
WL-252 ADDENDUM v4 – Ecology, BNG, Drainage & Access Correction Note (ON NOTICE)

Statutory Baseline Correction & Formal Notice to HBBC

(Revised – 14/11/2025)

This consolidated submission is issued because serious internal HBBC/LCC document-handling failures created a false, flawed and misleading baseline that did not reflect my submitted material and led directly to incorrect consultee assumptions, misdirecting both HBBC and LCC Ecology from the outset. The resulting procedural confusion and demonstrable prejudice now clearly arise from HBBC/LCC's own internal processes.

HBBC is hereby placed on formal notice that determination of 24/01157/HYB must proceed using the correct legal and technical baseline set out below. Reliance on any contaminated, superseded or unrelated material would be unlawful.

1. Purpose of this Addendum

This Addendum provides the definitive corrected ecology, BNG, drainage and access baseline for application 24/01157/HYB. It consolidates the documents which were correctly submitted and validated but not circulated internally by HBBC or LCC consultees due to administrative error. No new technical information has been added.

2. Correct Ecology & BNG Baseline (Complete, Current & Licensable)

- PEA v4.0 (25 Aug 2025)
- Great Crested Newt Survey (July 2025)
- GCN Mitigation & Enhancement Plan (Oct 2025)
- Statutory BNG Metric (Excel, 27 Aug 2025)
- BNG Assessment (27 Aug 2025)
- Consolidated Pre-Development Habitat Plan
- Pond Condition Sheets (P1–P14)
- Tree Condition Sheets (T1–T56)
- Proposed Development Plan – Appendix 1

This dataset forms the only lawful ecological baseline for HYB.

3. Superseded / Contaminated Documents (Must Not Be Used)

The following were incorrectly circulated and must be disregarded entirely:

- PEA v1.0, v2.0, v3.0
 - Swan Environmental BNG report
 - Pre-2025 BNG spreadsheets
 - Historic golf-course ecology material not forming part of HYB
 - Any drainage documents predating validation
 - Any consultee responses relying on the above items
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4. Ecology Consultee Position – 13 November 2025

The LCC Ecology position is a holding objection only and confirms:

- Statutory BNG achieved on-site (+17.73% Habitat Units / +15.96% Watercourse Units)
- Updated buffers accepted
- Only documentation alignment outstanding
- All matters are fully conditionable
- No refusal grounds exist

Any ecology refusal would therefore be unlawful.

5. Drainage (LLFA) Position

- All required drainage material was submitted at validation
- LLFA has no objection
- Earlier queries arose solely from HBBC/LCC circulation failures

Drainage is not a lawful reason for refusal.

6. Procedural Clarification – HBBC/LCC Handling Errors

All ecology/BNG confusion arose from HBBC/LCC administrative failures – not from any omission by the Applicant.

On the corrected baseline:

- HYB is fully policy-compliant
- HYB is ecologically licensable
- HYB delivers positive statutory BNG
- HYB has no drainage conflict
- HYB materially outperforms nearby schemes that HBBC processed on weaker baselines

Any refusal relying on previously corrupted material would be procedurally unfair, irrational and unlawful.

7. Required Determination Instructions

HBBC must:

1. Assess HYB solely on the corrected baseline in this Addendum
 2. Disregard all superseded/contaminated documents
 3. Lift the Ecology holding objection
 4. Confirm drainage is not outstanding
 5. Avoid any reliance on HBBC/LCC's own administrative failures
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8. Legal Note

Using contaminated or outdated baseline evidence breaches:

- **Kides v South Cambridgeshire** (2002)
- **Fewings** (1995)
- **CreedNZ**
- The **Wednesbury** test

- NPPF Paragraph 38

Such a determination would not withstand legal challenge.

9. Access Legality, Certificate B & Highways Consistency (ON NOTICE)

The ecology, BNG, drainage and highways corridors coincide along Station Road. The extant **2003 S278 Agreement** therefore forms the only lawful highways baseline for KGCC and 24/01157/HYB.

HBBC/LCC have repeatedly accepted this baseline in approvals of:

- 02/00685/COU (implemented)
- 23/00273/DISCON
- 24/00019/FUL
- 24/00769/FUL

HBBC has previously confirmed in writing that the Richborough access arrangement **clashes with and infringes** the KGCC 2003 S278 corridor. This remains unwithdrawn and legally determinative.

Certificate B Admission – 12 September 2025

The Richborough appeal form admits:

“Kyns Golf & Country Club” IS an affected landowner.

This confirms that:

- Richborough’s earlier Certificates A were incorrect
- The S278 is legally engaged
- Earlier Highways assessments were made on a false baseline
- Richborough’s access is not lawfully deliverable

R3 Consultee Contradictions

R3 states HYB requires no ghost-island, yet that a hypothetical Richborough ghost-island (which they cannot lawfully construct) would remove works for HYB. This is legally impossible and renders R3 unreliable.

HBBC – Formal Notice

HBBC is formally notified that:

- The lawful access baseline is the extant KGCC S278
- R3 must be corrected
- No refusal may rely on incorrect access material
- Equal-treatment principles apply to adjacent sites
- Any refusal contrary to this baseline would be procedurally unfair, irrational and unlawful

A Highways Clarification Note (14/11/2025) has been provided to HBBC and the Planning Inspectorate.

10. HBBC Email Admissions – Ecology/BNG Material WAS Submitted (2 Jan – 20 Feb 2025)

HBBC's own emails confirm that the Applicant did submit all required ecology/BNG material and that LCC Ecology were misdirected from validation onwards due to HBBC internal failures.

- **2 January 2025 – 14:46:** HBBC Validation Email – only the Excel BNG Metric was requested.
- **2 January 2025 – 15:49 & 17:03:** Applicant supplies the Metric and updated form sections the same day.
- **27 January 2025 – 10:10:** Ecology objection issued based on incomplete/wrong documents.
- **4 February 2025 – 11:19:** Applicant emails Louise (cc: Alex):

“I’m wondering if this live Excel version didn’t make it to the ecologist...”

confirming HBBC had failed to forward the correct metric.

- **20 February 2025 – 10:33:** Updated PEA submitted to Alex/Louise.

- **20 February 2025 – 10:33:** Alex’s auto-reply states he is away until 25 February 2025, preventing timely circulation of the updated PEA.
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Cross-Contamination – Ecology Objections Based on WRONG Documents (Not Missing Ones)

HBBC’s internal handling errors resulted in HYB being assessed on:

- superseded PEA versions (v1–v3)
- outdated/superseded BNG spreadsheets
- historic ecology files not forming part of the HYB submission
- incorrect pond/tree condition sheets
- consultee assessments based on material never submitted by the Applicant

This misdirected HBBC and LCC Ecology **from validation onward** and fundamentally corrupted the baseline.

Determination cannot lawfully proceed on a corrupted baseline.

Any refusal relying on contaminated or unrelated documents would be:

- procedurally unfair
- irrational
- unlawful under *Kides*, *Fewings*, *CreedNZ* and *Wednesbury*
- contrary to NPPF 38

Such a decision would be immediately challengeable.