

Subject: Request for EIA Screening Opinion – Proposed Winery at Cobham House, Gold Street, Cobham Environmental Impact and Section 85 Duty under the Countryside and Rights of Way Act 2000

Dear GBC Planning Team,

Cobham Parish Council writes regarding the proposed winery development at Cobham House, Gold Street, situated within the Kent Downs National Landscape (formerly AONB). Given the area's nationally recognised environmental sensitivity and the level of public concern, we respectfully urge the Council to issue a formal Environmental Impact Assessment (EIA) screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, if one has not already been completed.

We believe the protracted and highly contentious nature of this application—marked by repeated extensions since June 2024 in response to significant public concern—arises from the fact that the issues raised clearly extend well beyond the limited scope of permitted development rights under the 2015 GPDO Schedule 2, Part 6, Class A.

In our view, the difficulty in addressing this application coherently and in a timely manner stems from the absence of a structured Environmental Impact Assessment, which would provide a comprehensive framework for considering the full range of environmental, operational, and cumulative impacts. We believe this to be the correct policy prescription for the challenges the LPA continues to face in dealing with this application.

We would further emphasise that the General Permitted Development Order (GPDO) is not intended to operate as a shortcut to full planning permission such that essential environmental safeguards are evaded.

While certain developments may proceed under permitted development rights, those rights are conditional and do not override statutory protections afforded to designated landscapes or exempt proposals from compliance with environmental law. In particular, the GPDO cannot displace the legal requirement for EIA where there is a likelihood of significant environmental effects. It is essential that any such development be subject to proper scrutiny, especially where nationally protected landscapes, biodiversity, and public interests are at risk.

If a screening opinion has already been issued, we respectfully request that it be revisited in light of the Council's statutory duty under Section 85 of the Countryside and Rights of Way Act 2000, which imposes a clear legal obligation on decision-makers to have due regard to conserving and enhancing the natural beauty of designated landscapes.

We appreciate the complex balance required between enabling appropriate rural development and protecting irreplaceable landscape assets. This letter is submitted in a constructive spirit, seeking to help the Council meet its obligations while addressing the exceptional level of public concern and the environmental implications raised by this application.

Grounds for EIA Screening Request

1. Schedule 2 Threshold Exceeded

The proposal exceeds the 1,000 m² internal floor space threshold under Schedule 2, Category 7 of the EIA Regulations 2017. The applicant confirms that the total internal floor area is approximately 1,140 m², and the facility includes grape processing, fermentation, bottling, and distribution—uses that fall within Schedule 2, 7(b)/(d). This scale clearly triggers the requirement for formal EIA screening.

2. Section 85 Duty Is Central to Lawful Decision-Making There is no public documentation confirming that the Council has actively applied its Section 85 duty in this case. As this is a statutory duty, not a discretionary consideration, we believe that reassessing the development through the EIA framework would be a proportionate and legally appropriate step, particularly given the National Landscape designation.

Environmental Concerns Supporting the Need for Screening The environmental concerns are numerous and we will not address them all here, suffice to say the extend to:

- Odour and Wastewater Management

The projected volume of wastewater—potentially up to 1.35 million litres annually—raises material concerns. Fermentation processes pose a risk of odour pollution and groundwater contamination.

No drainage or odour mitigation strategy has been proposed.

- Landscape and Visual Impact

The site is prominently located and visually exposed from public viewpoints, including Public Right of Way NS190. Independent assessments and local submissions highlight the likely harm to tranquillity, dark skies, and rural character, all of which are core attributes of the National Landscape designation.

- Lighting Impacts

Failure to consider visual prominence and light spill due to elevated siting and building height, throughout the 24hour period. The site lies within an E1 dark sky zone. No lighting strategy that accounts for all public and commercial traffic, and ecological impacts has been submitted.

- Biodiversity and Protected Species

Local records and reports indicate the presence of badger setts, bats, owls, and other protected species. The precautionary principle under EIA Regulations has not yet been engaged. No ecological surveys have been provided.

- Noise Impacts

A professional technical rebuttal of the applicant's acoustic data indicates a serious underestimation of bottling-line noise, dismissal of all other impacts and assumptions about noise levels that are not consistent with any known published sources, including government data on the activities intended to take place. Thus, the application wrongly evades BS 4142 penalties, effects on tranquillity, or the impact on users of the public rights of way network and the wider area.

- Traffic and Public Safety

We note the absence of any reporting of transport intensity, particularly for public events and online sales now admitted to by the Applicant on their website. Omission of operational impacts from the noise, lighting, and landscape assessments create uncertainty on the potential adverse effects.

- Depth of Public Concern

Over 400 formal objections have been submitted, with over 700 residents participating in surveys or making written representations. These objections are evidence-based and reflect a detailed understanding of the area's environmental constraints. This development:

- Meets the Schedule 2 threshold for EIA,
- Is located in a sensitive and nationally protected landscape,
- Raises multiple significant environmental issues, and
- Has prompted an exceptional level of informed public concern.

In light of this, we believe that issuing an updated or first-time EIA screening opinion would demonstrate the Council's commitment to legal rigour, environmental stewardship, and community engagement.

By way of resolution, we respectfully request:

1. That the Council issue or update an EIA screening opinion under Regulation 6;
2. Written confirmation of whether a previous screening opinion has been issued, and if so, a copy;
3. Clarification of how the Council has applied its statutory duty under Section 85 in this case.

We would welcome further engagement on this matter and remain available to support the Council's decision-making process in any way we can. We genuinely believe the above

proposal provides a justifiable opportunity to reconcile the issues raised within the planning framework.

Yours faithfully,
Steve Dyer
Vice-Chair & Planning Lead
Cobham Parish Council