

Statement by [REDACTED]
Chairman Hellingly Parish Council

Site Address:	Land south of the A271 and east of the A22. Lower Horsebridge, Hailsham East Sussex
Description of development:	Outline application for a development of up to 124 no residential dwellings, associated infrastructure (including a new access junction onto y the A271) and open space
Application Reference:	WD/2022/3222/MAO
Appellant	Hertfordshire Holdings Limited
Appeal Reference:	APP/C1435/W/23/3335625

22 February 2024

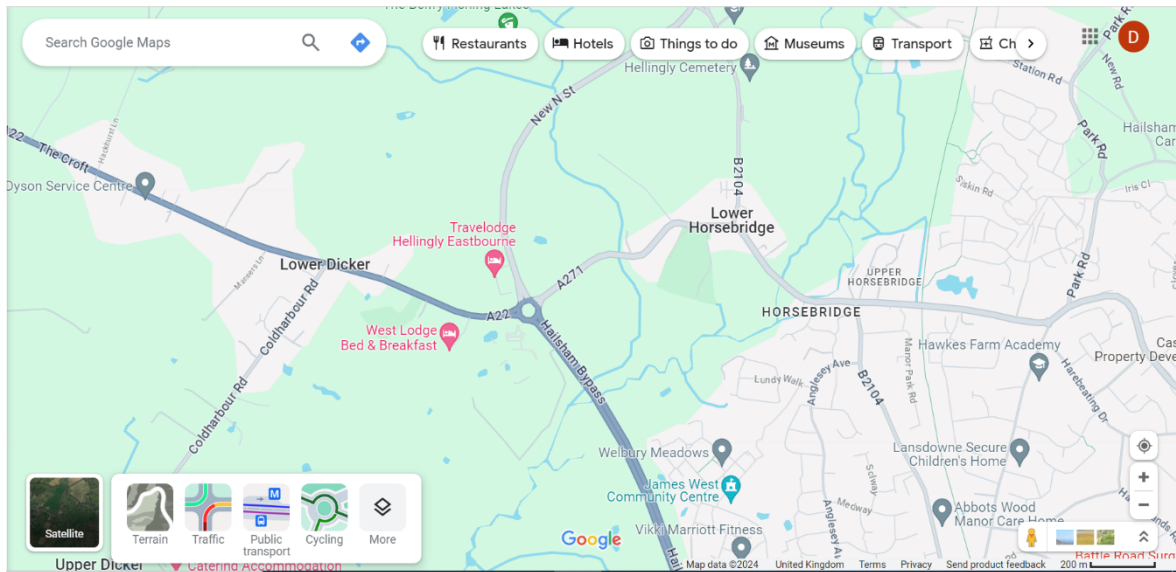
STATEMENT

1. Introduction

- 1.1. [REDACTED]
- 1.2. I have lived in the Parish of Hellingly since [REDACTED] and have a good knowledge of the appeal site and its surrounds.
- 1.3. I have been a member of Hellingly Parish Council [REDACTED]
[REDACTED]
- 1.4. I have represented Hellingly Ward (within which the appeal site is located) as a District Councillor on Wealden District Council since 2003.
- 1.5. As Chairman of Hellingly Parish Council I was directly involved in the preparation of the Hellingly Neighbourhood Development Plan (adopted July 2021) and appeared at the examination in public of the plan before the Inspector.
- 1.6. I represent Wealden Council as a member of the Pevensey and Cuckmere Water Level Management Board
- 1.7. In 2000 I was instrumental in setting up the Cuckmere Flood Forum an association of the nine Parishes through which the Cuckmere and Bull Rivers flow the objects of which are to record and examine the incidents of flooding in the river catchments with the objective of providing advice and solutions to mitigate if not alleviate the risk of flooding.
- 1.8. I live at, [REDACTED] which is located on the Cuckmere River approximately 2 miles north east of the application site. I

2. The appeal site and its surrounds

- 2.1. The site is located in the parish of Hellingly, east of the A22 and south of the A271 between the two rural settlements of Lower Dicker and Lower Horsebridge.



2.2. By reason of the high ground water table, the heavy nature of the underlying clay soil, and its propensity to regularly flood from ground and surface water and fluvial flooding, the site which is presently down to grass, is not considered suitable for arable farming and has been used, for as long as I can remember, for animal grazing (principally sheep).

2.3. Approaching the site from the west from either the A22 or the A267, from the Boship there are distant views of Lower Horsebridge (the row of poplar trees in the distance being the boundary of the Lower Horsebridge recreation ground) and of the urban edge of Hailsham from which the site is separated by the rivers Bull and Cuckmere.



Views towards A271 from the Boship



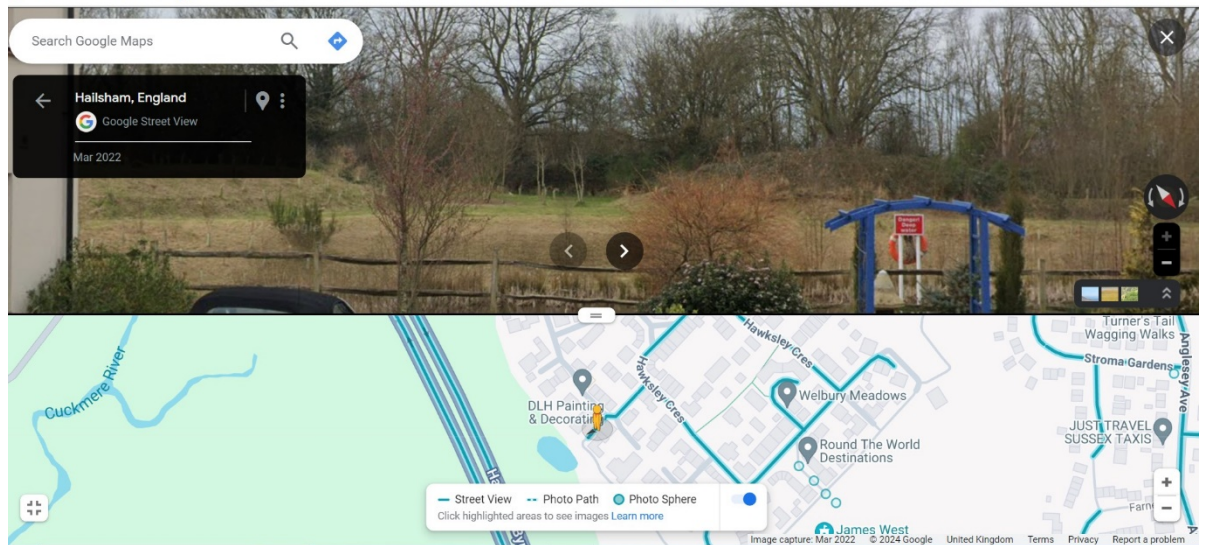
2.4. The urban settlement of Hailsham is approximately 2.7 km to the south east of the site and is approached from the A22 from three spur roads, namely Hempstead Lane east, Diplocks Way, and South Road, or from London Road (B 2104) a junction off the A271 in Upper Horsebridge, the settlement situated east of Lower Horsebridge.

2.5. The expansion of residential development in Hailsham has resulted in the coalescence of north Hailsham and Upper Horsebridge and the outward expansion of west Hailsham towards the A22. However development to the west of Hailsham has hitherto been set back some distance from the A22 with suitable buffers made up of bunds, areas of woodland, recreation grounds and ponds all with the object of reducing the noise and air pollution from the A22 road traffic. The result is that the eastern side of the A22 is framed by a thick tree barrier masking the residential development beyond.



Views along A22 approaching Diplocks roundabout showing the tree screen and from

Welbury Meadows towards the A22 showing the pond, bunds and tree screen



2.6. Access to the site is direct from the A22 and A271 by two agricultural field gates.

It is understood that further vehicular access from the A22 is excluded by covenant in favour of ESCC imposed when the land for the A22 (Hailsham Bypass) was acquired.

2.7. The property is within the Low Weald Landscape Character Area and is outside any adopted development boundary.

2.8. Development potential of the site has previously been assessed in the SHEELA prepared as part of the background papers for the new draft Wealden Local Plan when it was concluded

The site is comprised of several fields used for grazing located to the south of Lower Horsebridge, adjacent to the roundabout junction between the A22 and A267 and close to the north-western edge of Hailsham. The River Cuckmere forms the southern boundary of the site and the A271 forms the northern and eastern boundaries. A public right of way extends along the northern edge of the site and crosses through the middle of the eastern portion of the site. The 2023 Landscape Sensitivity Assessment states that the site is of moderate to high sensitivity to residential development, in part due to the area's role in separation between the settlements of Hailsham and Lower Horsebridge, the areas of deciduous woodland and the undulating course of the River Cuckmere and open views into the site from the A271. The site forms part of the wider River Cuckmere corridor, which continues to the north towards Hellingly and to the south towards Upper Dicker. This corridor is an important swathe of undeveloped land which

separates the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham. It is a low-lying area and most of the site is within Flood Risk Zones 2 or 3, which precludes residential development in this location. The western part of the site, outside of the Flood Risk Zones, was subject to an outline planning application for 124 (net) dwellings under reference WD/2022/3222/MAO, but this was refused on the basis of harm to landscape, connectivity issues and on harm to the setting of Brook House (heritage asset) to the northwest of the site

3. Reasons for refusal

- 3.1. *The site lies outside any development boundary and within open countryside where the principle of residential development would be unacceptable having regard to local planning policy as it would be contrary to policies GD2, DC17 and EN27 of the Wealden Local Plan 1998 and Policy WCS6 and WCS9 of the Wealden District Core Strategy Local Plan (2013) (CS). These, taken together and amongst other objectives, preclude development within open countryside, set a classification of settlements suitable for additional housing and the quantum of housing and also seek development that respects the character of the area. The proposed development would be detrimental to the character and appearance of the*
- locality. Any residential development on this site will inevitably and irrevocably change the character and appearance of this part of the River Cuckmere corridor, which is an important swathe of undeveloped land separating the village of Lower Horsebridge from the urban area of Upper Horsebridge and Hailsham, by extending development southwards and the harmful urbanising impact which would arise from the development. The application site is considered integral to the character and visual setting of the River Cuckmere corridor. As such, the application site holds not only visual significance in terms of the landscape setting but also in terms of the historic settlement form and character and its relationship to the listed buildings to the north and west. The proposed development for 124 dwellings on this site represents an unacceptable and inappropriate form of development. The development as indicated on the submitted plans is considered to be overdevelopment of the site, fails to reflect the existing grain of development and is poorly related to the surrounding built form and landscape. The development would appear as a highly urbanised housing estate, out of keeping with the rural location and existing low density development. It is considered that the adverse harm caused*

by the development resulting in urbanisation of agricultural land and impact on the landscape and historic character would be contrary to local planning policies that seek to protect and complement the environment. The development does not therefore meet the definition of sustainable development within the National Planning Policy Framework and the adverse harm identified would significantly and demonstrably outweigh the benefits of the proposal. The development would therefore be contrary to Policies GD2, DC17, EN1, EN2, EN8, EN14, EN27, EN29 and TR13 of the Wealden Local Plan; Spatial Planning Objective SPO13 and Policies WCS6, WCS9, WCS12, WCS13 and WCS14 of the Core Strategy, Policy LBH1 of the Hellingly Neighbourhood Development Plan and National Planning Policy Framework policies relating to sustainable development including Paragraphs 7, 8, 9, 10 and 11, those requiring good design in particular Paragraphs 130, 131 and 134 and those that seek to ensure that development protects and enhances the natural and built environment in particular Paragraph 174 in addition to advice in the Wealden Design Guide 2008, adopted Supplementary Planning Document, Chapter 2 Section 3, Chapter 5 Section 8 and Chapter 7.

3.2. The development would undermine the character of the setting of Brook House and

Boship Farm Hotel by virtue of divorcing them from their countryside setting, providing an alien and urbanising development which by virtue of the scale, form and quantum of development would cause unacceptable harm to the character and significance of the setting of the heritage assets, and that this harm would not be outweighed by the public benefits resulting from the proposal. As such the proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 130, 189, 197, 199, 200 and 206 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.

3.3. The proposal has failed to demonstrate that, the site is suitably accessible by non-car modes. The development would therefore be contrary to Saved Policies EN1, EN2, TR3, TR13 and CS1 of the Wealden Local Plan 1998, Spatial Planning Objectives SPO7 and SPO15 and Policies WCS7 and WCS14 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 111 and 112.

4. Comment

4.1. Ground “**outside any development boundary and within open countryside**”

4.1.1. The location of the site between the two settlements of Lower Dicker and Lower Horsebridge and to the north of Hailsham is clearly within open countryside where development would both be contrary to saved policies in the Wealden Local Plan 1998 and Core Strategy Plan 2013 as well as being contrary to the Hellingly Neighbourhood Plan 2021.

4.1.2. Damage to the settings of Lower Horsebridge and Lower Dicker

The Hellingly Neighbourhood Development Plan evolved with two simple but widely supported aims;

- a) To protect the rural character of the area.
- b) To retain the separate character of the four main settlements in the Parish (Hellingly Village, Lower Horsebridge, Lower Dicker and Roebuck Park.

The inspector appointed to examine the HNBP commented

69. The plan has two primary aims, namely to protect the rural character of the parish and secondly to retain the separate character and identity of the parish's four main settlements, Hellingly village, Lower Dicker, Lower Horsebridge and Roebuck Park. I believe that the policy that will emerge from this examination will still deliver these aspirations

And

147. I must congratulate Hellingly Parish Council for preparing a locally distinct and focussed neighbourhood plan, which seeks to deliver on the expressed priorities of the community. The plan delivers on its two main objectives namely to protect the rural character of the parish and secondly to retain the individual character of the existing settlements within Hellingly parish, whilst recognising that the parish will continue to grow, as a result of strategic policies for this area, which lies on the northern edge of the town of Hailsham

By seeking to introduce an urbanizing development out of character with the grain of the surrounding development in an otherwise completely rural location and that would be detrimental to the settings of both Lower Horsebridge and Lower Dicker and north Hailsham this application is in direct conflict with the aims of the HNBP which seeks to preserve the rural character of the parish and the separate character of the settlements and in particular HNBP policies LHB1 and LD1 which state

LHB1

“Where the principle of new development within the Lower Horsebridge Character area is considered appropriate proposals will be required to clearly demonstrate....iv) that there is no erosion of the sense of openness and rural character of the existing setting of the settlement”.

And

LD1

“Where considered acceptable in principle new development within Lower Dicker Character area will be required to clearly demonstrate....iv) no erosion of the sense of openness and rural character of the settlement”

4.2. Ground – **“Over development”**

- 4.2.1. Both HNPD policies LD1 and LHB1 restrict scale and mass and limit the height of new developments to two storey
- 4.2.2. Two and three storey dwellings (apartment blocks) clearly visible from the A22 would be out of keeping with the area and the pattern of development that has taken place along the eastern side of the A22 between the Boship roundabout and the South Road roundabout where all development has been set back from the A22 with significant landscape buffers protecting the housing developments and their residents from the adverse effects of noise and air pollution as well as preserving the essentially rural approach to the area and the setting of the historic market town of Hailsham.
- 4.2.3. Siting of dwellings close to the A22 would create detrimental living conditions arising from the impact of air quality and noise that will only get worse should the improvements proposed for the Boship roundabout be implemented

4.3. Ground - **Impact on the River Cuckmere Habitat Link and Biodiversity**

- 4.3.1. Development in this location will be detrimental to Policy HNPD4 Green and Blue Infrastructure and HNPD5 Biodiversity

Policy HNPD4 – Green and Blue Infrastructure

Green and blue infrastructure assets as shown on Map 2 will be protected and enhanced by ensuring all development proposals within the areas identified on Map 2:

- i) Are based upon survey work carried out within the last 2/3 years or as stipulated in good practice guidance.
- ii) Maintain and enhance the integrity of the green and blue infrastructure.
- iii) On or immediately adjacent to green or blue infrastructure assets clearly demonstrate, through use of up to date ecological information, that proposals will not significantly harm the integrity or function of that feature and the benefits it provides. Where necessary proposals will include the identification of evidence and mitigation measures sufficient to avoid any harm to the green and blue infrastructure.
- iv) Clearly demonstrate how the overall function and integrity of the green or blue infrastructure will be enhanced to provide net gains. Proposals for major development should include a management plan to ensure the effective long-term implementation and management of those green and or blue infrastructure assets.

(Core Strategy SPO1, WCS12, WCS13, Saved Policies EN12, EN13, EN14, EN15, EN16 67.

And

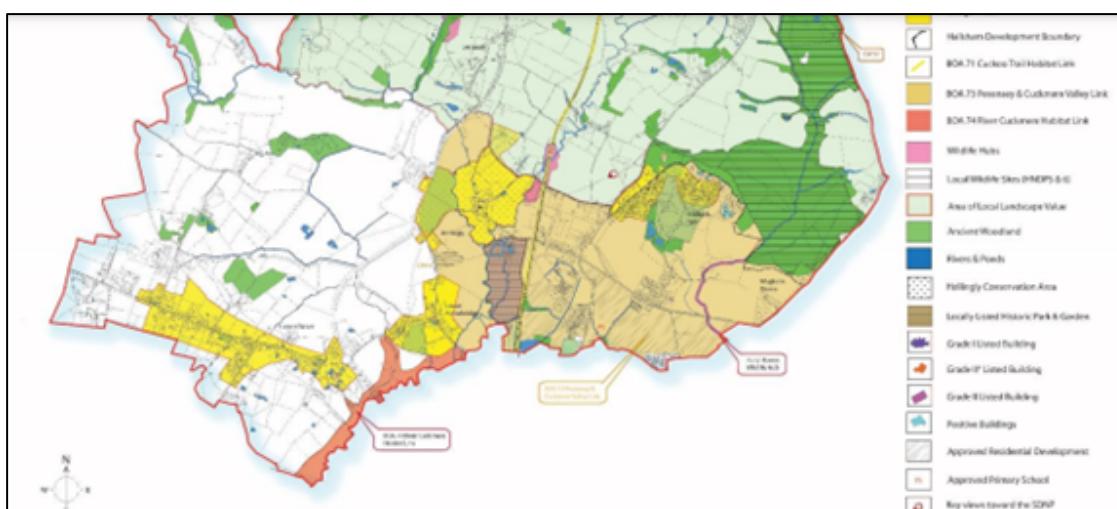
Policy HNDP 5 – Biodiversity

Biodiversity will be protected and enhanced by ensuring development:

- i) is informed by up-to-date ecological information and considers cumulative impacts as far as it is appropriate, having regard to the scale and nature of development and its impact on the wider ecological network.
- ii) where appropriate, contributes and takes opportunities to improve, enhance, manage and restore biodiversity so that there is a net gain in biodiversity including through the creation of new protected sites and locally relevant habitats and incorporating biodiversity features within developments, such as nesting bricks, species friendly planting, bat boxes, creation of ponds.
- iii) minimises habitat and species fragmentation through appropriate design and maximises opportunities to enhance restore and connect natural habitats to increase coherence and resilience.
- iv) schemes comprising major development will be required to produce an ecological impact assessment and a management plan that ensures effective long-term implementation and management of biodiversity features.

(Core Strategy SPO1, WCS12, WCS13, Saved Policies EN12, EN13, EN14, EN15, EN16

4.3.2. Both policies HNDP4 and HNDP5 are intended to protect the setting and ecology of the Cuckmere Habitat Link.



4.3.2.1. The site, if developed will impact adversely on the River Cuckmere Habitat Link and the Pevensey and Cuckmere Valley Link identified in the HNBP.

4.3.2.2. The proposals fail to maintain or enhance the integrity of the green and blue infrastructure and are likely to significantly harm the integrity and function of these infrastructure assets and the benefits they provide.

4.3.2.3. The application fails to show how the green or blue infrastructure will be enhanced to provide net gains or opportunities to improve biodiversity by the creation, within the development, of new protected sites and locally relevant habitats incorporating biodiversity features.

4.3.2.4. The present application will damage the ecology and biodiversity and will not deliver any net gains.

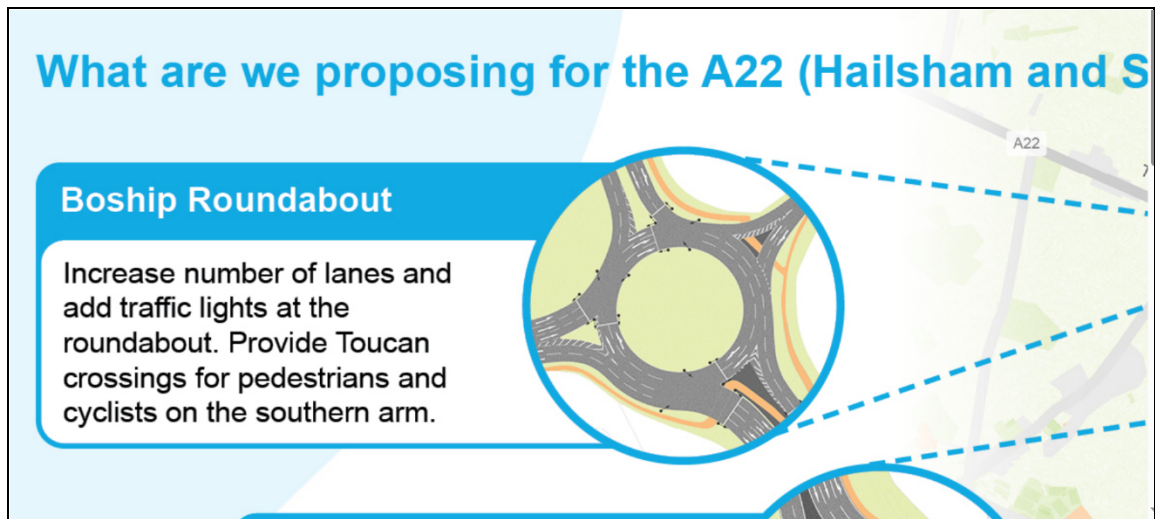
4.3.2.5. The development proposed is likely to increase the surface water run off to the river with the potential to add pollutants associated with domestic use of the neighbouring property as well as increasing the disturbance to the ecology of the rivers Bull and Cuckmere.

4.4 Ground – **Transport accessibility of the site**

- 4.4.1 Since 2019 East Sussex Highways has consistently drawn attention to the present deficiencies in the ability of the Boship roundabout and A271 to cope with the traffic being generated from developments in Hellingly and in North and East Hailsham that have received planning consents. The deficiencies were first identified in the South Wealden and Eastbourne Transport Study 2010 and are repeated in the Wealden Local Plan Transport Studies 2017 and 2018. A Major Road Network Bid has been submitted for funding for a series of improvements to the A22 between the Boship roundabout and Eastbourne. But as yet there has been no indication of the acceptance of the bid and the availability of the funding. Without the improvements to the Boship and the A271 it is the view of ES County Highways that the roads that are already operating over capacity will continue to degrade with the resultant

queuing, gridlocks and accidents that are occurring on the local roads (the A22 and the A271) at peak times. There have been five major accidents and one fatality in the area in recent years.

- 4.4.2 This application will be primarily car dependent for access to the local services in Hailsham via either the Boship and A22 or the A271 and London Road and will add to the present congestion and the resultant degradation of the local road network.
- 4.4.3 Improvements to the Boship roundabout that were first proposed in 2003 and still have not been delivered.



- 4.4.4 The access from the A271 is considered to be unsatisfactory and potentially unsafe.
- 4.4.5 Traffic queuing for the Boship roundabout regularly extends beyond the proposed access.
- 4.4.6 Additional vehicle movements from 124 houses or a discount store (an option previously consulted upon by the applicant) would make the problem much worse.
- 4.4.7 Accidents have occurred on this section of the road and the new junction would increase the likelihood of future accidents.
- 4.4.8 Speed reductions are unlikely to be effective in reducing the speed of the traffic travelling east along the A271.
- 4.4.9 Should approval be granted there should be a condition imposed preventing occupation of the site prior to implementation of the improvements to the Boship
- 4.4.10 Whilst it is true that there is an hourly bus service along the A22 during the day it is unlikely that the bus services will either connect to the locations that residents wish to access or will operate at times convenient for their journeys. Residents of the new dwellings would therefore be mostly if not entirely dependent upon the motor car to access all or any of the services, shopping, healthcare, education, and employment.

4.4.11 The potential impact of the development if approved has not been adequately assessed and addressed and growth in this area would be unsustainable (Contrary to Paragraphs 108 and 109 NPPF)

4.5 Flood Risk and Drainage

4.5.1 The site is at the convergence of the Cuckmere River and Bull Rivers and regularly floods, often several times a year, when both rivers overtop. . In addition, the high ground water table and the underlying impervious Wealden clay make surface water drainage through infiltration unlikely.



Example of confluence of the river and stream in close proximity to the proposed development



4.5.2 Flood records of the area maintained by the Environment Agency and East Sussex Lead Flood Authority are incomplete. Despite the repeated and regular flooding experienced in Hellingly Parish, relatively few incidents appear in the records held by ESCC and WDC which are based primarily upon flood events reported by the public.

- 4.5.3 Despite the repeated and regular flooding experienced in Hellingly Parish, Surface Water Management Plans fail to record the flooding of farm land as farmers do not usually report flood events. There is however abundant photographic evidence of standing water (the result of surface and groundwater flooding) across much of the site including the area on which it is proposed to site the housing.
- 4.5.4 Changes in the identification of flood risk and mitigation measures now refer to **“flood risk from all sources”** (NPPF paragraph 166) not just fluvial flood and Zones 1,2 and 3. In relying upon desk top studies and incomplete records insufficient account has been taken of the flood risks associated with the site and of the potential to increase flood risks elsewhere (NPPF paragraph 173) should the site be developed and impervious surfaces created.
- 4.5.5 Whilst it is correct that the Bull River (incorrectly referred to as the Lower Horsebridge Stream in the submitted flood study) and the Cuckmere river are not tidal at this point both rivers are tide blocked during High tide which occurs twice daily. When the rivers are tide blocked fluvial, ground and surface water cannot drain and the level of the flood increases not only on the site but also in adjacent areas within the river catchment namely Hellingly Village and Lower Horsebridge.
- 4.5.6 Proposals to raise the ground levels to facilitate development are in conflict with Hellingly Neighbourhood Policy HNPD3 and with relevant paragraphs of the NPPF (166 and 173) and should not be approved.
- 4.5.7 Whilst SUDS installations have the effect of regulating the discharge flow rate they do not reduce the volume of water displaced by development. It is an inevitable consequence of development that water that can no longer be absorbed on site will be directed to adjacent property or the rivers and will accentuate flood risks elsewhere in Hellingly, Alfriston and West Dean.
- 4.5.8 Proposals that locate flood attenuation basins and recreational space with areas of regular flooding should not be approved. .

4.6 Foul drainage

- 4.6.1 In response to an enquiry from the applicant Southern Water has indicated that the additional flow of foul sewage from a development on this site may lead to an increased risk of foul flooding from the sewer network but that the company will work with the developer in order to review the delivery of network reinforcements aligns with proposed occupation of the development. It further comments that it would endeavour to provide reinforcement within

24 months but that more complex applications may result in an extension of the 24 month period.

- 4.6.2 Foul flows from the site would be by means of a series of sewers and pumping stations eventually linking to Hailsham North Waste Water Works.
- 4.6.3 The company has made identical comments on other applications for major developments in the Parish.
- 4.6.4 If approved this application will exacerbate the existing problem. Discharges and overflows from the system connect to the Cuckmere River and the Pevensey Levels.

Discharges 2022

Horsebridge Pumping Station (Southern Water)

Permit number: S01450

In 2022, this sewer storm overflow spilled 21 times for a total of **162.62 hours** , discharging into the River Cuckmere.

Hailsham North Wwtw (Tributary Of The Hurst Haven)

Permit No: A01166

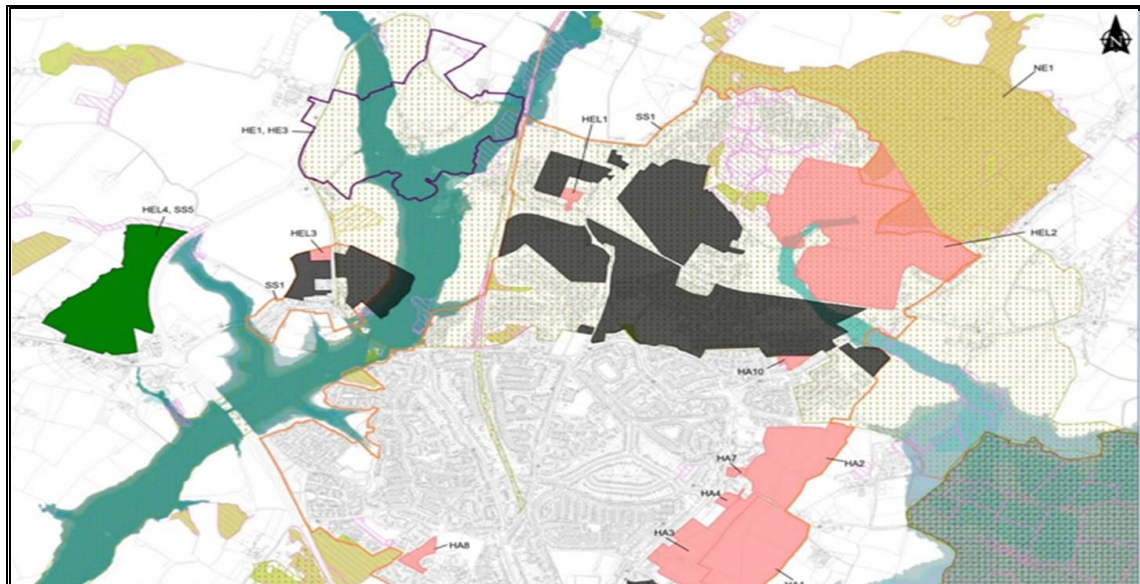
In 2022, this sewer storm overflow spilled **42** times for a total of **538.16** hours , discharging into the Tributary Of The Hurst Haven.

- 4.6.5 Southern Water has in recent years been fined £126m for unauthorized discharges that included discharges to the Pevensey Levels which is a RAMSAR Site, a SSSI, a SAC and a nature reserve deserving of the highest level of protection.
- 4.6.6 A preliminary examination of the non consented discharge records of Southern Water for the year 2021/2022 show further non consented discharges to both the Cuckmere and the Levels.
- 4.6.7 At present insufficient evidence has been provided to confirm the ability of Southern Water to accommodate the cumulative additional foul flows from all of the proposed and consented developments without the additional flow from this site

4.7 Housing Need

- 4.7.1 There are presently over 8000 extant permissions for new dwellings in Wealden that have yet to be built.
- 4.7.2 In the Parish of Hellingly consents have been granted for in excess of 1930 new dwellings in the last 10 years many of which remain outstanding.

4.7.3 With the exception of 190 in Lower Horsebridge and 45 in Lower Dicker the consents given have all been in the area east of the Cuckoo Trail and adjacent to North Hailsham in the area of the Parish which by reason good connectivity to Hailsham and local services is considered to be a more sustainable location.



Hellingly and Lower Horsebridge

Key

Flood Zone 2	
Flood Zone 3a	
Flood Zone 3b	
Future Flood Zone 3a	
Ramsar Site	
Ancient Woodland	
Biodiversity Opportunity Areas	
Local Wildlife Site	
Priority Habitats	
Special Area Conservation	

Sites of Special Scientific Interest (SSSI)	
Scheduled Ancient Monument	
Conservation Area	
Key Employment Areas	
Development Allocation	
Development Boundary	
Sites with Planning Permission	
Strategic Employment Allocation	
Policies Map Boundary	

4.7.4 The 190 dwellings in Lower Horsebridge are within the envelope of Lower Horsebridge in locations that adjoin existing development and therefore have little or no impact on either the setting of the settlement or the rural nature of the landscape.

4.7.5 This is in addition to the several thousand new dwellings given consent in Hailsham

4.7.6 Efficient development leading to the creation of beautiful places in which people wish to live as recommended in the NPPF should be planned and plan

lead and not determined by an irrational rush to build anywhere just to satisfy what appears to be an insatiable demand for numbers. There are local plans and extant plan policies that still apply and the tilted balance referred to in the NPPF does not override all other considerations.

5 CONCLUSION

The Parish Council supports the decision of Wealden Council to refuse planning permission for the reasons set out in the refusal decision and this representation. I therefore respectfully request that the appeal be dismissed.



Chairman Hellingly Parish Council

Wealden District Council Hellingly Ward Member

Member of the Pevensey and Cuckmere Water Level Management Board