APPPLICATION NO: 24/02765/OUT
Location: Land North of Town Station Cottages, Forge Croft Edenbridge Kent TN8 5LR

NEDRA have reviewed the following documents relating to the Flood Risk Assessment:

- **FLOOD_RISK_ASSESSMENT_PART_1__MAIN_REPORT_-3650239**
- **FLOOD_RISK_ASSESSMENT_APPENDIX_A_PART_1-3 and APPENDIX B**
- **FLOOD_RISK_ASSESSMENT_APPENDIX_C_D_E-3650233**
- **FLOOD_RISK_ASSESSMENT_APPENDIX_GH_3650230**
  FLOOD_RISK_ASSESSMENT_APPENDIX_I_3650229
- **FLOOD_RISK_ASSESSMENT_APPENDIX_J-3650228**

We object to the revised planning application and would like to make the following comments:

The location directly borders the River Eden and sits within Flood Zone 2 and 3, requiring both Sequential and Exception Tests under the National Planning Policy Framework. Can the LPA supply evidence that these tests have been undertaken, either during the initial outline planning permission being granted or now? There are clearly other sites available as evidenced by the last Regulation 18 of the 2040 local plan. **To say that where the homes will be built does not sit in the flood zone is disingenuous as the whole site is surround by water and the developers' own drawings show how close the flood zones are to the development (see FLOOD_RISK_ASSESSMENT_APPENDIX_J-3650228**).

Developer comments on feedback from the Environment Agency are misleading. The covering letter (COVERING_LETTER-3650208) states '*We trust that the support for the proposal from the Environment Agency gives comfort….*', **failing to point out that this is based on <u>eight pages</u> full of conditions required to gain that support (24_02765_OUT-ENVIRONMENT_AGENCY-3622412).** This is reiterated again in their response 14 February. KCC Lead Local Flood Authority also support the Environment Agency and reference the stringent conditions which need to be met.

The updated masterplan has increased the density of development leading to a greater impermeable surface area. The assessment suggests that the adjusted attenuation measures will adequately handle the additional runoff, yet there is **no detailed evaluation of the long-term sustainability of this approach**. We seek further evidence that these adjustments will not create **cumulative flood risks**, particularly under prolonged heavy rainfall scenarios.

The report highlights Hydro-Brake® Optimum systems as a key flood mitigation measure, slowing down water release during storms. However, there is no clarity on **what happens if these devices become blocked, fail, or operate inefficiently over time**. Maintenance responsibilities and contingency measures in the event of system failure should be clearly defined.

The report does not specify who will be responsible for maintaining the SuDS features, attenuation basins, and flood mitigation infrastructure. If these systems are neglected or fail over time, the risk to both new and existing properties will increase. We request confirmation on **whether the Local Authority, a management company, or another entity** will take on this responsibility and how compliance will be enforced. Who will pay for this? Will it fall on residents of the new development?

Many of the flood mitigation measures are deferred to later design stages. This **delays accountability** and reduces scrutiny of essential flood management strategies. The Upper Medway Internal Drainage Board has raised concerns about surface water drainage impacting on surrounding areas. We request that **all flood risk mitigation measures be fully detailed and approved at this stage** to prevent risks from being overlooked or minimised later in the process.

The technical flood maps demonstrate overlapping flood risks that require robust assessment and mitigation. The site experiences high fluvial flood risk from the River Eden, lies within an area of significant surface water flood risk **and has documented historical flooding**.

There is a 600mm diameter pipe which routes surface water from Edenbridge town into a ditch on the development site. This ditch looks like it is within the proposed Public Open Space and Ecology Enhancement area. The ditch runs across the site to Skinners Lane and is between the proposed school building and MUGA on the Illustrative Proving Masterplan. This is a source of flooding for the site. It is also an important flood management asset for the town, which must not be compromised.

There is no independent verification of the flood modelling in the report. The assessment's limited consideration of climate change impacts to 2050 and absence of clear long-term maintenance responsibilities for flood infrastructure **raise concerns about the development's long-term sustainability**. The FRA adopts a 45% climate change allowance for the 2050s, however, the question remains: **is 45% enough, given how extreme recent weather events have been?**

The use of broad hydrological models may overlook localised flooding patterns and site-specific water flow dynamics. The fact the ponds keep appearing and disappearing on the various maps that have been supplied by the developer each time there is a change to the documents on the planning portal is concerning.

The Environment Agency states that no development should be outside of Flood Zone 1. **APPENDIX_J-3650228 -** the homes look perilously close to the flood water. The school Rugby field looks like it would be unusable in flood conditions and some roads and footpaths are within flood areas. Do the developers plans truly meet the Environment Agency conditions and who is responsible if these plans prove to be wrong? What will happen to those people who move in, are flooded, and can no longer access flood insurance?

This site is covered with numerous existing ponds, streams, and areas of marshy ground, showing it is a naturally water-rich environment that plays an important role in flood management. It will require significant intervention to make the site viable. As detailed in the **Agricultural Land Classification and Soil Resources by Reading Agricultural Consultants** the soil is largely heavy soil over clay with extremely challenging drainage issues.

Conclusion

We strongly oppose the granting of further planning permission due to the unsustainable and uneconomic nature of the proposed flood risk management measures. While mitigation strategies are acknowledged, they do not eliminate the risk of flooding and lack a clear, long-term maintenance and management plan. Without firm commitments and contingencies, there is a significant risk of these measures deteriorating over time, ultimately increasing flood vulnerability. Given the necessity for sustainable, long-term flood risk management, the current proposal fails to provide sufficient assurance for the lifetime of the development.

The application also does not adequately address the concerns of residents about the cumulative impact of these Flood Risk Measures and the implications they might have for people and properties along the River Eden.

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APPPLICATION NO: 24/02765/OUT
Location: Land North of Town Station Cottages, Forge Croft Edenbridge Kent TN8 5LR

NEDRA have reviewed the following documents relating to the Ecological Impact Response:

- **TREE_REPORT_OVERVIEW-3650215**
- **ARBORICULTURAL_IMPACT_APPRAISAL_AND_METHOD_STATEMENT-3650216**
- **TREE_PROTECTION_PLAN_A-3650218**
- **TREE_PROTECTION_PLAN_B-3650219**
- **TREE_PROTECTION_PLAN_C-3650220**
- **TREE_PROTECTION_PLAN_D-3650222**

We object to the revised planning application and would like to make the following comments:

The proposed removal of Category A Oak trees T114 and T118, along with sections of group G27, are extremely concerning.

Research in this study 'Ecological implications of oak decline in Great Britain' (link: https://cdn.forestresearch.gov.uk/2021/05/frrn040.pdf) states the following:

"*In total, **2300 species were found to be associated with oak**, consisting of 38 bird species, 229 bryophytes, 108 fungi, 1178 invertebrates, 716 lichens and 31 mammals. Of these 2300 species, 326 were obligate species (found only on oak), consisting of 57 fungi, 257 invertebrates and 12 lichens (Figure 1). Examples of **oak obligate** species include the moth's oak lutestring, great oak beauty and oak nycteoline; the fungi oak polypore, oak leaf blister and oak mildew; and the lichens Arthonia byssacea, Calicium adspersum and Sclerophora farinacea. **There were 229 species classified as highly associated with oak** (i.e. rarely found on other tree species), consisting of 51 fungi, 104 invertebrates and 74 lichens, for example, the beetle's oak leaf-roller, cobweb beetle and twig cutter. In total, **555 obligate and highly associated species** were considered to be most at risk from a decline in oak as they do not use, or rarely use, other tree species*."

Obligate means that these species depend entirely on Oaks for survival.

The oak is often referred to as a **'keystone species'** in British ecology precisely because it supports such a complex web of life. **Each mature oak is effectively its own ecosystem**.

This is why their protection category (A) is so high and why their Root Protection Areas (RPAs) are calculated so carefully - **they're not just individual trees but entire habitats in themselves**.

Of further concern is the impact on tree group G27, described as a "prominent, key landscape feature" comprising Oak, Ash, and Field Maple with valuable understorey. Where there will be a loss of habitat connectivity, impact on protected species that might use the understorey, reduction in biodiversity and loss of natural woodland structure.

While we understand that only some sections of this group are impacted, the assessment lacks sufficient detail about exactly which sections will be removed and how the remaining trees will maintain their collective landscape value. The document's assertion that "*the overall character and visual appearance of the group aspect will be retained*" requires **more robust justification** given the acknowledged prominence of this feature in the local landscape.

The cumulative impact of numerous other tree and Hedgerow removals on site ecology and wildlife habitat appears to have been understated. The assessment's characterisation of these impacts as "*short term*" **fails to acknowledge the decades required for replacement planting to provide equivalent ecological and amenity value**. Of particular concern is the impact on wildlife corridors and habitat connectivity, **which has been given minimal consideration in the assessment**.

The proposed mitigation measures require more detailed elaboration. While the document refers to "*new high-quality landscaping and tree planting*," it lacks specific details about species selection, planting locations, and the time required for these new plantings to establish and provide meaningful mitigation.

The report's claims about "*no significant adverse impact*" on visual amenity and landscape character is very much missing the point. **This is not merely a matter of visual amenity or landscape character; to frame it as such overlooks the significant ecological damage that will result**.

There is concern that protection measures during the construction phase might fail to be implemented, and trees that should remain will either be removed or damaged. We do not believe that the supervision and enforcement of protection measures will be robust enough. Failure to enforce protection measures on the Spital Cross Estate Development, 24 June 2024 is an illustration of this. Trees were removed, complete with breeding birds. These were trees which were not supposed to be touched on the plan. The enforcement agency was unable to protect these trees, and we have not been made aware of any penalties being imposed following this ‘mistake’.

The proximity of the remaining trees to the development raises concerns as to their long-term viability. Will there be pressure from future residents to have trees removed? If all remaining trees are protected by TPOs will these protections be enforced?

The effectiveness of replanting is uncertain, particularly in the short term. Losses are common when young saplings fail to establish. Who will pay for the long-term management and replacement of these should they fail?

The removal of trees will have further negative implications for drainage on soil that is already prone to flooding and water logging. Trees play an important role in the mitigation of flood risk and carbon sequestration.

The BNG loss, which has not been mitigated adequately on site, needs to be addressed. More can be done to protect these mature trees and ensure replacements are of higher quality and maturity. The saplings will take decades before they can adequately replace the ecological value of existing mature trees.

Conclusion

We strongly object to this application. Category A Oak trees are irreplaceable veteran trees and must be protected. The use of immature saplings to replace mature trees is not '*like for like or better'* their loss will disrupt biodiversity, habit connectivity and flood mitigation. It will also create loss of breeding areas for protected bats, birds, and other species.

More can be done to protect these trees and to provide more mature replacements.

Enforcement of protection measures on previous sites have been unreliable, with supervision and monitoring totally under resourced, leaving wildlife, biodiversity, and landscape integrity vulnerable to damage and destruction.

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APPPLICATION NO: 24/02765/OUT
Location: Land North of Town Station Cottages, Forge Croft Edenbridge
Kent TN8 5LR

NEDRA have reviewed the following documents relating to the BNG Assessment:

- **BNG_ASSESSMENT-3650248**
- **BNG_METRIC_CALCULATION_TOOL-3650242**

We object to the revised application and would like to make the following comments:

Uncertainty Around Habitat and SuDs Success:

*"For the purposes of the metric the grassland will reach moderate condition, but it would be **hoped** a higher condition **may** be achieved with the successful establishment of the seed mix."* (5.3 - Table 3)

"The majority of the grassland will be managed with the **aim** of achieving moderate condition." (5.5 – Table 4).

*"A series of SuDs will be created across the site which will **aim** to achieve good condition through meeting the conditions outlined."* (5.11 - Table 8)

The wording '**hoped,' 'may' and 'aim,' indicate a lack of conviction** that these interventions will work. These comments are not a scientific basis for a biodiversity strategy.

On vs. Offsite Biodiversity Net Gain

"These [off-site units] should either be within the same Local Planning Authority (Sevenoaks District Council) or National Character Area (Low Weald)." (6.2)

Without a guaranteed location, there is no certainty that biodiversity loss will actually be mitigated, and off-site habitat banks could mean biodiversity gains are located far from the development area, which **does not compensate for the ecological damage in Edenbridge**.

What happens if these, on-site, proposed biodiversity gains do not work? Who is **responsible and accountable** for long-term monitoring, maintenance, and management? The document mentions that habitats will be regularly managed and that there will be hedgerow maintenance but **falls short of saying who, when and how this will happen**.

It would appear that the mitigation measures involve scattering a few packets of wildflower seeds, planting some yellow rattle (how much and where is vague) mowing or not mowing areas and planting young immature saplings. Will this ultimately happen and how successful it will be is debatable. A recent survey by Sheffield University of 6000 dwellings and 42 developments across the country found that **only half of the Biodiversity measures were actually implemented**. **We are left with a huge deficit -38.09% and the trading rules clearly not satisfied.**

Assumptions About Natural Recovery

"The removal of sheep grazing across the site... will allow a natural riparian zone to develop." (5.16)

The claim assumes that removing sheep alone will restore the riparian zone, but **no active intervention or restoration measures are outlined**.

Missed Opportunities

It is clear from the documents that there is a negative Biodiversity Net Gain, however, the application does not demonstrate that enough has been done to **minimise the amount of offsite BNG and maximise the amount of onsite BNG**.

The Environment Agency in their response of the 16 December 24 stated that there were: "*missed opportunities to encourage additional biodiversity benefits through river restoration of the water course, which would encourage natural hydro morphological processes and further enhance the habitat*".

The tree planting proposed could have included more mature specimens to compensate for the loss of mature trees. Damage to the water courses could have been mitigated by better design of roads and footpath crossings to reduce encroachments and allow connectivity below them.

Overall Biodiversity Loss

There are significant biodiversity losses due to this development -38.09% overall.

Each habitat type supports **distinct communities of species** adapted to those specific conditions. Replacing them with a few hedgerows and watercourse work cannot replace lost habitats.

Net biodiversity must be assessed holistically, not just by counting certain habitat types. The system is flawed.

Moving Protected Species

How many times can a protected specifies be moved and survive? The site already has a receptor site for Great Crested Newts and reptiles established post 2011 when the Bray Road estate was built. This planning application now proposes they are accommodated either within the "*biodiversity improvement area or the grassland in the south-west corner of the site*." Just how much more disturbance to their habitats can be allowed and how is this enabling these protected species to survive? Damaging or destroying their breeding or resting places is a '*Wildlife Crime'*. How do the LPA think that the development of this site will not cause irreparable harm and loss of these species?

Loss of Priority Habitats

The site contains priority habitats and protected species. Close by are Local Wildlife Sites and Sites of Nature Conservation Interest, all interlinked with the site. Does the LPA not have a duty to protect these habitats and species within their biodiversity commitments. - 2006 Natural Environment and Rural Communities Act, section 41.

"...development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons" - NPPF – paragraph 193 (c)

There is an indisputable deterioration of irreplaceable habitats on this site and no 'wholly exceptional reasons' why they should be destroyed.

The Construction Phase

Any number of activities may potentially endanger the protected species (e.g. site clearance, demolition, construction). The building of this site will have a massive disturbance impact on priority habitats and protected species. Bats, birds, reptiles, and invertebrates are likely to lose their breeding, feeding and resting spaces.

Conclusion

The BNG Assessment and proposals lack ambition and a real desire to mitigate biodiversity loss on site. Much more could be done to improve the situation, but it would appear an easier option would be to buy credits off site. **This is totally unacceptable to the residents of Edenbridge and at the very least biodiversity gains should be made locally in Edenbridge**.

Much stronger commitments are required to ensure that BNG measures are carried out and existing on-site units are not further damaged or lost during the development phase.

Clear funding for ongoing landscape and biodiversity management is required and should be documented.

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APPPLICATION NO: 24/02765/OUT
Location: Land North of Town Station Cottages, Forge Croft Edenbridge
Kent TN8 5LR

NEDRA have reviewed the following documents relating to Agricultural Land & Soil Classification:

- **AGRICULTURAL_LAND_CLASSIFICATION_AND_SOIL_RESOURCES-3650214**
- **24_02765_OUT-ILLUSTRATIVE_PROVING_MASTERPLAN-3650211.pdf**

We object to the revised planning application and would like to make the following comments:

Land Classification and Soil

The study mentions slow permeability and seasonal waterlogging, which could impact surface water management if the land is developed.

The presence of clay-heavy soil, with poor drainage, raises concerns regarding foundation stability for potential developments. Could the soil swelling in wet conditions and contracting and shrinking in dry conditions cause foundation shifts leading to cracks in walls, floors, and ceilings? **What reassurances are there for future residents**. What is the developer doing to mitigate this risk?

Development on this soil could prove costly and risky. Will this lead to increased costs and the developer coming back with a variation agreement lessening affordable housing provision?

Factors such as **soil type, drainage, and wetness** are the key limitations affecting the land's agricultural potential. But **for the same reasons**, this is why development of this land may not be suitable.

The areas selected on the Illustrative Proving Masterplan show the playing fields and school in the worst areas for soil drainage G2 and G3, limited drainage, and poor drainage with water logging, respectively. There is an area close to the existing allotments (previously earmarked for more allotments) which is so wet for most of the year (heavy soils over Weald Clay G3) that any housing would be extremely vulnerable to subsidence and the gardens waterlogged. We suggested that this area would be best kept as an ecology area, but this has been ignored and development proposed for it.

This earlier classification does not distinguish between Subgrade 3a and 3b, potentially downplaying the land's agricultural importance (1.6). Why is that? Why would the developer want to downplay the land's agricultural value?

The fact that at the time of the survey, the grassland was intensively grazed with sheep suggests that the land is still **actively used for farming**, contradicting any assumption that it has low agricultural value.

This document confirms that most of the land (77%) is of moderate quality, which means it is not classified as BMV but still holds agricultural value (3.13).

Carbon Sequestration

On average a site of this size would sequester around **130–150 tonnes of CO_2 per year**, which will be lost if the land is developed.

The clay-heavy soil stores carbon and disturbing it will release stored carbon into the atmosphere.

BNG policies aim to enhance biodiversity, but this development removes an existing natural carbon sink.

Planting new saplings is not a like-for-like replacement, as it will take decades for new trees to match the CO_2 absorption of the existing ecosystem. A mature tree will sequester 10-20kgs CO_2 a year and a sapling less than 5kg CO_2 a year. To offset the loss of an average of 140 tonnes of CO_2 per year **the developer would need to plan between 7,000 and 14,000 trees and wait for them to grow to maturity which would take around a decade!**

This is before we **take into consideration the addition of 450 new homes**. If we take an average of 2 people per home that gives us a reasonable estimate of 900 people. The average person in the UK emits approximately 10 tonnes of CO_2 per year. **That would mean the site would be producing 9,000 tonnes of CO_2 a year.**

Conclusion

We oppose the revised application as it extends further into the floodplain near the River Eden. The site's soil composition is clearly problematic, being highly susceptible to flooding and waterlogging. We are concerned that the high costs of construction on such challenging terrain could lead to either cost-cutting measures or significant further modifications being sought after planning approval.

The development of this area is **diametrically opposed to the Government's legally binding target of reaching Carbon Zero by 2050** and the impact this will have on climate change, increased flooding, air pollution and urban over-heating.