The Planning Inspectorate

CASE MANAGEMENT CONFERENCE (CMC) NOTE

Appeal Ref: APP/C1435/W/23/3321978

LAND AT DOWNLANDS FARM, UCKFIELD

Hybrid planning application comprising: outline application (with all matters reserved except for access) for the erection of up to 424 no. residential dwellings including affordable housing, the provision of vehicular, pedestrian and cycle access and separate emergency access from the Uckfield bypass (a22), pedestrian and cycle access from Snatts road, open spaces including children's play space, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks; and full application comprising creation of a strategic SANG, associated landscaping and car parking, and demolition of existing residential property and other buildings and provision of pedestrian and cycle access from rocks road, associated landscaping, infrastructure and earthworks.

Meeting held via Teams at 14.00 on Wednesday 16th August 2023

Purpose of the CMC

1. To discuss arrangements for holding the Public Inquiry scheduled for Tuesday 24th October at 10.00. The CMC provided an opportunity to discuss procedural matters. There was no consideration of the merits of the appeal.

Present:

Anne Jordan – Inspector

For the Appellant: John Litton (KC) Rachel Scott, Zoe Chacksfield, Dominick Veasey, Nick Parsons, Amy Woodward, Julian Forbes-Laird, Alistair Baxter, Mark Doughty, Sean Whelan, Rob Forsyth, Eddy Statford, Phil Bell , Fiona Thorp, James Smith, Joshua Mellor

For the Council: Victoria Hutton (of Counsel) Stacey Robbins, Roger New, Kal Kambol

Others Present: Dr Martin Stenning, Francis Wallace - Downlands Action Group (DAG)

Means by which the Inquiry will proceed

2. The Inquiry will be held at the East Sussex National Hotel Uckfield TN22 5ES. The event is to be livestreamed but not recorded.

Notification of the appeal and site notice

3. The Council confirmed that it will be undertaking notifications by post. The Council is asked to send the letter out at least 3 weeks before the Inquiry is due to commence.

4. The Council should also place a copy of the notification letter on its website and in the local newspaper. The Council will put up a site notice in the same locations used for the planning application. This should also be done at least 3 weeks before the inquiry.

Copies of the site notice and notification letter and details of where the notices have been erected should also be provided to PINS.

Opening dates, sitting times and inquiry duration

5. The main parties confirmed that they would be available for the Inquiry to open on **24th October at 10.00.** Twelve days were agreed to be sufficient to complete the Inquiry. The Inquiry will not sit on Mondays or Fridays. Although discussed at the hearing the Inspector is no longer able to sit on Friday 10th of November.

Main issues and other evidence

6. The main issues were discussed. Subject to some refinement of wording the main issues for the appeal are likely to be:

- The effects of the proposal on the highways network including whether the scheme provides safe and suitable access for all users. (cross examination)

- The effects of the proposal on veteran trees and ancient woodland, the effects of the proposal on protected species and whether the proposal provides adequate mitigation in relation to the potential effects of the proposal on Ashdown Forest SPA and SAC) (cross examination);

- Whether the proposal adequately addresses flood risk within the site and does not increase the risk of flooding elsewhere (cross examination);

- The effects of the proposal on heritage assets, including non-designated heritage assets and historic landscape character; (tbc pending receipt of proofs, appellant preference for cross-examination)

- Whether the proposal would be in an appropriate location, having regard to local and national policies which advocate development in locations which are accessible to local services and restraint to development in a countryside location; (cross examination).

- Whether the proposal makes adequate provision for infrastructure including affordable housing. (written submissions and round table during conditions session);

<u>Other Matters (pending receipt of SoCG, statements from DAG and S106)</u>

7. The Council and Appellant indicated that the matter of Housing Land Supply may be subject to agreement between the parties and covered within the Statement of Common Ground (SoCG). Should this not prove possible, the matter would be dealt with at the Inquiry. It is anticipated that this will be dealt with by way of a round table session although the appellant advised that cross-examination may be necessary.

8. The Inspector also identified the matter of potential harm to the spatial character of the area including wider landscape character which has been raised by a number of local residents. The appellant may respond to this matter through cross-examination of their planning witness or may present a landscape witness for a round table session and will confirm this matter following receipt of proofs.

Inquiry running order and programme

9. The Inquiry will open at 10.00 on the first day and 9.30 on subsequent days. A preliminary running order was discussed but this is likely to be subject to change and so will be confirmed prior to opening. The evidence will be heard on a topic by topic basis.

    On the first day Tues 24th October
    - Inspector's opening comments
    - Appellant's opening
    - Council's opening
    - Third parties who wish to speak
    - Highways Appellant EIC

    Subsequent to this:

    Highways – 1 day via cross examination
    Ecology – 3 days via cross examination (including impact of proposed SUDS)
    Flooding – 1 day via cross-examination (may not be necessary)
    Accompanied site visit (half day)
    Heritage - 1 – 1.5 days if cross-examination, half day if round-table – (tbc)
    Landscape – (tbc- possible half day round table)
    Housing land supply (tbc half day round table or full day if cross examination)
    Planning (1.5 days by cross-examination)
    Conditions and S106 (half day)
    Further site visit (tbc – half day)
    Closings (half day)
    Costs (half a day – not indicated)

10. If local residents are unable to speak on the 1st day the Inspector will arrange an alternative convenient point in the programme. The Inspector notes that DAG do not wish to obtain Rule 6 status. Nonetheless, the Inspector notes that the group have submitted detailed evidence to the Inquiry and wish to speak in detail in relation to ecology and impacts on heritage assets. For this reason, she will schedule speakers from DAG at the time the evidence on these matters is heard. She reminded the members of DAG that new evidence, introduced late to the Inquiry, may not be accepted and requested that DAG adhere to the timescales for submissions below. The Inspector notes that a species list referred to in evidence has now been provided as part of DAG's submission.

11. The Council advised that they were not aware that Natural England would attend the Inquiry but that the Forestry Commission and the Woodland Trust, may both wish to speak. The Inspector will contact these organisations to request that any new evidence is submitted in advance.

12. The Council suggested that an accompanied site visit early on in the Inquiry would be helpful to gain an understanding of site geography. There was some discussion of whether this should take place before or after evidence in relation to ecology. It was agreed that the Inspector will undertake an unaccompanied site with an agreed route map and that a further accompanied visit would take place during the course of the hearing. The Inspector is planning to visit on Wednesday 30th of August. She does not, at this point, know at what point in the day she will be visiting so she would be grateful if the gates to Chicory Cottage could be left open between 10.00am and 4pm.

She would be grateful if the agreed map for the site visit could be provided by midday on Friday 25th of August.

13. A round table session will be held on planning conditions and the Planning Obligations. Participation does not prejudice any party's case and is a normal component of a planning inquiry.

Planning obligation and conditions (CIL compliance schedule)

14. The parties confirmed that a finalised obligation, agreed conditions schedule and any relevant CIL compliance schedule will be available at the opening of the Inquiry. The Inspector agreed to providing a period of 2 weeks for the agreement to be executed after the Inquiry.

Management of Inquiry documents

15. The Inspector is grateful for the advice of the advocates on this matter and requests that the parties identify the key documents from the core list and provide them in paper form. She will also identify any further documents she needs in hard copy by the **17th of October** which should be brought to the Inquiry. The Council have confirmed they will host the Inquiry website.

16. There is no formal provision for the provision of rebuttal proofs and the Inspectorate discourages their use. The receipt of any additional evidence is at the discretion of the Inspector and should be submitted in good time prior to the event. All parties are asked not to hand documents into the Inquiry unless absolutely necessary. If this cannot be avoided, they will need to be submitted electronically the night before they are required to be shared and placed on the Inquiry website.

17. Openings should be provided in paper form at the opening of the Inquiry. Closing submissions should be provided at least one hour before delivery in paper form. Time will be built into the programme to facilitate the preparation of closing submissions.

Other Matters

18. The appellant has submitted revised plans which seek to respond to highways concerns as well as the concerns of Natural England in relation to the provision of walking routes through the SANG. In relation to the highways plans, the Inspector notes that the Council has no objection to these being submitted.

19. With regard to the proposed changes to facilitate a boardwalk within the SANG. The Inspector notes the Appellant's view, that they can carry out consultation on plans as they wish. However, it is at the discretion of the Inspector as to whether she considers it appropriate to accept such plans as part of the submitted scheme. The Inspector is of the view that to accept revised plans and to carry out public consultation on them would only be constructive in this case if there is sufficient information for those consulted to form a definitive view on the material provided.

20. The Inspector has reviewed the plans and notes that the installation of the boardwalk would necessitate the installation of a large number of screw piles, potentially within the root protection area of trees in the Ancient Woodland. To assist in determining the impacts of the proposed changes, the plans should be supported by a cross-referenced tree-protection plan which identifies the potential impacts on the woodland, and is supported by details of the construction method for the works, along with any measures

that would be used to mitigate potential impacts on the woodland. The appellant should also advise on whether, in the light of any identified impacts on trees, the revised plans would constitute a change that would necessitate an update to the Environmental Statement.

21. Once these details have been provided the Inspector will confirm whether she is accepting the revised plans and whether public consultation can be undertaken. She intends to carry out just one round of consultation on the boardwalk plans and the highways plans together. She would therefore be grateful if the appellant could confirm when the requested information will be made available. She will advise on how consultation will take place in due course.

22. The Inspector notes that there a number of outstanding applications made by DAG to Natural England relating to the Ancient Woodland Inventory, and the designation of a SSSI and a SAC in the vicinity of the site. She would be grateful if DAG could provide an update of the status of these applications one week prior to the opening of the Inquiry.

Costs

23. Neither party advised that a costs application would be forthcoming. If such an application were to be made they should be made in advance and in writing.

Actions

24. The timetable for actions, including the submission of Inquiry documents is as follows:

w/c 21st August
- PINs to contact Natural England, The Woodland Trust and The Forestry Commission to determine if they wish to participate at the Inquiry
- appellant to update the Inspector on supporting information in relation to revised plans

25th August 2023
- parties to provide an agreed map for the Inspector's site visit

12th September 2023
- submission of all Statements of Common Ground

26th September 2023
- submission of all Proofs of Evidence
- submission of any additional proofs by third parties including DAG
- submission of Core Documents List

13th October 2023
- submission of rebuttal proofs (if required)

17th October 2023
- parties to indicate timings and agree Inquiry timetable,
- Inspector to indicate documents needed in hard copy,
- submission of final draft S.106 Agreement
- submission of final schedule of agreed draft planning conditions
- CIL Compliance Statement by the Council
- electronic library to be provided by Council
- DAG to advise on status of Natural England Applications

25. The Inspector looks forward to a productive event and reminds all parties of the importance of complying with the timetable of actions.

Anne Jordan
16th August 2023