description of the place it is not. The Planning Statement describes The Street at paragraph 6.24 as “characterised by sporadic linear development of detached houses on large plots interspersed with trees and vegetation on the front boundaries”, the site itself at paragraph 6.23 as “an undeveloped meadow” and at paragraph 2.2 as “a grassed meadow which slopes downwards from the northern boundary to the south boundary”, and the land beyond the northern boundary at paragraph 2.3 as “agricultural land” and at paragraph 2.5 as “open fields”. To that I add only my own observation of the wide gaps, gardens and paddocks along this stretch. Sporadic linear development interspersed with vegetation, between a meadow and open fields, is not a substantially developed frontage. In fairness I should record that the applicant draws the opposite conclusion from the same paragraph 6.24, describing the site as “representing an in-fill development opportunity to fix the street scene”; but that is the characterisation in issue, whereas the descriptive words around it are common ground. A dwelling here would extend built form into open land rather than fill a vacant plot within a substantially developed frontage; and since the Framework leaves “limited” undefined too, whether infilling on this scale is “limited” is a matter of judgment on the facts, on which both the width of the gap between the two flanking dwellings and the depth of the site tell against the agent’s characterisation. On the application material, that the proposal is “limited infilling” within S5(1)(e) is at the least not made out.

The development plan’s own infilling provisions are in any event confined to the built-up area. Policy DP6 permits infilling “within towns and villages with defined built-up area boundaries,” and Bolney Neighbourhood Plan Policy BOLH2 governs “all residential infill and backland development within the built-up area of Bolney.” This site lies outside that boundary — as the applicant’s Planning Statement admits — and is not contiguous with it, failing limb (2) of Policy DP6 on the District Plan’s own glossary definition of “contiguous” (“sharing a common border, touching”). For development-plan purposes it is therefore not infill within the built-up area, but development in the countryside, to be assessed under Policy DP15. I note that the Bolney plan is now more than five years old; that costs it only the enhanced protection in Policy S6(1), and, as a made neighbourhood plan, Policy BOLH2 remains part of the statutory development plan and — being consistent with the Framework’s restrictive approach to development outside settlements — is not to be given reduced weight under Annex A(2) simply because it pre-dates this Framework, a sentence which footnote 67 to that Annex confirms applies to “policies in made neighbourhood plans”; the settlement-boundary and countryside case here rests in any event principally on the adopted District Plan Policies DP6, DP12 and DP15 and on Policy S5. And were the Council to conclude that these scattered dwellings do not amount to a “group of houses” at all, the site would then be an isolated home under Policy S5(3), assessable

only under Policy HO11, whose limited categories (an essential rural-worker need, heritage enabling development, the reuse of a redundant building, the subdivision of an existing dwelling, or a design of truly outstanding quality) are not met.

Policy S5(1)(j) — the unmet-need gateway is not passed: neither element of its qualifying criterion is met.

Even if the Council's five-year housing land supply position opens Policy S5(1)(j) for consideration, the gateway carries its own qualifying criterion, which the agent sets out but does not address. Limb (j)(i) requires the development to "Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure". I accept that "physically well-related" is a looser test than the development plan's contiguity requirement, so the failure under Policy DP6 does not decide it. But this site is not physically well-related to Bolney on any reading. It lies outside the built-up area boundary and is physically separated from it, sitting off a spur near the end of an unmade private track; it reads as part of the open countryside rather than as part of Bolney's built form. That separation is compounded by the site's practical inaccessibility: the private track is poorly maintained and frequently waterlogged — as the photograph in my objection shows — and has no footway and no lighting; from my own observation of it in winter it also ices over. Occupiers would be reliant on the private car, which is materially the basis on which DM/25/2569 was refused: the officer's delegated report on that application concluded that "the rural location of the site and the poor bus service will result in unsustainable transport patterns arising from the increase in private car movements to and from the site in conflict with Policy DP21 of the MSDC District Plan and the aims of the NPPF". That is the first element of the limb.

The limb has a second element, which the agent also quotes and also leaves unaddressed: the development must "be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure". I should say at once what I do not argue. One dwelling is the smallest scale of development there is, and I do not suggest that it would exhaust the capacity of any service. But the element is not only about capacity; it asks about the availability of infrastructure, and at this location the infrastructure a dwelling depends on is either absent or, on the applicant's own material, unresolved.

The access is the clearest instance, and here too the applicant's own description is the starting point: the Planning Statement records at paragraph 2.2 that the site "is bound to the south by a farm track known as The Street, which is also used for both vehicular and pedestrian access to the Site". The site is reached by that unmade, unlit private track, which has no footway, from which the Council has already withdrawn the garden waste collection and with the site on a spur that the refuse vehicle does not enter at all; it has no turning provision on a dead-end route far exceeding the 20 metres beyond which Approved Document B requires one ("Dead-end access routes longer than 20m require turning facilities", Approved Document B (Fire safety), Volume 1: Dwellings, 2019 edition incorporating the 2020, 2022 and 2025 amendments, paragraph 13.4), and no fire and rescue service access assessment has been provided — I have searched the submitted documents, and none of them refers to the fire and rescue service, to a fire appliance, or to fire service access. Drainage is the second. Foul disposal is not merely undecided but unstated, and the applicant says so: the Planning Statement records at paragraph 6.60 that "[n]o details of foul drainage have been provided at this stage of the application as it is considered that this could be addressed by a suitably worded planning condition prior to occupation of the development". Consistently with that, the application form has "Unknown" ticked both for how foul sewage is to be disposed of and for whether a connection to the existing drainage system is proposed, and no confirmation from Southern Water, or from any other sewerage undertaker, appears anywhere in the submitted documents. Surface water is in a similar position, and the applicant's own Surface Water and SuDS Assessment shows why. It applies the drainage hierarchy, leaves the first of its three limbs unconfirmed and excludes the second outright: infiltration "may be feasible at the site", but "would need to be confirmed through site-specific infiltration testing undertaken in accordance with BRE Digest 365", there being no BGS borehole records "available in the vicinity of the site"; and discharge to a watercourse is ruled out, because "[t]here are no watercourses in the immediate vicinity of the site for direct connection of surface water". That leaves the third limb, on which the Assessment says only this: "Given the potential feasibility of infiltration drainage, discharge to a surface water sewer is not presently considered necessary and would represent a lower priority option within the drainage hierarchy." That is not a statement that a surface water sewer is available; it is a statement that the question was not reached, because infiltration was assumed — and infiltration is the very thing the Assessment says remains to be confirmed. I do not assert that none exists: I have not obtained the sewerage undertaker's public sewer map, and I say so rather than assume it. The point is narrower, and it is the applicant's to answer. If the infiltration testing does not support an infiltration-led scheme, the submission identifies no means by

which this site can be drained at all. The applicant's answer to both matters is a condition: the Assessment considers it "reasonable that infiltration testing and detailed drainage design could be secured through an appropriately worded planning condition", and the Planning Statement proposes the same course for foul drainage. Whatever the merits of that if permission were to be granted, it does not answer the question limb (j)(i) asks, which is whether the infrastructure is available: a condition is a means of resolving a matter later, not evidence that it can be resolved. On the second element of limb (j)(i), as on the first, the criterion is not shown to be met. Each of these matters is set out with its evidence in my objection.

The S5 balance the agent relies on in fact operates against the proposal.

The agent relies on the S5(1) test — which provides, of development within one of its listed categories, that these "should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework" — but omits Policy S5(2). Policy S5(2) provides that the circumstances in which the benefits are likely to be substantially outweighed "include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances." Two points follow, and I put them separately because they are of different strengths. First, and whatever view is taken of any individual policy, that list is expressly not closed: the adverse effects identified in my objection fall to be weighed under Policy S5(1) whether or not a refusal-directing policy is engaged. The agent's note does address that balance, but only by asserting its outcome — that "there would not be any adverse effects that would substantially outweigh the benefits of the proposals" — on the strength of a planning balance exercise carried out under the previous Framework and not re-performed under this one, and without reference to Policy S5(2) at all. An assertion of the conclusion is not the exercise. Second, one refusal-directing policy is engaged. Policy N2(2) provides that "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused." Place Services, the Council's ecological adviser, has issued a temporary holding objection because it is "not satisfied that there is sufficient ecological information available for determination of this application", so the Council cannot presently be satisfied which limb of Policy N2(2) is met. That holding objection still stands. Filtering the document list for this application on the Council's public register by document type "Consultation response" returns five entries out of forty-one — Street Naming and Numbering (23 June 2026), WSCC Highways (6 July), the Tree Officer (10 July), Place Services (15 July, the response itself dated 14 July) and Bolney Parish Council (22 July) — and no consultation response has been added since 22 July 2026. I checked the register on 1 September 2026 and give the filter so that the Council can reproduce it. I should be clear about what I do not say. I do not say that Policy N4 directs refusal here: Policy N4(2) directs the refusal of major development within a Protected Landscape, which this is not, and Policy N4(4), which governs development in the setting, contains no direction to refuse. Nor do I say that the heritage policies direct refusal: Policy HE6(5) does so only where the harm is substantial or amounts to total loss, and the harm identified by the Council's Conservation Officer is not of that order — the applicant's own Planning Statement records that officer's pre-application comments, under the edition of the Framework then in force, as placing the harm at "the lower end of less than substantial harm" (paragraph 6.32, and to the same effect at paragraph 4.3). That label no longer appears in the August 2026 Framework, under which the harm falls to be characterised under Policy HE5(2)(c); "substantial harm" is there reserved for harm which "would seriously affect a key element of the asset's significance", which this is not. What those policies do is require that the harm be given real weight in the Policy S5(1) balance — Policy HE6(1) requires that "substantial weight should be given to the asset's conservation", Policy HE6(3) makes any harm to a designated heritage asset "a matter of considerable importance and weight", Policy N4(4) requires development in the setting of a Protected Landscape to be "sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape", and sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 add a statutory duty to which the Court of Appeal in Barnwell Manor attached considerable importance and weight. So even if the site were accepted as infilling within Policy S5(1)(e), that would not carry the application: the S5(1) balance still has to be struck, and on the Council's own advisers' evidence it is not struck in the applicant's favour.

Finally, if — as I contend — the proposal falls within none of the S5(1) categories, Policy S5(4) provides that development proposals which do not fall within one of the categories set out in that policy "should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement." That is a demanding test which expressly weighs the very harms this proposal causes — harm to the

character of the countryside, and car-dependency — against it. No exceptional circumstances have been demonstrated.

Conclusion.

Read as a whole, and applying paragraphs (1) to (4) together, Policy S5 does not favour this application. Whether or not the site is characterised as infilling, approval under Policy S5(1) still requires the benefits to survive the balance that policy sets, and Policy S5(2) makes clear that the circumstances in which they will not are “not restricted to” the cases it names; the harm to the High Weald National Landscape and to the settings of the designated heritage assets weighs in that balance, and the refusal-directing policy that is engaged, Policy N2(2), cannot presently be shown to be satisfied. The development plan’s own infill provisions do not, in any event, reach a site outside the built-up area boundary. I would ask that the agent’s note be treated accordingly, and that the “limited infilling” question, both elements of the limb (j)(i) qualifying criterion, the operation of Policy S5(2), the Policy S5(3)/HO11 position and the Policy S5(4) test all be addressed expressly in the officer’s report. My substantive objection of record is unaffected and is, if anything, reinforced by the new Framework.

Sources relied upon

Each source below is cited in the version currently in force.

National Planning Policy Framework, 17 August 2026 edition: Policies S3(1), S4, S5(1)–(4), S6(1), GB7(1)(c), L1, HO11(1), N2(2), N4(2) and N4(4), HE5(2)(c), HE6(1), HE6(3) and HE6(5), and Annexes A(2) (with its footnote 67) and B (glossary, “Settlement”).

Approved Document B (Fire safety), Volume 1: Dwellings, 2019 edition incorporating the 2020, 2022 and 2025 amendments: paragraph 13.4. (The copy held also shows the forthcoming 2026 and 2029 amendments, which take effect on 30 September 2026 and 2 September 2029 and do not affect paragraph 13.4.)

Mid Sussex District Plan 2014–2031 (adopted 28 March 2018): Policies DP6, DP12 and DP15, and the Appendix D glossary definition of “contiguous”.

Bolney Neighbourhood Plan (made September 2016): Policies BOLBB1 and BOLH2.

Lewes Joint Core Strategy (Local Plan Part 1, adopted May 2016 by Lewes District Council and June 2016 by the South Downs National Park Authority), Appendix 1 glossary, page 134 — cited only as an illustration of the conventional meaning of “infill development”, and forming no part of the development plan for this site.

Lewes Local Plan Part 2 (adopted 24 February 2020), Appendix 1 glossary, page 120 — cited on the same basis.

Planning (Listed Buildings and Conservation Areas) Act 1990, sections 66 and 72.

Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] EWCA Civ 137.

Mid Sussex District Council decision notice, DM/25/2569 (Land north of Jeremys Cottage, Jeremys Lane, Bolney), 30 July 2026, reason 1; and the officer’s delegated report on that application, recommendation dated 28 July 2026.

Place Services (ecology) consultation response on this application, 14 July 2026.

Mid Sussex District Council public register entry for this application, pa.midsussex.gov.uk — application summary and document list, checked 1 September 2026.

Note from Charlotte Tate (Bidwells) to the case officer, 25 August 2026.

Applicant’s Planning Statement (Bidwells) for this application, paragraphs 2.2, 2.3, 2.5, 4.3, 6.23, 6.24, 6.32, 6.60 and 8.3.

Applicant’s Surface Water and SuDS Assessment (Rev 1) for this application, its drainage hierarchy section.

Application form for this application, the Foul Sewage section.

All factual matters set out above are stated to the best of my knowledge and belief.

Yours sincerely,

[REDACTED]

Weald Chase
The Street
Bolney
West Sussex
RH17 5PF

[REDACTED]

Dear Mr Watt,

I am writing about a procedural point on the above application (also for DM/26/0764 - Proposed single dwelling (self/custom build) at Land at Franc Jean Farm, The Street, Bolney).

A number of the representations already on the file — including my own — were submitted before the revised National Planning Policy Framework came into force on 17 August 2026. They therefore refer to the previous (December 2024) edition: its paragraph numbering, and in particular the “tilted balance” at paragraphs 10–11 and the footnote-7 refusal triggers. That edition has since restructured national policy into coded policies within themed chapters (for example the location-based presumption at S3–S6, heritage at HE4–HE10, the natural environment at N1–N6), and some of the mechanisms have changed in substance and not merely in numbering.

I should be grateful if you could let me know how the Council wishes these earlier representations to be handled. Specifically, will your report simply apply the current Framework to the points already made, or would you prefer objectors to submit updated representations recoded to the August 2026 edition?

For my part, I have already revised my objection to reflect the current edition and find that the new NPPF strengthens the objection further. I am happy to submit the updated version if that would assist the Council, or to leave my original representation on the file if you will be applying current national policy to it in any event — I would simply prefer to follow whichever course is most useful to you and avoids duplicating material on the register.

If updated representations would be helpful, please also let me know of any date by which you would need them.

Thank you for your assistance.

Yours sincerely,

[REDACTED]

[REDACTED]

Dear Mr Watt,

I am writing further to my objection to the above application, and to my earlier note about infiltration testing on the site (which involved ground disturbance by tracked vehicles excavating and filling trenches, flattening modified grassland, and causing noise/vibration).

On 14 August 2026, reptile surveying appears to have begun on the application site. I am concerned that the conditions at this date (and subsequent to the infiltration testing) make the survey unreliable, and I would ask the Council to take this into account.

14 August fell during the fifth heatwave of the year and a confirmed drought. The UK Health Security Agency had an amber heat-health alert in force across the South East that day, with temperatures forecast to reach 37°C, and the Environment Agency had placed much of England, including this area, into official drought. These are not suitable conditions for a reptile survey. Standard survey methodology — Froglife’s guidance and the ARG-UK/ARC survey protocol, reflected in Natural England’s “Reptiles: advice for making planning decisions”, on which Place Services’ holding objection expressly relied — requires cool-to-moderate conditions (broadly 9–18°C, dry, low wind, at the cooler parts of the day), because reptiles are detected while basking on or under sun-warmed cover. In extreme heat they do not use refugia that have become too hot; they retreat into deep, cool refuges and become inactive, so detectability collapses and the survey systematically under-records their presence. A survey in such conditions cannot reliably establish presence, and certainly cannot establish likely absence — which in any event requires a series of visits in suitable conditions across the season, not a single visit.

This also follows immediately after the infiltration testing on the site (reported in my earlier note), which flattened, vibrated and compacted the modified grassland and any log piles that support reptiles. A heatwave survey of already-disturbed habitat cannot represent the site’s true reptile interest, nor the pre-disturbance baseline relevant to Biodiversity Net Gain.

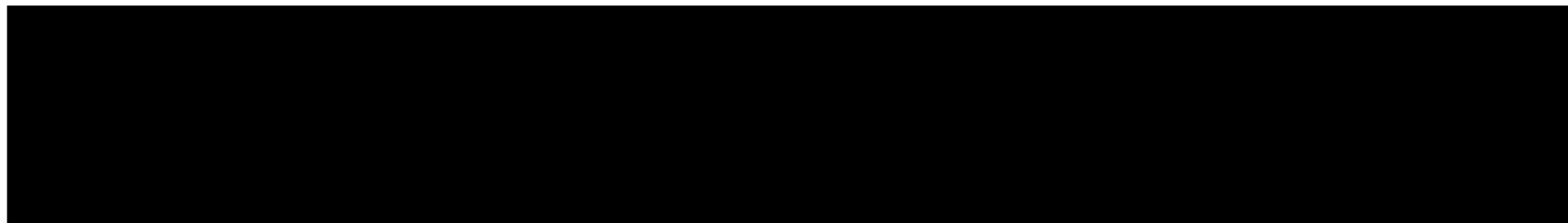
I would therefore be grateful if the Council, in consultation with Place Services, would:

1. record the date and conditions of the survey on the application file;
2. give no weight to any reptile survey undertaken in these conditions;
3. require the outstanding reptile survey to be carried out and assessed in accordance with the Natural England Standing Advice and the ARC survey protocol — in suitable seasonal and weather conditions, by a competent ecologist, using appropriate survey effort, and against the condition of the site before the recent disturbance; and
4. confirm what reptile survey information will be required, and that no determination will be made until it has been provided and assessed.

Yours sincerely,


Weald Chase
The Street
Bolney
West Sussex
RH17 5PF

Sent with [Proton Mail](#) secure email.


Dear Mr Watt,

Could you let me know please the date that the consultation period for DM/26/1477 has been extended to?

Infiltration testing was apparently performed on the 23rd/24th July, in the midst of a declared drought (as it also was for DM/26/0764). If the applicant uses the results from this testing to attempt to support the application, I will be challenging their use, so need to know when the consultation is due to end.

BRE Digest 365 (Soakaway design) and the CIRIA SuDS Manual (C753) require infiltration to be assessed against worst-case conditions, including the highest expected (winter) groundwater level and representative antecedent soil wetness. The site lies on Weald Clay, a shrink-swell soil. In prolonged dry weather this clay desiccates and cracks, opening preferential flow paths (fissures and macropores) down which test water drains rapidly, producing an artificially high infiltration rate. When the clay re-wets in autumn and winter it swells, the cracks close, and infiltration collapses towards zero. A test carried out in dry conditions therefore records a rate that does not exist when the soakaway must actually perform.

These requirements are reflected in national standards the applicant must satisfy. The Department for Environment, Food & Rural Affairs' National standards for sustainable drainage systems (SuDS) (updated 30 July 2025) provide, at standard 4.16.2: "The design of systems which discharge surface water runoff to ground should accommodate wet winter conditions and evidence from groundwater records at or in the vicinity of the site should be used to demonstrate the maximum likely groundwater levels. This should include sufficient data collected to demonstrate seasonal groundwater levels to inform the assessment and design." Standard 4.16.1 further requires, for systems wholly relying on infiltration, "a minimum depth of unsaturated ground of 1m between the base of any infiltration feature and the maximum likely groundwater level." A BRE 365 test carried out in July, during a declared drought and at the seasonal low point of the water table, satisfies none of these requirements: it does not accommodate wet winter conditions, yields no seasonal groundwater data, and cannot demonstrate the required unsaturated depth above the maximum likely (winter) groundwater level.

Regards,

[Redacted signature]

Sent with Proton Mail secure email.

[Redacted block]

**Re: Planning Application DM/26/1477 — Land
Adjacent to Nightingales, The Street, Bolney —
report of site disturbance affecting outstanding
ecological surveys**

Dear Mr Watt,

I write further to my objection to the above
application to report site activity that bears directly
on the outstanding ecological survey requirements
and on the temporary holding objection issued by

the Council's ecological adviser, Place Services, on 14 July 2026.

On 23 July 2026 and continuing today on 24 July 2026, persons apparently acting on behalf of the applicant commenced excavation on the application site, apparently in order to undertake BRE 365 infiltration / drainage testing. The works have involved tracked plant which has flattened and compacted a larger area of the site than the excavation itself, together with associated noise, dust and vibration.

This concerns me because the site remains subject to outstanding survey requirements and to Place Services' holding objection, which requires the results of reptile surveys before the application can be determined. The habitat the Preliminary Ecological Appraisal identifies as supporting reptiles — modified grassland and log piles — is precisely the habitat that tracked plant flattens and compacts. The disturbance may therefore:

- (i) prejudice and undermine the required reptile survey, by altering the habitat that survey must assess in its baseline condition;
- (ii) risk offences in respect of reptiles (section 9, Wildlife and Countryside Act 1981), great crested newts and other European Protected Species that use log piles and rough grassland as terrestrial refuges (regulation 43, Conservation of Habitats and Species Regulations 2017), nesting birds (section 1, Wildlife and Countryside Act 1981, given the season), and badgers (section 3, Protection of Badgers Act 1992, given the vibration and tracking);
- (iii) damage the root protection areas of boundary trees through soil compaction, contrary to the submitted Arboricultural Method Statement and Tree Protection Plan; and
- (iv) compromise the pre-development habitat baseline for mandatory Biodiversity Net Gain, noting that the biodiversity metric assesses pre-development value disregarding any degradation of habitat (so that such works cannot reduce the net-gain obligation).

I would be grateful if the Council would:

- (v) record and investigate this activity;

(vi) ensure that the outstanding surveys (reptiles in particular, and any others required) are undertaken and assessed on the basis of the habitat as it was prior to this disturbance, and that the Biodiversity Net Gain pre-development baseline is established under the degradation provisions;

(vii) refer this matter to Place Services and, if appropriate, to the Council's planning enforcement team; and

(viii) make no determination on the application until the outstanding survey information required by Place Services is available, consistent with its holding objection.

I would be grateful if you could confirm receipt and let me know how these matters will be addressed.

Yours sincerely,

[Redacted signature]

Sent with [Proton Mail](#) secure email.

[Redacted signature]

Hi Andy,

Given that the deadline is today, this should be the final version of my objection to DM/26/1477 (unless the consultation period is extended). Please use this in place of earlier versions. Amongst other tweaks, it has been updated in response to the WSCC Highways consultation response (desk-based study, the remit of which does not include the private track) that appeared online today.

Many thanks,

[Redacted signature]

Weald Chase
The Street
Bolney
West Sussex
RH17 5PF

Sent with [Proton Mail](#) secure email.

On Friday, 3 July 2026 at 13:10,

[REDACTED]
wrote:

Hi Andy,

Apologies -
spotted some
errors in my
objection letter, so
have updated.
Please apply this
version instead.

Many thanks,

[REDACTED]
Weald Chase
The Street
Bolney
West Sussex
RH17 5PF

Sent with Proton
Mail secure email.

On Thursday, 2
July 2026 at

[REDACTED]
Hi
An
dy,

Fur
the
r to
my
ear
lier
inv
alid
atio
n
req
ues
t
reg
ard
ing
DM
/26
/14
77,

ple
ase
find
att
ach
ed
my
obj
ecti
on
lett
er
for
the
sa
me
pla
nni
ng
ap
plic
atio
n.

Co
uld
you
con
fir
m
rec
eipt
ple
ase
.

Ma
ny
tha
nks
,

Joh
n
Har
dm
an
We
ald
Ch
ase
Th
e
Str
eet
Bol
ney
We
st
Su
sse
x

RH
17
5P
F

Se
nt
wit
h
Pro
ton
Mai
l
sec
ure
em
ail.

On
Tu
es
da
y,
23
Jun
e
20
26
at
10:
40,
Joh
n
Ha
rd
ma
n
<js
har
dm
an
@
pr
oto
n.
me
>
wr
ote
:

H
i
A

ndy,
,
Please find attached a letter requesting that DM / 26 / 1477 be invalid

indicated as a result of multiple material errors within the application

c
u
m
e
n
t
s
.
C
o
u
l
d
y
o
u
c
o
n
f
i
r
m
r
e
c
e
i
p
t
p
l
e
a
s
e
a
n
d
l
e
t
m
e
k
n
o
w
w
h
a
t
i
s
d
e
c
i
d
e
d
a

s
a
r
e
s
u
l
t
?
I
w
i
l
l
b
e
s
e
p
a
r
a
t
e
l
y
p
r
o
v
i
d
i
n
g
a
n
o
b
j
e
c
t
i
o
n
t
o
t
h
i
s
p
a
r
t
i
c
u
l
a
r

proposal, but will hold off submitting it until that time while waiting

t
o
s
e
e
i
f
t
h
e
a
p
p
l
i
c
a
t
i
o
n
i
s
i
n
v
a
l
i
d
a
t
e
d
(
a
n
d
r
e
s
u
b
m
i
t
t
e
d
o
n
c
e
c
o
r
r
e
c
t
e
d

)
.
M
a
n
y
t
h
a
n
k
s
,
J
o
h
n
H
a
r
d
m
a
n
W
e
a
l
d
C
h
a
s
e
T
h
e
S
t
r
e
e
t
B
o
l
n
e
y
W
e
s
t
S
u
s
s
e
x
R

H
1
7
5
P
F

S
e
n
t
w
i
t
h
P
r
o
t
o
n
M
a
i
l
s
e
c
u
r
e
e
m
a
i
l
.