

For: Planning Committee South
Date: 25 January 2024

WD/2023/2100/DC - LAND AT KNIGHTS FARM EAST, LOWER HORSEBRIDGE, HAILSHAM

Summary of Proposal

District Council Application for:-

FULL PLANNING PERMISSION FOR THE DEVELOPMENT OF A NEW SPORTS HUB FACILITY, INCLUDING TWO ARTIFICIAL FOOTBALL PITCHES, TWO MULTI-USE GAMES AREAS (CONTAINING FOUR TENNIS COURTS AND FOUR NETBALL COURTS), TWO PADEL TENNIS COURTS, SKATE PARK, PLAY FACILITIES AND A SPORTS BUILDING PROVIDING CHANGING ROOMS, TOILETS AND CAFÉ, ALONGSIDE PARKING, LANDSCAPING, DRAINAGE, ANCILLARY WORKS AND VEHICULAR ACCESS VIA THE A267.

Received date: 29 August 2023
8/13 week date: 29 January 2024

Parish: Hellingly
Ward: Hellingly
Grid Ref: 557254 111553

Link to website:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=163100>
<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=660>

Recommendation

The application is recommended for:

- (a) **APPROVAL**, subject to Confirmation from Natural England that they agree with the Council's Appropriate Assessment that there would be no likely significant effect on the protected sites at the Pevensey Levels.

Completion of a Section 106 agreement to secure in a timely manner for the following:

- Off-site highway works would be agreed under a S278 agreement with the local Highway Authority including:
- The new access junction with ghost island right-turn lane and visibility splays on the A267.
- The bus stop infrastructure works on A271 Lower Horsebridge;
- Footway and pedestrian crossing improvements on A271 Lower Horsebridge;
- Travel Plan including an audit fee.
- A financial contribution towards maintaining/improving bus services of £371,210.
- Legal Agreement monitoring and registration fees

OR

- (b) That in the event of being unable to secure completion of the S106 within a timescale considered reasonable then the application be REFUSED for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary highway infrastructure improvements to meet the additional demands generated by the proposed development and encourage sustainable means of access to it. Therefore, the proposal is considered contrary to saved Policies EN1 and TR3 and of the adopted Wealden Local Plan and Policies WCS13 and WCS14 of the Core Strategy Local Plan.

Subject to the following conditions:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.	STN4
Geophysical Survey Report November 2021	18 August 2023	
Archaeological Geophysical Survey November 2021	18 August 2023	
Transport Assessment 15 August 2023 - Volume 1 of 3		
- ITL17156-GA-001 Rev F (Partially superseded)		
(incorporating ITL17156-GA-001 Rev F)	18 August 2023	
Ground Investigation Factual & Interpretative Report		
July 2022	18 August 2023	
ITL17156-GA-001F - Proposed Vehicular Site Access		
From A267 - Ghost Island Arrangement	18 August 2023	
Transport Assessment 15 August 2023 - Volume 3 of 3		
(Partially superseded)	18 August 2023	
Report to Inform Habitats Regulations Assessment Stage		
1 August 2023	18 August 2023	
Groundwater Monitoring Factual Report June 2023	18 August 2023	
ITL17156-GA-004D - Swept Path Analysis - Estate Car		
& Coach	18 August 2023	
ITL17156-GA-008C - Refuse Vehicle at Site Access	18 August 2023	
Tetra Tech Letter re Protected Species Surveys	18 August 2023	
Protected Species Report December 2022	18 August 2023	
ITL17156-GA-005D - Swept Path Analysis - Drop Off		
Area & Accessible Parking	18 August 2023	
Framework Travel Plan 15 August 2023	18 August 2023	
Noise Assessment July 2023	18 August 2023	
Heritage Statement August 2023	18 August 2023	
Air Quality Assessment July 2023	18 August 2023	
Archaeological & Heritage Desk Based Assessment		
November 2022 - Part 3	18 August 2023	
Archaeological & Heritage Desk Based Assessment		
November 2022 - Part 2	18 August 2023	
Flood Risk Assessment 7 August 2023	18 August 2023	

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Proposed Surface Water and Foul Water Drainage Strategy 16 August 2023 (Partially superseded)	18 August 2023
Preliminary Ecological Appraisal August 2021 - Part 2 Archaeological & Heritage Desk Based Assessment November 2022 - Part 1	18 August 2023
Preliminary Ecological Appraisal August 2021 - Part 1	18 August 2023
Transport Assessment 15 August 2023 - Volume 2 of 3 (Partially superseded)	18 August 2023
Written Scheme of Investigation for an Archaeological Geophysical Survey September 2021	18 August 2023
WSH-PRP-ZZ-XX-SC-A-20302-P04 – Community Café Sections	29 August 2023
WSH-PRP-ZZ-XX-SC-A-20301-P05 – Changing Room Sections 2	29 August 2023
WSH-PRP-ZZ-XX-SC-A-20300-P05 – Changing Room Sections	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20201-P04 – Sports Pavilion East elevations	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20200-P04 – Sports Pavilion North and South elevations	29 August 2023
WSH-PRP-ZZ-RF-GA-A-10100 P04 - Roof Plan	29 August 2023
WSH-PRP-ZZ-RF-GA-A-10100 P08 – Ground Floor Plan	29 August 2023
WSH-PRP-ZZ-XX-EV-A-20202-P04 – Sports Pavilion West Elevations	29 August 2023
Proposed Site Layout - 741-ALA-00-XX-DR-L-0001 Rev P16	27 November 2023
Proposed Boundary Treatment – 741-ALA-00-XX-DR-L-0003 Rev P13	27 November 2023
Proposed Site Levels 741-ALA-00-XX-DR-L-0004 Rev P13	27 November 2023
Proposed Site Sections 741-ALA-00-XX-DR-L-0005 P09	27 November 2023
Brook House Boundary Proposals – 741-ALA-00-XX-DR-L-0011 Rev P05	27 November 2023
Tree Planting Plan & Schedule 741-ALA-00-XX-DR-L-0013 P10	27 November 2023
Tree Retention & Removals Plan 741-ALA-00-XX-DR-L-0014 P08	27 November 2023
Amenity Planting Plan 741-ALA-00-XX-DR-L-0015 P08	27 November 2023
Proposed Sports & Play Provisions – 741-ALA-00-XX-DR-L-0016 P07	27 November 2023
Site Plan - 741-ALA-00-XX-DR-L-0017 Rev P04	27 November 2023
Play Area Detailed Plan -741-ALA-XX-XX-DR-L-0022 Rev P01	27 November 2023
Arboricultural Impact Assessment, Method Statement and Tree Protection Plan	27 November 2023
Proposed Surface Water Drainage Layout - 01 -WEA012 - PEV - ZZ - ZZ - DR - C Rev P07	27 November 2023
Proposed Hard Landscaping & Street Furniture – 741-ALA-00-XX-DR-L-0002 Rev P22	27 November 2023
Proposed Soft Landscaping –	

741-ALA-00-XX-DR-L-0009 Rev P11	27 November 2023
Geo-Environmental Phase 1 Assessment	30 November 2023
23021-WP3-ZZ-00-DR-E-7006 Rev T3 – External Lighting Layout	11 December 2023
Lighting Visual Impact Assessment	11 December 2023
741-ALA-00-XX-DR-L-0013_Tree Planting Plan and Schedule_P08	11 December 2023
ITL17156-GA-002J - Proposed Pedestrian and Cyclist Access from A271 – General Arrangement	18 December 2023

REASON: For the avoidance of doubt.

The Local Planning Authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at <https://planning.wealden.gov.uk>

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

3. Prior to the commencement of the sports pavilion hereby approved, samples of the materials to be used on the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development.

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

4. Prior to commencement of development, detailed plans showing no increase in ground levels within the determined 1 in 100 (plus climate change) fluvial flood extent shall be provided to and approved in writing by the Local Planning Authority. If there is any proposed ground level change within the flood plain extents, details demonstrating a level for level flood plain compensation scheme on land outside the determined floodplain extent shall be provided to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out only in strict accordance with the approved details.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

5. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- a. The calculations shall demonstrate that surface water flows can be limited to Qbar (the mean annual event) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. The calculations should demonstrate that the system can half drain within 24 hours while incorporating a surcharged outfall. A sensitivity testing of the 45% climate change allowance should also be undertaken.
 - b. Details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system especially attenuation ponds and tanks shall be provided.
 - c. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

6. Prior to the commencement of development on site, a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority, to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

REASON: To ensure the satisfactory maintenance of unadopted drainage systems in accordance with Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

7. Prior to first use of the site for the development hereby approved, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to Spatial Planning Objectives SPO12 and SPO13, and Policy WCS14, of

the Wealden Core Strategy Local Plan 2013; Saved Policy CS2 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework 2023.

8. Prior to the development first being brought into use, confirmation shall have been provided that either all sewage works upgrades required to accommodate the additional flows from the development has been completed; or a development and infrastructure-phasing plan has been agreed with the Local Planning Authority to allow development to be brought into use. The sewage upgrade works shall include any measures necessary to ensure the development prevents increased pollution and/or increased storm water overflow spills at the relevant Waste Water Treatment Works. Where a development and infrastructure-phasing plan is agreed no occupation shall take place other than in full accordance with the agreed development and infrastructure phasing plan.

REASON: To ensure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

9. Prior to the commencement of ground works for the children's play area, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Appearance
- Layout
- Associated hard and soft landscaping
- Means of enclosure
- Existing and proposed levels

Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To safeguard the appearance of the premises and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

10. Prior to the development commencing above foundation level, the appearance and external finish of the solar array for the parking areas shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To safeguard the visual amenities of the locality and to comply with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policies EN8 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF.

11. Notwithstanding the approved drawing number 741-ALA-00-XX-DR-L-0003 P13, any variation to the boundary treatments and other means of enclosure within the

site shall be subject to details to be submitted to and approved in writing by the Local Planning Authority prior to the erection of such means of enclosure which deviate from those hereby approved with respect to their style and design.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF (2023).

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be erected at the site except in accordance with those hereby approved.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the NPPF (2023).

13. Before preparation of any groundworks and foundations on site for the development hereby approved, and notwithstanding the details included within the application particulars, full details of hard landscape works for the development, which shall include details of all fencing, walling and other boundary treatments, steps, retaining walls and surface finishes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented following the substantial completion of the development and thereafter retained.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

14. The development shall be carried out in accordance with the approved soft landscaping plans and schedules and in accordance with a timetable for implementation to be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development above foundation level. Thereafter, the development shall be implemented in accordance with the approved soft landscaping scheme and schedule for implementation.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Spatial Planning Objectives SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy

Local Plan 2013; Saved Policies EN8, EN14 and EN27 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

15. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development above foundation level. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still deliver the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: To identify and ensure ecological enhancement of this sensitive and ecologically diverse site and ensuring its long term management to deliver biodiversity net gain, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of the NPPF.

16. Prior to the commencement of the development including any site clearance works, Reasonable Avoidance Methodology (RAMs) prepared by a suitably qualified Ecologist should be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved RAMs.

REASON: To safeguard biodiversity as set out by the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, NPPF Chapter 15, Circular 06/2005, Policy WSC12 of Wealden District Core Strategy Plan (2013).

17. No development shall commence, until the Local Planning Authority has been provided with either:

- i. A European Protected Species Licence obtained from Natural England for Hazel Dormice, allowing the development to commence; or
- ii. A statement in writing that Natural England do not consider that the development will require a licence.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to SPO1, SPO2, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, coupled with the requirements of the NPPF.

18. Prior to the commencement of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with sections 4.1.137 - 4.1.144 of the Preliminary Ecological Appraisal Report, ref: 4632E/21, dated 23 August 2021, and section 4.5 of the Protected Species Report, ref 784-B031612, dated December 2022, third bullet point on page 4 of the Knights Farm Ecology Response, ref: 784-B031612, dated 8 December 2023, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

REASON: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development and to provide biodiversity net-gain, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

19. The development shall be carried out in strict accordance with the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (date stamped 27 November 2023).

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the NPPF.

20. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-
 - (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
- (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
- (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
- (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of the NPPF.

21. No development shall take place, including any ground works, until a Construction and Environmental Management Plan and Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and egress and routeing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- Sheeting of lorries during transportation of construction materials;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Minimum drop heights to be used for continuous and batch drop activities and waste disposal;
- Details of public engagement both prior to and during construction works;
- Measures for site working to mitigate potential impacts from construction including the control of noise, vibration and lighting levels potentially affecting occupiers of neighbouring properties;
- Details of measures to manage flood risk, both on and off the site, during the construction.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR3 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

22. No use of the site shall have commenced until space has been laid in accordance with Drawing No. 741-ALA-00-XX-DR-L-0001 Rev P16 (dated stamped 27/11/2023) for vehicle and cycle parking. Parking areas shall be used solely for vehicle/cycle parking purposes and be retained thereafter. PC01

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

23. Prior to the completion of the development, details relating to the design and appearance of the cycle storage shown on approved Drawing Number 741-ALA-00-XX-DR-L-0001 Rev P16 (dated stamped 27 November 2023), shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved cycle parking shall be provided prior to the first use of the site, and retained thereafter in accordance with the approved details.

REASON: To provide for alternative modes of transport, having regard to SPO7, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

24. The access shall not be used until visibility splays of 4.5m by 163m to the north east and 4.5m by 201m in a south west direction are provided in, as shown on approved drawing ITL17156-GA-001 Rev F (date stamped 18 August 2023), within which there shall be no obstruction to visibility above a height of 0.6m above each carriageway level, including no gates, fences or walls shall be constructed within the sight lines / visibility splay and maintained thereafter.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

25. Prior to the first use of the access hereby approved onto the A267, the existing access shown on drawing number WSH-PRP-ZZ-ZZ-GA-A-00001 P04 (dated stamped 27 November 2023) shall have been stopped up and kerb and verge are reinstated to the satisfaction of the Local Highway Authority in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Spatial Planning Objectives

SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the NPPF.

26. Notwithstanding any of the approved plans and documents, any gate at the access shall be positioned at least 16m back from the edge of the highway and open inwards in order that a vehicle may wait clear of the highway whilst the gate is being operated.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998, coupled with the requirements of the NPPF.

27. Prior to commencement of the development hereby approved, an Air Quality, Emissions Mitigation Assessment shall be submitted to and approved in writing by Local Planning Authority. The assessment shall utilise the classification of Motorway (not London) for road type, as per the DEFRA guidance. Air quality mitigation methods shall be outlined for the development and an emissions mitigation statement provided as per the Air quality and emissions mitigation guidance for Sussex (2021). The development shall thereafter be carried out in strict accordance with the approved strategy.

REASON: In the interests of ensuring the development contributes towards improving air quality in accordance with Core Strategy Spatial Planning Objective SPO9 and coupled with the requirements of the NPPF.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

29. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

30. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 29 to the written satisfaction of the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of the NPPF.

31. Prior to commencement of the development above foundation level or installation of any external lighting, whichever is the soonest, full details of the cumulative impact of the lighting scheme for the whole development, including that of the skatepark shall be submitted to and approved in writing by the Local Planning Authority. The cumulative impact of the lighting scheme shall comply with the Institute of Lighting Professional's 2021 Guidance Note GN01/21, "The Reduction of Obtrusive Light" for Environmental Zone E2. Following installation of the lighting scheme across the development site and the lighting scheme shall be maintained in accordance with the approved details.

REASON: To preserve the rural and residential amenities of the locality, to prevent harm to the setting of neighbouring designated heritage assets and to prevent harm to the favourable conservation status of protected species, having regard to SPO2, SPO12, SPO13, WCS12 and WCS14 to the Wealden Core Strategy Local Plan 2013, saved Policy EN27 of the WLP, and coupled with the requirements of the NPPF (2023).

32. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved agreement shall apply to use of the sports facilities hereby approved and include details of pricing policy, hours of use, access by non-educational establishment users and non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport, in accordance with saved Policy LR4 of the Local Plan, Core Strategy Policy WCS13, and coupled with the requirements of the NPPF.

33. Prior to the commencement of development of the netball courts hereby approved, the following details shall be submitted to and approved in writing by

the Local Planning Authority in consultation with Sport England and England Netball:-

- The surface is open textured porous macadam with a slip resistance value of ≥ 75 in wet and dry conditions; and
- The floodlighting achieves 200lux for training and 400lux for competition and a uniformity value of 0.7 throughout the principal playing areas, having regard to requirement of condition 31.

Thereafter the facilities shall be maintained in accordance with those approved details.

REASON: To secure well designed sports facilities, to ensure sufficient benefit to the development of sport, in accordance with saved Policy LR4 of the Local Plan, Core Strategy Policy WCS13, and coupled with the requirements of the NPPF.

NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990.

NOTE 2: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. If any evidence of Badger activity is found on site including any setts which are found to be present contrary to the conclusions of the submitted ecological survey, works on site should stop and be informed by the standing advice from Natural England and a suitably qualified ecologist.

NOTE 3: The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

NOTE 4: Any new outfall or outfalls to an ordinary watercourse will require Ordinary Watercourse Consenting from the Lead Local Flood Authority, over and above any planning permission which may be granted.

For information, please note that the development may increase the rate and/or volume of water being discharged into the Pevensey Levels Internal Drainage District (compared to the status quo), and so an application may need to be made to the Pevensey & Cuckmere Water Level Management Board seeking consent under the terms of its Byelaws. If it is considered that a proposed increase in flows can be safely and adequately dealt with by the receiving

waterbody and wider drainage network, then consent may be issued (although consent is not guaranteed to be given). Any permission granted by the Board would be subject to conditions, usually including entry into a legal agreement and the payment of a Surface Water Development Contribution to the Board. Details and further information can be found at

https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf.

Further details regarding the Board's application procedure and associated payments which may become due are also available on this website.

INFORMATIVE 5: Guidance on preparing Community Use Agreements is available from Sport England <http://www.sportengland.org/planningapplications/>.

For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

Reason for Referral

This application is being referred to this Committee as the application is made by Wealden District Council.

Executive Summary

The application site is located on the edge of Hailsham to the west of Lower Horsebridge within the Parish of Hellingly. Bound by sporadic residential development fronting onto the A271 to the south, the A267 to the west and north and a public right of way to the eastern boundary of the site running parallel to a tributary of the River Cuckmere. The watercourse results in part of the site being located within an area at risk from flooding. The site is also within the setting of a number of designated heritage assets.

It is acknowledged that, at present, the site is physically not well connected for active travel. However, improvements to the connectivity of the site can be secured to the satisfaction of the highway authority by condition and/or legal agreement. This is set out in the recommendation and such improvements must be weighed in the balance.

Development proposed incorporates a range of sport and leisure facilities including artificial pitches for a range of sports, including those for which there is an under provision identified in the evidence base for the emerging Local Plan in the Council's Playing Pitch and Outdoor Sports Strategy and Action Plan. It is also material that the area has seen significant housing growth and which some new facilities have been delivered on local sites, the repaid growth has exacerbated the pressure on existing sport facilities locally. This all underpins the need for new facilities to meet the expanding population of this part of the District.

In summary, evidence identifies shortfalls in full size 3G pitches to meet current and anticipated need for football, recognition of padel tennis and its growing popularity with no provision in Wealden at present and a shortfall in outdoor netball provision to accommodate demand both at present and in the future.

The development would deliver a sporting and leisure facility in a manner where there is no significant harm to the landscape character. It would result in some harm to

neighbouring amenity through the introduction of noise and less than substantial harm to heritage assets at the lower end of the scale as a result of harm to the setting of heritage assets, but it is considered these harms would be significantly outweighed by the public benefits arising from the development identified above. This includes, biodiversity net-gain in excess of 10% and a small complex of buildings designed to high levels of performance and which have all the hallmarks of award winning architecture.

The social benefits arising from improved sport and leisure provision, economic benefits linked to these and environmental benefits are in the view officers, considerable. Certainly they are of a magnitude that would outweigh any harm identified and permission is recommended for approval subject to a range of conditions and financial contributions and off-site highway improvements.

1. Statutory Bodies and Residents - Responses

ESCC - Highway Authority

Two comments (most received 9 January 2024) - **No objection subject to conditions:**

Further comment:

Applicant has undertaken further work to address reasons for initial objection.

The applicant has made enhancements and improvements to the proposed access for non-motorised users (NMUs) from the A271 Lower Horsebridge.

Result is the best achievable layout within the local highway constraints and would provide a safe means of access to the site, taking account of the needs of all non-motorised users (NMUs).

The existing bus stops on the A271 have also been identified for improvement, including bus stop signage, raised boarding kerbs, bus stop clearways, shelters and real time information provision.

All highway works would be secured by S106 Agreement and S278 Highway Works Agreement, including the vehicle access works on the A267 and the other highway improvements on the A271.

A significant Bus Service Contribution (BSC) is being sought following further consideration at a value of £371,210.

Subject to the above being agreed, this development site is sustainable in transport terms subject to condition and legal agreement to secure the financial and off-site highway improvements identified above and proposed by the applicant.

Initial comment:

Vehicle access

The vehicle access/egress to the site is proposed directly from the A267 via a new bell-mouth junction and ghost island right turn lane (RTL). This bell-mouth/RTL layout is acceptable in principle but would be subject to a detailed design/technical approval process and full S278 Legal Agreement.

Access for Non-motorised Users (NMUs)

This requirement has been fulfilled to an extent. However, the proposals as submitted have not gone far enough to enhance NMU connectivity and this aspect needs to be further reviewed and more detailed plans submitted.

Bus access

Bus Services Contribution (BSC), to be secured by S106 Agreement, would be in the region of £371,665. Together with the footway and crossing improvement works, we would expect the development to fund bus stop infrastructure improvements so to provide the following:

- A marked westbound bus stop to include raised kerb, bus stop pole and clearway. The positioning of the newly marked bus stop, in terms of the raised kerb, will need to be considered in the context of proximity to driveways.
- An upgraded eastbound bus stop to include raised kerb, bus stop clearway and bus shelter (subject to agreement with the Parish Council - which will need to be of a short cantilever type design due to space limitations).

Internal layout

It is noted that gates are proposed at the vehicle access onto the A267. This can create highway safety issues if there is insufficient space for a turning vehicle, for example a passenger coach, to fully clear the carriageway if the gates happen to be closed.

To this end, please provide confirmation that the gates will be set back a minimum of 15m from the edge of the carriageway.

Drawings of the proposed flood lighting on site have been provided and there appears to be a risk that there could be some overspill onto the adjacent highway, leading to potential dazzling. Given the close proximity of the A267 which is unlit, I would wish to see a condition put in place to ensure the approved lighting controls are provided prior to their operation.

Parking

NO OBJECTION.

Southern Water

Final comment (received 6 November 2023) - **No Objection:**

Southern Water hence requests the following condition to be applied: Occupation of the development is to be implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. (Officer comment: it is acknowledged that the wording of the recommended condition should be amended to reflect the 'first use of' rather than 'occupation' which is an error in the response).

WDC Arboriculture and Landscape

One comment (received 1 November 2023) - **No Objection:**

No arboriculture objection: subject to resolution of hybrid/black poplar issue and recommended arboricultural conditions.

WDC Biodiversity

Two comments (most received 15 December 2023) - **No Objection:**

Lighting details have been reduced to proposed lux values to prevent impact on retained trees on the site. Those along the southern boundary will not only be subject to artificial lighting of 0.5-1lux during full lighting use during operational hours. Trees with potential maternity roosting features have been surveyed. The lighting strategy is in line with ILP and BCT guidance for bats and artificial lighting. The proposed lux levels are a significant reduction and reduce light spill to within acceptable levels. River and associated habitats are completely avoided. The proposal will not sever existing bat foraging or commuting lines within the site.

The scheme would deliver substantial level of biodiversity net-gain. Low baseline ecological features on the site are proposed to be affected with higher level biodiversity features including deciduous woodland, wet woodland, scrub and meadow utilising native species planting. The BNG assessment for the site has demonstrated a gain in excess of 10% can be achieved.

Removal of the hybrid poplar in the proposed landscaping scheme should be addressed (Officer comment: this has been removed and is now resolved).

Conditions for external lighting, wildlife management plan and landscape and ecological management plan, soft landscaping scheme and implantation of biodiversity enhancements to be secured if permission is granted.

ESCC Flood Risk Management

Two comments (most recent received 12 January 2024) - **No Objection:**

Further comment:

Further information provided by the applicant has been considered but is not easy to interpret. Condition details are recommended in line with previous response, some in amended form following response from the applicant.

Initial comment:

- Flood Risk Assessment (FRA) indicates some modelling undertaken and that baseline model and design model were constructed.
- FRA concludes a baseline model and design model but there is not much detail provided on the design included in the design model which makes it difficult to understand where there were elements of floodplain compensation in the design model.
- There is no evidence to show that the fluvial hydraulic model was reviewed and approved by the EA agreeing the determined extents of Floodzones 2 and 3.
- 1 in 30 year flood event is shown to be in bank. However, Tables 5 and 6 of the report show flood levels raining between 16.169m AOD and 16.264 AOD within the site for a 1 in 30 year event. The topographic survey for the site shows that the 16.00m AOD contour is a few metres within the site, disputing the assertion that the 1 in 30 year event is in bank.
- Groundwater monitoring report shows photos of BH2 flooded in November 2022.
- A preliminary storm assessment undertaken suggests the November 2022 event was 1 in 10 year event.
- Existing and proposed levels should be more clearly defined. Levels within the 1 in 100 (plus climate change) event should remain as existing unless a level for level flood plain compensation scheme is provided on land outside the determined floodplain extent.
- The drainage strategy includes surface water outfalls not connected directly to a watercourse. No indication of how water is expected to flow from these points into the watercourse or potential erosion at these locations, as discharge will occur even during every day rainfall events. It is advisable that the connection is made directly into the watercourse and hydraulic calculations are modelled for surcharged outfalls.
- The above outstanding matters, if the Council is minded to grant permission should form the basis of conditions recommended. (Officer comment: although this is invited, the issues arising above would suggest further works upfront are required to be undertaken as uncertainty exists which could result in changes to the development permitted or conflict post-decision with the development approved needing to be amended to reflect the detailed design at condition stage).

Nature Space Newt Officer

Two comments (most recent received 4 January 2023) - **No objection.**

Further comment:

- Most recent comment confirming holding objection removed following receipt of further information regarding ponds not surveyed.

- Condition to secure precautionary approach as recommended should be imposed.

Initial comment:

- Red impact zone for GCN.
- 16 ponds and other waterbodies within 500m of the site.
- GCNs recorded within 500m of the site.
- Landscape connectivity between the development and surrounding features in the landscape.
- Ecological report provided with the application, confirming 5 waterbodies within 500m subject to eDNA surveys which reported negative results. Further 4 waterbodies dry at time of survey.
- There is insufficient information regarding two waterbodies to the south of the site (8 and 9).
- HSI assessments used are not sufficient to determine presence versus a GCN survey. Further information is required specifically regarding these waterbodies and reasonably likelihood of presence.
- Options to resolve the above would include either:
 - NatureSpace DLL Certificate being obtained.
 - Provide further information (in line with the above) for the two waterbodies in line with Natural England guidance, including appropriate mitigation if required.
 - If no suitable habitat is impacted and likelihood of GCN is very low, a precautionary working statement in the form of Reasonable Avoidance Measures/Non-licensed Method Statement should be provided by suitably qualified ecologist.

Previous comment available online at the following location:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=163100&AspxAutoDetectCookieSupport=1>

ESCC Archaeology

One comment (received 19 September 2023) - **No Objection:**

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF.

Active Travel England

Two comments (most recent received 22 December 2023) - **Holding objection:**

Further comment:

- Concur with the approach taken to the footpath width given constraints and nature of development that this would be acceptable.
- Welcome the provision of a bus stop shelter. However, one is not provided on the westbound stop along with real-time information, dropped kerbs and lighting. (Officer comment: error in the ATE comments which should have referred to the westbound stop not eastbound stop).
- Contributions should also be secured towards the improvement plan for the Boship roundabout (Officer comment: ESCC have not requested this and it is not considered reasonable or necessary based on the highway modelling to make such a request, as set out in their consultation response).

Initial comment:

- Note that the development provides much needed sporting facilities and public amenity.
- Linkages and accessibility to the site should be fully accessible and inclusive to all members of the public, whilst embedding active travel behaviours from the outset.
- Limited connections at present, site is also undeveloped. Active methods of travel are severely constrained and considered unsafe.
- The application should reasonably address these issues.
- Pedestrian and cycle access from A271 welcomed with existing footway connection to the Cuckoo Trail.
- Improvements to existing footway and crossing points proposed on A271. The width should be increased to 3m and be a shared footway/cycleway to ensure safe access for all users.
- Visibility will be secured as set out in the RSA provided.
- Covered cycle storage welcomed with showers available due to the nature of the development.
- Funding not secured but intention of ESCC to improve access at the Boship Roundabout with shared pedestrian and cycle route and toucan crossing points envisaged pending funding being secured.
- Concerns arise around safety for NMUs of the site and note the personal injury accidents in the last 5 years. A financial contribution to improvements to the Boship Roundabout might be considered. (Officer comment: no such project has been identified by the local Highway Authority in their consultation to justify such a contribution being secured, other qualifying developments would also be required to make contributions. In any event, if it not considered by the Council or the LHA that this is required to make the development acceptable).
- Width increases to enable safer access to the bus stops along the A271 should be considered as close to the 3m width as possible and include improved signage and lighting along the route.
- A financial contribution towards the walking and cycling routes in line with the ESCC Local Cycling and Walking Infrastructure Plan would be appropriate.

Hellingly Parish Council

One comment (received 15 September 2023) - **Objection:**

Location

The scheme is inconsistent with Wealden's declared strategy for dealing with the climate emergency. There should be no additional traffic imposed upon the Boship unless and until the Major Road Networks Improvements for the Boship are delivered.

Site Conditions & Flood Risk

Should not be promoting a scheme that will involve the movement of 9000 cubic meters of soil (estimated to involve 750 large HGV movements) across the district.

Sewerage

The proposal would increase flows to the public sewerage system that may increase the risk of flooding to existing properties and land.

Facilities

The scheme provides a limited number of artificial playing surfaces, The artificial surfaces will add to the pollution risk and will not meet the presently unmet need for grass pitches. There is little prospect of increasing the sporting facilities on the site.

Sport England

Two comments (most received 5 January 2024) - **No Objection:**

Further comment:

Football Foundation confirm the previous points they raised have been addressed.

Lawn Tennis Association (LTA) have raised some concerns regarding the layout and lighting specification for the courts proposed. (Officer comment: subsequent comments directly from the LTA confirm they do not have any objection to the detailed design).

Further comments awaited from England Netball.
Initial comment:

- Facility design amendments required including shower cubicles.
- Views of Football Foundation, LTA and England Netball also sought.
- Floodlit 3G requirements amendment in line with FA/FF standards. Circulation space between the two pitches requirements attention.
- England Netball confirm the project is designed to benefit netball and meet the applicants multi sports requirements.

- Concern regarding the surfacing for Netball given the demand locally and that too many sports accommodated to meet the demand arising.
- England Netball recommend the courts are designed for netball and tennis with the courts at right angles to each other to allow for tennis nets to remain up without having to be away when netball is played.
- Storage needs to be close to the courts so netball nets can be stored when not in use.
- LTA advise for Padel and support the principle of the two new Padel courts, due to lack of provision locally as one of the fastest growing sports in the country.
- Tennis courts which are pay to play would supplement those which are a short distance in Hailsham which are not currently available by this means.
- Guidance on lighting and the lines for the courts can be obtained from the LTA.
- The scheme is in line with NPPF and Sport England policy.

Environment Agency

One comment (received 14 September 2023) - **No Objection:**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place on or within 8 metres of a main river.

WDC Drainage

One comment (received 13 September 2023) - **No Objection:**

The information provided within this application is adequate for this application subject.

- The site is in floodzones 1, 2 and 3, sequential test is only partially met.
- Development located purely in Floodzone 1 (apart from a woodland pedestrian walkway).
- Do not consider the exception test will need to be invoked.
- Most of the site at very low risk of surface water flooding but there is a medium to high risk flow path occupying the floodplain of the main river along the eastern boundary.
- Groundwater monitoring has been carried out with two boreholes.
- The main river flowing north-south forms the eastern boundary of the site.
- A pond exits abutting a small part of the western boundary.
- No records of flooding close to this location in the Council's drainage database.
- Majority of the site is underlain by Weald Clay Formation with a small area in the north corner on Tunbridge Wells Sand Formation of mudstones.
- No adopted surface water sewers in the vicinity of the site, so this drainage method is not available.
- Infiltration is first recommended SUDs method, underlying geology of the site means this is not viable solution. Infiltration has been carried out but with very poor results.

- Site divided into 4 catchments with piped drainage system conveying into storage features including base of permeable paving, swales, filter strips, filter drains and detention basins.
- All features are outside of floodzone 2 and 3 areas.
- Query if the football pitches need to be land drained.
- Four hydrobraked outfalls are provided with outfall of 19.9l/s which is the Q-bar rate for the site.
- Outfalls need to extend up to the main river rather than discharging into wooded area forming the flood plain (as shown on plans).
- Pond retained in present condition.
- LLFA (ESCC) will require full detail in the drainage calculations to design the system.
- Final design should accommodate site runoff rates for standard 1 in 100 year rainfall event plus climate change allowance (EA guidance - May 2022) which is 45%.
- Permeable paving must be considered as storage and cleansing device only, not a means of disposing of water due to very poor ground infiltration.
- Basic maintenance plan provided. Who is responsible, presumably the Council, yet to be determined.
- Outfalls to ordinary watercourse required from LLFA over and above any planning permission.
- Application to the Pevensey and Cuckmere Water Level Management Board may be required if increase in rate and/or volume of water being discharged into Pevensey Levels Internal Drainage District versus status quo.
- Proximity to the Pevensey Levels protected sites may result in Natural England wishing to comment.
- Provision of foul drainage matter for Southern Water to comment on. A public foul sewer passes across the southern end of the site.
- Subject to condition, no objection.

WDC Footpaths

One comment (received 12 September 2023) - **No Objection:**

From the plans provided with this application, it appears that this right of way will not be affected by this planning application.

Sussex Police

One comment (received 11 September 2023) - **No Objection:**

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to observations, concerns and recommendations having been given due consideration.

East Sussex Fire and Rescue Service

One comment (received 8 September 2023) - **No Objection:**

If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document.

Natural England

One comment (received 7 September 2023) - **No Objection:**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Pollution Control

Four comments (most recent received 9 January 2024) - see below for response in relation to relevant areas of consultation:

Air Quality

NO OBJECTION:

If air quality mitigation methods outlined are installed on site, the details are acceptable subject to condition.

Lighting

NO OBJECTION:

Following receipt of further details, the light spill into the garden of Brooks Cottage would be minimal.

External lighting should be subject to control via condition.

Noise

Insufficient information – Holding Objection:

Uncertainty regarding the impacts arising from the development and a more rigorous assessment of the noise impacts arising would be required to enable a more informed conclusion.

(Officer comment: further information was sought from the applicant to address the above concerns but none has been received at the date of the publication of this report).

Contamination

NO OBJECTION:

The details submitted confirm no contaminants of concern.

A condition securing an unexpected contamination discovery should be imposed.

Other third party responses (including local residents)

10 letters of Objection (from 9 households) and 5 letters of No Objection raising the following points:

Objection

- Climate
- Poor Access
- Indoor Facilities
- Wildlife habitats
- Flooding
- Lighting
- Overdevelopment
- Traffic congestion

No Objection

- Investment
- Healthy Living
- Community Development
- Improve sustainable transport

Full comments available online at the following location:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=163100&AspxAutoDetectCookieSupport=1>

Pre-Application Matters

Pre-application advice was sought prior to the submission of this application with initial advice leading to an amended set of proposals to improve and enhance landscaping to soften the development, adjustments to the pitch layout, provision of a dedicated pedestrian entrance to the site and amendments to the pavilion sought.

Further points for clarification and exploration prior to submission of a formal application included engagement with the local Highway Authority, including enhancements to Lower Horsebridge (A271). Ensuring details for the long-term maintenance and management of the surface water drainage on site in connection with flood risk are outlined clearly. Demonstration of a two-stage

SUDs system for the site to address the impact of the development upon the Pevensey Levels designated sites with a shadow HRA to accompany the application to assess whether there would be a likely significant impact on the designated sites at the Levels. Details of sections across the site should accompany the application. Heritage impact would need to be considered in conjunction with designated heritage assets within which the development would be within their setting. Acoustic mitigation will need to be detailed. Renewably energy measures integrated into the design of the development.

3. Relevant Planning History

No recent relevant history.

4. Details of Case

The Application Site

The application site is located outside the defined development boundary for Hailsham and within the Low Weald landscape character area in Lower Horsebridge. It is bound to the south by the A271 and to the west and north by the A267. To the east of the site is a tributary of the River Cuckmere, which results in the eastern part of the site being located within Floodzones 2 and 3 (a and b).

To the south east of the site is Hellingly Recreation Ground which is home to Hellingly Cricket, Bowls and Rugby Clubs. This is a locally designated green space in the Hellingly Neighbourhood Plan.

To the north east of the site is Horselunges Manor and St Peter and Paul church (both approximately 1km from the site to the north east (grade I). To the north of the site is Broad Far (approximately 1km) (grade II*) and in closer proximity is Brook House (c90m to the south and 15m to the west of the site, Croft Cottage (c165m east), Busbridge House (c175m east), The Cottage (c320m east), Boship Farm Hotel (c350m south west), Oliver House (c360m east) together with 8 other designated heritage assets all of which are Grade II listed buildings.

To the north east of the site, at approximately 600m, is the Hellingly Conservation Area. The Hellingly Neighbourhood Plan also identifies several non-designated heritage assets.

The land has an agricultural land categorisation of 3B which means it is more limited in terms of its quality and is more suited to grassland and extensive grazing.

To the east of the site is a public right of way (Footpath Hellingly 3a/ab).

The Development Proposals

Full planning permission for the development of a new sports hub facility, including two artificial football pitches, two multi-use games areas (containing four tennis courts and four netball courts), two padel tennis courts, skate park, play facilities and a sports building providing changing rooms, toilets and café, alongside parking, landscaping, drainage, ancillary works and vehicular access via the A267.

A layout plan is shown below outlining the proposed development with the access to the A267 to the north of the site and a pedestrian/cycle entrance to the south from the A271.



Figure 1 - Site Layout Plan

The proposed Sports Hub would include the following facilities:

- 2 x Full size 3G floodlit pitches.
- 4 x Team changing rooms
- 4 x Dual Floodlit Tennis/ Netball courts
- 2 Padel tennis courts
- Community Cafe with multi-purpose room
- Dedicated Toilets
- Skate Park
- Children's Play Area
- Table tennis tables
- Outdoor Gym equipment

- Walking, running and cycling route
- Picnic areas

As set out in the accompanying supporting planning statement, the Football Foundation and liaison with the relevant sporting bodies has been undertaken to inform the layout of the site both prior to and during the application, this has resulted in some changes to the layout of the site which are significant.

Parking is also proposed to accommodate those arriving by car and coach/mini-bus. The following provisions would be made available for parking on site:

- 195 on-site car parking spaces (including 14 accessible parking spaces);
- 4 coach parking spaces;
- 10 motorcycle parking space; and,
- 20 cycle parking spaces.

Electric car charging (both active and passive) are proposed.



Figure 2: Illustrative image of south east elevation of Pavilion Building



Figure 3: Illustrative image of north east elevation of Pavilion Building



Figure 4: Illustrative image of main entrance to Pavilion Building

The design of the buildings has been informed by ensuring that they meet the requirements of Part L of the Building Regulations through a fabric first approach but also incorporating an air source heat pump system to provide hot water and heating through the building.

This is alongside the 206kWp solar array of PV panels over the parking spaces in the main car park. 60 spaces will have the ability to provide electric car charging with 20 spaces fitted with active from the outset with the remaining 40 passive spaces being capable of being brought into use as and when demand requires to plan for future increase in uptake.

The development has been informed by engagement with the local community and key stakeholders as set out in the applicant's Statement of Community Involvement.

During the course of the application concerns have been raised by Officers, partly as a result of consultation responses from statutory and technical consultees who had raised issues as set out in the relevant consultation responses in more detail but which focused on the following (in summary):

- Highway improvements;
- Amendments to the final design details of the pitches/courts in consultation with the relevant sporting bodies through Sport England;
- External artificial lighting scheme;
- Landscaping details;
- Ecological impact particularly with respect to Great Crested Newts and Bats; and,
- Noise impact.

Amended plans were received on 27 November and 11 December which sought to address these concerns, further supplementary information was also provided in early January on technical matters, these are addressed under the relevant headings of the report which follow below.

Policy Framework

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013).
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016).

Certain policies of the Wealden Local Plan (1998) have been 'saved' via Direction of the Secretary of State dated 25 September 2007, under the provisions of Paragraph 1(3), Schedule 8 of the Planning & Compulsory Purchase Act 2004. Annex 1 of the National Planning Policy Framework confirms that these 'saved' policies still form part of the development plan.

Under 'saved' policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some 'saved' policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 225 of the NPPF).

The Committee will be aware that the Hellingly Neighbourhood Plan was 'made' in 2021 and is a formal part of the development plan.

The Council is working towards a new Local Plan and the Local Development Scheme shows Special Full Council meeting in February 2024 to consider a Regulation 18 consultation version of a new Plan.

Relevant Policies

The National Planning Policy Framework (NPPF) amended in December 2023 is a material planning consideration when assessing and determining planning applications.

Transitional provisions of the NPPF confirm that policies within the adopted Wealden Local Plan 1998 saved under the Planning and Compulsory Purchase Act 2004 continue to form part of the Local Plan:-

- Saved Policies GD2, EN1, EN8, EN11, EN12, EN14, EN15, EN27, EN28, EN29, TR3, TR13, TR16, LR1, LR4, CS2 of the adopted Wealden Local Plan 1998.
- Spatial Planning Objectives SPO1, SPO2, SPO4, SPO7, SPO9, SPO11, SPO12, SPO13, SPO15 and Policies WCS12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.

- Policies HNDPE, HNBP3, HNBP4, HNBP5, LHA1 of the Hellingly Neighbourhood Plan 2021.
- Wealden Design Guide 2008 (adopted Supplementary Planning Document).

Principles of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) states 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.

Section 70(2) of the Town and Country Planning Act states '*In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations*'.

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Hellingly Neighbourhood Plan July 2021.

The presumption in favour of sustainable development applies, which is embedded in the saved policies of the Local Plan and the Core Strategy, which comply with paragraph 11 of the NPPF.

The development plan seeks to support new outdoor playing space including the provision of artificial turf pitches on appropriate sites, under saved policy LR1. Saved policy LR4 goes on to outline the need to consider the impact on the locality, together with the amenity of neighbouring occupiers. This is reinforced by the objectives of policy WCS13, which seeks to increase opportunities for healthy living through the provision of good quality and suitable provision of new green infrastructure, which in the pre-ambles to the policy, recognises new sport and leisure provision to meet the overarching social, environmental and economic needs and functions of the District.

The above is supported under paragraphs 96 and 97 of the NPPF which seeks to positively plan for the provision and use of such community facilities, enhancing the communities and residential environments of them. As the site is in an edge of settlement location in the urban-rural fringe, outside of the development boundary, the NPPF seeks to support the development of accessible local services and community facilities, including sports venues and open space amongst those listed and as is proposed here in such locations.

Further underpinning all of the above is evidence within the emerging Local Plan in the Council's Playing Pitch and Outdoor Sports Strategy and Action Plan (December 2023). In summary, this identifies shortfalls in full size 3G pitches to meet current and anticipated need for football, recognition of padel tennis and

its growing popularity with no provision in Wealden at present and a shortfall in outdoor netball provision to accommodate demand both at present and in the future.

Such provision should be of a high quality, as recognised under paragraph 98 of the NPPF and advocated in the development plan. This is further endorsed under the Hellingly Neighbourhood Plan which states that recent housing development within the area as a result of the Core Strategy has meant there is a lack of open space and recreational facilities in the North Hailsham and Hellingly area. Recommendation 2 (RPR2) of the HNBP outlines the need for such provision.

The site is located on the edge of Hailsham, it is acknowledged that the site is not currently as well connected to Lower Horsebridge for future users by virtue of the absence of a good quality footway to serve the site and public transport opportunities are somewhat limited. This is set out in more detail under the highway impact which follows below. However, there is no doubt the site is within a wide catchment, serving an identified need where improvements to encourage future users to utilise sustainable modes of transport to access the facilities proposed in close vicinity to the existing recreation ground, which this development would supplement with Sport England endorsement in terms of the quality of facilities.

The facilities proposed would meet with the approval of the Football Foundation (FF) and in their most recent discussions with the applicant, details of which have been provided to Officers, the Lawn Tennis Association (LTA). Sport England have confirmed that subject to condition, details of the technical specifications to the satisfaction for England Netball can be secured post-resolution, therefore, this would be possible to negotiate and would not go to the principle of the acceptability of the facilities.

Whilst the NPPF advises against the loss of the most versatile agricultural land under footnote 62, the site is classified as grade 3b. It is not therefore within the range of grades 1-3a which are considered the most versatile. Therefore, its loss from possible food production is not in conflict with the NPPF and this is all rooted in quality of the land.

In light of the above, subject to the other material considerations to be considered under the relevant headings below, the development would not be inappropriately located, would satisfy a genuine need and would be acceptable in principle against the relevant policies in the development plan, reinforced by the emerging evidence based and adopted Action Plan for Pitches and Sports provision which will inform the emerging Local Plan and the guidance within the NPPF.

Listed Buildings

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National

Planning Policy Framework (NPPF), which at Chapter 12, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Conservation Areas

The Council has a duty (with respect to any buildings or other land) to have special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 12, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Visual Impact

The site is located within the LCA '3A: Uckfield to Hailsham Wooded Clay Vale' in the Landscape Character Assessment (2022) which forms part of the evidence base for the emerging Local Plan. This is the most up to date assessment of the character of the landscape. It recognises the site is within part of the LCA which is characterised by a rural landscape but is somewhat diminished by the proximity to Hailsham, the A22 to the south and the junction with the A267 which is to the west of the site and A271 to the south framing the site with sporadic residential developments. The Bo Ship Travelodge, petrol filling station and food and beverage outlets adjacent on it on the western side of the A267 also influence the character here.

It also acknowledges that the landscape is characterised by the rivers within the LCA, which includes the Cuckmere to the east of the site. Scattered remnants of woodland and semi-natural grassland exist. Although, the site is not wooded and is predominately semi-improved grassland used for grazing historically. Irregular field patterns, some of which are sinuous in nature exist, as is the case with the application site with the curve to the western boundary framed by the A267. A number of mature trees exist on the site and around its site boundaries and a hedgerow forms a strong sense of enclosure along the western boundary. The LCA recognising these provide landscape structure and habitat connectivity. Historically the landscape has been fieldscape.

The Hellingly Neighbourhood Plan seeks to maintain the distinct characteristics of the settlements which exist within the Parish. In this instance, the most relevant being the settlements of Lower Dicker to the south east and Lower Horsebridge to the east of the site, noting that the site falls between these and not within either character area.

Amongst the forces for change identified in the Assessment, the LCA is susceptible to expansion of Hailsham and an increase in light industrial and urban fringe land uses which would reduce the rural character of the landscape.

Guidelines in the Assessment for LCA 3A outline the following key objectives (in summary where applicable to the site):

- Retain and enhance biodiversity including restoration of buffer strips along watercourses;
- Conserve, manage and restore riverside vegetation and wetland habitats;
- Improve connectivity of woodlands across the LCA including in the River Cuckmere Habitat Link;
- Protect and manage existing hedgerow network and plan for restoration and connectivity and encourage conservation of field patterns and boundary features;
- Use woodland planting to screen development on the edge of settlements;
- Consider impact of urban fringe development from Hailsham on existing landscape and ensure sensitive and integrated urban edge;
- Ensure road upgrades take account of their rural context;
- Ensure that renewable energy is compatible in scale with the landscape (where possible); and,
- Maintain the landscape away from the large urban areas on the boundary with the LCA and the A22, retaining tranquillity and dark skies where present.

The above objectives are reinforced by saved local plan policies EN8 and EN27, alongside policy HNPD 4 of the Hellingly Neighbourhood Plan which seeks to protect and enhance existing green and blue infrastructure.

It is acknowledged that the proposed development would alter the character of this undeveloped parcel of land, including as views across and appreciation from private garden areas of properties backing onto the site, the public right of way to the east and filtered views through existing landscaping to be retained, would be visible and the development would alter the character of the site. It should also be recognised that there are existing visual detractors as identified above and it is recognised that urban land uses could be unacceptable in this location. However, the retention of existing mature boundary features which form a sense of enclosure, together with the buffer zone of around the developed area of the site and the site boundaries with significant landscaping reinforcing this would aid the assimilation of the development. Further, given the nature of the development, this would not be an unacceptable urban land use, recognised as green infrastructure, of a scale which would not be possible to accommodate in an urban location within a development boundary elsewhere within the District. The latter point is a weighty consideration and effectively limits site selection to an urban fringe greenfield location. So saying, there is no requirement to sequentially assess alternative sites, the development must be assessed on its merits in relation to policy as submitted before us.

The development is one which is not unexpected in a rural-urban fringe location. The integration of this would be through the careful consideration paid

to the retention of existing boundary features and reinforcement to act as a buffer with these features. The provision of green infrastructure in the form of leisure facilities, buffered with these additional landscape enhancements with linked biodiversity benefits, delivering a wide range of environmental, economic, health and wellbeing benefits. These would benefit nature, climate and local and wider communities as set out in the NPPF. This would introduce a form of development of this nature, scale and form which would not be at odds with the LCA objectives set out above.

The proposal envisages a large-scale provision of sports and outdoor leisure provision within a largely landscaped setting with some necessary but nonetheless well-articulated and laid out parking provision with the principle access for non-motorised access for pedestrians and cyclists to the south of the site where the level of change would be less discernible as a result and not unexpected in this location. The main vehicular access from the A267 to the north-west of the site where existing visual detractors identified above mean that as a whole, the development would not result in a form of development which would be incompatible. This as a result of the layout and scale and intervening landscaping which acts as a buffer between the Sports Park and the A267.

Improvements to pedestrian connectivity would result in widening of the footway along the southern side of the A271. This would result in a visual change which would alter the character to an extent but would not be unacceptable in visual terms. There would also be wider benefits to improving connectivity which is currently poor to the east into Lower Horsebridge and Hailsham beyond to facilitate active travel by NMUs.

The various sport pitches and courts proposed would be enclosed by fencing which would not be readily discernible from outside of the site due to their location and design. Final details of this would be controlled by condition. Lighting columns would have a slim profile and be of an acceptable height. Considerable efforts have been made to reduce the level of light spill to avoid, when in use, potentially the greatest source of visual impact during the evenings and winter months on the wider landscape. The lux levels being contained within the site as confirmed by the accompanying revised lighting strategy which has significantly reduced light spill, containing this within the site itself only. This has been achieved through careful design, incorporating hooded and directional lighting which will prevent spill into the adjoining properties and trees around the site boundaries.

The facilities would be anchored by a single building on the site which would take the form of two distinct elements connected by a low level link. The southern element of the building would include a flexible space for a community café and meeting room with the associated kitchen, office, and reception area. The northern portion of the building would provide 4 sets of changing rooms with ancillary storage, officials changing and plant room. This approach reduces the bulk and massing between the two elements which themselves utilise a dual pitched roof form to reduce their overall height and enables them to have their own identity as outlined earlier in the report with the illustrative imagery. The design is of a high quality with the utilisation of dark timber cladding, warm

brick, Wealden stone, bronze metal cladding and dark metal glazing for doors and windows. The resultant building would have all the hallmarks of award winning architecture and sit comfortably within the wider landscaped site.

The resulting development would not coalesce with Hailsham, acknowledging the site is on the furthest extent of the LCA 3A which to the east gives way to the urban area of town of Hailsham. The development is softened through careful consideration of the landscape buffer around the development of the site with all its necessary infrastructure including car parking which would take into account the key objectives and guidance contained within the Landscape Character Assessment, elements of which are addressed in the relevant sections of the report which follow, including historic landscape, biodiversity and flood risk and water management.

Consideration of Statement of Heritage Significance

No designated heritage assets exist on the site itself. The majority of the assets identified in the submitted Heritage Statement are clearly not within the immediate setting of the site. Their distance, physical separation through intervening features such as the A267 and A271. Therefore, it is agreed, only Brook House, which lies to the south and west of the site by approximately 90m and 15m respectively. This Grade II listed building would be affected by the proposal.

Having discussed the proposal with the Council's Senior Heritage Officer, they are of the same view. There would be some less than substantial harm to the setting of Brook House, which is grade II listed. The building is located to the south and west of the application site. Historically the land around the property from when it first appeared on historic maps, to its listing (August 1981) and the present day has included an increase in the land which falls within its ownership. However, it has never been associated with the land to which the application relates. Although it is noted the application site, once divided into 4 principle fields, it has lost its historic field boundaries.

The significance of Brook House arises from its principal elevation facing the A271. This is the most noteworthy of its elevations with planning history confirming it has been subject to past extension to the rear and north-east side. A garage has also been erected within the garden to the south west of the dwelling. The site is bounded by hedging. The most notable views of the asset are from the A271 which allow an appreciation of significance of the asset. This is derived from its architectural merits. Although noting that in terms of its evidential value, it was built in the 1830s, so this value is relatively limited and considered to be low.

Turning to its historic value, the building is one which is afforded limited significance as it is of low importance in a similar vein to the above conclusion. The building is a modest early Victorian detached dwelling, it has no links to known historical events, movements, groups or individuals. Its low value is afforded and derived from its general age and association with the period along the A271, which linked Lower Horsebridge and Lower Dicker.

The dwelling is an early 19th Century Victorian detached dwelling, and it has an elegant principal façade. Alterations are not readily discernible. The boundary treatments and planting make a positive contribution and contribute to the aesthetic value, softening its immediate surroundings and provide a more rustic setting. Intermediate planting along the northern and western boundary limit views of the site. The primary views are from the south, as previously identified. The aesthetic value of the asset is considered to be moderate and derived from the scale, articulation and material palette of the original house, primarily of its principal elevation.

The building only has communal value in of far as it is a familiar landmark locally, its continuous use as a private dwelling means it has no communal value.

In terms of the overall significance, it is considered to be relatively low in relation to the above exploration of its value. The setting of the asset is principally derived from its interrelationship between the house, ancillary buildings and its historic plot, its set back position from the road, the visual and aesthetic interest of its garden, planting and boundary treatments. Its relationship with the road between Lower Horsebridge and Lower Dicker also contributes to an appreciation and understanding of its significance.

The historic setting has been eroded through modern development since the 1950s, as identified on the historic mapping. The setting of the asset is derived from land to the south of the site. It is considered to be of medium significance.

The development is not located within a conservation area, which for Hellingly lies 600m to the north of the site. It is not considered the development, by virtue of its physical separation and nature in relation to the conservation area would have a detrimental impact upon its setting and it would therefore preserve it.

There would be impacts from the physical development, including the introduction of boundary treatments but also from noise and disturbance associated with the activity on the site, although noting the impact of this has been mitigated through the vehicular access serving the site being located away from Brook House on the A271 and instead being accessed off the A267 to the north-west of the site and the asset significantly reducing any harm to its setting.

The impact of the proposals would result in a change to the current conditions of the undeveloped field including built form, hardstanding including car parking, paths and circulation areas, external lighting and soft landscaping.

Consideration has been paid to GPA2 and 3 of the Historic England Guidance, the conclusions of which in light of an assessment of Brook House, the most immediate designated heritage asset, and positive contributors locally identified, find that the proposed development would not be readily apparent. Built development associated with the development proposed is located a more considerable distance from the assets. The site makes a limited contribution to the appreciation of these assets principal heritage values and overall significance.

The proposed boundary treatments would include an acoustic fence approximately 38m at the closest point, to the rear of Brook House, this is not ideal but the separation distance is a mitigating factor. Furthermore, the buffer between the rear of the asset's curtilage, intervening more contemporary development within the curtilage and more modern extensions and alterations to the asset mitigate the impact and the level of harm would be less than substantial and at the very lower end.

Lighting has been amended to significantly reduce the spill to the boundaries and whilst the lighting columns would be visible these would be limited to a maximum height of 15m and set back a considerable distance from the A271 and be of a slim profile. The light spill arising from these, has been significantly reduced. This is a considerable improvement on the previous lighting scheme, with light spill being contained within the site and not impacting on the asset. It is considered to comply with the relevant technical good practice guidance in terms from the Institute of Lighting Professionals (ILP) which allows for a higher level of illumination. Given this, it is considered that there would be no harmful impact to the setting of designated heritage assets as a result of the proposed lighting, which can also be controlled by condition.

Development of car parking is intentional located a significant distance further from the assets identified and is broken up into a main car parking, coach parking, overflow parking with generous landscaping to break this up and allow a transition to the open countryside beyond. This mitigates the level of harm identified above and it is not considered this element of the development would result in a harmful impact to the setting of the assets.

Pedestrian and cycle access from the A271 is enclosed by a 1.2 metre post and rail fence, is low key and would not alter the relationship significantly with Brook House. It is acknowledged there would be some increased noise and comings and goings. Although as no vehicular access is proposed here, headlights and noise from the movement of vehicles would not arise.

Pollution control have raised concerns around noise disturbance and concerns around insufficient information. This has been put to the applicant who have not provided any additional information at the time of writing this report. With that in mind it can currently be concluded that issues around noise disturbance may impact on heritage setting. This is covered in more detail in the residential amenity section of the report.

The application is also accompanied by a good understanding of the potential for archaeological remains. The proposed development is of archaeological interest due to its location in a landscape with evidence of past human activity from the prehistoric period onwards. Evidence for prehistoric and Romano-British activity in the environs of the proposal site includes a field system of Late Iron Age/Romano-British date recorded to the south-east. A comprehensive Archaeological and Heritage Desk-Based Assessment submitted as part of this application has reviewed the available archaeological evidence within a 1km radius of the site boundary, concluding that there is considered to be a low potential for archaeological remains to be present within the application site, but

pointing to the sites hilltop location, close to a watercourse as favourable for settlement. Further information suggests there may be evidence for former boundaries along the ridge and furrow ploughing. Therefore, the archaeological potential of the site for the medieval and post-medieval periods might reasonably be considered to be rather higher, albeit consisting largely of evidence for agricultural activities.

The County Archaeologist is satisfied that subject to conditions for a programme of archaeological works and site investigation, any archaeological deposits that could be disturbed by the development would allow remains to be preserved in situ or adequately recorded if this is not possible.

In conclusion, there would be less than substantial harm to the lower level through the introduction of boundary acoustic fencing to the rear of Brook House, noise and disturbance from the operation of the site as a whole for sport and recreational purposes.

That harm must be given great weight when considering the asset's conservation and protected status. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

As noted, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. There is a potential requirement to ensure that includes securing an assets optimum viable use, but that is not triggered in this case.

The less than substantial harm and the components of it as described, must be considered against the traffic noise arising from the A271 when appreciating Brook House specifically from its principal elevation. It is also material that there is no historic link nor reason within the listing, binding Brook Hose with the site. Weighing against this is the delivery of recreational infrastructure designed to a high specification to meet pressing and future need of and expanding part of the District. It is also the case that the proposals seeks to provide a wide range of sporting and leisure opportunities, anchored around a café for further socialising.

On balance, the wider public benefits of the proposal to address the unmet need of outdoor sports provision, the health and wellbeing benefits, employment and economic prosperity that would arise are considered to more than outweigh the less than substantial is harm, albeit at the lower level of this scale, as set out under paragraph 208.

Impact on Neighbours

There are a number of immediate neighbouring dwellings along Lower Horsebridge which back onto, or are in close proximity to the site. The built development is sufficiently distanced to prevent any overbearing impact or result in a loss of privacy given the relationship of the most private garden areas

and habitable rooms of the neighbouring dwellings in relation to the uses on the site. Operational hours and controls over lighting and management of the site can be secured by condition to ensure there is no unsociable operation. Further controls outside of planning exist under environmental protection legislation should the need arise as an additional safeguard but it is not envisaged these would be necessary given the controls secured through condition.

Turning to the specific areas where harm could arise from the development, the light spill arising from the illumination of the courts and pitches as outlined earlier in the report, has been significantly reduced. This is a considerable improvement on the previous scheme and is considered to comply with the relevant technical good practice guidance in terms from the Institute of Lighting Professionals (ILP) which allows for a higher level of illumination. Given this, it is considered that there would be no harmful impact to the amenity of neighbouring residential properties as a result of the proposed lighting, which can also be controlled by condition.

However, during the course of the application, concerns were raised regarding the impact from noise and disturbance arising from the use of the site, especially when all the facilities were in use and the potential for cumulative impact.

Pollution Control attribute much of this concern to a lack of sufficient information to conclude more positively with respect to impact on the amenity of neighbouring residents.

The submitted noise assessment together with the accompanying supporting documents and plans outline that an acoustic fence to the rear of Brook House can be erected to mitigate the harm identified. This can be secured by condition if permission is granted.

Control over hours of use and also hours of lighting are also proposed to be controlled through conditions. These would further mitigate the harm identified.

The applicant has not provided any additional information to address the questions posed by Pollution Control at the time of writing this report.

Traffic Impact, Access & Parking

It is acknowledged, as set out earlier in the report above, that the site is not ideal from an accessibility perspective with its present connectivity. It has a narrow footpath leading to the site along the southern side of the A271, although this could be enhanced and secured by condition/legal agreement for off-site highway works. Improvements to bus service provision to increase frequency of services, accessed via the improved footway and crossing points would improve this connectivity to promote active travel by sustainable means.

The vehicular access serving the site would be from the A267 and it is considered off-site highway works to provide a bell-mouth junction and ghost island could be secured and in principle this would not be objectionable to the

ESCC as the Local Highway Authority. These works would need to be secured to be completed prior to any works commencing on site.

Visibility splays have been based on the actual speed survey data provided with the application and have reduced the splays to 215 metres in each direction to 163m to the north east and 201m to the south west.

Access improvements would also be secured for the pedestrian, cycle and other non-motorised users (NMUs) access onto the A271. Bus stop improvements can also be secured in the same way.

There is no connectivity for the site from the existing public right of way to the east and owing to the river between it and the site, no connection is proposed. There would be no impact on the existing public right of way and its users as a result of the proposal.

Improved bus access onto the site itself was explored but is not possible due to operational feasibility and therefore, off-site access of existing services nearby have to be considered. However, the distance from the existing bus stops to the east of the site on the Lower Horsebridge (A271) are 400m of the Sports Pavilion on the site. Bus service improvements have already been implemented including the 28 Brighton and Hove Buses linking Eastbourne, Hailsham and Lewes. A financial contribution towards the continuation of the service including on Sundays can be secured by legal agreement. It is anticipated after 2 years and 4 months the service would self-sustaining. A Travel Plan would support the utilising of the bus service and other sustainable modes of transport. This would also be secured by legal obligation.

Bus stop infrastructure would should also be upgraded as would the footway links to the east of the site. Although it is noted that the requirements of Active Travel England due to the constraints of the highway land including a drainage ditch would prevent a 3m width and instead 2.5m is proposed. This is considered acceptable and would represent a significant improvement in the connectivity of the site with uncontrolled crossings on the A271.

Conditions to be secured are included where these meet the tests set out in the NPPF for imposing of such conditions. It is not considered all of the conditions requested meet these tests, namely the pre-development survey of the local highway network prior to works commencing and any damage caused by construction traffic would be rectified at the developers expense. This is a separate civil matter and financial recompense cannot be secured by condition through a condition.

It is noted by the Highway Authority that the developer at the site to the south has made representations but as this development has not been approved and it currently at appeal.

In conclusion, as outlined in the updated response from the Highway Authority, they consider, subject to conditions and a legal agreement to secure off-site highway works and financial contributions towards bus service provision, that the development would be sustainable in transport terms. The development

would not conflict with saved local plan policy TR3 and promote active travel in the best means possible through the provisions being secured in accordance with the NPPF.

Tree and Landscaping

The scheme is highly landscape led, as demonstrated by the extent of planting around the boundaries of the site to create a generous landscaped buffer and the retention of trees and hedgerow. This partly utilises existing boundary vegetation but also includes significant tree and hedgerow planting.

There are 18 category A and B mature oak trees, all of which are being retained. There would be some limited management work undertaken to these trees, which is not objectionable and in line with good practice. There would be some limited incursion into the Root Protection Areas of a number of other retained trees. This is where footpaths are proposed and a method to avoid harmful impacts has been provided up front to provide certainty this would not impact negatively on these trees. The impacts arising would therefore be negligible.

The species proposed have been amended to reflect a native mix of species and the inclusion of hybrid poplar has been amended following advice from the Council's Arboricultural and Landscape Officer to ensure the retained mature black poplars are not affected.

Hedge planting is also proposed, along with lower storey planting with the layout having a landscape led approach. The benefits of which would be linked to the biodiversity net-gain on the site which is covered in detail below. All of which is welcomed and weighs in favour of the scheme.

Whilst some hedgerow is to be removed to facilitate the vehicular access, this is not objectionable and is more than compensated through the new soft landscaping proposed.

Details of the measures to protect existing landscaping, construction methodology, the landscaping scheme proposed and management plan for the longer term should be secured by condition. It is therefore considered the development would be in compliance with development plan policies and the guidance within the NPPF.

Ecology

Accompanying the application, a preliminary ecological appraisal (PEA) and protected species report with addendum were submitted. These correctly identify the existing habitats on site with the affected areas noted, these are semi-improved or improved grassland of lower ecological quality.

The PEA identifies the site as having high habitat suitability for commuting and foraging bats. The Protected Species Report carried out activity surveys and the report recommends retention of boundary features including the tree line along the southern site boundary and the wet ditch on site adjacent to the northern

boundary recorded as having the highest level of bat activity. These features are being retained as part of the development of the site.

It outlines the impacts which could arise from external artificial lighting on the site and mitigation measures to address this. A lighting visual impact assessment has also been submitted with the application. Whilst the northern boundary is not impacted by lighting exceeding 1 lux lighting level, the southern boundary is proposed to be higher, up to 15 lux in places and no assessment of this had been initially carried out from an ecological perspective. Therefore, further information was requested from the applicant.

An amended lighting strategy was submitted alongside additional information to address other ecological concerns, which in summary were related to the impact of the development upon Great Crested Newts (GCN) and linked to the landscaping points above. This resulted in the removal of hybrid poplars which impact upon the importance of the retained black poplars on site.

With respect to other protected and notable species and habitats, the application concludes following the PEA and Protected Species Report the following in summary:

- A parcel of deciduous woodland to the north east of the site would not be affected subject to controls to prevent pollution during the construction phase. This would be controlled by condition. No further surveys or information is required.
- Badgers would not be affected in line with the guidance from Natural England but a suitably word condition to check for any setts on site would be advisable prior to the commencement of works on site by a suitably qualified ecologist and no further surveys are required.
- The site has the potential to support breeding birds. Habitats are proposed to be retained and new habitat created. The loss of semi-improved grassland is not suitable for breeding birds. No further surveys are required.
- The site does not provide suitable habitat for water vole. The retention of the ditch along the western boundary with buffer between 20-25m will not disturb water vole in the unlikely event they are present.
- No botanical surveys of the grassland is required given its classification as it is not ecologically significant.
- Boundary habitats are to be retained, no survey for invertebrates to support the application are required.
- Reptiles were not observed during the presence/absence survey. Although one grass snake and slow worm were in the eastern part of the site during the course of other surveys being undertaken. This is in an area which is not to be developed which is semi-improved grassland. No further surveys are recommended.
- Hazel Dormice were recorded on the northern boundary of the site and adjacent woodland parcel. They could be within all the hedgerows of the site. A licence from NE would be required.
- GCN eDNA surveying was undertaken on waterbodies off site. No further surveys were recommended.

In light of the above, the extensive habitat retention where appropriate, noting that the majority of the habitat on the site is of low ecological value being semi-improved and improved grassland within the parts of the site which are to be developed. Tree planting would accompany those habitats of value which have been identified. Whilst a European Protected Species Licence would be required for the development to proceed, the retention of existing habitat on the site would be possible all but for partial removal for a section of hedgerow to the north of the site. This is unavoidable. Mitigation as part of the EPSL can be secured by condition as set out in the accompanying Protected Species Report.

A low population of grass snake and slow worm were recorded on the site. Clearance on site can be carried out in accordance with the precautionary approach set out in the application.

Further details regarding the impact of lighting on the trees to be retained around the boundary of the developable part of the site have been provided and the lighting scheme amended to reflect potential impacts on bats. As outlined elsewhere within the report, the lux levels of the lighting as a result of the scheme now proposed for lighting. The most recent relevant guidance for bats and artificial lighting presents a number of studies where bats have been shown to be impacted by lighting. This includes light sensitive bat species being significantly impacted and demonstrating avoidance behaviour with lux levels from 1-3.6 lux, with usual light levels being used by some species light avoiding species being circa 0.45 lux. One study identified benefits of feeding activity for more common less light sensitive bat species at levels from 1 - 5 lux. The revised proposed lux values and significant reductions in lighting spill are now deemed to be within acceptable levels during the operational hours of the site when the lighting would be in use. The river and associated habitats are completely avoided from any new lighting impacts and it is reasoned proposals will not sever existing bat foraging or commuting lines at the site.

Further information was submitted with respect to a number of ponds identified by the NatureSpace Newt Officer who has provided further comment upon receipt of this information. It confirmed that the ponds in question did not provide suitable habitat for GCN. They are satisfied that subject to a condition to secure Reasonable Avoidance Methods (RAMs) then the development would not have a detrimental impact to the favourable conservation species of GCN.

In light of the above, the proposed development would result in significant levels of biodiversity net-gain in excess of 10%. This is achieved through creation of mosaic habitats including deciduous woodland, wet woodland, scrub and meadow with native species planting. Details of how this will be managed and enhanced is outlined within the additional supporting BNG statement.

Therefore, the development would, retain green and blue infrastructure would be retained where of value and enhancements secured to provide for more than 10% BNG. The development would therefore be in accordance with the relevant development plan policies, most notably WSC12, with policies HNDF 4 and 5 of the Hellingly Neighbourhood Plan and the guidance contained within the NPPF.

Flood Risk and Surface Water Drainage

The site is located partly within Floodzones 2, 3a and 3b to the east of the site where the River Cuckmere flows but the majority is located within Floodzone 1, which is known to have the lowest probability of flooding. A detailed Flood Risk Assessment has been submitted with the application, together with a surface water drainage strategy for the site informed by flood mapping data and site investigation including groundwater monitoring. It takes account of available data and the guidance from the EA regarding Climate Change modelling. It concludes that the site is at risk from fluvial flooding as the site adjoins the River Cuckmere. Underlying the site, the geology is predominately Weald Clay Formation with some Tunbridge Sand Formation of mudstone to the northern corner. No adopted or public surface water sewers are in the vicinity of the site.

The proposed development is located outside of the areas of greatest risk of flooding, the development having been masterplanned in a sequential approach to avoid the need for development in locations of highest risk of flooding. In accordance with the flood risk vulnerability classifications set out in Annex 3 of the NPPF, the development is deemed to be water-compatible development. The only element of the development which is located within floodzone 3 is the woodland walk to the east of the site.

The Council's Drainage Engineer raises no objection, which is echoed by ESCC as the Lead Local Flood Authority (LLFA). However, during the course of the application, the latter did raise queries regarding the modelling used and agreement from the Environment Agency (EA) regarding the determined extents of Flood Zones 2 and 3, and clarification regarding whether during a 1 in 30 year event the levels would be in bank, in line with the topographic surveying of the site. The drainage strategy needed to show how surface water would be discharged to a watercourse as there is no indication of how water is expected to flow from these discharge points into the watercourse. Conditions were recommended as set out in full in the response from ESCC.

Further information was provided by the applicant to address the points raised. Some amendments to the conditions recommended have been made in the response from the LLFA, who raise no objection to the development subject to those conditions.

It is concluded that there would be no displacement in a flood event modelled within the FRA to result in the need for compensation measures within the development.

The Council are unable to refuse a planning application on foul drainage grounds but foul drainage and discharge is material consideration. Foul drainage arising from the development would be limited given the nature of the development but would generate foul effluent which would need to be connected to the existing foul water sewer. Southern Water have been consulted on the application and concluded that prior to the first use of the development, following an initial assessment of the impacts arising from the development, reinforcement work may be required to be carried out. The extent of which will only be apparent once permission is granted and include monitoring of the existing flows within the network within the vicinity of the site.

Contaminated Land

The requisite reports have been submitted with the application, have been considered by the Council's Pollution Control team and they have concluded there is no evidence of contamination on the site. No conditions are requested other than a discovery strategy condition, which would require any contamination found on site then details of remediation would be required to be submitted to the Council for approval.

Habitat Regulations Assessment

Assessment of likely significant effects on the Ashdown Forest SPA

The Ashdown Forest is an attractive semi-natural area which is close to the application site. Evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest are likely to visit it.

The application site is beyond the 7km distance and is for non-residential development and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats Regulations, is not required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Assessment of likely significant effects on the Ashdown Forest SAC

The qualifying features underpinning the SAC designation are the presence of European dry heath, North Atlantic wet heath and great crested newts. The conservation objectives for the SAC can be summarised as ensuring the favourable conservation status of its qualifying features by, amongst other things, maintaining or restoring qualifying habitats.

Natural England's supplementary advice on conserving and restoring the SAC, linked to the PPG, explains that the heathland habitat of the Ashdown Forest is sensitive to changes in air quality. Exceedance of 'critical values' for air pollutants may modify its chemical substrate, accelerating or damaging plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species. Accordingly, the application development could result in an impact pathway that could adversely affect the SAC if it contributes to an exceedance in critical values.

The heathland habitat in the Ashdown Forest SAC is vulnerable to atmospheric pollution from several sources including vehicle emissions from motor vehicles. There is a potential impact pathway from increased traffic flows associated with new development on the roads which go through, or run adjacent to, the SAC. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions and extra input of nitrogen can disadvantage

these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.

The Council had proposed a new Local Plan in 2019 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. This Local Plan has since been withdrawn. Considering the effects of that quantum of growth proposed in the new Local Plan, Natural England was satisfied that this would not adversely affect the integrity of Ashdown Forest SAC or Lewes Downs SAC from air quality impacts. Natural England's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

The development proposed is also considerably less than the quantum of growth promoted in the Local Plan 2019 and considered by Natural England. For the reasons set out above, when considered on its own or in combination, the proposed development would not [subject to the above detailed mitigation which Natural England will be consulted upon] adversely impact on the integrity of the protected European sites. It is noted that Natural England do not and have never objected to the application.

Assessment of likely significant effects on the Pevensey Levels SAC

Pevensey Levels is an internationally important wetland site, designated as a SAC and Ramsar site for its wetland plants and invertebrates. This special interest depends on good water quality and stable water levels. The site is about 3.2km (at its nearest point) from the boundary of the Pevensey Levels SAC. However, the site is adjacent to the River Cuckmere which drains directly into the protected sites at the Pevensey Levels.

The SAC was classified in February 2016 under Regulations 11 and 13-15 of the Conservation of Habitats and Species Regulations 2010. The SAC designation is principally concerned with the protection of the Ramshorn Snail (*Anisus vorticulus*) identified in Annex II of the Directive as a Primary reason for selection of the site. There are no non-primary reasons for the site selection and the screening (and any Appropriate Assessment) therefore must relate to the sole Primary reason for selection.

Anisus vorticulus occurs across a range of sites in southern and eastern England. Pevensey Levels is a large and expansive grazing marsh that supports *Anisus vorticulus* in both a wide spatial distribution and in good population density classes. It is recorded across a number of the levels, including at Hooe level, Manxey level, Glynleigh and Horse Eye Levels. The western areas of the Hooe Levels should be regarded as one of the richest locations for this species within an often linked complex of ditches and channels. The Pevensey Levels, with an occupation of some 38% of sampled ditches, supports the largest known population of *Anisus vorticulus* in the UK.

Anisus vorticulus is a small aquatic snail with a flattened spiral shell rarely more than 5mm in diameter. It occurs in unpolluted, calcareous waters in marsh drains with a dense aquatic flora, and favours ditches with a diverse flora but little emergent vegetation. It often floats on the surface amongst duckweed *Lemna* spp. Ditches that are either completely cleared of vegetation or are choked with weed and silt are unsuitable. Winter flooding may be important in enabling young snails to colonise new ditches. The main threats to the species include land drainage, inappropriate habitat management and eutrophication. Studies of its requirements and conservation management have been undertaken.

The Primary reason for site selection for the SAC is therefore sensitive to:-

- Land Drainage;
- Inappropriate Habitat Management; and
- Eutrophication.

The Ramsar site was designated in February 1999. Pevensey Levels is one of the largest and least-fragmented lowland wet grassland systems in southeast England. The low-lying grazing meadows are intersected by a complex system of ditches which support a variety of important wetland communities, including nationally rare and scarce aquatic plants and invertebrates.

The Ramsar Information Sheet (RIS) identifies designation under the following Ramsar Criterion:

- Criteria 2 - The site supports an outstanding assemblage of wetland plants and invertebrates including many British Red Data Book species.
- Criteria 3 – The site supports 68% of vascular plant species in Great Britain that can be described as aquatic. It is probably the best site in Britain for freshwater molluscs, one of the five best sites for aquatic beetles Coleoptera and supports an outstanding assemblage of dragonflies Odonata.

The site also supports a notable assemblage of breeding and wintering wildfowl though this is not included as being a criterion for designation on the RIS (which would be criterion 5 or 6).

The RIS identifies two threat factors:

- Introduction/invasion of non-native plant species; and
- Pollution - domestic sewage.

The Hydrological Report in the evidence for the Habitats Regulation Assessment (HRA) for the Core Strategy sets out hydrological potential impacts as:

- Increased surface water run-off produced by development;
- Pollutants contained in surface water run-off produced by development;
- Discharge of waste products from waste water treatment works, causing a detrimental impact on the water quality of the Pevensey Levels; and

- Increased water abstraction/demand produced by additional development.

It identifies the conservation objectives for the Ramsar site to be 'to promote the conservation of the wetland, to avoid deterioration of the wetland habitats of Ramsar interest and to avoid significant disturbance of associated species'. Natural England's objective is stated as 'to restore (or maintain) the international site features of the Ramsar site to achieve favourable conservation status'.

Important actions to protecting the sites integrity are set out as:

- Unpolluted water;
- Low levels of nutrient enrichment (primarily from surface runoff and hydrological pathways, but also from atmospheric deposition);
- Control of non-native species (e.g. pennywort and *Crassula* sp.);
- Maintenance of appropriate hydrological regime; and
- Control of recreational disturbance.

The Council as the 'competent authority' must decide whether an 'Appropriate Assessment' is required, thus implementing Article 6(3) of the Habitats Directive (92/43/EEC). Circular 06/05 sets out guidance to enable the consideration of new plans and projects, including development such as this. Figure 1 of the circular provides a flow chart approach to be taken in order to consider a proposal that may affect protected sites.

There are 7 steps to a HRA that are set out in a flow chart in Figure 1 of Circular 06/05. This chart has been used to assess the application proposal. The assessment draws on the detailed evidence reports produced in relation to the Core Strategy HRA. The HRA relates to both the Ramsar and SAC features set out above (though not each element would relate to both in regard to Step 2).

Stage 1

Is the proposal directly connected with or necessary to the management of a protected site?

No

Step 2

Is the proposal likely to have a significant effect on the interest features of the site, alone or in combination?

Land Drainage/Water Levels

The proposed development does not propose any land drainage or abstraction from the watercourses. However, the introduction of built footprint has the potential to create increased surface water runoff flow rates. Nevertheless, the size and surface area of the proposed development would be off-set through the management of surface water outlined earlier in this report through a two-

stage SUDs system and in a controlled manner which is no greater than the existing discharge rate of the site (19.9l/s). Therefore, the potential surface water runoff versus the existing can be controlled and managed at a controlled rate and it is not considered to materially affect water levels within the Pevensey Levels SAC.

Inappropriate Habitat Management

The proposal does not propose any alterations to existing habitat managements to the SAC/SSSI/Ramsar site, these falling outside the application site area. The current proposal does not affect any existing habitat management operations.

Water Quality/Silting of Channels

Surface water runoff has the potential to be a major source of water pollution.

Pollutants reach wetland areas mainly through runoff whereby water flows over impervious surfaces picking up a number of pollutants generated by human activity. Such pollutants can include sediment from development; toxic metals and petroleum waste from roadways and industrial or commercial areas; nutrients and bacteria from residential areas; and, nutrients and pesticides from agriculture and gardening activities. In this instance, the works involved in creating vehicle parking areas, general construction works and increase motorised vehicle use of the access and the proposed parking, are identified as pathways for pollutants to adversely affect the SAC.

Furthermore, the application will generate foul and grey water which has potential to contaminate the water bodies and compromise water quality.

These can controlled and mitigated through the implementation of appropriate two stage SUDs, as detailed below in the extract from the Shadow HRA produced by the applicant.

Table 2: Two Stage SuDS Treatment Summary

Site Area	Treatment One	Treatment Two
Carpark 9 and 10	Permeable Paving	Downstream Defender
Carparks 1 to 8	Permeable Paving	Carpark Pond
Playground / Skate Park	Gravel Trench	Downstream Defender
Football Pitches	Central Pond / Swale	Southern Detention Pond
Padel Tennis / Tennis / Netball Courts	Central Pond / Swale	Southern Detention Pond
Café / Changing Rooms Building	Central Pond	Southern Detention Pond

Invasive Species

The proposal will not result in any likely significant effect to the SAC/Ramsar site through introduction or inhibiting of management of any invasive species.

Alterations to water quality and/or nutrient enrichment are set out in a separate section in relation to any 'competition' matters.

Eutrophication

Eutrophication is the depletion of oxygen in a water body. It is a response to the addition of excess nutrients, mainly phosphates which induces explosive growth of plants and algae, the decaying of which consumes oxygen from the water. Eutrophication is most commonly induced by the discharge of phosphate-containing detergents, fertilizers, or sewage, into an aquatic system.

Therefore, the foul water could cause eutrophication.

There would be no other potential increase of discharge to watercourses of phosphate-containing detergents, fertilizers, or sewage of any private treatment works operating within the permits set by the Environment Agency and no additional surface water runoff created as set out above.

Stage 2

Given the location of the application site in close proximity of the Pevensey Levels SAC, SSSI and Ramsar site, it is likely to result in significant effects to the integrity of the SAC and its primary reason for designation, and the Ramsar site and its criterion for designation.

Appropriate Assessment

The application specifies that the foul sewage generated from the proposal will be discharged via the existing foul drainage sewer. Whilst there might be a need for minor reinforcement works to the existing foul drainage network to accommodate the development, the development is not residential in nature. The existing loading in the catchment of the site would not be significantly increased in terms of input from visitors to the site on the existing WWTW within Hailsham North or South (which does not discharge to the Pevensey Levels).

The above detailed consideration of the impacts demonstrates that further detailed information is required in respect of a construction management plan, proposed parking arrangement/treatment and the finer detailed design of the sustainable drainage system which will deal with controlling foul sewage and surface water, which will mitigate against in-combination impacts to the SAC. Consequently, based on this report which forms the Appropriate Assessment subject to approval from Natural England, the proposal is considered acceptable under the Habitat regulations as not having a likely significant effect subject to conditions secured on the recommendation to grant permission. The Council concur with the shadow HRA carried out by the applicant.

Having regard to the HRA flowchart, with appropriate conditions to secure this information and to require the development to be carried out in accordance, consent can be issued following approval from Natural England.

5. Conclusion

The provision of a new, comprehensive range of professional body standard sport and leisure facilities in close proximity to Hailsham, with improved connectivity for active travel to encourage the use of sustainable modes of transport would be in line with the needs identified by the Council's Playing Pitch and Outdoor Sports Strategy and Action Plan (December 2023) and that recognised in the Hellingly Neighbourhood Plan.

The visual impact of the development would result in a change to the landscape but this is minimised and mitigated through the contained nature of the site to the south and west, although views would be possible from the public right of way to the east and there would be some visual change given the undeveloped nature of the site at present. This would not, however, be in conflict with the objectives and recommendations in the Landscape Character Assessment and the nature of the development proposed, which is green infrastructure and when weighed against the significant public benefits arising from the scheme underpinned by have social and economic benefits identified, which would arise as a result of health and wellbeing.

Furthermore, the environmental benefits as a result of habitat enhancement on site which are to be retained and result in an increase in excess of the BNG net-gain 10% would contribute to the environmental benefits of the development. Protected and notable species would maintain their favourable conservation status in line with measures to mitigate any harm which could arise.

There is no arboricultural objection to the application and significant new landscaping would be secured through condition.

Public transport improvements, alongside pedestrian and cycle improvements along the A271 would be secured by condition/legal obligation to improve connectivity via sustainable means of travel which significantly enhance the existing limited connectivity to the site. Renewable energy provision on site including provision of electric car charging is integrated into the development to reduce carbon emissions and enhance the environmental credentials of the scheme. This would encourage sustainable modes of travel to and from the site.

There is harm arising from the development with respect to cumulative impacts from noise. That said, whilst more information would prove more conclusive, some of this harm can be mitigated by the securing of the acoustic fence to the rear of Brook House, control of hours of operation including external lighting for activity taking place in the evenings which would reduce the harm to the amenity of neighbouring residents and to reduce the harm to the setting to the nearest designated heritage asset, Brook House.... The proposed development would not result in an overbearing form of development nor would they result in a loss of privacy or nuisance from light spill into residential properties around the site boundaries.

The site is not unsuitable in terms of its relationship with existing areas at risk of flooding. Surface water drainage can be suitably managed and foul water would

be secured through a condition requiring reinforcement works to be considered prior to any such use commencing.

In conclusion, the development would deliver a sporting and leisure facility where there is no significant harm to the landscape character, would result in some harm to neighbouring amenity through increased noise levels, and less than substantial harm to heritage assets at the lower end of the scale, but these would be significantly outweighed by the public benefits arising from the development, set out in the report.

6. Contact points and references

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