

**TOWN AND COUNTRY PLANNING ACT 1900
SECTION 78 (AS AMENDED)**

**LAND AT BIRD IN EYE FARM, SOUTH OF BIRD
IN EYE HILL (FRAMFIELD PARISH), UCKFIELD**

**Appeal against failure of Wealden District
Council to determine an outline planning
application within the statutory period for up
to 290 dwellings, associated landscaping,
informal open space and strategic SANG, with
access from the B2102.**

**PROOF OF EVIDENCE RELATING TO TOWN
PLANNING MATTERS**

Prepared by:

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On behalf of:

Croudace Homes Ltd

croudacehomes

PINS Ref: APP/C1435/W/22/3307820

LPA Ref: WD/2021/2198/MAO

WBP Ref: 7336

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Woolf Bond Planning
Chartered Town Planning Consultants

CONTENTS

	Qualifications and Experience	2
1.0	Introduction	3
2.0	Planning History	14
3.0	Appeal Site Location and Context	18
4.0	Appeal Scheme Description	22
5.0	Development Plan and Planning Context	34
6.0	Five Year Housing Land Supply	59
7.0	Affordable Housing	61
8.0	Main Issues	72
	1) <i>The principle of development outside the settlement boundary.</i>	
	2) <i>Location sustainability and highway considerations.</i>	
	3) <i>The effect of the proposal on ancient woodland.</i>	
	4) <i>The impact of the scheme in relation to drainage and flood risk.</i>	
	5) <i>The impact of the proposal in heritage terms.</i>	
	6) <i>The impact of the proposal in landscape terms.</i>	
	7) <i>Addressing third party and Rule 6 Party representations.</i>	
	8) <i>Planning Obligations</i>	
9.0	The Planning Balance	94
10.0	Summary and Conclusion	102

Documents

- SB1 Bellamy Roberts Consultation Letter and Plan Rev P (Aug 2023)**
- SB2 Sequential Test (August 2023)**
- SB3 Infographic**
- SB4 Letter of support for the SANG proposals from the Land Trust (21st August 2023)**

QUALIFICATIONS AND EXPERIENCE

Steven Brown will say:

I hold a Bachelor of Science and Post Graduate Diploma in Town and Country Planning and I am a Member of the Royal Town Planning Institute.

I am a Principal of Woolf Bond Planning LLP – Chartered Town Planning Consultants and I have been engaged in town planning with more than 20 years' experience as a private consultant acting for major house builders, development companies, estates and private individuals. Housebuilder clients include Croudace, Barwood Land, Bellway, City & Country, Cora, Dandara, Foreman Homes, Persimmon, Redrow Homes and Taylor Wimpey, as well as strategic land promoters, including CEG and Fairfax.

I am an expert planning witness, having appeared at numerous s78 inquires and Local Plan Examinations.

My involvement with the Appeal Site dates from 2015. During that time I have provided planning advice in relation to the evolution of the scheme design. I also attended the Local Plan Examination in 2019. I am well versed in the planning policy position in Wealden, including in relation to the numerous schemes that have been granted and allowed at appeal, including due to the Council's continued inability to demonstrate a five year supply of deliverable housing land.

I have visited the Appeal Site and its surroundings on numerous occasions and I have examined the relevant plans and documents for the purpose of the appeal.

The evidence which I have prepared and provide for the appeal is true and has been prepared, and is given, in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

1.0 Introduction

Scope of Evidence

- 1.1. This Appeal is made by Croudace Homes against the failure of Wealden District Council to determine an outline planning application within the statutory period for up to 290 residential dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2102 (all matters reserved except for access) (LPA Ref: LW/21/0937).
- 1.2. The Scheme is in outline with only the principle of developing the Site for up to 290 dwellings, provision of a SANG and the means of access to the Site to be determined as part of this outline application. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 1.3. My assessment and planning balance has been informed by the evidence prepared by Ms A Hensler (Drainage), Mr M Rose (Ecology), Mr T Copp (Heritage), Mr M Twinberrow (Highways), and Mr R Hyett (Trees).
- 1.4. My evidence addresses the overarching planning policy context, including the five year housing land supply position. Drawing upon the evidence from the expert witnesses on the topic-specific considerations (drainage, ecology, heritage, highways and trees), I also undertake the overall planning balance and conclude in relation to the merits of the Appeal Scheme.

Planning Context

- 1.5. The Appeal Site is located adjoining, but immediately beyond the settlement policy boundary for Uckfield as defined on the Local Plan Proposals Map. Accordingly, it is located in the countryside. In addition, the Site is not allocated for housing development. As such, the Appeal Scheme is contrary to the Development Plan. However, and having regard to the Section 38(6) balance, there are a number of material considerations that justify the grant of planning permission.

- 1.6. The development plan is out of date in terms of the spatial application of its housing policies by virtue of it being predicated on an out-of-date assessment of development needs¹, whilst, in addition, the Council is not able to demonstrate a five year supply of deliverable housing land.
- 1.7. Paragraph 5.7 of the Council's Statement of Case (**CDC.4**) accepts that the lack of a five year supply of deliverable housing land means the most important policies for determining the Appeal Scheme are out of date.
- 1.8. In the circumstances, the presumption in favour of sustainable development (the tilted balance) at paragraph 11(d) of the NPPF is clearly engaged. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not in this case); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 1.9. I note the Council's contention at paragraph 5.60 of their Statement of Case (**CDC.4**), that the tilted balance is disengaged on account of the Scheme's purported impact which they say will lead to the deterioration of the ancient woodland (this engaging footnote 7 and paragraph 180(c) of the NPPF). However, for the reasons explained in the evidence prepared for the Appellant, the Appeal Scheme will not result in the loss or deterioration of irreplaceable habitats (the ancient woodland). I also note here that the Appeal Scheme evolved pursuant to a collaborative approach with Natural England. Their consultation response confirms no objection (**CDB.26**).
- 1.10. As I have explained, it is my position that the development plan policies for the supply of housing are out of date for two reasons (either one triggers the tilted balance at paragraph 11(d) of the NPPF):
- (i) the spatial application of settlement boundaries (which have been breached to meet current housing need); and

¹ See Hopkins Homes paragraph 63 (**CDJ.5**)

- (ii) the lack of a five year supply of deliverable housing land.
- 1.11. There are no footnote 7 considerations provide a clear reason for refusing the development proposed.
- 1.12. This is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the Site beyond the defined settlement boundary for Uckfield) can be reduced given the need to breach the settlement boundaries identified in the development plan to meet development needs.
- 1.13. The particularly weighty material considerations in favour of this Appeal are clearly sufficient to outweigh the limited conflict with the out-of-date development plan.

The Council's Putative Reasons for Refusal

- 1.14. The Council's putative reasons for refusal are set out in section 5 of their Statement of Case (**CDC.4**).
- 1.15. There are a total of 6 putative reasons, which matters I summarise as follows:
- (1) Principle: location of the site in the countryside, beyond the settlement policy boundary.
 - (2) Ancient woodland.
 - (3) Surface water drainage. However, this reason is no longer being pursued (see paragraphs 1.16 and 1.17 below).
 - (4) Highways: suitability of location.
 - (5) Highways: safe access and effect on the town centre.
 - (6) Lack of a legal agreement

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- 1.16. As confirmed in an email From the Council to PINS dated 8th August 2023, the Council is no longer pursuing their third putative reason for refusal relating to surface water drainage.
- 1.17. This follows the Council's receipt of the Lead Local Flood Authority's consultation response dated 2nd August 2023, which confirmed no objection to the surface water drainage strategy (**CDB.32**). As such, it is no longer a 'live' issue between the Council and Appellant. However, and notwithstanding, the Rule 6 party is still advancing a drainage objection.

Addressing the Putative Reasons for Refusal

First Putative Reason: Principle

- 1.18. My evidence addresses that part of the first putative reason for refusal dealing with the principle of providing for development beyond the settlement boundary. Informed by the evidence of the witness team, I am then able to undertake my planning balance.

Second Putative Reason: Impact on Ancient Woodland

- 1.19. The evidence prepared by Mr Rose addresses the second reason for refusal. His analysis is informed by the technical work undertaken by Mr Hyett, Ms Hensler and Mr Twinberrow. Mr Rose also includes an air quality assessment at his Appendix H².

Third Putative Reason: Drainage

- 1.20. Ms Hensler addresses reason 3 (drainage), which putative reason is no longer being pursued by the Council.

² This addresses the potential for impacts from vehicle emissions generated by the Appeal Scheme upon irreplaceable habitats.

Fourth Putative Reason: Suitability of Location

- 1.21. Mr Twinberrow addresses the suitability of the Appeal Site's location.

Fifth Putative Reason: Safe Access and Effect on the Town Centre

- 1.22. Mr Twinberrow also addresses this issue, concluding in relation to the acceptability of the access design.

Sixth Putative Reason: Infrastructure Provision

- 1.23. With reference to the sixth putative reason for refusal, it is agreed that these matters will be addressed on receipt of a signed legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, transfer and management of the SANG, building, biodiversity net gain (BNG), highways, education, libraries, and open space.

Planning Balance

- 1.24. As the Inspector will be aware, the Council raises no design and/or landscape objection to the Appeal Scheme. This reflects the sensitive approach taken to the scheme design and the appropriateness of developing the Site in this settlement edge location, including on account of the Site's relationship to existing built form.
- 1.25. I then carry out the overall planning balance. As my evidence explains, I conclude that the Appeal Scheme should be allowed.

Statements of Common Ground

- 1.26. To assist the Inspector, and to reduce the issues to be addressed in evidence, the Appellant and WDC have sought, where possible, to agree a position on relevant matters.

1.27. Topic-based Statements of Common Ground (“SoCGs”) have been prepared between the Appellant, Wealden District Council and East Sussex County Council (**CDD** only). They comprise as follows:

- (i) Planning (**CDD.1**),
- (ii) Ancient Woodland (**CDD.3**); and
- (iii) Highways (**CDD.2**).

1.28. The above Statements of Common Ground reflect the matters identified at paragraph 17 of the Inspector’s Summary Notes from the Case Management Call.

1.29. As putative reason for refusal no. 3 relating to surface water drainage is no longer being pursued by the Council, it was agreed with the Inspector that a Drainage SoCG was no longer required.

Areas of Agreement

1.30. As set explained in section 5 of the Planning SoCG (**CDD.1**), the matters now agreed between the Appellant and the Council are wide-ranging and comprise as follows:

- a) It is agreed that the settlement policy boundaries are out of date.
- b) It is accepted that the Council is not currently able to demonstrate a five year supply of deliverable housing land against the Standard Method.
- c) The development policies for the supply of housing are out of date.
- d) It is accepted that the provision of up to 290 dwellings from the Appeal Scheme is a significant social benefit and that should be afforded substantial weight.
- e) It is accepted that the previous appeal decision pertaining to the site (dismissed 2009 (PINS Ref: PP/C135/A/07/2053422) (LPA Ref: WD/2006/3564/MAO).is a material consideration.

- f) It is accepted that the Appeal Scheme will not adversely affect the designated heritage asset at The Oast (Grade II listed building) at Bird in Eye Farm.
- g) It is agreed there is no good reason to reject the Appeal Scheme on landscape grounds.
- h) As confirmed in an email From the Council to PINS dated 8th August 2023, the Council is no longer pursuing their third putative reason for refusal relating to surface water drainage. This follows the Council's receipt of the Lead Local Flood Authority's consultation response dated 2nd August 2023, which confirmed no objection to the surface water drainage strategy.
- i) The degree of impact on Uckfield Town Centre is agreed and can be mitigated through a financial contribution which could be secured through the legal agreement.
- j) It is accepted that Wealden District is a CIL Charging Authority and financial contributions will be secured at the reserved matters stage once the amount of chargeable floorspace is fixed.

Areas of Disagreement

1.31. As set out in section 6 of the Planning SoCG (**CDD.1**), there are 5 issues where there continues to be disagreement between the Appellant and the Council:

- (i) Principle: location of the site in the countryside, beyond the settlement policy boundary.
- (ii) Ancient woodland and veteran tree.
- (iii) Highways: suitability of location.
- (iv) Highways: safe access and effect on the town centre.

- (v) Lack of a legal agreement

The Inspector's Main Issues

1.32. At the Case Management Call (“CMC”), the Inspector helpfully set out the following main issues to be addressed in evidence, which matters are summarised at paragraph 11 of the Inspector’s CMC Summary Note as follows:

- a) Ancient woodland
- b) Drainage/Flood Risk
- c) Highway Safety
- d) Planning (principle of development and accessibility).

1.33. My planning evidence includes consideration of the development plan, location and overall sustainability. My planning balance also addresses the benefits of the Appeal Scheme; and issues raised by third parties. This includes the highway and flood risk issues raised on behalf of the Rule 6 Party (Ms Kassie Smith KC).

1.34. I address these matters in section 8 of my evidence.

Proposed Access Amendments

1.35. In the period since the Appeal was lodged and the Highways SoCG prepared, the Appellant’s highway witness has continued to engage with the East Sussex County Highway Authority. Those discussions have resulted in further very minor amendments to the site access proposal Plan No. **5330/021 Rev K (CDA.55)**. This was the plan recently consulted upon by Wealden District Council. The very minor amendments can be seen on drawing **5330/021 revision P (SB1)**.

1.36. Full details are included in Mr Twinberrow’s highway evidence, and I summarise the proposed amendments introduced with this revision (compared to the Rev K plan (**CDA.55**)) as follows:

- Further widening along the northern side of Bird in Eye Hill of 0.5m over a distance of approximately 38m to facilitate 3m through lane widths over the length of the right turn pocket. The previous scheme (revisions H and K) included 2.75m through lane widths.
 - An increase of the junction radii from 8m to 10m.
 - A very minor realignment of the northern kerb line to achieve a minimum clearance of 450mm between the kerb line and highway boundary.
 - A suggested location for positioning of a 'side road ahead' sign for westbound vehicles approaching from the east.
- 1.37. The publicity given to the proposed amendments was in the form of letters sent to the individuals that were recently consulted by the Council, a site notice and web site (www.bellamyroberts.com/uckfield-access-plan). Relevant documents were also sent to the local highway authority, Council and rule 6 party.
- 1.38. The notification letters were sent by first class post on 18th August 2023, along with a copy of Access Plan Rev P (**SB1**).
- 1.39. No prejudice will have been caused to any interested party having regard to the Wheatcroft principle and guidance contained in section 16 of the Procedural Guide: Planning Appeals England June 2023.

Overarching Summary of the Appeal Scheme's Merits

- 1.40. Having regard to the relevant planning policy and material considerations, the acceptability of the Appeal Scheme may be summarised as follows:
- i. The development of the Appeal Site for a sustainable form of development should now be considered favourably in accordance with the advice at paragraph 11(d) of the NPPF, having regard to the importance of housing delivery in helping to meet the District's market and affordable needs and the delivery of economic, social and environmental objectives of the planning system.

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- ii. In *Suffolk Coastal DC v Hopkins Developments Ltd* [2017] UKSC 37 (**CDJ.5**) Lord Carnwath's judgement confirms at paragraph 63 that the weight to be attached to restrictive policies, such as countryside and landscape policies can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements. There are obvious parallels with Wealden where the adopted housing strategy derives from an assessment of housing need that pre-dated the NPPF.
 - iii. The Council's spatial strategy is out of date and cannot meet its identified housing need without breaching the settlement boundaries identified in the development plan.
 - iv. In addition, the Council accepts it cannot demonstrate an up-to-date five year supply of deliverable sites for housing. It claims a maximum 3.92 year supply³ (a shortfall of 1,5796 dwellings) (**CDE.16**)
 - v. As such, and in accordance with paragraph 11(d) NPPF, the most important policies (including those relating to settlement boundaries) are to be regarded as out of date and the presumption in paragraph 11(d) of the NPPF applies (subject to paragraph 182 of the NPPF).
 - vi. For the reasons explained at paragraphs 1.6 and 1.10 above, the tilted balance is engaged for any one of two scenarios to be applied to the consideration of the Appeal Scheme: (i) the spatial application of settlement boundaries (which have been breached in order to meet current housing need); and (ii) the lack of a five year supply of deliverable housing land.
 - vii. There are no footnote 7 considerations in the NPPF that result in a clear reason for refusal. This includes on heritage grounds, and ancient woodland, as the Appeal Scheme will not result in the loss or

³ Wealden District Council Five Year Housing Land Supply Statement – as of 1st April 2022 (Dec 2022) (**CDE.16**). Table 4, on page 17 of the document refers.

deterioration of ancient woodland such that the scheme is compliant with paragraph 180(c) of the NPPF.

- viii. The Scheme represents a sustainable form of development.
- ix. The Appeal Scheme involves the provision of significant benefits, including the delivery of market and 35% affordable housing, new public open space and materially in excess of 10% biodiversity net gain.
- x. Not only are there no adverse impacts which significantly and demonstrably outweigh the benefits, but there are in fact significant benefits which justify the grant of planning permission.
- xi. The Appeal Scheme is submitted in accordance with the NPPF and the Scheme should be allowed so as to permit a sustainable form of much needed new market and affordable housing in helping to meet the District's housing needs and to provide the additional benefits which have been identified, including the delivery of a strategic SANG.

1.41. Overall, it is my evidence, informed by the expert evidence provided by other witnesses for the Appellant, that the Appeal should be allowed.

Content

1.30. The remainder of my evidence is set out as follows:

- 1. Planning History
- 2. Appeal Site Location and Context
- 3. Appeal Scheme Description
- 4. Development Plan and Planning Context
- 5. Five Year Housing Land Supply
- 6. Affordable Housing
- 7. Main Issues
- 8. Planning Balance
- 9. Summary and Conclusion

2.0 PLANNING HISTORY

Previous Appeal Decision (Feb 2009)

General

- 2.1. A previous scheme (considered some 13 years ago, against a fundamentally different planning policy context) proposing development of the Site for the erection of 197 dwellings, including affordable housing, with associated access, structural landscaping and recreation space was dismissed at appeal by decision dated February 2009 (PINS Ref: PP/C135/A/07/2053422) (LPA Ref: WD/2006/3564/MAO). The appeal decision is included at **CDK.11** and the illustrative layout plans for that proposal (comprising extracts from the Design and Access Statement) are at **CDA.3 and CDA.43**. The decision is a material consideration in the determination of the current Appeal Scheme.
- 2.2. The previous scheme related to a smaller part of the appeal site and did not include the area proposed as strategic SANG.
- 2.3. The Secretary of State dismissed the earlier appeal (paragraph 52) on the basis “that there was more than a five-year supply of housing land and therefore no good case for releasing any of these greenfield sites on grounds of housing need at this time.”
- 2.4. As indicated, at the time of dismissing the earlier appeal, the development plan was found to be up to date, with the Council also being able to demonstrate a five-year supply of deliverable housing land. That is no longer the case. The planning policy context has changed substantially.
- 2.5. Paragraphs 18 and 19 of the SoS decision state as follows:

*“For the reasons given in IR655, the Secretary of State agrees with the Inspector that conclusions on housing land supply requirements should be based on the figures in the emerging SE Plan as this represents the most up to date position. For the reasons given in IR657-658, the Secretary of State agrees with the Inspector that the Council’s assessment of housing supply is robust. **She is satisfied that there is at present more than 5 year supply of housing in Wealden.** She is further satisfied that the supply is higher in ‘rest of Wealden’ than for the district as a whole. Notwithstanding the fact that emerging SE Plan requirements are to be treated as a minimum (IR682), she therefore considers there is no good case to allow any of the three appeals on the basis of housing need at this time.*

*The Secretary of State has considered the appeals in the light of paragraphs 69-72 of PPS3. In the light of her conclusion above, and the fact that these greenfield sites are not allocated in the overall land supply, she considers that they do not fall to be considered under paragraph 71. Paragraph 72 states that applications should not be refused solely on the grounds of prematurity; the Secretary of State’s reasons for refusing all of the appeals are set out in this decision letter and summarized in the conclusions (paragraphs 51-55). **Given the existence of a 5 year housing and supply,** she considers that the damage to the plan-led system that would arise from granting permission for housing on any of these unallocated greenfield sites weights against all the schemes, and that it would be preferable for housing sites to come forward via the LDF process, and in tandem with a town centre traffic scheme. [My emphasis]*

- 2.6. At that time, it is clear that Wealden District could demonstrate the minimum five-year supply of housing land. As explained and accepted by the Council, this is no longer the case with a maximum supply of 3.92 years (**CDE.16** refers).

Landscape

- 2.7. Landscape considerations were considered in paragraph 27 of the SoS decision:

“She agrees with the Inspector, for the reasons given in IR689, that there are no cogent reasons to resist BIES [Bird in Eye South] proposals purely on landscape grounds.”

2.8. IR Para 689 States:

“...any development on BIES would be very visible from the Community Hospital and nearby existing and approved residential areas off the Framfield Road, but it would not breach the skyline when looking eastwards, and could be designed (as shown by the DAS) to protect existing views of the listed oast house building at Bird In Eye Farm. Like BIEN, but unlike Downlands, it would appear as a natural and logical extension to the town, and not significantly separated, much less divorced, from it by the Framfield stream. As with BIEN, I think that the landscape proposals would complement the form and layout of development shown in the DAS, and help provide a pleasing new urban edge to Uckfield. In sum, there are in my opinion no cogent reasons to resist the BIES proposals purely on landscape grounds.”

- 2.9. Development of the Appeal Site for housing was considered by the Inspector to be acceptable in landscape terms. This is also the agreed position between the parties for the purpose of determining the current Appeal.

Ecology

- 2.10. This assessment of the Secretary of State on ecology and nature conservation is set out in paragraph 33, where:

“For the reasons given in IR731-738, the Secretary of State agrees with the Inspector that there is no sound case for rejecting BIEN or BIES schemes on the grounds of any harm to ecological/nature conservation interests.”

Heritage

- 2.11. The impact of the scheme on heritage assets is addressed in paragraph 43 which concludes:

“The Secretary of State notes that there is a Grade II listed oast house immediately adjacent to BIES. Like the Inspector, the Secretary of State is satisfied that the setting of this building would not be materially harmed by the BIES proposals (IR792).”

Highways

- 2.12. Paragraph 742 of the Inspector's Report confirms the accessibility of the site in terms of walking distance to the town railway station and bus station.

Conclusion

- 2.13. The overall conclusions with respect of the Appeal Site was set out in paragraph 55. This states:

"The Secretary of State has taken into account that the landscape and ecology considerations do not make this proposal unacceptable, but that there are some site-specific drawbacks in terms of transport sustainability and the town centre linkage. While she notes that the traffic impact would fall within the 300-unit headroom figure, and considers that the provision of affordable housing carries some weight in its favour, the Secretary of State considers that, overall, in the light of her conclusions on housing need, there are not sufficient material considerations in favour of the scheme to outweigh the conflict with the development plan."

- 2.14. As explained above the planning policy context has evolved and substantial change has occurred since that time, which position has triggered the presumption in favour of sustainable development.
- 2.15. Based on the foregoing, although the previous scheme was refused on the basis of a lack of demonstrable housing need, at that time, the scheme was not refused on technical grounds.
- 2.16. As such, and for the reasons set out in the supporting information to the proposed scheme for up to 290 dwellings (as now proposed), there are no technical reasons that would preclude the grant of planning permission.

3.0 DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

Context and Settlement Hierarchy

- 3.1. Uckfield is one of the three designated District Centres listed in the Adopted Core Strategy Local Plan (**CDE.1**). This is the highest settlement tier located within Wealden District (Table 1 and Figure 2 of the adopted Core Strategy Local Plan refers (**CDE.1**)).
- 3.2. The supporting text in paragraph 3.3 of **CDE.1** adds that “by identifying those places that have the greatest amount and range of employment, community facilities and support services, and which are best served by public transport, the hierarchy helps ensure that the majority of Wealden’s residents can access these whilst minimising the need to travel.”
- 3.3. Table 1 in **CDE.1** describes Uckfield as “*an accessible settlement by road and public transport containing a range of shops, employment opportunities and facilities including secondary school. Not reliant upon other centres within the District to meet day to day needs, but requires support from other secondary or primary centres to meet the needs of residents*”.
- 3.4. Uckfield provides a variety of shops (including several supermarkets), restaurants and employment areas. As well as the cinema, Uckfield has community facilities including children’s nursery, community hospital, health centre and a library.
- 3.5. Uckfield supports primary and secondary schools, as well as a leisure centre which includes a swimming pool. These extensive facilities are an illustration of its sustainability.
- 3.6. The Appeal Site is approximately 1.2km from the centre of Uckfield where there are a number of shops, employment opportunities and a train station.

- 3.7. Mr Twinberrow's highways evidence further explains the sustainability merits of the Site (section 4 of his evidence refers), including with reference to the walking and cycling distances set out in the Transport Assessment submitted with the Appeal Scheme.

The Appeal Site

- 3.8. The Appeal Site extends to approximately 41ha and is located to the south of south of Bird in Eye Hill, on the eastern side of Uckfield.
- 3.9. The Site comprises a series of paddocks in the northern western part, with further paddocks and some plantation woodland to the east and south. Ancient Woodland lies along parts of the western, southern and south eastern boundaries as well as bisecting the site.
- 3.10. The southern parcel of land is separated from rest of the site by a strip of Ancient Woodland known as Bird in Eye Shaw, which has a stream running through it and a pond. Ancient Woodland also extends along part of the western boundary.
- 3.11. The Site surrounds Bird in Eye Farm, which lies to the south of the current access into the farm, approximately 90m from the B2102, Bird in Eye Hill. The farmyard contains a number of barns currently occupied by several small business units, areas of hard standing, a number of stable blocks, a manège and a dwelling.
- 3.12. There is a public right of way that protrudes along the southern edge of the Site, footpath Framfield 65b.
- 3.13. The Site is bound by Bird in Eye Hill to the north, to the east lie open agricultural fields with the village of Framfield beyond. To the south of the main section proposed for development lies a band of ancient woodland with open land proposed for the strategic SANG beyond. To the west lies the River Uck tributary with the Uckfield community hospital and residential development on the other side of the valley.

- 3.14. The Site is split into two distinct parts with the flatter area to the north of the ancient woodland comprising the area where the proposed built form elements of the scheme would be located with an area of SANG proposed to the east. The area to the south of the ancient woodland belt forms the larger area of SANG land.
- 3.15. No part of the site forms part of a Conservation Area and nor is it identified for any landscape 'value'.
- 3.16. The Multi Agency Geographic Information for the Countryside Map ('MAGIC') and the Proposals Map (adopted March 2014) indicates that the site is not covered by any statutory or non-statutory designations for landscape character or quality.
- 3.17. The Oast (Grade II listed building) at Bird in Eye Farm is located on the western side of the farmyard, around which the Site is wrapped. It occupies an elevated aspect that affords a visual link between the building and the eastern edge of Uckfield.
- 3.18. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the masterplan approach has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. Overall, there are no environmental or statutory designations that would otherwise serve to limit the development potential of the site.
- 3.19. As set out in the LVIA (**CDA.25**), views of the proposed dwellings would be contained to the near vicinity. The new housing will be overlooked at the edge of Uckfield to the west, which has an urbanising influence on this part of the site. Development in this location would relate to existing housing in the settlement, and would be consistent with the settlement pattern on the valley sides to the west, northwest and southwest of the Site. As such the scheme represents a logical extension of Uckfield into largely unconstrained land.

- 3.20. As confirmed at the CMC and reiterated in the Planning SoCG (**CDD.1**), the Council is not taking a landscape objection to the Scheme.
- 3.21. As detailed in the Flood Risk Assessment that accompanied the application, the area where development is proposed is classified as falling within Flood Zone 1.
- 3.22. The Appeal Scheme has been designed with significant buffers to the Ancient Woodland.
- 3.23. There are no further environmental constraints which would preclude the proposed development.

4.0 APPEAL SCHEME DESCRIPTION

General and Plans

- 4.1. The Illustrative Site Layout Plan (**CDA.52**) has been developed and informed following a thorough review of the opportunities and constraints afforded by the Site, including a collaborative pre-application process with local organisations (including community groups) and local residents.
- 4.2. Pre-application discussions took place with Wealden District Council, although this related to a larger scheme for up to 400 dwellings. The application scheme was refined through the collaborative approach to place-making.
- 4.3. The Appeal Scheme description is as follows:

“Outline application for up 290 residential dwellings, associated landscaping, informal open space and strategic SANG, with access from B2102 (all matters reserved except for access)”

- 4.4. Only the principle of developing the Site for up to 290 dwellings, the proposed informal and strategic open space and the means of access are to be determined as part of this outline application.
- 4.5. Appearance, landscaping, layout and scale are reserved for subsequent determination.
- 4.6. The Appeal Scheme is set out on the following plans:

The Scheme

- i. Site Location Plan No. PRB/BIE/PA1L (**CDA.4**)
- ii. Proposed Access Plan No. 5330/021 Rev K (**CDA.55**)

Supporting Plans

- iii. Illustrative Site Layout PRB/BIE/PA2S (**CDA.52**)
- iv. Indicative Parameter/ Land Use Plan PRB/BIE/PA4E (**CDA.51**)
- v. Landscape Strategy and SANG Plan No. CSA/2646/114M (**CDA.53**)

- 4.7. Plans (iii) to (v) are submitted for illustrative purposes only, with permission sought for the principle of up to 290 dwellings along with the proposed land uses listed in the application description and the means of access.
- 4.8. For the avoidance of doubt, and if desired, a separate condition could be imposed requiring the reserved matters to be submitted in general conformity with the Indicative Parameter Plan (iv).

Access Design

- 4.9. As summarised in section 1 above, there has been a minor update to the proposed access drawing.
- 4.10. Appendix 3 to the Transport Assessment Second Addendum (Bellamy Roberts) (Sept 2022) (**CDA.49**) includes Access Plan no. No. 5330/021 Rev H. A free-standing copy of that Plan can also be found at **CDA.9**. However, and following the submission of the appeal, discussions continued between the Appellant and the County Highway Authority which resulted in some minor amendments to the access proposal which are shown on Plan No. 5330/021 Rev K (**CDA.55**). This was the plan recently consulted upon by Wealden District Council.
- 4.11. The changes between revisions H and K of the access proposal can be summarised as follows:
- Removal of central splitter island located to the west of the site access and replacing this with a solid white line to achieve the same result.
 - Removal of 30mph speed limit extension with Bird in Eye Hill remaining de-restricted as at present. The access has been designed based on recorded vehicle speeds which are just above 40mph in both directions.

- 4.12. Discussions have continued with the Highway Authority and further very minor amendments have been made to the site access proposal. These can be seen on **drawing 5330/021 revision P**.
- 4.13. The proposed amendments introduced with this revision can be summarised as follows:
- Further widening along the northern side of Bird in Eye Hill of 0.5m over a distance of approximately 38m to facilitate 3m through lane widths over the length of the right turn pocket. The previous scheme (revisions H and K) included 2.75m through lane widths.
 - An increase of the junction radii from 8m to 10m.
 - A very minor realignment of the northern kerb line to achieve a minimum clearance of 450mm between the kerb line and highway boundary.
 - A suggested location for positioning of a 'side road ahead' sign for westbound vehicles approaching from the east.
- 4.14. As Mr Twinberrow explains in evidence (his paragraphs 5.59 and 5.60 refer) the highway layout agreed at the time when planning permission is granted is typically regarded as a 'general arrangement'. When Technical Approval is sought from the Highway Authority at the Section 278 detailed design stage, the design agreed at the planning stage may be subject to incremental changes as a consequence of the subsequent technical and statutory consultations and the detailed design process.
- 4.15. As Mr Twinberrow records, the incremental changes made between revisions K and P of the Appeal Scheme access could be dealt with at the detailed design stage. However, in the interests of collaborative working, minor alterations have been made to the Appeal Scheme access design to demonstrate to the Highway Authority and Inspector they are achievable.
- 4.16. As Mr Twinberrow's evidence explains, the vehicular access to Appeal Scheme will incorporate a ghost island right turn lane which his evidence has demonstrated can provide safe and suitable access for all vehicles expected to use it, including those from the Appeal Scheme and the retained Bird in Eye Farm uses.

The Masterplan Approach

- 4.17. Evolution of the Illustrative Site Plan (**CDA.52**) has been informed by a contextual appraisal of the local area, the findings of the site specific technical studies undertaken to inform the layout design and an assessment of relevant planning policy considerations.
- 4.18. Key to the evolution of the layout of the proposed development is the identification of existing trees and hedgerows for retention. In particular, a line of existing hedgerow which bisects the site to the east of the existing farm buildings has been identified as an important part of the character of the site, and is proposed for retention with a 5m buffer zone. This effectively creates a green corridor down the centre of the Site. Furthermore, there are buffer zones exceeding 15m to the ancient woodland to the south.
- 4.19. Analysis of the Site's topography and drainage requirements has informed the siting of a large proposed balancing pond towards the south-western corner of the site, outside the ancient woodland. Together with the constraint of the farm buildings, identification of these features to be retained and/or created results in parcels of land which can be developed for housing.
- 4.20. The Masterplan vision is to create a high-quality development that has a strong sense of character and identity whilst linking seamlessly and positively with the adjoining development of Uckfield to the west.
- 4.21. The Masterplan approach, including in relation to design, is underpinned by a thorough contextual appraisal of the site and its surroundings.
- 4.22. The vision is to be achieved through the following design principles included in the masterplan design:
- i. The creation of a sustainable living environment with a mix of residential accommodation.
 - ii. A place with a varied character that responds to the local vernacular and built context to provide a sense of place.

- iii. A sustainable development which responds to best practice, with house type designs to be approved at the reserved matters stage that will seek to minimise energy use, sustainably manage water, responsibly source materials and manage waste and ecology.
- iv. Opening up views of The Oasthouse a unique heritage asset thereby enhancing its significance and setting.
- v. The provision of highway benefits to Uckfield centre through the linking of the two traffic light controlled junctions through the SCOOT system.
- vi. Enhancing the landscape edge to the boundaries of the site, in particular the eastern boundary that will further enclose the development in conjunction with the ancient woodland to the south.
- vii. A development which preserves and enhances biodiversity by retaining natural features on the site and reinforcing them by creating opportunities for new habitat areas, including tree planting.
- viii. To encourage and enhance the opportunities for sustainable movement, through the provision of pedestrian and cycle linkages to neighbouring facilities and public transport routes within Uckfield.
- ix. Creation of landscape rich SANG area together with numerous walking routes and footpaths for future residents and the wider community.

4.23. The principal elements of the scheme are summarised as follows:

- i. The scheme provides for up to 290 dwellings, to include an appropriate mix of house types, within a landscaped setting.
- ii. The scheme will include a mix of housing tenures, together with up to 35% affordable housing provision.
- iii. Buildings heights will be in conformity with existing dwellings in the vicinity of the proposal.
- iv. Vehicle access is provided from Bird in Eye Hill.
- v. Increased public footpath to facilitate sustainable travel into Uckfield and the associated services, facilities and public transport links.
- vi. SuDS.

4.24. The component parts of the Scheme are summarised as below.

Access and Layout

- 4.25. Vehicular access to the proposed dwellings will be provided by a single means of access from Bird in Eye Hill. Details of the proposed access are provided on Bellamy Roberts drawing no. 5330/021 Rev K (**CDA.55**).

Dwelling Mix and Tenure

- 4.26. As set out above, the Appeal Scheme provides for a total of up to 290 dwellings, including the provision of a policy-compliant 35% affordable dwellings (up to 101 dwellings). This would generate up to an additional 101 affordable houses, a significant benefit in its own right.
- 4.27. Although submitted in outline, with only the principle of the development and means of access to be considered, it is nevertheless important to consider the underlying need to provide for a range of house size, mix and tenure.
- 4.28. Whilst the emerging Local Plan was withdrawn from examination following concerns raised by the Local Plan Inspector, the evident base behind it is still important in framing the latest up to date need for a range of house types within the District.
- 4.29. The SHMA (2016) that helped inform the, now withdrawn, Local Plan states that the district needs predominantly 2 and 3 bedroom properties that together make up approximately 75% of total need.
- 4.30. The breakdown is as shown below:
- 1 bedroom – 7.8%
 - 2 bedroom – 42.8%
 - 3 bedroom – 32.4%
 - 4 bedroom – 12.3%
 - 5 + bedrooms – 4.8%
- 4.31. The Appeal Site, and the corresponding quantum of development will provide for a range of dwelling size and type that reflects the findings of the latest up to date evidence to ensure it provides for dwellings that appeal to

all members of the community. This includes 5% self-build, which provision is secured through the S106 agreement.

- 4.32. As with dwelling mix; the illustrative layout allows for a series of smaller blocks which incorporate design elements such as natural surveillance to ensure the scheme is designed to reduce crime. As such, development of the Site can accord with Policies HG5 of the Local Plan and the overarching aims of the Core Strategy.

Design

- 4.33. The house type designs, to be considered at the reserved matters stage do not need to replicate any existing patterns of development or utilise particular materials but should achieve a cohesive appearance sympathetic to the properties within the eastern parts of Uckfield.
- 4.34. As shown on the Illustrative Site Plan (**CDA.52**), the overall layout and form of the development has been designed to be sympathetic to the urban edge location of the site. This includes the creation of a new landscape buffer to the western and eastern boundaries of the Site.

Density

- 4.35. The Illustrative Site Plan provides for up to 290 dwellings which equates to a net density of 19dph.
- 4.36. This density will ensure the new dwellings integrate with, and complement the local area in terms of scale, massing and layout, whilst sympathetically responding to the site's edge of settlement location.

Landscaping Strategy and SANG

- 4.37. Although landscaping is a reserved matter, the accompanying Illustrative Site Plan provides for a landscaped buffer to the eastern boundary of the site. This is in conjunction with the areas of ancient woodland which will be retained and enhanced to ensure a visually enclosed development.

- 4.38. The strategic SANG forms an integral part of the scheme, with the overarching landscape and design principles shown on Plan CSA/2646/114/M (**CDA.53**).
- 4.39. The SANG proposals can be quantified as follows:
- 26.17ha of SANG land
 - A walking route extending to circa 2.7km
 - A car park for 30 vehicles.
- 4.40. The SANG secures a significant recreational benefit for existing and future residents whilst also securing biodiversity enhancements through additional habitat creation.
- 4.41. The SANG is proposed as an integral part of the scheme design, and secures mitigation for potential recreational impacts to Ashdown Forest Special Protection Area (SPA).
- 4.42. Using the metric of 8ha of SANG per 1,000 population (which metric is applied by Natural England and Wealden District Council), the delivery of a 26.17ha SANG has the capacity to provide mitigation for c. 3,271 new residents or 1,363 dwellings (using a 2.4 residents / dwelling factor).
- 4.43. Predicted occupancy rates (based on 2.4 people per dwelling), will result in circa 5.57ha SANG land being required as mitigation for the proposed up to 290 dwellings (696 new residents), leaving a headroom capacity of circa 15.6ha which would be available for mitigation of future local development of up to 1,073 dwellings or 2,575 new residents (using a 2.4 residents / unit factor).
- 4.44. As such, the strategic-SANG could be used to help mitigate the recreational impacts of future housing schemes elsewhere in and around Uckfield upon the Ashdown Forest SPA. In my opinion, this represents a substantial benefit in the overall planning balance.

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- 4.45. The SANG proposals include areas of plantation woodland, ancient woodland and grassland. Residents will be able to use this area for walking and dog exercising, with visitors and their dogs having open access over SANG land at all times without restriction.
- 4.46. There will be direct access to the SANG from the proposed development, with a 30-space car park also in place. Direct access to existing footpaths, leading from the town of Uckfield, will allow residents to easily enjoy the SANG.
- 4.47. A circular walk of c. 2.7km will be created within the SANG, with additional shorter walking routes and access through woodland areas also being provided.
- 4.48. Enhancement of existing habitats and creation of new areas of woodland and tree planting, wildflower meadows and new ponds will provide a varied walking experience as well as increasing habitat diversity and net gains for biodiversity. Two viewpoints at the highest elevations of the Site will provide open views of the countryside to the south and east with benches in these locations.
- 4.49. Interpretation boards will be incorporated containing information regarding habitats and species present as well as walking routes, in addition to pathway signage to guide users. Dog bins will also be provided at key access points and within the parking area.
- 4.50. A summary of the acceptability of the Appeal Scheme in landscape terms is included in the Landscape Statement provided at WB3 to **CDC2**. I consider this matter further in section 8 below.

Ecology

- 4.51. As set out in Mr Rose's ecology evidence, the Appeal Scheme results in an on-site biodiversity net gain of c.40% (considerably in excess of 10%), which requirement can be secured by condition.

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- 4.52. Defra has recently confirmed that the 10% legal mandate will apply only to new applications from November 2023. As a BNG of 10% (let alone the 40% achieved by the Appeal Scheme), is neither required by local or national policy, a net gain of only 1% would be compliant. My weighting of the benefit derived from the 40% BNG secured by the Appeal Scheme is undertaken in this context.
- 4.53. In addition, Mr Rose's evidence acknowledges that it is best practice to avoid adverse impacts through the Mitigation by Design approach. Such an approach has been an integral aspect of the Scheme's design and evolution from the outset.
- 4.54. In this regard, the loss of trees and hedgerow has been kept to a minimum with only small sections being removed to facilitate vehicular access. As explained by Mr Hyett and as shown on the Illustrative Masterplan (**CDA.52**), appropriate offsets to built form far exceed the guidance reference to providing a 15m buffer to veteran trees and ancient woodland.
- 4.55. Whilst there could be adverse impacts on a range of species that are found largely within the areas of ancient woodland the ecological reports recommend a range of ecology mitigation measures.
- 4.56. Such mitigation measures include the use of plant species of wildlife value, provision of bat roost facilities, dormouse nesting opportunities and barn owl hunting opportunities.
- 4.57. Overall, the Scheme secures a 40% biodiversity net gain, which I consider is a substantial benefit, given the size of the Site and the benefits delivered over that large area.
- 4.58. The ecology evidence concludes that subject to such mitigation measures and others including construction management plans the proposal will, in ecological terms comply with local policies, particularly WCS12 and WCS13 of the Core Strategy and the overarching aims of the NPPF.

Drainage Strategy

- 4.59. The drainage evidence prepared by Ms Hensler explains the acceptability of the proposed drainage strategy.
- 4.60. Surface water drainage proposals originally submitted under the outline suggested a new drainage outfall to be constructed from the proposed attenuation basin in the south-western corner of the proposed development, through the intersection between Woodlands W1 and W2, discharging to Framfield Stream to the south-west. These proposals would have required temporary vegetation clearance to facilitate a c. 4m wide installation corridor, extending along an 8m stretch of woodland between the basin and the proposed outfall to Framfield Stream. Much of the existing vegetation within this corridor comprises scrub and shrub species, due to the corridor largely being under the easement for overhead power lines and is hence cleared periodically for maintenance access.
- 4.61. As an alternative approach, and to avoid any impact on Ancient Woodland, the potential for surface water to be dealt with via infiltration, and thus avoiding the need for a surface water outfall into Framfield Stream, was explored. As detailed within the appended Technical Summary prepared by Stantec, high groundwater levels were recorded resulting in poor infiltration rates, rendering an infiltration-led design unviable. Therefore, options for provision of an alternative outfall have instead been explored.
- 4.62. An underground outfall pipe is proposed to be installed from the north-east corner of the south-eastern attenuation basin, with the outfall pipe running northwards to a discharge point along the Framfield Stream to the north-west, avoiding *any* construction activity within the 15m Ancient Woodland buffer.
- 4.63. Final designs for the Surface Water Drainage Strategy and the respective outfall are subject to future relevant reserved matters applications and Flood Risk Activity Permit from the Environment Agency

Land Uses

- 4.64. On the basis of the foregoing, and having regard to the on-site opportunities and constraints informing the proposed development, proposed land uses are summarised in Table 1 below.

Table 1: Proposed Land Uses

Land use	Ha	Approx No. Dwellings
Residential Area <i>Includes local open space, amenity areas, semi-natural greenspace and landscape buffers</i>	Up to 15ha	290
SANG	Approx. 26ha	
Total	41ha	290

Scheme Benefits

- 4.65. The key benefits of the proposed scheme can be summarised below:
- Provision of up to 290 new dwellings in a sustainable location.
 - Contribution towards the provision of much needed market and affordable housing.
 - Provision of a strategic SANG, with additional headroom capacity of circa 15.6ha which could potentially become available for mitigation of future local development of up to 1,073 dwellings or 2,575 new residents (using a 2.4 residents / unit factor).
 - Ecological enhancements and BNG in excess of 10% (c.40%).
 - Appropriate landscaping strategy throughout the Site and proposed SANG which will contribute to a sense of place.
 - Provision of new public footpaths.
 - Creation of new vistas from which to appreciate the unique Oasthouse heritage asset.
 - Securing economic benefits (my section 9 refers)

5.0 THE DEVELOPMENT PLAN AND PLANNING CONTEXT

General

- 5.1. This section of my evidence summarises the planning policy position, against which the acceptability of the Appeal Scheme falls to be determined.
- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement that planning applications are to be determined in accordance with the Development Plan unless other material considerations indicate otherwise. This represents the s.38(6) 'balance'.
- 5.3. The Appeal Site is located adjoining, but ultimately beyond the settlement policy boundary as defined on the Local Plan Proposals Map. Accordingly, it is located in the countryside. In addition, the Site is not allocated for housing development. As such, the Appeal Scheme is contrary to the Development Plan.
- 5.4. Having regard to the 38(6) balance, there are a number of material considerations that justify the grant of planning permission.
- 5.5. Save for the location of the Appeal Site beyond the out of date adopted settlement boundary for Uckfield, the Appeal Scheme accords with the spatial and development management policies of the development plan.
- 5.6. However, and in so far as the settlement/development boundary relates to an out of date housing need, the weight to be attached to this policy conflict is significantly reduced.
- 5.7. In the circumstances, where the only development plan conflict is the location of the Site adjacent to but beyond the settlement boundary for Uckfield, in a scenario where the Council is unable to demonstrate a five-year supply of deliverable housing land, the most important policies for determining the application are out of date.

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- 5.8. I am of the view that the heritage assessment undertaken by Mr Copp does not provide a clear reason for refusing the development. As set out in **CDB.14**, the Council's Heritage Officer's consultation response confirms no heritage harm. As such, the paragraph 202 balance is not even engaged.
- 5.9. Furthermore, I have already set out the acceptability of the drainage strategy in relation to the Ancient Woodland. In addition, Mr Rose considers the ecological impact of the proposals, concluding that the Appeal Scheme will not result in the loss or deterioration of irreplaceable habitats. As such, Ancient Woodland is not a footnote 7 consideration that provides a clear reason for refusing planning permission.
- 5.10. In addition, and as explained, the adverse impacts of granting permission comprising the loss of countryside, cannot be said to demonstrably, let alone significantly, outweigh the many benefits. In the circumstances, planning permission should be granted.
- 5.11. The Council also acknowledges it is unable to demonstrate a five-year supply of deliverable housing land, and whilst the Site is beyond the settlement policy boundary for Uckfield, as defined in the development plan, the Council nevertheless assess the Site as being potentially suitable in its SHELAA.
- 5.12. For the reasons explained, the material considerations clearly tilt the balance in support of the grant of planning permission, including the Council's acceptance that they cannot demonstrate a five year supply of deliverable housing land, the significant need for housing, the grant of planning permission by the Council and at appeal for housing on land beyond the settlement boundaries as defined in the Development Plan, the proposed review of the settlement boundaries as per of the emerging Local Plan Review; and the content of the NPPF (2021).
- 5.13. Section 39 of the 2004 Act identifies the requirement for decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development. These requirements must be considered in light of the NPPF, including the 3 roles of sustainability set out at paragraph 8 (economic, social and environmental). However, and as set out at

paragraph 9 of the NPPF, the three roles are not a checklist and their values are considered in light of that context.

The Development Plan

General

- 5.14. The Development Plan comprises the following:
- Wealden Local Plan Saved Policies (1998) (saved 2007) (**CDE.2**)
 - Wealden Core Strategy Local Plan (2013) (**CDE.1**)
 - Affordable Housing Delivery Local Plan (2016) (**CDE.3**)
- 5.15. The settlement boundaries as set out within the Proposals Map for the Wealden District were identified to meet the housing needs from Policy WCS1 of the Core Strategy.
- 5.16. The boundaries were drawn at that time to meet a need for at least 9,440 dwellings over the period 2006 to 2027. This equates to 450dpa within that part of the District outside of the SDNP. This was the level of growth set for the district in policy H1 of the former South East Plan (2009).
- 5.17. In so far as the Core Strategy is more than five years old, and in accordance with the requirements in paragraph 74 and footnote 39 of the NPPF, the housing requirement falls to be determined by the local housing need derived from the application of the standard method.
- 5.18. The Council's Five-Year Housing Land Supply Statement for April 2022 (published December 2022) identifies that the District's local housing need figure is 1,212dpa (**CDE.16**). This represents a significant uplift on the 450dpa figure in the adopted Core Strategy.
- 5.19. In so far as the settlement boundaries were not identified in relation to the current housing need, they operate as a constraint to development. Moreover, and in so far as the housing requirement on which the settlement boundaries were defined cannot be said to be consistent with the NPPF, the weight to be attached to any conflict with them can and should be

reduced. Indeed, as Lord Gill observed in **Hopkins Homes Ltd v SSCLG** [2017] UKSC 37 (**CDJ.5**) at [83]:

“If a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated”

Wealden Local Plan Saved Policies (1998) (saved 2007)

- 5.20. Paragraph 14 of the Eastbourne Road, Lower Willingdon appeal decision (**CDK.17**) considers the weight to be attached to saved policies from the Local Plan, stating as follows:

“Saved policies GD2 and DC17 of the LP seek to restrict development to within defined development boundaries. The proposed development is outside of the development boundaries, but these were drawn to accommodate the level of housing required at the time the LP was adopted, which is far below the level now required. If these policies continue to be strictly applied, they will inevitably prevent the delivery of much needed housing in the district, in conflict with the objectives of the National Planning Policy Framework (the Framework). This would be particularly troubling given the Council’s poor record of housing delivery and current housing land supply of just 3.66 years at best. For all of these reasons, policies GD2 and DC17 are out of date. Whilst the proposal is in conflict with them, I attach the conflict only very limited weight.” (My emphasis underlined)

- 5.21. I adopt that position in relation to my assessment of the Appeal Scheme.
- 5.22. Policy GD2 of the Local Plan states development outside the settlement boundaries will be resisted unless it accords with specific policies in the Plan.
- 5.23. As set out above, this policy is to be afforded only very limited weight as it inconsistent with the NPPF.
- 5.24. As Garnham J held in **Eastleigh BC v SSCLG** [2019] EWHC 1862 (Admin) at [62] (**CDJ.2**), the NPPF adopts a more nuanced approach to the countryside than such policies.

- 5.25. Where a local plan policy which pre-dates the NPPF does not reflect that more nuanced approach, the inspector is **“fully entitled to conclude that ... reduced weight [should be] attributed to the retained policies”**.

Core Strategy

- 5.26. The Core Strategy was adopted in February 2013 and covers the period 2006 to 2027.
- 5.27. Policy WCS1 (Provision of Homes and Jobs 2006 – 2027) makes provision for some 4,525 net additional dwellings within the district reflecting the findings of the 2007 Strategic Housing Market Assessment alongside the requirements of policy H1 of the former South East Plan⁴. Policy WCS2 (Distribution of Housing Growth 2006 – 2027) seeks to allocate those additional dwellings throughout the district with Uckfield earmarked for 1,000 new allocations in addition to the 742 already committed or built).
- 5.28. Policy WCS4 set out a number of strategy development areas with SD1 (Land at West Uckfield) seeking to allocate the 1,000 dwellings in one strategic area.
- 5.29. It is nevertheless highly material that the housing provision figures within Policy WCS2, and subsequently WCS4, do not represent full objectively assessed need when assessed against the annual requirement set by the standard methodology which is in excess of 1,200 dwellings a year as confirmed in the Council's assessment of housing land supply for April 2022 (CDE.16)⁵.
- 5.30. It is evident therefore that Policies WCS1, WCS2 and WCS4 are out of date and that significant additional housing is required on greenfield sites. This is confirmed in paragraph 5.8 which states **“it is inevitable that there will have to be a substantial use of greenfield land to meet existing and**

⁴ This required 450dpa within the district from 2006 to 2026

⁵ Paragraph 2.3 of the April 2022 assessment indicates that the District's capped annual need is at least 1,212dpa

future housing needs....” This has been further accepted in the decisions by the Council and through appeals on subsequent applications.

- 5.31. In so far as the housing requirement of Core Strategy Policy WCS1 is expressed as a minimum, the Appeal Scheme is in accordance with it.
- 5.32. Policy WCS2 sets out the spatial approach to the distribution of the housing requirement identified in WCS1. It indicates that at least 1,742 dwellings are to be delivered at Uckfield, including 1,000 dwellings on allocations. The allocations are set by policy WCS4.
- 5.33. Other applicable policy considerations from the Core Strategy which evidence for the Appellant will explain the scheme is in accordance with, include, WCS12 (Biodiversity), WCS13 (Green Infrastructure) and WCS14 (Presumption in Favour of Sustainable Development).
- 5.34. In ***Hopkins Homes Ltd v SSCLG*** [2017] UKSC 37 Lord Carnwath said [63] (**CDJ.5**) the inspector was “clearly entitled” to reduce the weight to be attached to restrictive policies, such as countryside and landscape policies, can be reduced where they are derived from settlement boundaries that in turn reflect out of date housing requirements. There are obvious parallels with Wealden District.
- 5.35. In addition, the Council cannot demonstrate an up-to-date five year supply of deliverable sites for housing. As such, and in accordance with paragraph 11(d) and footnote 8 of the NPPF, the most important policies (including those relating to settlement boundaries) are to be regarded as out of date.
- 5.36. In the case of Wealden District, the Council has been granting planning permissions for housing development outside of settlement areas that are in breach of countryside and landscape policies to meet market and affordable housing needs and maintain a rolling five-year land supply.

- 5.37. They include those at footnote 6 below⁶. Schemes have also been allowed at appeal (including those at **CDK.2 to CDK.7**).
- 5.38. In ***Wokingham BC v SSCLG*** [2019] EWHC 3158 (Admin) (**CDJ.3**) Lang J held at [60] that the fact that a settlement boundary had been set to an out of date housing requirement figure was a relevant consideration when determining the weight to attach to a conflict with it, even if there were a temporary five-year land supply by virtue of breaching those boundaries.

Summary

- 5.39. The countryside and landscape policies are not meeting current housing needs based on the definition of built-up areas as defined in the development plan. On this basis, and as accepted by the Council, reduced weight applies to the conflict with saved policies GD2 and DC17 of the Wealden Local Plan.
- 5.40. As an overarching assessment, I pause to note the following considerations:
1. The spatial policies for the supply of housing do not meet current housing needs; and the Council has been granting planning permissions for the development of sites for housing beyond the settlement boundaries as defined in the Core Strategy.
 2. Accordingly, the settlement boundaries defined under GD1 and GD2 are not sufficient to meet current housing need and the weight to be given to the conflict with this policy is reduced.
 3. Although the Application Site is within the countryside, it is not a valued landscape nor are there any other constraints on site that would preclude such a development as proposed. As such, and although there is some conflict with EN8, the weight attached to this minor policy conflict is reduced in so far as the policy is not consistent with the NPPF and greenfield sites beyond defined settlement boundaries are required to be developed if housing needs are to be met.

⁶ Including since January 2020, resolutions of the Council with respect of applications off Walshes Road, Crowborough (WD/2020/0743/MAO and WC/2020/0596/MAO), At Straight Half Mile, Maresfield (WD/2017/0694/MAO), east of Benhall Mill Road, Tunbridge Wells (WD/2017/0143/MAJ) and Friday Street Farm, Oak Tree Lane, Eastbourne (WD/2020/1391/MAO).

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4. The Scheme provides a safe means of access.
 5. The Site is in a sustainable location.
 6. The loss of subgrade 3b agricultural land should be afforded no more than limited weight (as it is not best and most versatile (“BMV”) land).
 7. Even if the Appeal Scheme results in negligible heritage harm (at the bottom end of the less than substantial scale), which is a consideration of great weight, the public benefits are overriding.
 8. The requisite mitigation measures are secured by condition and/or through the planning obligation such that the impacts of the scheme can be adequately mitigated.

Conflict with the Development Plan

- 5.41. Although I conclude that the proposal is broadly consistent with the aims of the development plan (in seeking to provide for growth at the most sustainable locations), the Appeal Scheme is nevertheless in conflict with the development plan when taken as a whole on account of its countryside status. However, given the analysis I set out above, **conflict with Local Plan policies GD2, EN8 and DC17 attracts only very limited weight.**
- 5.42. As with Saved Policies GD2, EN8 and DC17 of the Local Plan, Policies WCS2 and WCS4 of the Core Strategy are also inconsistent with the requirement in the Framework to boost significantly the supply of housing land as they are based on housing projections which are out of date. As such, the weight given to these policies in the overall planning balance must logically be significantly reduced, reflecting the approach endorsed at paragraphs 63 and 83 of the *Hopkins* judgment (above).
- 5.43. For the reasons I have explained, I am of the opinion that **conflict with Core Strategy policies WCS2, WCS4 and WCS5 attract only very limited weight.**
- 5.44. Table 2 below summarises the main development plan policies of relevance to the Appeal Scheme.
- 5.45. Policies in bold are those I consider to be the most important for the purpose of determining the Appeal Scheme.

5.46. Table 2 also explains my assessment of whether the policies are consistent with the NPPF, the weight to be attached to them and whether the Appeal Scheme accord with the respective policy wording.

Table 2: Development Plan Policy

	Most important policies for the determination	Consistent with NPPF	Weight to be afforded	Scheme accords with policy
Wealden Core Strategy (2013)				
WCS1 – Provision of Homes and Jobs 2006 - 2027	-	x	Limited	✓
WCS2 – Distribution of Housing Growth	✓	x	Limited	x
WCS4 – Strategic Development Areas	x	x	Limited	x
WCS5 – Managing the Release of Housing Land	-	x	Limited	x
WCS6 – Rural Areas Strategy	x	x	Limited	x
WCS7 – Provision of Infrastructure	✓	✓	Full	✓
WCS12 - Biodiversity	✓	✓	Full	✓
WCS13 – Green Infrastructure	-	✓	Full	✓
WCS14 – Presumption in Favour of Sustainable Development	✓	✓	Full	✓
Wealden Local Plan (Saved Policies)				
GD2 - Development Proposals Outside Development Boundaries	✓	x	Very Limited	x
EN1 - Sustainable Development	✓	✓	Limited	✓
EN2 - Sustainable Locations	✓	✓	Full	✓
EN7 - Ashdown Forest	✓	✓	Full	✓
EN8 – Low Weald	✓	x	Limited	x
EN12 - Trees and Woodlands	✓	✓	Full	✓
EN13 - Ancient Woodland	-	✓	Full	✓
EN15 – Nature Conservation	✓	✓	Full	✓
EN27 - Design	-	✓	Full	✓

	Most important policies for the determination	Consistent with NPPF	Weight to be afforded	Scheme accords with policy
DC17 – Housing in the Countryside	✓	x	Very Limited	x
HG5 - Dwelling Mix	-	✓	Full	✓
HG6 - Crime Prevention	-	✓	Full	✓
TR3 – Traffic Impact of New Development	✓	✓	Full	✓
TR13 – Footpaths and Bridleways	✓	✓	Full	✓
UC1 - Uckfield	-	x	Limited	x
Affordable Housing Delivery Plan (2016)				
AFH1	x	✓	Full	✓

5.47. As summarised in Table 2, of the policies most important for determining the Appeal, the Appeal Scheme is in conflict with saved Local Plan policies GD2 and DC17. It is also in conflict with Core Strategy policy WCS2.

5.48. As I have found that the Appeal Scheme is in conflict with the Development Plan, for the reasons I have explained, I have then gone on to assess whether there are any material considerations that justify granting planning permission.

5.49. The material considerations are numerous, including the fact that the Local Development Plan cannot meet its identified housing need without breaching the settlement boundaries.

5.50. As such, of the policies most important for determining the Appeal Scheme, WCS2, GD2 and DC17 are out of date due to their lack of consistency with the NPPF.

5.51. The conclusions drawn from recent committee reports, and from a review of the current development plan policies are set out below:

- i. Countryside policy (GD2) of the Local Plan is too restrictive when considered against the requirements of the NPPF and as such should be afforded significantly less weight;

- ii. The Core Strategy Policies related to housing provision do not provide for an NPPF consistent objectively assessed housing need and as such the settlement limits set in the Saved Local Plan Policies are out of date.
 - iii. The corresponding weight to be attached to such policies is therefore reduced.
 - iv. The Council cannot currently demonstrate an up to date 5 year housing land supply; the effect of this is even more acute following the need to prepare a Housing Action Plan as the Council have failed the Housing Delivery Test.
 - v. The Council's own Core Strategy accepts the need to use greenfield sites to accommodate additional housing needs; which is exacerbated as since the Core Strategy was adopted the need for housing has increased further still.
- 5.52. The Council has accepted that limited weight applies to the conflict proposals with Development Plan policies GD2 and DC17. Furthermore, it has been established above that the basket of most important policies is to be considered out of date as they are inconsistent with the NPPF, in conjunction with the lack of a deliverable five-year supply of housing land.
- 5.53. It is considered that whilst the Scheme is located within the countryside, adjoining but ultimately beyond the settlement boundary for Uckfield, these restrictive policies are inconsistent with the NPPF and attract limited (and in some instances very limited) weight. As such, the numerous benefits, particularly in increasing the supply of market and affordable houses and enhancing the setting of the unique Oasthouse heritage asset, clearly outweigh any minor dis-benefit.

Material Considerations

National Planning Policy Framework

- 5.54. The National Planning Policy Framework (NPPF) was most recently updated in July 2021. It is a material consideration of particular standing in the determination of planning applications.

5.55. The content of the NPPF as it relates to the proposed development of the application site is addressed in the order set below:

- The presumption in favour of sustainable development
- Decision making
- Delivering a sufficient supply of homes
- Promoting healthy and safe communities
- Promoting sustainable transport
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment
- Conserving and enhancing the historic environment

5.56. Paragraph 8 of the NPPF identifies that there are three dimensions to sustainable development, comprising (i) economic, (ii) social; and (iii) environmental.

Economic Role

5.57. The economic role requires the planning system to, inter alia, ensure that sufficient land of the right type is available in the right places and at the right time to support growth. This is achieved with the Appeal Scheme on the basis that it is located within a sustainable location, within walking and cycle distance to local services and facilities.

5.58. The Scheme also provides for housing development of the type and mix required to meet identified needs.

5.59. The Scheme further addresses the economic role in terms of increased LPA Revenues, Construction impacts (increased GVA, jobs etc.) and increased expenditure in the local area.

Social Role

- 5.60. The social role requires the planning system to provide the supply of housing required, creating a high-quality built environment, accessible to local services and reflecting the community's needs. All these requirements can be achieved with the Appeal Scheme. This includes the provision of 35% affordable housing, together with a significant and publicly accessible SANG.

Environmental Role

- 5.61. The environmental role requires the planning system to protect and enhance the natural, built and historic environment. This can be achieved with the proposal in a location that will not result in any significant adverse effects upon the character of the surrounding area, including in landscape terms.

Decision Making

- 5.62. In setting out the presumption in favour of sustainable development, paragraph 11 of the NPPF adds at paragraph 11(d) that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless (i) policies in the NPPF provide a clear reason for refusing the development; or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits.
- 5.63. I explain earlier in my evidence why I consider that the policies for the supply of housing (both in terms of the housing requirement and the associated settlement boundaries) are materially out of date.
- 5.64. Section 4 of the NPPF sets out the approach to decision-making. Paragraph 38 makes it clear that decision-makers at every level should seek to approve applications for sustainable development where possible.

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- 5.65. The Site is located in a sustainable location and will improve the economic and social conditions of the area. It will also help to provide an enhanced landscaped edge to the settlement and new biodiversity habitats.

Delivering a Sufficient Supply of Homes

- 5.66. Paragraph 60 sets out the Government's objective of significantly boosting the supply of homes.
- 5.67. Paragraph 61 sets out the approach to determining the minimum number of homes needed, which should be informed by a local housing need assessment conducted using the standard method in national planning guidance – unless an alternative approach is justified.
- 5.68. It is also added that any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 5.69. Paragraph 68 sets out the need to provide a five year supply of deliverable sites for housing. It also requires sites for years 6-10 and beyond.
- 5.70. Paragraph 74 requires LPAs to demonstrate a five year supply of deliverable housing land. Pursuant to footnote 8, the lack of a five year supply triggers the presumption at paragraph 11(d).
- 5.71. This Appeal Scheme for up to 290 dwellings would make a notable contribution towards the shortfall in supply, including the provision of 35% affordable housing.

Promoting healthy and safe communities

- 5.72. Paragraph 98 sets out support for enabling access to a network of high-quality open spaces and opportunities for sport and recreation.

5.73. Paragraph 100 also requires planning policies and decisions to protect and enhance public rights of way and access including taking opportunities to provide better facilities for users.

5.74. These requirements are met by the Appeal Scheme.

Promoting Sustainable Transport

5.75. Section 9 sets out the approach to providing for sustainable growth.

5.76. Paragraph 105 states as follows:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’.

5.77. The Appeal Site is located adjoining an identified settlement, within safe and convenient walking distance to local services and facilities.

5.78. As Mr Twinberrow’s evidence explains, the Appeal Site is sustainably located. Future residents will be able to access services and facilities within the town by sustainable transport modes (including walking, cycling and bus).

5.79. Accordingly, the Scheme is consistent with paragraph 105. It is also consistent with paragraph 111.

5.80. Furthermore, Mr Twinberrow also explains that the highway improvements through the proposed linking of the traffic light controlled town centre junctions will bring about a betterment to the existing highway conditions.

- 5.81. Mr Twinberrow's evidence further explains the justification for the Appeal Scheme in highway terms.

Achieving Well-Designed Places

- 5.82. Section 12 sets out the approach to achieving well-designed places.
- 5.83. Paragraph 126 states that the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It is added that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.84. Paragraph 131 adds that trees make an important contribution to the character and quality of urban environments, with planning policies and decisions to ensure opportunities are taken to incorporate trees within developments.
- 5.85. The outline scheme incorporates a number of trees whilst the detailed design is a matter that can be controlled at the reserved matters stage.

Meeting the challenge of climate change, flooding and coastal change

- 5.86. Section 14 relates to development, flood risk and climate change, setting out the approach to minimising the risk from flooding.
- 5.87. The associated Planning Practice Guidance (PPG) (last updated August 2022) 'Flood risk and coastal change' provides further clarification on the application of the NPPF in practice.
- 5.88. Paragraph 162 adds that the aim of the sequential test (to be applied in plan making and in the determination of planning applications), is to steer new development to areas within the lowest risk of flooding from any source.

5.89. These considerations are addressed in section 8 below.

Natural Environment

5.90. Section 15 sets out the approach to conserving and enhancing the natural environment.

5.91. Paragraph 180 sets out a number of principles to be applied in the determination of planning applications. It includes a requirement at (c) where development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons.

5.92. For the reasons explained in evidence (See Mr Rose and Mr Hyett), the Appeal Scheme will not result in the loss or deterioration of ancient woodland and/or ancient or veteran trees.

5.93. Paragraph 182 states that the presumption in favour of sustainable development does not apply whether the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

5.94. A shadow Habitat regulations Assessment “HRA”) has been undertaken or the Appeal Scheme and included at **CDA.24**), the conclusions of which have not been questioned by the Council, Natural England and/or the Rule 6 Party. In the circumstances, I invite the Inspector to make a favourable ruling on the “appropriate assessment” question.

5.95. The Scheme is located within the wider zone of influence and as such proposes a substantial SANG that will ensure there are no direct effects on the Ashdown Forest. In addition, the scale of the SANG will facilitate the provision of further housing in the locality.

- 5.96. As to landscape considerations, the site is not located within any formal designations for the most valued landscapes. The accompanying LVIA confirms that the proposal would be similar in character to the existing residential development to the west, and the retention of the existing woodlands and trees will further mitigate the appearance of the scheme.
- 5.97. The proposal retains and enhances the majority of the existing landscape features including the thick band of ancient woodland planting to the south and west. The strategic SANG will act to contain development on the eastern side of the town, while providing a significant recreation resource for the town, and opportunities for new planting and habitat creation.
- 5.98. The Scheme is also expected to result in a substantial biodiversity net gain of approximately 40% through on-site habitat creation and enhancement measures.

Historic Environment

- 5.99. Section 16 sets out the approach to conserving and enhancing the historic environment.
- 5.100. The application site boundary wraps around the cluster of farm buildings associated with Bird in Eye Farm. Within this is the Grade II Listed Oasthouse, a particularly unique Oasthouse. There are two other listed buildings beyond to the east which lie to the west of Framfield. These are hidden from view from the Site owing to extensive landscaping.
- 5.101. The submitted Heritage Statement (RPS) (March 2022) (**CDA.29**) considers that the Appeal Scheme would result in no harm to the setting and therefore significance of Framfield Place and the Stables to the North West of Framfield Place and no harm to the setting to the Framfield Conservation Area. However, it is concluded that the proposals would result in less than substantial harm to the setting and therefore significance of The Oast. That harm is recorded as falling within the lowest end of the less than substantial scale, resulting in negligible harm. That assessment would engage the heritage balance at paragraph 202 of the NPPF.

- 5.102. As set out in **CDB.14**, the Council's Heritage Officer's consultation response confirms no heritage harm. As such, the paragraph 202 balance is not even engaged on the Council's case. This is also the position adopted by Mr Copp in his evidence for the Appellant.
- 5.103. The previous Secretary of State decision (**CDK.1**) also considered the Appeal Site could be developed absent harm to the designated heritage asset at the Oast, concluding that the setting of the building would not be materially harmed (section 2 above refers).
- 5.104. As the Planning SoCG records (**CDD.1**), it is agreed between the parties (Appellant and WDC) that the Appeal Scheme will result in no harm to the designated heritage assets. As such, on either position, the heritage balance at paragraph 202 of the NPPF is not engaged.
- 5.105. However, and were the Inspector to reach a different conclusion, I am of the view that the many public benefits (economic, social and environmental), demonstrably outweigh that harm, even when affording great weight to the negligible level of harm in accordance with paragraph 199 NPPF.
- 5.106. Overall, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the experts for the Appellant have paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. This will be explained in evidence.

Government Announcements

- 5.107. The NPPF should also be read in the context of a number of Government and Ministerial Statements which have emphasised the importance on the timely delivery of housing development.

5.108. These announcements are of some vintage, demonstrating the emphasis placed upon the need to significantly boost the supply of homes. They include, but are not limited to, ‘Laying the Foundations: A Housing Strategy for England’ (Nov 2011); the Ministerial Statement ‘Planning for Growth’ (March 2011); and the Ministerial Statement ‘Housing and Growth’ (6 September 2012) with the latter confirming that the need for new homes is ‘acute’, that supply remains constrained and that a proactive approach was required to support growth.

5.109. Government announcements have repeatedly confirmed the need to increase the supply of housing.

5.110. As far back as 2013 the Government referred to the existence of a nationally identified housing crisis⁷. This further supports the need to significantly increase the supply of housing.

5.111. The message relating to the need to boost the supply of housing and the associated economic benefits that arise have been carried forward in the more recent Statement produced in July 2015 by HM Treasury “Fixing the Foundations: Creating a More Prosperous Nation.”

5.112. Paragraph 9.1 states in relation to house building as follows:

“The UK has been incapable of building enough homes to keep up with growing demand. This harms productivity and restricts labour market flexibility, and it frustrates the ambitions of thousands of people who would like to own their own home.”

5.113. Paragraph 9.7 adds in relation to the planning system and the need for increased house building:

⁷ In the House of Commons Debate on 24 October 2013, the Planning Minister, Nick Boles, reaffirmed that there is a national housing crisis.

“There remains more to do. As the London School of Economics (LSE) Growth Commission found, ‘under-supply of housing, especially in high-growth areas of the country has pushed up house prices. The UK has been incapable of building enough homes to keep up with growing demand⁸.”

5.114. Most recently, The House of Commons Committee of Public Accounts (19th June 2019) (paragraph 1 of summary) concluded:

“The Department has a highly ambitious target to deliver 300,000 new homes per year by the mid-2020s but does not have detailed projections or plans on how it will achieve this. Meeting the target of 300,000 new homes a year will need a significant step-up in the level of house building. Current levels are not promising: the number of new homes has increased every year since 2012–13, with 222,000 new homes in 2017–18, but the average number in the period 2005–06 to 2017–18 was still only 177,000 a year. The Department accepts that it will need to transform the housing market to get more new homes built and says that achieving the target would be “very challenging”. Despite having introduced some projects to help, including encouraging small builders through the small builders guarantee scheme and reforming the planning system, the Department simply does not have the mechanisms in place to achieve the 300,000 target. This is compounded by lack of detailed rationale as to why this target was chosen in the first place. It also lacks year-on-year projections on how it will ramp up house building, only illustrative projections which are not in the public domain. To make this even more concerning, the target does not align with the Department’s new method for calculating the need for new homes which shows that just 265,000 new homes a year are needed.”

5.115. The Committee of Public Accounts also noted with respect of affordable housing (paragraph 5), that:

“The Department acknowledges that it will need to sustain and increase the numbers of affordable housing built to help it achieve the target of 300,000 new homes but cannot say how many and what types of affordable homes are needed. The Department has not detailed its expectations for numbers of these types of homes to be built as part of its 300,000 target for new homes. It is encouraging greater

⁸ Investing for Prosperity, London School of Economics Growth Commission, September 2013

numbers of affordable homes to be built through the Affordable Homes Programme; and its reforms to the planning system aim to deliver more homes in areas of high unaffordability, such as London and the South East. At local level, local authorities detail the numbers of types of affordable housing needed in their local plans including social housing, affordable rent, built to rent, and that provided by Housing Associations. However, these planned numbers can be undermined as developers renegotiate section 106 agreements to provide less affordable housing than originally agreed with local authorities. The Department believes that its reforms to section 106 agreements would help the provision of affordable homes.”

- 5.116. The announcements explain the importance of the need to support the *Government’s objective of significantly boosting the supply of homes* (NPPF paragraph 60) which matter is a material consideration in relation to the assessment of housing supply. Within this boosting of the supply of housing is a clear recognition of the importance of providing affordable homes (NPPF paragraph 62) as this will help meet the needs of specific groups (paragraph 60).

Housing White Paper (Aug 2020)

- 5.117. The content of the White Paper is a further material consideration relevant to the assessment and determination of the Appeal proposal.
- 5.118. It expands upon certain of the above publications, highlighting the fact that the country does not have enough homes and that the housing market is broken. The introduction identifies the cause as being very simple: the lack of supply. Accordingly, the proposals set out how the Government intends to boost housing supply.
- 5.119. These recent publications and announcements highlight the importance and therefore weight to be given to increasing the supply of housing land.

Governments Announcements December 2022

Written Ministerial Statement (Dec 2022)

- 5.120. On 6th December 2022, the Secretary of State for Levelling Up, Housing & Communities Minister for Intergovernmental Relations, made a Written Ministerial Statement (“WMS”) in which announcements were made about the government’s intentions to make further changes to the planning system alongside those in the Levelling Up and Regeneration Bill.

PINS NOTE 14/2022

- 5.121. The implications of the WMS were considered in the PINS NOTE 14/2022, where paragraph (3) states as follows:

“A WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details of the intended changes are yet to be published and consulted upon.”

- 5.122. Paragraph (5) provide greater clarity, stating as follows:

“No action is required in any casework areas, at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.”

- 5.123. I have considered the Appeal in this context.

NPPF - Consultation Changes

- 5.124. I note the changes proposed in the consultation draft NPPF, including in relation to the approach to five year housing land supply. However, the process has been delayed as a result of the substantial number of

comments/representations received. As such, and for the reasons set out in PINS NOTE 14/2022, the starting point for decision making remains extant policy. The suggested changes carry no material weight.

Five Year Housing Land Supply Statement (Dec 2022)

5.125. Wealden District Council's latest position is set out in their April 2022 Position Statement (**CDE.16**), and purports to be able to show 3.92 year supply of deliverable housing land for the period 1st April 2022 to 31st March 2027.

5.126. This results in a shortfall of 1,566 dwellings. As such, and on their own assessment, the Council is not able to demonstrate a five-year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.

5.127. I summarise my assessment of the five year housing land supply position in section 6 below.

Affordable Housing

5.128. The Appeal Scheme proposes the on-site provision of 35% affordable homes, achieving a policy-compliant level of affordable housing provision.

5.129. Paragraphs 20(a), 60 and 62 of the NPPF sets a strong emphasis on the delivery of sustainable development including affordable homes, within the context of the Government's aim to "boost significantly the supply of homes".

5.130. The acute affordable housing need reinforces the merits of the Appeal Scheme with the on-site provision of up to 101 affordable dwellings.

5.131. I consider that substantial weight is attributable to the benefits associated with the provision of affordable housing as part of the Appeal Scheme, which matter I consider further in section 7 below.

Emerging Local Plan

- 5.132. The Council published its Housing Action Plan in June 2022 (**CDE.18**), which sets out a number of actions that the Council will progress to boost housing delivery.
- 5.133. A key action is continuing to progress a Local Plan.
- 5.134. A draft (Regulation 18) version of the Local Plan was to be consulted upon in Spring 2022. That did not materialise. The Council has indicated that plan preparation is currently on hold. As such, there is no known timeframe for the publication of a consultation draft Local Plan.
- 5.135. This delay impacts upon the ability of the Council to resolve the significant shortfall in supply within the short to medium term.

Strategic Housing and Economic Land Availability Assessment “(SHELAA)” (2019)

- 5.136. The Appeal Site was also positively assessed by the Council in their Strategic Housing and Economic Land Availability Assessment “(SHELAA)” (2019) (Site Ref 002/1410) (**CDE.54**) which notes that the site is potentially suitable in principle for housing development.

6.0. FIVE YEAR HOUSING LAND SUPPLY

General

- 6.1. As set out in sections 1 and 5 above, the Council is not able to demonstrate a five year supply of deliverable housing land. This triggers the presumption of sustainable development at paragraph 11(d) of the NPPF.
- 6.2. The Council's Five Year Housing Land Supply Statement for 1st April 2022 was published in December 2022 and covers the five year period 1st April 2022 to 31st March 2027 (**CDE.16**). It only shows a 3.92 year supply of deliverable housing land supply, representing a substantial shortfall of 1,579 dwellings. This represents a material consideration of significant weight in support of the Appeal Scheme.
- 6.3. I have carried out a review of the five year land supply position and I identify a 3.35 year supply of deliverable housing land, representing a shortfall of 2,407 dwellings. Details were included in the Five Year Housing Land Supply Review submitted to PINS with our then Hearing Statement (Jan 2023) (**CDC.2**).
- 6.4. The respective positions are summarised in the Planning SoCG (**CDD.1**) and reproduced in Table 3 below.

Table 3: *The Respective Five Year Housing Land Supply Positions at 1st April 2022 to 31st March 2027*

	Council	Appellant
Requirement 2022 to 2027	7,272	7,272
Deliverable supply	5,693	4,865
Shortfall	-1,579	-2,407
No. of years supply	3.92yrs	3.35yrs

- 6.5. On either position, the shortfall is substantial.

- 6.6. As confirmed in case law, the extent of the shortfall is relevant to the weight that can be given to out-of-date policies, as well as to the benefits of housing delivery. Accordingly, whilst the Council concedes that it is unable to demonstrate an up-to-date five-year housing land supply, the extent of the shortfall is material to assessing the merits of housing delivery from the Appeal Scheme.
- 6.7. Even on the Council's figures, the shortfall is substantial. In this context, delivery of 290 dwellings from the Appeal Scheme attracts substantial weight in the overall planning balance.
- 6.8. In the Horebeech Lane, Horam appeal (4 Aug 2022) (**CDK.2**) a scheme for up to 38 dwellings was allowed by decision dated 4 August 2022.
- 6.9. Paragraph 20 of that decision notes that a lack of five year supply has endured in Wealden for over six years.
- 6.10. Paragraph 21 of the appeal decision states as follows:
- “Paragraph 60 of the Framework refers to the Government’s objective of significantly boosting the supply of homes. In the light of this and the substantial and long-standing shortfall in housing land supply in Wealden, with no imminent prospect of plan-led resolution, the up to 38 dwellings proposed is a social benefit to which I attach very significant weight. This is particularly as the scheme is of a scale which could come forward relatively quickly in response to meeting current housing needs.”**
- 6.11. A lack of five year supply has endured in Wealden for over seven years, with no obvious signs of that position being addressed other than by means of granting planning permission for the development of suitable sites beyond the out of date settlement boundaries.

7.0. Affordable Housing

- 7.1. There is an acute need for affordable housing within the District.
- 7.2. This is confirmed in recent appeal decisions in the District.
- 7.3. Paragraph 22 of the aforementioned Horebeech Lane, Horam appeal (4 Aug 2022) (**CDK.2**) gave very significant weight to the provision of 13 affordable dwellings from that scheme, stating as follows:

“The 35% affordable housing provided would comply with CS Policy WCS8. The appellant’s evidence over an acute need for affordable housing in Wealden, with affordability worsening, was not challenged. **This is a specific social benefit to which I also attach very significant weight.** Quite significant weight is attached to the provision of two plots for self-build homes, as this would help meet a demand for such opportunities.” (My emphasis underlined)

- 7.4. In the appeal scheme for up to 58 dwellings on land at Old Nursery House, The Street, Framfield (**CDK.5**)⁹ that was allowed on 5th January 2023, the Inspector concluded on affordable housing matters at paragraph 68 as follows:

“In addition, the evidence before me shows that delivery of affordable housing in the district has been substantially below the level of identified need for at least the last few years, and the main parties agree that there is an acute need for more affordable homes in Wealden. The proposal includes 35% affordable housing which would provide for up to 20 affordable homes, and I afford substantial weight to this benefit. I also give significant weight to the provision for 5% of dwellings as self-build or custom-build which would contribute to meeting needs.” (My emphasis underlined)

- 7.5. Paragraphs 20 and 61 of the NPPF place a strong emphasis on the delivery of sustainable development including affordable homes, whilst paragraph

⁹ LPA ref WD/2021/0573/MAO and PINS ref APP/C1435/W/22/3301104.

60 clearly sets out the Government's aim to "boost significantly the supply of homes.

- 7.6. The need for affordable housing and the importance in achieving sustainable development is emphasised in many government publications, including House of Commons Committee of Public Accounts – Planning and the Broken Housing Market (19th June 2019).
- 7.7. The provision of affordable housing is a key part of the planning system. A community's need for affordable housing was first enshrined as a material consideration in PPG3 in 1992 and has continued to play an important role in subsequent national planning policy, including the National Planning Policy Framework (2012, 2018, 2019 and 2021 versions).
- 7.8. The National Planning Policy Framework (NPPF) is a material planning consideration. It is important in setting out the role of affordable housing in the planning and decision-making process.
- 7.9. The NPPF sets a strong emphasis on the delivery of sustainable development, including affordable homes, at paragraphs 20 and 62.
- 7.10. Paragraph 60 clearly sets out the Government's aim to "boost significantly the supply of homes". To both achieve higher housing supply and address the needs of the whole community, paragraphs 61 and 62 indicate:

61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.

62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older

people, students, people with disabilities, service families, travellers²⁵, people who rent their homes and people wishing to commission or build their own homes²⁶. (My underlining)

7.11. The need for affordable housing and the importance of its provision is emphasised in many Government publications, including:

- Planning and the broken housing market, Committee of Public Accounts, House of Commons (June 2019)
- Reaffirmation of the Government support for affordable housing in press release of 6th July 2020¹⁰
- Planning White Paper – August 2020

Affordable Housing Delivery and Supply in Wealden

7.12. Policy AFH1 of the Affordable Housing Delivery Local Plan sets out a 35% affordable housing requirement on schemes of 5 or more dwellings (**CDE.3**).

7.13. The supporting text to Policy AFH1 (paragraph 2.2) notes that the Council's commissioned local housing needs survey in 2009 confirmed an annual need to 812 affordable homes.

7.14. Whilst the more recent Wealden District SHMA (2016) identified an annual need for 331 affordable homes from 2013 to 2033, this is still a significant need as illustrated in the Council's achievement of delivery.

7.15. This is shown in Table 4 below, alongside the extent provision has achieved that assessed in the Council's Local Housing Need Assessment (LHNA) (August 2021) (**CDE.37**) which indicates that at least 519 affordable homes (social or affordable rent) are required annually 2019-39 (Table 7.16). Table 7.19 indicates that there is a further net annual need for 335 affordable homes for ownership in the District. This is consequently a total annual need for affordable homes of 854 dwellings. This is reflected in Table 4.

¹⁰ <https://www.gov.uk/government/news/jenrick-acts-to-safeguard-affordable-homes-during-pandemic>

- 7.16. As indicated in Table 4 below, the Council has delivered 1,555 affordable homes in the period April 2013 to March 2022. This is equivalent to an average rate of 172.8 affordable dwellings per annum since 2013.

Table 4: Affordable Housing Completions compared to SHMA and LHNA

Year	Net Affordable Delivery ¹¹	Compared to SHMA (2016)		Compared to Local Housing Need Assessment (2019-39) (CDE.37)	
		331dpa	Annual Shortfall	854pa	Annual Shortfall
2013/14	201	331	-130		
2014/15	193	331	-138		
2015/16	82	331	-249		
2016/17	81	331	-250		
2017/18	144	331	-187		
2018/19	130	331	-201		
2019/20	273	331	-58	854	-581
2020/21	275	331	-56	854	-579
2021/22	176	331	-155	854	-678
Total	1,555	2,979	-1,424	2,562	-1,838

- 7.17. The delivery of affordable housing falls considerably short of the 331dpa or 854dpa requirements in the SHMA or the LHNA.
- 7.18. Compared to the SHMA, cumulative under-delivery is 1,424 dwellings (a 48% shortfall). Compared to the LHNA, there is a cumulative deficit of 1,838 dwellings (71.7% shortfall). These are very significant shortfalls affect the District and how it functions in an economic, social and environmentally sustainable way.
- 7.19. On the basis of the available evidence, it is clear that there is a significant need for additional affordable homes and the delivery of affordable housing against the identified need has been woeful.
- 7.20. In addition to the under-delivery of affordable housing compared to that assessed within the SHMA and LHNA, it is also necessary to consider how the District's housing waiting list has also been affected by the under-delivery of affordable homes. This is shown in Table 5 below.

¹¹ Sourced from AMR (CDE.20-28) (indicators 3B & 3C). This does not indicate any differentiation within the affordable tenure i.e. shared ownership or social rent.

Table 5: Extent of housing waiting list in Wealden District¹²

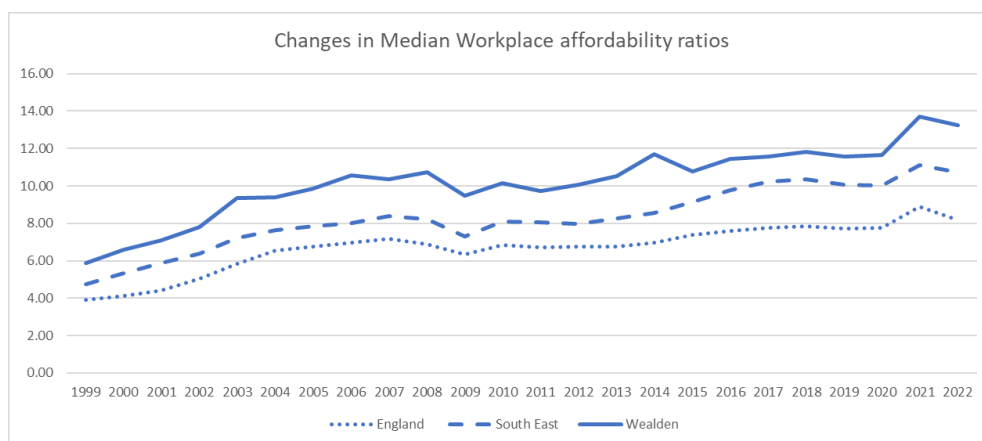
	1/4/15	1/4/16	1/4/17	1/4/18	1/4/19	1/4/20	1/4/21	1/4/22
Households on waiting list	1,012	962	1,013	794	671	796	629	552
Households in reasonable preference category	506	388	537	407	347	448	371	252
Homeless	51	58	51	20	0	5	11	13

Future Affordable Housing Supply in Wealden

- 7.21. The future delivery of affordable housing in Wealden District is highly uncertain.
- 7.22. In addition to the existing very significant shortfall, there is also the question of whether future needs will be met with annual need for at least a further 331 affordable homes (SHMA) or 854 affordable homes under the LHNA.
- 7.23. This has the potential to make the situation even more severe, not just for Wealden District's vulnerable position on housing land supply, but for the significant number of households on the Council's Housing Register on 1st April 2022 as indicated in the above table.
- 7.24. Paragraph 62 of the NPPF requires that the needs of groups with specific housing requirements are addressed, which includes those requiring affordable housing. There is no evidence that this will be achieved in Wealden District.
- 7.25. The failure to meet the identified needs of affordable housing is a dire situation indicating that the Council is not fulfilling the objectives at paragraph 61 of the NPPF.

¹² Data from [Local authority housing data - GOV.UK \(www.gov.uk\)](https://www.gov.uk/local-authority-housing-data).

- 7.26. The continued under delivery of affordable housing, has contributed to the worsening of the affordability ratios in the District as indicated in the chart below:



- 7.27. The chart also shows that affordability ratios in Wealden District have more than doubled between 1999 (5.88) and 2022 (13.25), and whilst they started to increase in parallel with those of the South East region from 2015 to 2020, the most recent results indicate a significant divergence with a very substantial worsening.
- 7.28. This doubling in the affordability ratio has occurred because of a failure to deliver sufficient homes to meet market and affordable need in the District. This is illustrated by the divergence of the affordability ratio for the district from those for both England and the Region. Consequently, it is essential that further increases in house building occurs to improve affordability, especially given the continual under-delivery in supply.
- 7.29. A step change in the delivery of affordable housing is therefore required to begin to address the dysfunctions of the local housing market. Such a step change would be consistent with the thrust of paragraph 60 of the NPPF, to boost significantly the supply of homes.

Weight to be Afforded to the Proposed Affordable Housing

- 7.30. The social need for affordable housing is an important material planning consideration and making social progress in tackling such needs is an

important element of sustainable development running through the NPPF.

- 7.31. The importance of affordable housing as a material consideration has been reflected in a number of Secretary of State (SoS) and Planning Inspector decisions. A consistent theme is the significant amount of weight which is attached to affordable housing relative to other material planning considerations in the planning balance.
- 7.32. Of particular relevance is the weight to be attached to affordable housing provision even in situations where Councils believe they have a sufficient supply of housing land.
- 7.33. With regard to land off Watery Lane, Curborough, Lichfield, Secretary of State Decision (13th February 2017) (APP/K3415/A/14/2224354), the Secretary of State's decision letter at paragraph 44 confirmed an existence of a five year housing land supply (**CDK.12**).
- 7.34. Notwithstanding, the Secretary of State still attached "Very substantial weight" to the benefits of the provision of affordable and market housing (paragraph 53).
- 7.35. As part of the planning balance and overall conclusion, the Secretary of State also gave modest weight to the landscape and visual harm from the development, considerable weight to the harm to the setting of heritage assets and considerable weight to the loss of veteran trees and ancient hedgerows (paragraph 54). Despite this, the Secretary of State at paragraph 55 concluded that the social and economic benefits of providing affordable and market housing were of such importance that they outweighed this environmental harm such that the proposal represented sustainable development.
- 7.36. This is a clear example of where the provision of housing, including affordable housing, despite the existence of a five year housing land supply, represented significant benefits and a weighty material consideration that outweighed environmental harms.

- 7.37. In the Secretary of State's decision in the appeal for 121 dwellings on land north of Dark Lane, Alrewas (**CDK.13**), he stated (paragraph 49):

"The Secretary of State notes that since the inquiry closed, the Council's affordable housing requirement for the site has increased from 25% to 31%. The Secretary of State agrees with the Inspector for the reasons given (IR12.71) that the need for affordable housing in the district is acknowledged to be acute and, therefore, the affordable housing element of the scheme should carry substantial weight" (My underlining)

- 7.38. In paragraph 60, he concluded:

"Weighing in favour of the proposal for the reasons given above he attaches substantial weight to the benefits of the provision of affordable housing and also attaches further significant weight to the benefits of market housing. In doing so he considers that the appeal proposal advances the social and economic roles identified in paragraphs 7 and 8 of the Framework which are not diminished owing to the Council now being able to demonstrate a five year supply." (My underlining)

- 7.39. The benefits of affordable housing were also acknowledged by the Inspector in the appeal for up to 180 dwellings on land at Deerlands Road, Wingerworth (**CDK.14**).

- 7.40. Paragraph 54 of the decision notes, in relation to the need for and weight to be attributed to the provision of affordable housing:

"In addition, the need for affordable housing is agreed by the parties to be acute and significant. The Council criticised some of the details of the appellant's approach towards consideration of affordable housing at the Inquiry, but it is clear that there is a very significant need for affordable housing in the District, and that there is very considerable doubt as to delivery. Even if one accepts the Council's position that there is a pipeline of affordable housing coming forward in Wingerworth - which is far from clear - the

provision of 40% affordable housing in the appeal scheme is a benefit. This is a very significant material consideration weighing in favour of the appeal scheme.”

- 7.41. Paragraph 72 states that the **“provision of affordable housing weigh in favour of the appeal”** before paragraph 75 concludes as follows:

“Although I have concluded that there is a five year housing land supply in the District, based on the standard methodology, this is not a ceiling and the provision of general needs housing is a significant material consideration in the light of national policy. In addition the provision of 40% affordable housing is a very significant material consideration weighing in favour of the appeal scheme.”

- 7.42. This acceptance of the benefits of affordable housing is also recognised in an appeal for land off Satchell Lane, Hamble-le-Rice for up to 70 dwellings (**CDK.15**). Notwithstanding the Inspector’s conclusion that the Council was able to show a five-year supply of deliverable housing land, paragraph 47 of the decision states in relation to the provision of affordable housing as follows:

“The Council gave evidence as to how the authority has managed to achieve its current housing land supply position and the parties agreed that the Council can demonstrate a five year land supply. The Council’s evidence was that there is a figure of 7.8 years, with the appellant evidencing a 7.2 year supply. Both parties agreed that there is no need to explore the reasons for this slight difference further. At the close of the Inquiry it was suggested by the Council that the figure is around 10 years on the basis of recently released data. However again there is no need to explore this further. Overall, despite the presence of significantly more than a five year supply, the provision of market and affordable housing weighs significantly in favour of the proposal, in the light of the national policy to significantly boost the supply of homes.”
(Our emphasis underlined)

- 7.43. Paragraph 64 of the decision concludes as follows:

“As agreed by the Council, the economic and social benefits of the proposal are worthy of significant weight. Given the national objective of significantly boosting the supply of homes, the provision of market and especially affordable housing carries significant weight. I appreciate the Council’s point that the economic benefits related to short term construction jobs, and the longer term boost to local spending power, could arise from any similar development. However that does not detract from the fact that this particular development offers these benefits, which I accord significant weight.” (My underlining)

- 7.44. The Hamble-le-Rice Inspector’s decision was reviewed through the Eastleigh Borough Council v Secretary of State judgement ([2019] EWHC 1862 (Admin)) (CDJ.2). In paragraph 18, the judge acknowledged:

“Despite the presence of significantly more than a 5YHLS, the provision of market and affordable housing weighed significantly in favour of the proposal in light of the national policy to significantly boost the supply of homes.”

- 7.45. Paragraph 20 adds:

“As agreed by the Council, the economic and social benefits of the proposal were worthy of significant weight and, given the national objective of significantly boosting the supply of homes, the provision of market and especially affordable housing carries significant weight.”

- 7.46. The above decisions emphasise the great weight which the Secretary of State and Inspectors have, on various occasions, attached to the provision of affordable housing in the consideration of planning applications and appeals. The appropriateness of attributing great weight to the benefits of affordable housing has also been accepted by the Courts.

- 7.47. Some of the key points that arise are that:

- i. Affordable housing is an important material consideration;
- ii. Affordable housing can be considered in its own right;

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- iii. The importance of unmet need for affordable housing being met; and
 - iv. Even where there is a five year housing land supply (which does not apply in this case), material benefits arising from affordable housing can still justify the grant of planning permission despite harm/development plan policy conflicts.
- 7.48. The above has set out the context for applying planning policy, and the planning benefits of the Appeal scheme associated with the affordable housing part of the scheme, to be weighed in the overall planning balance.

8. THE MAIN ISSUES

- 8.1. This section of my evidence assesses the acceptability of the Appeal Scheme in the context of 38(6) as well as relevant material considerations.
- 8.2. I have carried out my assessment using a series of main issues. I then draw my findings together to undertake the planning balance.
- 8.3. My assessment and planning balance has been informed by the evidence prepared by Ms A Hensler (Drainage), Mr M Rose (Ecology), Mr T Copp (Heritage), Mr M Twinberrow (Highways), and Mr R Hyett (Trees).
- 8.4. Having regard to the Inspector's main issues and other relevant matters I have identified, I structure my assessment of the Appeal Scheme as follows:
- 8.5. The main issues are considered to comprise the following:
- 1) The principle of development outside the settlement boundary.*
 - 2) Location sustainability and highway considerations.*
 - 3) The effect of the proposal on ancient woodland.*
 - 4) The impact of the scheme in relation to drainage and flood risk.*
 - 5) The impact of the proposal in heritage terms.*
 - 6) The impact of the proposal in landscape terms.*
 - 7) Addressing the Rule 6 Party representations.*
 - 8) Planning Obligations.*
- 8.6. My assessment is set out below.

Main Issue 1: Principle (including five year housing land supply)

Policy Context

- 8.7. My Main Issue 1 addresses the principle of development beyond the settlement boundary, thus addressing the main thrust of the Council's objection to the scheme as set out in their putative reason for refusal.
- 8.8. The presumption in favour of sustainable development (or 'tilted balance') is engaged on account of the inconsistency between the development plan and the NPPF. This includes in relation to the spatial application of its policies being out of date; and in relation to the lack of a five year supply of deliverable housing land. Either issue separately triggers the presumption in favour of sustainable development.
- 8.9. The Council acknowledges that planning settlement boundaries as defined in the development plan may need to be breached to satisfy the local housing need identified through the standard method.
- 8.10. As to five-year housing land supply, the Council's latest position is set out in their Supply Statement at 1st April 2022 purports to be able to show a 3.92 year supply of deliverable housing land for the period 1st April 2022 to 31st March 2027 (**CDE.16**).
- 8.11. This results in a shortfall of 1,579 dwellings. As such, and on their own assessment, the Council is not able to demonstrate a five-year supply of deliverable housing land, thus engaging the presumption in favour of sustainable development at paragraph 11 of the NPPF.
- 8.12. However, and on my analysis, the actual shortfall is greater still. As confirmed in case law, the extent of the shortfall is relevant to the weight that can be given to out-of-date policies, as well as to the benefits of housing delivery. Accordingly, whilst the Council concedes that it is unable to demonstrate an up-to-date five-year housing land supply, the extent of the

shortfall is material to assessing the merits of housing delivery from the Appeal Scheme.

- 8.13. As confirmed by the Council in numerous Officer Reports to Planning Committee, the local plan policies that are most important for determining planning applications for housing carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making¹³.
- 8.14. This position was explored in the August 2022 appeal decision relating to the erection of 38 dwellings on land beyond the settlement policy boundary at Horam (footnote 3 below refers).
- 8.15. A copy of the decision is included at **CDK.24**. Paragraphs 19 and 20 conclude as follows:

“It is common ground that the CS is out of date and does not meet Wealden’s local housing needs. The plan provides for only 450 homes per annum as opposed to a requirement for 1,225, as calculated under the standard method set out in national planning guidance. Paragraph 74 of the Framework requires Councils identify and update annually a minimum five-year housing land supply (5YHLS) against their local housing need. Wealden can currently demonstrate a 3.66-year housing land supply. I consider this to be a substantial shortfall in meeting current Government policy requirements.

A lack of a 5YHLS has endured in Wealden for over six years. In this situation the Council has granted permission for housing in a number of sites outside the Horam settlement boundary, as detailed in the appellant’s evidence. Unlike this proposal, these sites appear to have all been within a development boundary proposed in a Submission Local Plan. However, this was later withdrawn and the Council is now preparing a new Local Plan, due for Regulation 18 consultation later this year.”

¹³ Examples include but are not limited to WD/2021/1637/MAO, WD/2021/2356/MAO (PINS Ref: APP/C1435/W/22/3297371); and WD/2020/2509/MAO (PINS Ref: APP/C1435/W/22/3296579)

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- 8.16. It is within that context that the Council published its Housing Action Plan (June 2022) (**CDE.18**), which sets out a number of actions that the Council will progress to boost housing delivery.
- 8.17. A key action is continuing to progress a Local Plan. A draft (Regulation 18) version of the Local Plan was to be consulted upon in Spring 2022. That did not materialise. The Council has indicated that plan preparation is currently on hold. As such, there is no known timeframe for the publication of a consultation draft Local Plan.
- 8.18. This delay impacts upon the ability of the Council to resolve the significant shortfall in supply within the short to medium term.
- 8.19. More recent appeal decisions have concluded in a similar manner to the Horam appeal Inspector in relation to the out of date policy position that prevails within Wealden. Those decisions are included at **CDK.2** to **CDK.7**.
- 8.20. Paragraph 27 of the recent Polegate appeal decision (**CDK.7**) included the following assessment of the policy position:

“The site is outside the development boundaries. Therefore, the development would conflict with policies GD2 and DC17 of the WLP. However, given the lack of a housing land supply, restrictive policies preventing the development of housing are out of date. As such I afford only limited weight to the conflict with these policies, Nevertheless, this does not mean they do not apply and overall the proposal conflicts with the development plan as a whole. I do not find harm with regard to the accessibility of the site or living conditions of future occupiers, however the lack of harm in these regards is a neutral factor.”

(My emphasis underlined).

- 8.21. The aforementioned appeal decisions provide an important context for the determination of this Appeal.

- 8.22. In the circumstances, the weight to be attributed to the conflict between the location of the Appeal Site adjacent to, but beyond the settlement policy boundary for Uckfield is significantly reduced.
- 8.23. Although I conclude that the Appeal Scheme would conflict with policies GD2 and DC17 of the Local Plan Core Strategy, given the lack of a housing land supply, and the need to breach settlement boundaries to meet identified housing needs, the restrictive policies preventing the development of housing are out of date. As such I afford only limited weight to the conflict with these policies.

Main Issue 2: Location Sustainability and Highway Considerations

General

- 8.24. Informed by Mr Twinberrow's highway evidence, which position I adopt, my Main Issue 2 responds to the Council's putative reasons for refusal 4 (suitability of location) and 5 (safe access and effect on the town centre).

Location Sustainability

- 8.25. As section 3 of my evidence explains, the Appeal Site is within walking and cycling distance from Uckfield town centre. Mr Twinberrow expands upon the sustainable location of the Appeal Site section 4 of his evidence.
- 8.26. As I have also explained, Uckfield is one of the three designated District Centres listed in the Adopted Core Strategy Local Plan (**CDE.1**). This is the highest settlement tier located within Wealden District (Table 1 and Figure 2 of the adopted Core Strategy Local Plan refers (**CDE.1**)).
- 8.27. Table 1 in **CDE.1** describes Uckfield as "*an accessible settlement by road and public transport containing a range of shops, employment opportunities and facilities including secondary school. Not reliant upon other centres within the District to meet day to day needs, but requires support from other secondary or primary centres to meet the needs of residents*".

- 8.28. As Mr Twinberrow's evidence explains, the Appeal Scheme secures a safe and appropriate means of access to enable future residents to safely access the town centre by walking, cycling and bus.
- 8.29. As such, the Appeal Scheme does not conflict with saved policies GD2, WN1, EN2, TR3 or TR13 of the Local Plan 1998, or spatial objectives SP07 and SP015 and policies WCS7 and WSC14 of the Wealden Core Strategy Local Plan, nor would it conflict with the guidance within chapter 9 of the NPPF.

Highway Safety and Impacts

General

- 8.30. As Mr Twinberrow's evidence explains, the assessment of the Scheme's highway impacts has been an integral aspect of the scheme from the outset, with pre-application meetings and discussions convened with the Highway Authority since September 2019.

Highway Safety

- 8.31. Mr Twinberrow's evidence explains why the Appeal Scheme can be safely accessed. I adopt his findings

Highway Impacts

- 8.32. In turning to the potential highway impacts, development of the site for up to 290 dwellings and a strategic SANG could generate in the region of 148 two-way movements during the morning peak hour, and 152 two-way movements during the evening peak hour.
- 8.33. Capacity assessments have been undertaken at the two critical town centre signalised junctions and at the site access.

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- 8.34. To accommodate the increase in traffic from the proposed development in the town centre, it is proposed to improve the existing junctions by linking the two signalised junctions via a SCOOT type system.
- 8.35. The proposed improvements provide sufficient capacity at the two junctions to accommodate the proposed development traffic and will provide an overall highway benefit at the junctions within the centre of Uckfield.
- 8.36. With the introduction of the proposed SCOOT system the application proposal can bring about real terms improvements to the highway conditions within Uckfield thereby representing a significant benefit arising from the scheme.
- 8.37. Both the NPPF and Policy EN2 seek to ensure new development is located where it will encourage sustainable transport.
- 8.38. National Travel Survey data reveals the majority of trips (80%) under one mile (1.6km) are undertaken on foot, and 15% of journeys between 1 and 5 miles (1.6 to 8km) are usually undertaken on foot.
- 8.39. Providing new homes on the Appeal Site, within 1.2km of the facilities available within Uckfield, gives a real opportunity for the majority of trips to be made on foot and by bicycle thereby contributing towards sustainable modes of transport and corresponding reduction in traffic emissions.
- 8.40. Access can be gained to local shopping facilities, health facilities, eating and drinking establishments, schools and nurseries.
- 8.41. A shared footway/cycleway link from the site will be provided to the existing footway on Bird in Eye Hill.
- 8.42. Bus stops and Uckfield railway station are located within easy walking distance from the site, providing access to frequent bus and rail services to the surrounding area.
- 8.43. A considerable package of measures is proposed to mitigate the impact of the development, which matters are summarised as follows:

- Extension to 30mph speed limit to enhance sustainable modes of transport:
- Bus stop improvements;
- Bus service improvements;
- Install SCOOT system and two town centre junctions to increase capacity.
- Provide shared footway/cycleway from the site to Bird in Eye Hill.
- Car-club scheme
- Framework Travel Plan

8.44. As Mr Twinberrow's evidence explains, numerous discussions and meetings have taken place with the County Highways Authority ("CHA"), prior to and during the consideration of the Appeal Scheme

Summary

8.45. With the proposed mitigation measures in place, the Scheme will not have a severe impact on highway safety and the flow of traffic along Bird in Eye Hill or within Uckfield town centre thereby complying with Policies SPO2, SPO12, SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan, Saved Policies TR3 and TR16 of the saved Local Plan (1998) and paragraph 110 of the NPPF.

Main Issue 3: The Effect of the Appeal Scheme on Ancient Woodland

8.46. Informed by the evidence prepared by Mr Rose and Mr Hyett, which position I adopt, my Main Issue 3 responds to the Council's putative reason for refusal no. 2.

8.47. As Mr Rose's evidence explains, putative Reason for Refusal 2 purports that the Appeal Scheme "*would result in indirect and direct degradation and loss*" of Ancient Semi-Natural Woodland ("ASNW") and would "*threaten, harm and cause degradation*" to veteran trees. It states that the Appeal Scheme would further "*lead to the unacceptable fragmentation, isolation and disturbance of natural habitats that support protected wildlife species*

and other flora and fauna of acknowledged nature conservation importance.”

- 8.48. The evidence prepared by Mr Rose and Mr Hyett explains that the drainage strategy can be delivered without direct impacts or material indirect effects on the on or off-site ASNWs. This has now been accepted by the Council pursuant to receipt of the LLFA's revised consultation response (2 August 2023) (**CDB.32**). The Council has subsequently confirmed that it is no longer pursuing its putative reason for refusal no. 3 (surface water drainage).
- 8.49. In addition, with the inclusion of proposals to limit recreation pressures and urbanisation impacts, including but not limited to the exclusion of ASNW from SANG and the establishment of fencing and defensive planting to deter trespassing, Mr Rose and Mr Hyett conclude that the Appeal Scheme will not result in the loss or deterioration of irreplaceable habitats, and it is therefore compliant with NPPF paragraph 180(c).
- 8.50. As such, Ancient Woodland is not a footnote 7 consideration that would disengage the presumption in favour of sustainable development and/or provide a clear reason for refusing planning permission.
- 8.51. For the reasons explained in evidence, the Appeal Scheme does not conflict with saved policies EN1, EN12, EN13 of EN15 of the Local Plan 1998, or policies WCS12 and WCW14 of the Wealden Core Strategy Local Plan, nor would it be contrary to the approach set out at paragraph 180(c) of the NPPF.

Main Issue 4: The Impact of the Appeal Scheme in relation to Drainage and Flood Risk

The Acceptability of the Appeal Scheme in Surface Water Drainage Terms

- 8.52. Importantly, and as confirmed in an email From the Council to PINS dated 8th August 2023, the Council is no longer pursuing this putative reason for refusal. This follows the Council's receipt of the Lead Local Flood Authority's consultation response dated 2nd August 2023, confirming no objection to the surface water drainage. As such, this putative reason

relating to surface water drainage is no longer a 'live' or main issue for the purpose of determining the Appeal. However, and notwithstanding, the Rule 6 party is still advancing a drainage objection.

- 8.53. As such, drainage matters are addressed in the proof of evidence prepared by Ms Hensler.
- 8.54. As Ms Hensler's explains in her evidence, the vast majority of the Appeal Site is at low risk of flooding from fluvial (river) sources. The fluvial floodplain is largely contained to the woodland along the western boundary and in the ancient woodland in the centre of the site.
- 8.55. The majority of the appeal site is shown by the EA's '*Flood Map for Planning*' to lie within Flood Zone 1 'Low probability'.
- 8.56. The areas adjacent to the Framfield Stream, along the western boundary, and the unnamed watercourse through the centre of the site are shown by the EA '*Flood Map for Planning*' to lie within Flood Zone 2 and 3 'Medium and High probability' (see figure 4 in Appendix A). They cover only 3% of the site. All built form (including the residential dwellings) is proposed within flood zone 1.
- 8.57. Ms Hensler's evidence also explains that the majority of the site is at 'Low' or 'Very Low' risk of flooding from pluvial flooding (which occurs from rainfall falling into the land and running overland before it is infiltrated into the ground or reaches a watercourse). The pluvial floodplain is predominantly contained within the lowest areas of the site, along the river corridors, and the pluvial extents are very similar to the fluvial extents.
- 8.58. I summarise Ms Hensler's conclusions as follows:
- The fluvial, pluvial and groundwater floodplains are very similar, and limited to the lowest lying areas of the site in the corridors for the Framfield Stream and the unnamed watercourse. Fluvial flooding describes a source rather than a mechanism of flooding; given the mechanism of any fluvial flooding would be heavy rainfall, high

groundwater or a combination of both, it is expected that these floodplains would be so similar given the proximity to the watercourses.

- A sequential approach has been followed in determining the layout of the site, with water compatible public open space in the areas at highest risk of flooding, and the more vulnerable residential development within the areas at Low probability of flooding.
- **All residential development has been proposed to lie outside of the 1 in 100 annual probability fluvial and pluvial flood extent**, including the recommended allowances for climate change.
- All surface water management features, beyond the outfall to the Framfield Stream, are located outside of this flood extent. Given the similarity between the groundwater floodplain to other sources of flooding, the development is also at low risk of groundwater flooding.
- Surface water runoff rate will be attenuated to the 1 in 100 greenfield runoff rate within a detention basin, and that therefore there will be no increase in pluvial flood risk to third parties as a result of the development.
- There will be negligible encroachment into the fluvial, pluvial or groundwater floodplains and therefore there will be a negligible impact on these flooding mechanisms, such that there will be no increase in flood risk to third parties as a result of the proposals.
- The drainage strategy set out within Appendix B to Ms Hensler's evidence does not rely on infiltration and provides an attenuated discharge via a pipe to the Framfield Stream which lies beyond the designated ancient woodland and its buffer zone.
- No construction or maintenance activities will encroach into the ancient woodland or its buffer zone.

8.59. Finally, and as confirmed in the LLFA's consultation response (**CDB.32** refers) the proposed outfall location is within the control of the applicant,

who is the riparian owner of the watercourse bank. Their response advises that given the close proximity of the outfall to the site boundary, either a unilateral undertaking can be provided to confirm the outfall can be constructed and maintained in perpetuity for the lifetime of the development by the freeholder of the development and any subsequent management company or adopting body, or alternatively the design and/or planning red line could be clarified to contain all drainage works within the site. As they advise, this is required to ensure the outfall remains under the control of the owner of the development land, whether sold or retained by the current owner.

- 8.60. I have been advised that there are frequent discrepancies in mapping data used by official sources. In this instance, in so far as the red line planning application boundary extends to the top of the watercourse bank, I am of the view that the outfall is within the red line application site boundary.
- 8.61. However, and regardless, the matter could also be secured in the wording of as unilateral undertaking should that be necessary. As a further fail safe, draft conditions are also proposed by the LLFA, which could be imposed upon the grant of planning application.
- 8.62. Overall, and as Ms Hensler explains, the development proposals will be flood resilient and resistant from all sources of flooding, the development will be safe and will not increase flood risk to third parties, including allowance for climate change. The development proposals are therefore in accordance with paragraph 167 of the NPPF.

Sequential Test

- 8.63. Paragraph 162 of the NPPF requires that 'development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'. Paragraph 162 notes that this relates to flooding 'from any source' and 'any form of flooding' (i.e. including groundwater sources).

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- 8.64. As all residential-related development lies entirely within Flood Zone 1, the consultation response received from the Council's Drainage Officer in October 2021 confirms that the Appeal Scheme passes the sequential test (**CDB.8**).
- 8.65. In addition, and as Ms Hensler's evidence has explained, a sequential approach has been applied to the development masterplan. As Ms Hensler's evidence explains, climate change allowances and the need to assesses the risk from all sources of flooding has been considered as part of the proposed development.
- 8.66. The proposals for residential dwellings constitute a **More Vulnerable** land use, which is considered appropriate within Flood Zone 1.
- 8.67. As summarised above and as Ms Hensler's evidence explains only very small parts of the site are at risk of surface water flooding. These areas are primarily located adjacent to the Framfield Stream which runs along the western boundary of the site and in the central part of the site where the footpaths are proposed to the SANG in the southern part of the site. Very small areas within the proposed residential areas are at low risk of surface water flooding (from direct rainfall), but these are readily addressed with standard mitigation / plot design measures, as Ms Hensler's evidence explains.
- 8.68. In addition, only minor works are proposed to be located within flood zones 3. They consist of the drainage outfall on the western boundary and the footpath connections to the proposed SANG through the ancient woodland. Both these proposals are water compatible development (Annex 3 of the NPPF refers) and de minimis both in scale and effect (again, this is explained in Ms Hensler's evidence). For either or both of these reasons, such proposals do not attract a need for sequential testing. Changes of use (i.e., for the SANG and public open space / amenity land) do not require a sequential test (paragraph 168 of the NPPF refers).
- 8.69. Further in relation to the improved path through the Ancient Woodland (and separate from the attendant change of use, which does not attract the need

for a sequential test, as confirmed by the NPPF): (i) I do not believe that the construction of a hoggan path with wood panels comprises development, (ii) the proposed fences can be provided pursuant to permitted development rights, and (iii) the bridge improvement/maintenance works (if needed) would not comprise development if its appearance were not materially altered, and it is anyway de minimis in flood terms (for the reasons given by Ms Hensler). Also, as water compatible uses are all that are proposed in this respect (as ancillary to amenity use), I do not understand why a sequential test would be necessary.

- 8.70. For these reasons, and as supported by the Council's Drainage Team's letter above, no sequential test was undertaken during the planning application. Moreover, there was no objection to the scheme on sequential test grounds from the LLFA or Wealden District Council. However, and nevertheless, the issue has been raised by the Rule 6 Party (paragraphs 3.1 to 3.5 of their Statement of Case refers (**CDC.6**). I do not believe the Rule 6 Party is correct to say that a sequential test is required.
- 8.71. In *Wathen-Fayed v SoS* [2023] EWHC 92 (Admin) (**CDJ.16**), the Court noted held that whether to apply the sequential test was ultimately a question of planning judgement for the Inspector. In that case, the LLFA did not request a sequential test, the development site was in Flood Zone 1 and areas of surface water flooding within the development envelope were capable of being dealt with through a scheme condition. The position is similar here. Statutory consultees have not requested a sequential test, the only works in medium/high risk areas are water compatible and de minimis, and minor areas of low risk surface water flooding can readily be dealt with by the drainage strategy. In my view, the only sensible planning judgment is that no sequential test is indicated.
- 8.72. I note that the Rule 6 Party refers to off-site flood events on Framfield Road, but such off-site matters are not relevant to whether a sequential test is indicated. Ms Hensler's evidence addresses the evidence on this aspect and explains that the appeal scheme will not worsen conditions on Framfield Road.

-
- 8.73. However, and notwithstanding, a sequential test has nevertheless been undertaken by Arc/Veritas Planning for the Appellant and included at **SB2**.
- 8.74. As the sequential test prepared by Arc/Veritas Planning concludes, as there are no other reasonably available sites within the search area on which the lake proposal can be located the sequential test has been passed. Details of the methodology used to establish the search area and type of sites assessed is set out in chapter 4 of the sequential test.
- 8.75. As the sequential test concludes:
- (i) the areas at risk of flooding within the site are confined to the edges of the site. In these locations, the only forms of development proposed are public open space, biodiversity areas and SANG. As such, it is considered that a Sequential Test or Exception Test is not required.
 - (ii) However, and for the sake of robustness a Sequential Test has nevertheless been carried out.
 - (iii) In accordance with local circumstances, an extensive search area of 7km from the Ashdown Forest SPA has been used, and sites have been reviewed in detail which can accommodate in excess of 100 dwellings.
 - (iv) Following an in-depth review of 13 sites, this Sequential Test confirms that there are no sequentially preferable sites within the search area, and as such the Sequential Test is passed.
- 8.76. As the Sequential Test is passed, this report then considered the implications of the Exception Test. Following the relevant guidance set out in the PPG, in particular Table 2, it can be concluded that the Exception Test is not required for the Appeal Scheme proposal.

Main Issue 5: The Impact of the Appeal Scheme in Heritage Terms

- 8.77. Although there are no listed buildings or structures within the Appeal Site, Bird in Eye Farm is located within the centre of the northern section of the Site (although outside the site boundary).
- 8.78. Within the farmyard there is a listed building, The Oast and to the east of the proposed SANG in the southern section of the site there are two listed buildings, Framfield Place and the Stables to the West of Framfield Place.

- 8.79. The proposed development has been designed to avoid any harmful impact on these listed buildings and to enhance the existing experience of The Oast.
- 8.80. The Oast is listed Grade II and is located in the centre of the group of buildings that comprise Bird in Eye Farm, facing the west half of the Appeal Site. It is the only listed building within the farm and sits within a cluster of older farm buildings and is the only building that has escaped significant alteration or adaption.
- 8.81. The Oast is a rare and unique example of a hop kiln which included internal flues, with a furnace below, to heat the drying floor where the hop blossoms were laid out to dry. This design is different to the vast majority of kilns built in the 18th and 19th centuries.
- 8.82. The building is listed because of what it tells us about the development of hop production at this time, not because of its age or its architectural qualities.
- 8.83. This means that unlike other rural or agricultural buildings, The Oast is not considered important because of the way it is seen within the landscape like other agricultural buildings such as historic barns or granaries.
- 8.84. The special interest of the building lies in its technical innovation, not the age of the building or its relationship to the landscape. However, the Appeal proposals provide an opportunity for the building to be seen and experienced within the landscape in a way that is not possible at present and in that way, to be better understood and appreciated.
- 8.85. To provide new and enhanced views of the listed building from within the Appeal Site, the illustrative layout includes an area of public open space alongside the western boundary of the farm. This area is of a sufficient size to allow The Oast to be seen and understood as a former agricultural building and the development proposals would therefore provide new opportunities to see and experience the listed building.

- 8.86. The way in which the proposed housing is laid out also provides new views from the south to the listed building where the top of the building would be visible, and its distinctive cowl seen and easily recognised.
- 8.87. The southern part of the site would be public open space and so the impact on the immediate area around these fields would be negligible. They would remain as open areas of pasture or grassland and would not result in any change to Framfield Place and the Stables to the West of Framfield Place, to the east of the application site.
- 8.88. The proposed layout provides for new, enhanced views of The Oast as part of the masterplan and these new views are considered a heritage benefit because they would open up and enhance the setting to the listed building within the south and east of the site. At present, there are no public views of The Oast from within the fields around the building and so the proposals would provide an opportunity for an increased appreciation and understanding of the listed building within the application site itself.
- 8.89. Paragraph 202 of the NPPF ensures that where there is less than substantial harm to a heritage asset, such harm should be weighed against the public benefits of the proposal. In this case, the enhancements to the public views of and understanding of The Oast it is clear the Scheme is a positive and are to be considered alongside the less than substantial harm caused by the provision of housing development within the setting of The Oast.
- 8.90. As set out in **CDB.14**, the Council's Heritage Officer's consultation response confirms no heritage harm. As such, the paragraph 202 balance is not even engaged on the Council's case.
- 8.91. The previous Secretary of State decision also considered the Appeal Site could be developed absent harm to the designated heritage asset at the Oast, concluding that the setting of the building would not be materially harmed (section 2 above refers).

- 8.92. As Mr Copp's evidence concludes, the setting of The Oast does not strongly contribute to the significance of the listed building, largely due to the reasons for its designation, as well as the significant changes seen to its once agricultural setting.
- 8.93. Although the development proposals represent a further change to this historic rural setting, while also introducing significant public open space to the west, they allow for an increased appreciation of the listed building, better revealing its significance.
- 8.94. As Mr Copp's evidence explains, the development proposals will result in a neutral impact to the significance of the listed building, with its special architectural and historic interest preserved.
- 8.95. Notwithstanding this position, even were the Inspector to conclude a finding of less than substantial harm, within the lowest level of the less than substantial scale, thus engaging the 'heritage balance' at paragraph 202 of the NPPF, this would require any harm to be weighed against the public benefits of the proposal.
- 8.96. I have carried out the heritage balance and I of of the view that the many public benefits (economic, social and environmental), demonstrably outweigh the negligible heritage harm that has been identified (to which great weight is attached).
- 8.97. Overall, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the witnesses for the Appellant have paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. This will be explained in evidence.

Main Issue 6: The Impact of the Appeal Scheme in Landscape Terms

- 8.98. As I explain in section 1 above, the Council has not raised an objection to the Appeal Scheme in landscape terms.
- 8.99. However, and to assist the Inspector, I refer to the landscape analysis contained in the Statement prepared by Clive Self at WB3 to **CDC.2**.
- 8.100. As Mr Self explains, the Appeal Site is split into two distinct parts, the northern, flatter area enclosed by the band of ancient woodland and the more undulating southern part where the proposed SANG land would be located.
- 8.101. The northern part of the site is currently used for horse-grazing, it is adjoined by existing housing along Bird in Eye Hill, and within it lies Bird in Eye Farm, which has a number of commercial enterprises. This part of the site overlooks Uckfield, from where the town can be seen rising up the opposite slope from Framfield Stream.
- 8.102. The southern part of the Site is predominantly bound by woodland, giving it an enclosed character, which separates it from the town.
- 8.103. A band of dense woodland separates the northern part of the Site from the southern part and also extends along part of the western boundary, it is this which is classified as 'Ancient Woodland'.
- 8.104. The Appeal Site has three trees identified as veteran, a Common Ash tree, on the edge of the ancient woodland and two English Oak trees, close to the eastern boundary. The ancient woodland and the veteran trees will be retained thereby respecting the existing characteristics of the landscape.
- 8.105. Importantly the Appeal Site is not designated for its landscape character or quality.
- 8.106. Views of the northern part of the site are available from parts of the town to the west and for a short section of Bird in Eye Hill when adjacent to the site.
- 8.107. There are views of the southern part of the site along public footpath Framfield 65b as it follows the internal site boundary, but from here, there are no views of the northern part of the site, due to the intervening woodland.

- 8.108. The landscape-led design will provide housing in the northern part of the site only, while protecting and retaining the vast majority of the existing woodland, trees and hedgerows. The illustrative layout provides a wide viewing corridor to the Grade II Listed The Oast, with a children's play area and planting within it.
- 8.109. The new housing would be set away from the Ancient Woodland and veteran trees, beyond a buffer of at least 15m.
- 8.110. Open, landscaped areas are to be retained either side of the retained hedgerow and tree belt. These areas will be part of the extensive new public open space around the housing parcels. Trees are proposed to be planted, for amenity value as well as for biodiversity benefits, within the open space. Street trees will provide visual and wildlife connectivity between the streets and public open space.
- 8.111. In addition, the large area of SANG, discussed in detail below, will provide a significant resource for the community and the larger area, as well as biodiversity benefits whilst respecting the character of the landscape through the retention of existing landscape features.
- 8.112. Section 8 of Mr Self's Statement concludes in relation to the acceptability of the scheme in landscape terms as follows:
- i. The Site has a varying character with the southern part being intact farmland with a strong relationship to the neighbouring countryside. This area is separated from the northern part, both physically and visually, by Bird in Eye Shaw. The southern part of the Site will be kept free of development and will provide a SANG, which will bring benefits for mankind and wildlife alike.
 - ii. The area of land to the north of Bird in Eye Shaw and south of Bird in Eye Hill has a rural fringe character and a number of detracting features within it, such as the commercial buildings which sit within the centre of the Site. There is also intervisibility with the eastern edge of Uckfield.
 - iii. The masterplan can be accommodated on the Site without giving rise to any significant adverse landscape, townscape or visual effects. It will complement the character of Uckfield and the neighbouring

landscape and provide significant wildlife and recreational benefits, amongst other things.

8.113. It is evident from the above that the landscape has been an integral element of the design process with the findings of the accompanying LVIA demonstrating this. As such the Scheme complies with the aims of Saved Local Plan Policy EN12.

Main Issue 7: Rule 6 and Third Party Representations

The Rule 6 Party

8.114. Ms Kassie Smith KC is a formal Rule 6 Party. The Statement of Case prepared by Town Legal LLP and submitted on her behalf raises two issues as follows:

- (i) Highway Safety and Accessibility; and
- (ii) Drainage/Flood Risk

8.115. The issues are addressed in the separate evidence prepared by Mr Twinberrow (highways) and Ms Hensler (drainage).

8.116. My Main Issue 4 above addresses the sequential test issue raised in their Statement of Case.

Other

8.117. In all other respects, the issues raised by interested parties (including the representations received during the recent consultation on the revised plans carried out by the Council) are covered in the various proofs of evidence submitted on behalf of the Appellant. No new or separate issues are raised that have not been addressed in the aforementioned submissions, and/or which matters I address in my analysis and planning judgment.

Main Issue 8: Planning Obligations

8.118. Matters of detail, including in relation to the likely financial contributions are to be agreed as part of the preparation of a legal agreement.

8.119. Subject to meeting the necessary tests at paragraph 57 of the NPPF, it is considered that the following will be provided for in a legal agreement:

- i. Affordable Housing (up 35%) (up to 101 dwellings)
- ii. Provision and management of strategic SANG land
- iii. A financial contribution towards the Ashdown Forest SAMM
- iv. Off- site highway improvement works
- v. On-site public open space provision
- vi. Sustainable Transport/Travel Plan

8.120. Wealden District is a CIL Charging Authority and financial contributions will also be secured at the reserved matters stage once the amount of proposed floorspace is fixed.

9.0. PLANNING BALANCE

General

- 9.1. This section assesses the significant merits of the Scheme in relation to the three sustainability tests set out at paragraph 8 of the NPPF and clearly shows that whilst there are considered to be some slight adverse impacts, these considerations are plainly incapable of outweighing, let alone significantly and demonstrably outweighing, the many benefits of the Scheme.
- 9.2. Paragraph 9 of the NPPF states (amongst other things) the assessment of the sustainability roles should not be undertaken in isolation, because they are mutually dependent.
- 9.3. A planning balance exercise has been carried out in accordance with the guidance at paragraph 9 of the NPPF and sets out a combined analysis in relation to the sustainability roles (economic, social and environmental).

Economic

- 9.4. The Appeal Scheme satisfies the economic role of sustainability including through the provision of housing to support growth and the associated provision of infrastructure, to be secured through preparation of the S106 agreement and by on-site provision of 35% affordable housing.
- 9.5. The Appeal Scheme generates a series of local and District-wide economic benefits including through (i) construction of the scheme and the range of employment generated as a result; and (ii) the on-going expenditure from the households purchasing and occupying the new homes.
- 9.6. The principal economic benefits arising from the scheme are summarised below:

-
- i. Increased house building in an area where there is an acute need for new housing that in turn drives economic growth further and faster than any industry. In this regard the proposals will contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is being made available in the right place and at the right time to support growth.
 - ii. The provision of up to 290 new homes in the district where there is an established need housing given the demonstrable shortfall in the five year housing land supply position.
 - iii. The application scheme will deliver much needed affordable homes that will meet identified needs that are otherwise not being met.
 - iv. Meeting general housing needs is a significant benefit, consistent with the Government's objective of significantly boosting the supply of housing.
 - v. In order for the economy to function, sufficient housing is required in the right locations and at the right time. This site represents a location where there would be no significant impact upon the landscape, historic environment nor on the amenity of neighbouring properties.
 - vi. Based upon a multiplier of 2.3 jobs per new home¹⁴, up to 290 dwelling Application Scheme is estimated to create approximately 667 new jobs.
 - vii. Increased expenditure in the local area will support local FTE jobs.
 - viii. Helping to deliver a significant boost to the local economy through 'first occupation' expenditure of £1.58m¹⁵. This is expenditure on new furniture and other household goods that residents spend as 'one-offs' when moving into a new home.
 - ix. Generating a further significant economic boost of £543,859 from residents moving into the District's existing housing stock which were vacated so that the owners could move into the new homes proposed on land south of Bird in Eye, Uckfield. This is a result of the spending on renovations, household goods, removals, surveys, estate and legal fees that are associated with the purchase of existing rather than new homes within the District's housing stock¹⁶.

¹⁴ See page 13 of the Homes Builders Federation "Economic Footprint of UK Housebuilding " (July 2018) -

https://www.hbf.co.uk/documents/7876/The_Economic_Footprint_of_UK_House_Building_July_2018LR.pdf

¹⁵ Research carried out by OnePoll on behalf of Barratt Homes (August 2014; <https://www.barratthomes.co.uk/the-buying-process/home-buying-advice/>) which shows an average of £5,462 per dwelling.

¹⁶ Research by HBF and Knight Frank on "Economic Benefits of housing market activity" which shows a contribution per house sale/purchase transaction of £9,560 - <https://content.knightfrank.com/research/2121/documents/en/knight-frankhbf-economic->

- x. In terms of household expenditure, data from ONS Family Expenditure Survey 2020-21¹⁷ shows that the 'average UK household spend' is £567.10 per week (Table A33) (or £29,570 per year), whereas in South East England it is 19.4% higher than the UK average (Table A33). This means average weekly spend per household is £665.40 (or £34,696 per annum). For the application proposal at Bird in Eye providing up to 290 dwellings, the total gross expenditure is estimated to be £10.62m per year to the economy. A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Wealden District including those in Uckfield. The expenditure will include that a proportion of that spent on areas including food & non-alcoholic drinks (£72.80 per week); alcoholic drinks (£13.80 per week); recreation and culture (£88.80 per week), household goods and services (£42.70) and miscellaneous goods and service i.e. hairdressing & beauty treatments (£50.50 per week).¹⁸ Given the current economic challenges facing the UK these are significant economic benefits.
- 9.7. An infographic summarising the economic benefits resulting from the Scheme was prepared at the time of the planning application. It forms part of **CDA.2**. However, I exhibit a copy at **SB3** (attached) for ease of reference.
- 9.8. By providing land of the right type, in the right place, and at the right time to support economic growth, the development of up to 290 no. dwellings on the site satisfies the objectives at paragraph 8 of the NPPF and assists in the aims of the NPPF in helping to build a strong and competitive economy.
- 9.9. This is further emphasised in the Government's November 2011 Paper 'Laying the Foundations: A Housing Strategy for England' where paragraph 11 states *"getting house building moving again is crucial for economic growth – housing has a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built up to two new jobs are created for a year"*.

[benefits-of-housing-market-activity-2020-7616.pdf?pk_campaign=newsletter_4034](#). The 2011 Census indicates that 30.1% of owner occupied or shared ownership households in Wealden District that had moved within previous year, had lived within the authority.

¹⁷ [Family spending workbook 3: expenditure by region - Office for National Statistics \(ons.gov.uk\)](#).

¹⁸ Figures based upon SE Regional data in Table A33

- 9.10. In the Rectory Farm decision (APP/D0121/W/21/3286677) (**CDK.16**), at DL,149-151, Inspector Stephens found that paragraph 81 NPPF required “significant weight” to be attached to the economic benefits of any development at a scale such as this.
- 9.11. The economic benefits are to be accorded **substantial weight** in the planning balance.

Social

- 9.12. The Appeal Scheme satisfies the social role, in helping to support strong, vibrant and healthy communities, including through providing the supply of housing required to meet identified needs in open market and affordable sectors. This is a significant benefit. In addition;
- 1) Future residents will be in an easy walking and cycling distance to a wide range of other uses including the shops and services in Uckfield town centre.
 - 2) The Appeal Scheme will, to be agreed at the reserved matters stage, provide a range of housing types and size.
 - 3) The Scheme secures high quality residential environment together with extensive SANG land, children’s play park and other areas of open space consistent with development plan policy.
 - 4) The Scheme would deliver a policy compliant 35% affordable housing contribution.
- 9.13. The details of the layout and house type design are to be agreed through the determination of a subsequent reserved matters application, with the detailed scheme to reflect the particular need for housing at that time.
- 9.14. Any increased pressure upon local services will be mitigated through the planning obligation(s) and/or capital receipts secured through CIL.
- 9.15. In relation to education provision, research undertaken by EFM Ltd for the Applicant (March 2021) identifies spare capacity within the 6 no. primary schools that are within a two-mile walking distance from the Site, whilst the

funding of any necessary additional capacity for the provision of secondary school places at Uckfield Community Technical College will be secured through CIL.

- 9.16. Overall, the social benefits of the scheme can be afforded **substantial weight** in the overall planning balance.

Environmental

General

- 9.17. In terms of the environmental role, the Application Site is not located on land designated for its landscape value. The accompanying reports demonstrate that the scheme will not have any material impact on existing ecology and will in fact significantly enhance the biodiversity characteristics of the site, resulting in a significant biodiversity net gain of circa 40%.

SANG

- 9.18. The Ashdown Forest Special Protection Area (“SPA”) is designated for the presence of Dartford Warbler and Nightjar.
- 9.19. The SPA is vulnerable to recreational disturbance through damage to the qualifying species’ habitat, and disturbance to ground nesting birds.
- 9.20. The Appeal Site is within a 7km radius from the SPA, which surveys have shown most visitors to the SPA originate from. Without sufficient SANG mitigation, the Appeal Scheme could continue to add additional visitors and recreational pressure to the SPA.
- 9.21. As section 4 of my evidence explains, using the metric of 8ha of SANG per 1,000 population (which metric is applied by Natural England and Wealden District Council), the delivery of a 26.17ha SANG has the capacity to provide mitigation for c. 3,271 new residents or 1,363 dwellings (using a 2.4 residents / dwelling factor).

- 9.22. Predicted occupancy rates (based on 2.4 people per dwelling), will result in circa 5.57ha SANG land being required as mitigation for the proposed up to 290 dwellings (696 new residents), leaving a headroom capacity of circa 15.6ha which could become available for mitigation of future local development of up to 1,073 dwellings or 2,575 new residents (using a 2.4 residents / unit factor).
- 9.23. The SANG proposals have been endorsed by Natural England.
- 9.24. The Land Trust will be responsible for managing the SANG. They are named in the S106 and they have issued a letter of support for the proposals, which I exhibit at **SB3**.

Agricultural Land

- 9.25. Paragraph 174 of the NPPF ensures, inter alia, that planning policies and decisions recognise the benefits that the best and most versatile agricultural land can bring.
- 9.26. Whilst the Site covers a large area, the accompanying Agricultural Land Classification Report concludes that the application site is comprised entirely of subgrade 3b agricultural land. As such the loss of such land would not compromise wider agricultural interests thereby complying with the aims of paragraph 174 of the NPPF.

Trees and Woodland

- 9.27. The retention of existing boundary trees and hedges, and the areas of ancient woodland, around the site and the sensitive set back of the development will ensure the proposed built form is subsumed positively into the landscape character of the area.
- 9.28. The improvement of the built environment in heritage terms, and the enhancement of the settlement edge through the introduction of a

substantial woodland buffer is viewed as a significant benefit of the proposal.

9.29. The proposals would deliver sustainable homes allowing the fulfilment of this important objective whilst at the same time moving to a low carbon economy and securing an environmentally sustainable form of new residential development.

9.30. On the basis of the above, there are environmental benefits which would arise from the proposals, to which, on balance, **substantial weight** should be attached to in the overall planning balance.

Planning Balance: Harms and Benefits

9.31. The planning balance in so far as it relates to harms and benefits is summarised in Tables 6 and 7 below.

Table 6: Harms

Harm	Weight
Outside settlement boundary	Very limited weight
Loss of greenfield site in the countryside	Limited weight
Loss of Grade 3b agricultural land	Limited weight

Table 7: Benefits

Benefit	Weight
Provision of up to 189 market homes	substantial weight
Provision of up to 101 affordable homes	substantial weight
Provision of 5% self-build homes (up to 15 dwellings)	Moderate weight
Provision of c.40% BNG	substantial weight
Creation of jobs during the construction phase and increased spend during the operational phase –	substantial weight
Provision of SANG beyond the capacity of the site, unlocking future development	substantial weight
Provision of recreational open space	moderate weight
Proximity to services and facilities.	Moderate weight to the locational merits of the Site, enabling residents to walk and cycle to local services and facilities; with the Site located adjoining the principal urban area within the District.
Highway/sustainability improvements to buses and the highway network contained in the s106	Moderate weight to the benefits secured by the Appeal Scheme.

9.32. It is clear from the above summary that whilst there are considered to be some slight adverse impacts, these considerations are plainly incapable of outweighing, let alone significantly and demonstrably outweighing, the many substantial benefits of the Scheme.

9.33. My assessment identifies a substantial range of public benefits that clearly and demonstrably outweigh the limited harms I have identified.

10.0. SUMMARY AND CONCLUSION

Development Plan

- 10.1. The Appeal Scheme proposes an outline application for up to 290 residential dwellings (with 35% affordable housing), associated landscaping, informal open space and strategic SANG, with access from the B2102 (all matters reserved except for access) (LPA Ref: WD/2021/2198/MAO).
- 10.2. Development of the Site for 197 dwellings (including affordable housing), with associated access, structural landscaping and recreational space (including 4 LAPS and one LEAP) was previously dismissed by the Secretary of State in the call-in appeal decision dated 24th February 2009 (PINS Ref: APP/C1435/A/07/2053422) (LPA Ref: WD/2006/3564/MAO) **(CDK.1)**.
- 10.3. At the time of dismissing the earlier appeal, the development plan was found to be up to date, with the Council also being able to demonstrate a five year supply of deliverable housing land. That is no longer the case. The planning policy context has changed substantially.
- 10.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out a requirement for planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 10.5. In this instance, the location of the Appeal Site beyond the settlement boundary for Uckfield as defined in the Local Plan, means the Appeal Scheme is in conflict with the development plan.
- 10.6. As summarised in Table 2 of my evidence, of the policies most important for determining the Appeal, the Appeal Scheme is in conflict with saved Local Plan policies GD2 and DC17 and UC1. It is also in conflict with Core Strategy policy WCS2.

- 10.7. As I have found that the Appeal Scheme is in conflict with the Development Plan, I have then gone on to assess whether there are any material considerations that justify granting planning permission.
- 10.8. Along with the publication of a revised NPPF in 2019 and 2021, the development plan is now out of date in terms of the spatial application of its housing policies, whilst, in addition, the Council is not able to demonstrate a five-year supply of deliverable housing land.
- 10.9. As accepted by the Council, the development plan is not based upon a NPPF compliant assessment of housing need and cannot be said to be up to date in respect of its housing requirement or in relation to policies that seek to restrict development within the defined settlement boundaries.
- 10.10. In the circumstances, the presumption in favour of sustainable development (the tilted balance) at paragraph 11(d) of the NPPF is engaged. This requires planning applications to be approved unless footnote 7 considerations provide a clear reason for refusing development (which they do not); or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Again, they do not.
- 10.11. This is demonstrably a case where the weight to be attached to conflict with the development plan (on account of the location of the site beyond the defined settlement boundary for Uckfield) can be reduced on account of the need to breach the settlement boundaries identified in the development plan to meet development needs. The weighty material considerations in favour of the Appeal Scheme are clearly sufficient to outweigh the identified conflict with the development plan policy.
- 10.12. Either of (i) the lack of consistency between the housing requirement and settlement boundaries with the NPPF; or (ii) the lack of a deliverable five year supply of deliverable housing land triggers the presumption in favour of sustainable development at paragraph 11(d) of the NPPF.

10.13. On the basis of the foregoing, whilst under the application of 38(6), there is a *prima facie* conflict with development plan in terms of the location of the Appeal Site beyond the defined settlement policy boundary for Uckfield, the settlement boundaries upon which the spatial policies operate are out of date by virtue of having been drawn to accommodate non-NPPF compliant development needs, quite apart from issues of five-year land supply. All this goes to reduce the weight of any breach identified.

10.14. On the basis of the foregoing, the weight to be attached to the conflict between the Appeal Site and its location adjoining but ultimately beyond the settlement policy boundary for Uckfield is significantly reduced.

Summary

10.15. The benefits are many and manifest, not least the provision of housing and affordable housing when the Country and the District faces a housing crisis, which government policy is seeking to address. The Site is sustainably located and will also deliver qualitative and quantitative improvements to recreation and BNG within Uckfield and improve access into the town centre, which benefits both existing and future residents.

10.16. When carrying out the overall planning balance, in the context of the presumption in favour of sustainable development at paragraph 11(d) of the NPPF, the material considerations in favour of the Scheme (provision of market and affordable housing, economic benefits, social benefits and environmental benefits) outweigh the conflict with an out of date settlement boundary, negligible heritage harm (which carries great weight) loss of Grade 3b agricultural and localised change to the landscape.

10.17. For the reasons set out above, the Appeal should be allowed.

SB1



18th August 2023

Dear Resident,

Re: Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield (Ref: WD/2021/2198/MAO) – Proposed Access Arrangement

In August 2021, Croudace Homes submitted an outline planning application to Wealden District Council for a proposed new development of up to 290 units on land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield (planning ref: WD/2021/2198/MAO).

A formal appeal against Wealden District Council's failure to determine the application was lodged in September 2022 (PINS ref: APP/C1435/W/22/3307828). The appeal is due to be heard at a Public Inquiry beginning on Tuesday 12th September 2023.

At the time of lodging the appeal, the proposed access arrangement was shown on drawing 5330/021 revision H. During the appeal process, discussions continued with the Highway Authority which resulted in some minor amendments to the access proposal which are illustrated on drawing 5330/021 revision K. This was the plan recently consulted upon by Wealden District Council.

The changes between revisions H and K of the access proposal can be summarised as follows:

- Removal of central splitter island located to the west of the site access and replacing this with a solid white line to achieve the same result.
- Removal of 30mph speed limit extension with Bird in Eye Hill remaining de-restricted as at present. The access has been designed based on recorded vehicle speeds which are just above 40mph in both directions.

Discussions have continued with the Highway Authority and further very minor amendments have been made to the site access proposal. These can be seen on drawing 5330/021 revision P and will be provided to the Local Planning Authority, Planning Inspector and Rule 6 Party.

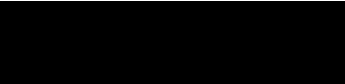
The proposed amendments introduced with this revision can be summarised as follows:

- Further widening along the northern side of Bird in Eye Hill of 0.5m over a distance of approximately 38m to facilitate 3m through lane widths over the length of the right turn pocket. The previous scheme (revisions H and K) included 2.75m through lane widths.
- An increase of the access junction radii from 8m to 10m.
- A very minor realignment of the northern kerb line to achieve a minimum clearance of 450mm between the kerb line and highway boundary.
- A suggested location for providing a 'side road ahead' sign for westbound vehicles approaching from the east.
- A solid white centre line to the east of the access.

If you have any comments on these changes, please email info@bellamyroberts.co.uk or write to the postal address at top of this letter. You can also view the amended plan at www.bellamyroberts.com/uckfield-access-plan

We propose to raise these plans with the Inspector at the forthcoming Inquiry.

PLEASE NOTE THAT THE DEADLINE FOR COMMENTS IS NOON on 11th SEPTEMBER 2023.


Matt Twinberrow BEng MCIHT
Associate Director, Bellamy Roberts





Notes

Do not scale this drawing

--- Highway Boundary

Suggested location for side road ahead sign, to diagram 505.1 of the Traffic Signs Manual Chapter 4. Precise location to be agreed at the detailed design stage.



Diagram 505.1

Northern kerb line to be a minimum of 450mm from highway boundary.



P	Centreline updated. Side road ahead location added.	DC	18/08/22	MT
N	Northern kerbline amended to be a minimum of 450mm from Highway boundary	MB	17/08/22	MT
M	Design Revised, running lanes increased to 3m wide	JCB	03/08/22	MT
L	Design Revised	JCB	03/08/22	MT
K	Design Revised	MB	18/01/22	MT
J	Design Revised	MB	02/11/22	MT
H	Design Revised	JCB	07/06/22	MT
G	Taper revised to 1:25 on RTL	JCB	26/06/22	MT
F	AMENDMENT NOTE	JCB	07/07/22	MT
E	AMENDMENT NOTE	JCB	08/06/22	MT
D	AMENDMENT NOTE	JCB	24/03/22	MT
C	AMENDMENT NOTE	ARM	07/03/22	MT
B	AMENDMENT NOTE	ARM	02/02/22	MT
A	AMENDMENT NOTE	ARM	08/02/22	MT
REVISION	AMENDMENT	DRN	DATE	CHK



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CLIENT
Croudance Homes Ltd.

PROJECT
Bird in Eye, Uckfield

TITLE
Proposed Access - Right Turn Lane

DRAWN BY ARM	DESIGN BY ARM	CHK BY MT
DATE 02/02/22	DRAWING NO. 5330 / 021	REV NO. P
SCALE 1:500 @ A1		

Croudace Homes

Town and Country Planning Act 1990

Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield

APP/C1435/W/22/3307828

A Public Inquiry is to commence on 12th September 2023 to consider an appeal by Croudace Homes (The Appellant) against Wealden District Council's failure to determine an outline planning application for up to 290 new homes, associated landscaping, informal space and strategic SANG with access from the B2012 (LPA Ref: WD/2021/2198/MAO).

The Appellant is proposing to make some amendments to the access proposals (Plan No. 5330/021 Rev P). The alterations consist of:

- Further widening along the northern side of Bird in Eye Hill of 0.5m over a distance of approximately 38m to facilitate 3m through lane widths over the length of the right turn pocket. The previous scheme (revisions H and K) included 2.75m through lane widths.
- An increase of the access junction radii from 8m to 10m.
- A very minor realignment of the northern kerb line to achieve a minimum clearance of 450mm between the kerb line and highway boundary.
- A suggested location for providing a 'side road ahead' sign for westbound vehicles approaching from the east.
- A solid white centre line to the east of the access.

The amended plan and details of how to comment can be viewed at

www.bellamyroberts.com/uckfield-access-plan

The deadline for comments is noon on 11th September 2023.

SB2



Sequential Test

Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield

August 2023

On behalf of Croudace Limited

croudacehomes

arc-planning.co.uk



Project Reference: 017 Bird in Eye Farm ST; Date: 10 August 2023
Directors: Nigel Hawkey MRTPI MRICS & Arron Twamley MRTPI
Arc Planning Associates, Ltd, Sandford Gate, Oxford, OX4 6LB; Company No. 13215837 VAT registration No. 390 200434

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CONTENTS

1.	INTRODUCTION.....	1
2.	APPEAL SITE	3
3.	SEQUENTIAL AND EXCEPTION TEST POLICY AND GUIDANCE.....	5
4.	SEQUENTIAL TEST – METHODOLOGY	7
5.	SEQUENTIAL TEST ASSESSMENTS.....	11
6.	EXCEPTION TEST	24
7.	CONCLUSION.....	26

Appendix 1 – FLOOD RISK MAPS

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1. INTRODUCTION

- 1.1. This Sequential and Exception Test report has been produced on behalf of Croudace Homes ('the appellant') in support of a planning appeal for up to 290 dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2102 at Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield ('the appeal site'). The appeal is made on the basis of non-determination by Wealden District Council in reference to planning application WD/2021/2198/MAO.
- 1.2. The application was supported by a site-specific Flood Risk Assessment (FRA). At paragraph 11.2.1 the FRA (**CDA.18**) concludes that the site is predominantly within *Flood Zone 1* (the lowest risk of flooding) with areas immediately adjacent to the watercourses on the western and southern boundary of the site. Furthermore, at paragraph 3.1.10, the FRA (**CDA.18**) states that the majority of the site is in an area of *Very Low* risk of flooding from surface water. There are some small areas of *Low* risk of surface water flooding lying adjacent to field boundaries within the site, and the western boundary contains small areas of *Low, Medium and High* risk of surface water flooding. Similar results are identified through the Council's Strategic Flood Risk Assessment (**CDE.24**) and an analysis of the Environment Agency's Flood Map (see Chapter 2 for more detail).
- 1.3. As indicated on the Illustrative Site Layout Plan (**CDA.4**) no residential development is located within areas at risk of flooding. These areas consist of a mixture of biodiversity areas, public open space and Suitable Alternative Natural Greenspace (SANG) provision. All of the works located within Flood Zones 2 and 3 are achievable under Permitted Development Rights, and/or are considered to be 'de minimis' and in any event water-compatible. Furthermore, as indicated by paragraph 168 of the NPPF (**CDL.1**) change of use applications do not require the application of a Sequential and/or Exception Test. Moreover, it is noted that Appendix 3 of the NPPF (**CDL.1**) identifies that "Water transmission infrastructure and pumping stations" and "Amenity open space, nature conservation and biodiversity, outdoor sports and recreation" are all forms of "Water-Compatible Development".

- 1.4. Owing to the fact that no residential development would be located within areas at risk of flooding, the planning application did not include a Sequential and/or Exception Test. It is noted that no objections were raised to the lack of a Sequential and/or Exception Test from the relevant statutory bodies at the planning application stage (**CDB.9** - Environment Agency Letter dated 26th October 2021 and **CDB.11, CDB.19, CDB.25** - Letters from East Sussex County Council Lead Local Flood Authority (LLFA)). Furthermore, as set out in the Council's Statement of Case (**CDC.4**), none of the six putative reasons for refusal put forward by the Council relate to the lack of a Sequential Test.
- 1.5. Taking all of the above into account, it is the appellants position that a Sequential Test is not required. However, to ensure that the Inspector has sufficient evidence to make their decision, a Sequential and Exception Test has been conducted in relation to the appeal site.
- 1.6. This report concludes that the Sequential Test has been passed, as there are no other reasonably available sites within the search area on which the proposal can be located. Further details on the methodology used to establish the search area and type of sites used is set out in Chapter 4 of this report. As the Sequential Test is passed, an Exception Test is applied, and having regard to the PPG, the Exception Test is not required for this proposal.

2. APPEAL SITE

2.1 The description of the application is as follows:

“Outline Planning Application for the Erection of up to 290 dwellings, associated landscaping, informal open space and strategic SANG, with access from the B2102”.

- 2.2 A smaller site was promoted through the Council's now withdrawn local plan, and as such part of the site was assessed as part of the Council's FRA (**CDE.42**). This identifies that 94% of the (smaller) site is located within Flood Zone 1, with 1% in Flood Zone 3b, a further 1% in Flood Zone 3a and a further 3% in Flood Zone 2. The impact of climate change was also considered through the Council's FRA (**CDE.42**) which identified that 3% of the site would be covered by Flood Zone 3a once the impacts of climate change are taken into account. Using maps from the Council's FRA (**CDE.42**), approximately 50% of the (larger) application site lies within an area of Groundwater concern. Further evidence is provided on flood risk matters in Ms Henler's Proof of Evidence.
- 2.3 Figures 1 and 2 (below) provide a copy of the Environment Agency's Flood Risk Map for Planning. This confirms that the vast majority of the site is located within Flood Zone 1 (low probability of flooding) and therefore at low risk of flooding. There are small areas at the border of the site which lie within Flood Zone 2 and 3, however only water compatible development is provided in these areas. Detailed flood maps are also provided in the site-specific Flood Risk Assessment (**CDA.18**) which accompanied the planning application.
- 2.4 It is the appellants position that the proposed development only has a very low level of flood risk (from all sources of flooding), which is covered in further detail in Ms Hensler's Proof of Evidence. Further details about the benefits of the proposed development can be found in the Supporting Planning Statement (**CDA.2**) and Mr Brown's Proof of Evidence.

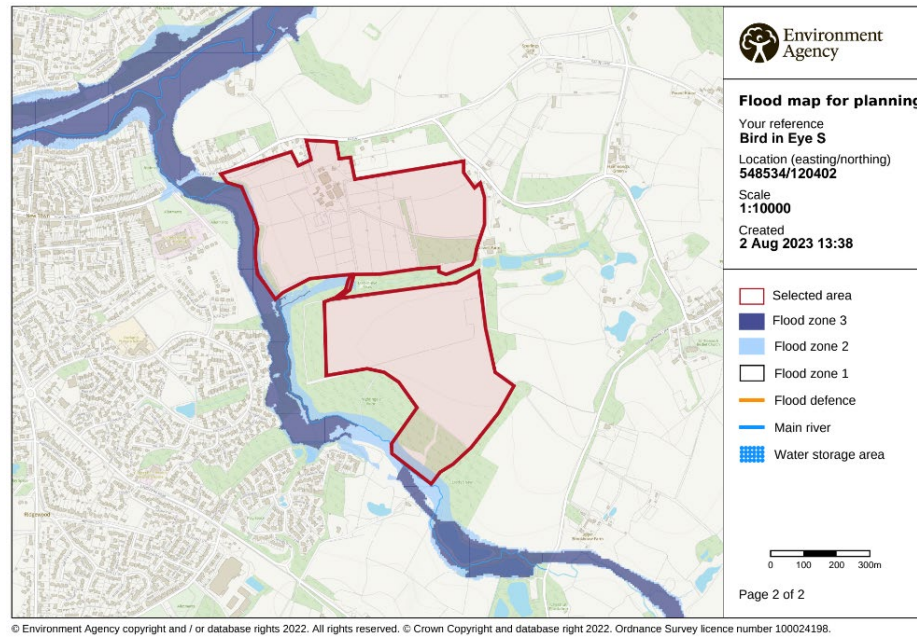


Figure 1: Flood Risk Map for Planning

(Source: Environment Agency)

(Site outline includes significant area proposed for strategic SANG)

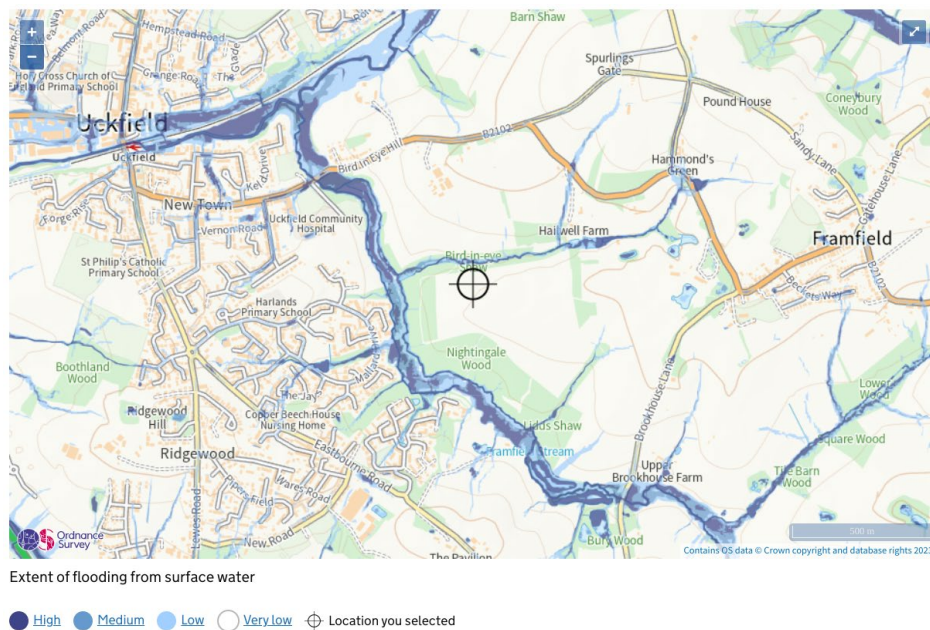


Figure 2: Extent of Surface Water Flood Risk

(Source: Environment Agency)

3. SEQUENTIAL AND EXCEPTION TEST POLICY AND GUIDANCE

- 3.1 The basis for the Sequential Test is set out at Paragraph 162 of the National Planning Policy Framework (NPPF) (**CDL.1**), which states that “*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*”
- 3.2 Paragraph 163 of the NPPF (**CDL.1**) continues, stating that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the Exception Test may be required. The need for an exception test depends on the potential vulnerability of the site and of the development proposed (which is explored later on in this report).
- 3.3 Paragraph 168 of the NPPF (**CDL.1**) states that “*Applications for some minor development and changes of use [footnote 56] should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 55*”. Footnote 56 of the NPPF (**CDL.1**) confirms that change of use applications do not require the application of the Sequential and Exception tests.
- 3.4 Guidance on how to conduct the Sequential and Exception Tests are set out in the National Planning Policy Guidance (PPG)¹. The PPG was updated on 25th August 2022, to reflect changes made to the most recent NPPF (**CDL.1**), which was published in 2021. Notably, the PPG now requires Sequential Tests to consider all sources of flood risk and take into account the impact of climate change (Paragraph 024).
- 3.5 Regarding the determination of planning applications, Paragraph 027 of the NPPG states that “...**the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.** For some developments this may be clear, for example, the catchment area for a school. In other

¹ <https://www.gov.uk/guidance/flood-risk-and-coastal-change>

*cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives...” (**Emphasis added**).*

- 3.6 Similar guidance is provided in the Council’s Strategic Flood Risk Assessment (SFRA) (CDE.42) which states “**Local circumstances must be used to define the area of application** of the Sequential Test (within which it is appropriate to identify reasonably available alternatives). **The criteria used to determine the appropriate search area relate to the catchment area for the type of development being proposed.**”
- 3.7 A definition of ‘reasonably available sites’ is provided in paragraph 028 of the PPG which states “**‘Reasonably available sites’ are those in a suitable location** for the type of development with a **reasonable prospect that the site is available** to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’.” (**Emphasis added**).

4. SEQUENTIAL TEST – METHODOLOGY

4.1 The Sequential Test was carried out in the following steps:

1. Identify the source of sites;
2. Identify the parameters of the search (size, type and location);
3. Assess sites within the search area; and
4. Conclude if any sites are reasonably available sites.

4.2 Further detail on each step is provided below.

Step 1 - Source of Sites

4.3 The following documents and methods have been used to source sites within the search area:

- Wealden District Core Strategy Local Plan (adopted February 2013) **(CDE.1)**;
- Saved Policies of the Wealden Local Plan (adopted 1998) **(CDE.2)**;
- Strategic Housing and Economic Land Availability Assessment (SHELAA) (January 2019) **(CDE.54)**;
- Wealden District Council Five Year Housing Land Supply Statement (2022) **(CDE.16)**;
- A review of the Council's Planning and Building Control Register² for permissions granted within the last three years (August 2020 - July 2023);
- The Council's Brownfield Land Register³; and
- Any made (adopted) Neighbourhood Plans in the search area.

4.4 A number of sites have been assessed through the Council's SHELAA **(CDE.54)**. However, it is important to note that the SHELAA only identifies opportunities for housing and/or employment development on sites that are considered suitable, available and achievable. It does not allocate sites, nor automatically grant sites planning permission. This is reflected in the Council's SHELAA (January 2019)

² <https://planning.wealden.gov.uk/>

³ <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/brownfield-register/>

(CDE.54) at paragraph's 2.1 to 2.7, and reiterated throughout the document. As such, while sites may be considered suitable through the SHELAA, it is important to assess if they could reasonably achieve planning permission or an allocation for a similar scheme than the appeal site.

- 4.5 After the publication of the Council's SHELAA **(CDE.54)** in January 2019, the Council produced an updated draft SHELAA methodology **(CDE.55)**. However, this did not include any additional assessments of sites, and as such it has not been used to source additional sites. Similarly, as part of the SHELAA process, the Council undertook a further 'Call for Sites' between June and August 2020, where landowners were able to submit their land for formal assessment as part of the emerging local plan. The assessments of these sites have not been made public, and at the time of writing (some 3 years later), the Council's webpage states that *"The Council's online mapping system has now mapped the majority of those sites as well as all sites published within the previous SHELAA in January 2019. This mapping system will be updated at regular intervals."*⁴ As the Council's online mapping system does not contain a full list of sites submitted for consideration, and does not contain an assessment of new sites which have been submitted, the published 2019 SHELAA **(CDE.54)** remains the most appropriate source of SHELAA sites.

Step 2 - Identify Search Parameters

Location

- 4.6 The NPPF **(CDL.1)** does not define the extent of a search area for Sequential Tests. The appellant notes the requirements of PPG paragraph 029 to agree the search area with the LPA. As previously stated, the LPA have not produced any guidance to determine the appropriate search area for conducting Sequential Tests, however both the PPG and SFRA **(CDE.42)** advocate the use of a search area which is specific to local circumstances. As the LPA and WDC-Drainage have not indicated the need for a Sequential Test, and owing to the fact that WDC-Drainage have refused to engage with the appellant during this appeal, the methodology used for this Sequential Test is considered to be wholly appropriate given the circumstances.

⁴ <https://www.wealden.gov.uk/planning-and-building-control/planning-policy/strategic-housing-and-economic-land-availability-assessment-shelaa/>

- 4.7 This Sequential Test proposes that a suitable search area is sites within 400m to 7 km radius of the Ashdown Forest SPA that are also located within Wealden District. As set out in Mr Bentley's Proof of Evidence (at paragraphs 4.27), the appellant's Statement of Case (**CDC.2**) (at paragraph 7.78) and Mr Brown's Proof of Evidence, one of the key components of the scheme is the significant delivery of SANG provision, not only to mitigate the impact of the appeal scheme, but also the impact of an additional 1,000 dwellings. SANG provision outside of this search area would fail to meet the requirement of a reasonably comparable site.
- 4.8 To ensure that sites can contribute towards the current shortfall of deliverable housing land in the District as evidenced by Mr Brown's Statement of Case (**CDC.1**) and Hearing Statement (**CDC.2**), it is important that sites are located within the Wealden District boundary. Therefore, having regard to the specific local circumstances, and the catchment area for this type of development (as advocated by both the PPG and Council's SFRA), this search area is considered appropriate.

Size

- 4.9 The appeal site proposes the development of up to 290 dwellings, associated landscaping, informal open space and strategic SANG.
- 4.10 As discussed above, in the context of the appeal site, development proposals in the area are required to mitigate potential impacts on the nearby Ashdown Forest SPA. Therefore, it is important to consider sites of a suitable scale to be able to deliver the necessary SANG provision. As such, a threshold of 100 dwellings has been applied to sites within the search area.
- 4.11 No upper threshold has been applied to the size of sites, and as such larger sites will be reviewed to assess their potential for sub-division to provide the 290 dwellings envisaged through the appeal site.
- 4.12 The Council's SHELAA (**CDE.54**) (paragraph 2.6) recognises that as the site capacity for development sites in the SHELAA are 'high level assessments' and that they "*may change when considered as part of planning policy or through a formal planning*

application". As such, where the SHELAA identifies a site as having capacity for more than 100 dwellings, but a subsequent planning permission is granted for less than 100 dwellings, that site is excluded from the Sequential Test assessment. This is because the further detail required for a planning application has determined that the site cannot deliver the required level of housing to be considered as a reasonable comparison to the appeal site.

Steps 3 & 4 - Assessments

- 4.13 Sites which are located within the search area and are capable of delivering in excess of 100 dwellings have been assessed in detail as part of the Sequential Test.
- 4.14 The assessments have been carried out in line with the relevant policy guidance set out in Chapter 3 of this Sequential Test. Each assessment identifies if the site is a "reasonably available site", which in accordance with paragraph 028 of the PPG is described as sites in a *"suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development"*. Furthermore, consideration is given to the flood risks of each site, compared to the appeal site, to determine if the potential alternative site is sequentially preferable from a flood risk perspective.
- 4.15 In accordance with Paragraph 028 of the NPPG, regard has been given to if the potential reasonably available sites are in a suitable location for the type of development proposed. This has included consideration if the site can accommodate a significant amount of new housing, alongside a substantial amount of strategic SANG provision. Furthermore, in accordance with NPPF paragraph 163 (**CDL.1**), wider sustainable development objectives have been considered. For the purposes of this assessment, this includes sites which are at or adjacent to a District Centre, however other areas have been considered in case a particular site was identified. The results of these assessments are provided in Chapter 5.

5. SEQUENTIAL TEST ASSESSMENTS

- 5.1 By using the process set out in Chapter 4, 13 sites have been assessed for their potential to be reasonably available sites. The results of the detailed assessments are set out in Table 1. Note that some sites are located in more than one source (for example the SHELAA and Housing Land Supply Statement), for the purposes of this assessment they are assessed as a single site. Dwelling Yields are taken from the Councils SHELAA or Site Allocation, and a * symbol identifies that the Sequential Test considers that the dwelling yield is unrealistic for a future planning application.

Table 1: Detailed Assessments of Potential Reasonably Available Sites Within The Search Area

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
Wealden Core Strategy, Housing Land Supply & SHELAA	Policy SD1 SHELAA 346/1410	Land at West Uckfield, Uckfield	FZ2 / FZ3 Medium & High Surface Water Flooding Area of Ground water	1,000	<p>Site is a large-scale strategic allocation from the Wealden Core Strategy. Outline planning permission was granted in March 2016 for 1,000 dwellings, up to two form entry primary school and early years facilities, retail, community, health, leisure and employment uses (WD/2015/0209/MEA).</p> <p>Reserved Matters application granted for Phases 1A & 1B for 250 dwellings in September 2017 (WD/2017/1368/MRM), of which 133 have been completed to 31st March 2022. The Council's Five Year Land Supply Statement (CDE.16) indicates that delivery on the site will continue until 2034/35. Given the large-scale nature of the site (750 dwellings still</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
			Flooding Concern		<p>remaining) and the long-delivery timeline, the site is not an appropriate site for the proposed development of 290 dwellings and 25 hectares of SANG. Site contains elements of Flood Zones 2 and 3 (along the western edge and in parts covering the width of the site from west to east).The Council's FRA (CDE.42) indicates that 4% of the site is covered by Flood Zone 3a and an additional 3% of the site is in Flood Zone 2. When the impacts of climate change are taken into account, between 2% and 3% of the site lies within Flood Zone 3a.</p> <p>Areas of high Surface Water Flood Risk are also located within the site, with a series of surface water routes running through the site (see Appendix for flood risk maps). The Council's SFRA (CDE.42) indicates that 4% of the site is at a High Risk of Surface Water Flooding, with a further 3% at Medium risk, and a further 6% at Low risk of Surface Water flooding. Furthermore, approximately 60% of the site is in an area of concern from a groundwater flooding perspective. This includes the majority of the western half of the site, and two areas which cover the width of the site from east to west. Flood Maps are provided in Appendix 1. As such, the site is not sequentially preferable from a flooding perspective to the appeal site.</p>	
Wealden Core Strategy	SD8	Land at Pine Grove, Crowborough and Land at Jarvis Brook,	FZ 1	140*	Allocated in the Wealden Core Strategy. The Council's AMR (2021-22) (CDE.19) records a combined 102 completions on sites SD8 & SD9 as of 31st March 2022. Unclear if there is sufficient space within the allocations to deliver the remaining 38 dwellings. However, given the small number of residential dwellings remaining, even if there is space remaining to be developed, it cannot be considered to be comparable to the appeal site, and as such it is not a reasonably available site.	No

Sequential Test - Land at Bird in Eye Farm, South of Bird in Eye Hill

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
		Crowborough				
Wealden Core Strategy	SD10	Land at South East, Crowborough	FZ 1	160	The site was allocated in the Wealden Core Strategy. The Council's AMR (2021-22) (CDE.19) records 160 completions on this site. Therefore, the site has been built out in its entirety and is not a reasonably available site.	No
SHELAA 2019 & HLS 2022	SHELAA 695/1110 PP: WD/2023/0803	SHELAA: Land at Kemps Farm N&S, Walshes Road, Crowborough HLS: Land north of Walshes Road, Crowborough	FZ1 Low, Medium and High Surface Water Flood Risk Area of Ground Water Flooding Concern	644*	<p>The site is not allocated as part of the development plan. Planning permission on the site was brought forward in two applications.</p> <p>Application 1 (WD/2017/0615/MAO) up to 100 dwellings - outline planning permission granted in August 2019 on the southern section of the site. Reserved Matters application granted in October 2022. CIL payment made by applicant in June 2023, suggesting that work has commenced on site.</p> <p>Application 2 - WD/2020/0596 for up to 130 dwellings on the remainder of the site. Reserved Matters application submitted in March 2023.</p> <p>Both of these applications were submitted on behalf of a developer - Dandara Homes Ltd. The two phases (totalling 230 dwellings) cover the same land area as the SHELAA site, and as such although the SHELAA (CDE.54) identified the potential for 644 dwellings on the site, there are no additional parcels of land within the site which could realistically deliver housing and as such the site is not considered to be a reasonably available site. Furthermore, the proposals do not include the provision of 25 hectares of SANG, and as such is not an appropriate site for the proposed development.</p> <p>The site contains areas of Low, Medium and High Surface Water Flood Risk</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					(see Environment Agency Flood Risk Map in Appendix to this report). The southern section of the site is an area of concern from a groundwater flooding perspective. The Council's SFRA (CDE.42) identifies that 1% of the has a High Risk of Surface Water Flooding, a further 1% has a Medium Risk of Surface Water Flooding and a further 4% is at a Low Risk of Surface Water Flooding. As such, the site is not considered to be sequentially preferable from a flood risk perspective.	
SHELAA 2019	127/1410	Land at Bird in Eye (North), Framfield Road/Bird in Eye Hill, Uckfield	FZ2 / FZ3 Low Medium High Surface Water Flood Risk Area of Ground water Flooding Concern	300*	<p>The site is not allocated as part of the development plan. The SHELAA (CDE.54) assessment and the SFRA (CDE.42) both recognise that there are significant areas within the site which are within Flood Zones 2 and 3. A Flood Risk Map from the Environment Agency is provided in Appendix 1 of this report. The SFRA (CDE.42) states that only 71% of the site is in Flood Zone 1 with 26% of the site is within Flood Zone 3b (The Functional Floodplain) and a further 1% being located within Flood Zone 3a and 2% in Flood Zone 2. Furthermore, the vast majority of the site (approximately 98% of the site) is in an area of concern from a groundwater flooding perspective. There is also an area to the eastern side of the site which contains low surface water flood risk. As such, the site is not sequential preferable in flooding terms.</p> <p>The site is under the control of a developer - Martin Grant Homes - for a number of years, including a legal challenge to a previously withdrawn plan and a planning application in 2008. They continue to promote the site through the emerging local plan and have sought pre-application advice from the Council. As such the site is not reasonably available (see letter from Turley on behalf of Martin Grant Homes - which should read January</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					<p>2021 not January 2020).</p> <p>The Council's SHELAA assessment (CDE.54) identifies that the net area excluding flood risk is 8.31 hectares. This would require a gross density of 36 dwellings per hectare to achieve 300 dwellings, which is approximately double the 19.33 dwellings per hectare planned for the appeal site once the area for SANG provision is removed. Therefore, it is not considered that the scheme is capable of providing the 300 dwellings identified in the SHELAA. In addition to this, when the requirement to provide SANG is taken into account, a scheme will either have to provide SANG in an area of flood risk - providing the same 'de minis' risk of flooding as the appeal site - or reduce the development further.</p>	
SHELAA 2019	028/1410	Cysleys Farm, Eastbourne Road, Uckfield	<p>FZ 1</p> <p>Area of Ground water flooding concern</p>	150	<p>The site is not allocated as part of the development plan. 145 dwellings are currently proposed on the site, which only includes the provision of 3.9ha of on-site SANG. As such, the site is not appropriate for the proposed development of 290 dwellings and 25 hectares of SANG.</p> <p>Site is located on the south-eastern edge of Uckfield, and has poorer accessibility to services and facilities compared to many other areas in Uckfield. For example it is more than 2km from the train station, town centre, hospital and supermarkets. Not only are residents required to walk long distances, but in many places footpaths are narrow and have no street-lighting, which will discourage residents from taking sustainable modes of transport.</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					<p>This is recognised in the SHELAA (CDE.54) where the Council states that a “detailed transport assessment of the impact of development on the town centre and local highway network would be required, particularly as the distance from the town centre will strongly influence modal choice.” As such, the Council accepts that as the site is located further away from the town centre, residents are likely to use a private car to access services and facilities.</p> <p>Furthermore, the site is currently subject to an outline planning application (WD/2022/2785/MAO) for 145** dwellings which carries an objection from the Highways Authority who state “There is a significant concern that the site would generate a very high proportion of car-based journeys”. The Highway’s Officer also identifies that residents would be unlikely to use a bus service as the costs would prohibit the use of a short (2km journey) (see attached letter from Highways Authority). This casts doubt on the potential for the site to overcome the unsustainable location.</p> <p>Other constraints include that the site is located in a prominent location - particularly in views to the north and east. Heritage harm has been identified to Grade II listed Cysleys Farmhouse through the undetermined planning application. The north-eastern boundary of the site is in an area of Groundwater flooding concern.</p> <p>In addition to concerns over the size and ability to deliver a sufficient level of housing and strategic on-site SANG, the site specific constraints mentioned above, it is not considered that the site is appropriate for the proposed development having regard to paragraph 163 of the NPPF.</p>	

Source	Ref	Address	Flood Risk	Capacity from SHELAA/Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					<p><i>**For clarity the original application proposed up to 210 dwellings on the site at Cysleys Farm. However, the applicant has now reduced that to up to 145 dwellings as per the site description and general plan - dated 30/05/2023. As such, notwithstanding concerns over the suitability of the site, 145 dwellings is considered to be a realistic capacity of the site.</i></p>	
SHELAA 2019	725/1410	Land at Hempstead Lane, Uckfield	FZ2 / FZ3 Area of Groundwater flooding concern	795	<p>The site is not allocated as part of the development plan. The site contains a significant proportion of Flood Zones 2, 3a and 3b, with only 83% of the site being within Flood Zone 1. The Council's SFRA (CDE.42) identifies that 14% of the site is within Flood Zone 3b (The Functional Floodplain). Flood Risk Map is included in Appendix 1. A significant section of the site is within an area of Groundwater flooding concern, covering approximately 87% of the site. As such, the site is not sequentially preferable in flooding terms.</p> <p>The SHELAA assessment (CDE.54) concludes that the site is 'not currently developable' as such its delivery timescales are not compatible with the appeal site. Land is under the control of a developer - Martin Grant Homes Ltd, and as such is being promoted through the emerging local plan, and as such is not reasonably available (see attached letter).</p> <p>Hempstead Lane is a narrow country lane and would require significant improvements for almost its whole length to accommodate further growth. This would include improvements outside of the control of the landowner and therefore it is unclear if sufficient improvements can be made.</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					<p>The site outline could be manipulated to exclude areas at risk of flooding, but due to the location of the railway line and flood risk area, this would push development towards the frontage of Sandy Lane. This part of the site is detached from the settlement and a significant distance away from the existing settlement boundary, services and facilities. Sandy Lane is also extremely narrow at this point, and is likely to require significant improvements to accommodate growth. Given the rural nature of the location, development is likely to have landscape impacts and impact on the character of the countryside. Further constraints include areas of Ancient Woodland within the site. Having regard to the above, and wider sustainable development objectives as required by NPPF para 163, the site is not appropriate for the proposed development.</p>	
SHELAA 2019	214/1990	Land at Coopers Row, Five Ash Down	<p>FZ 1</p> <p>Area of Ground water Flooding Concern</p>	122*	<p>The site is not allocated as part of the development plan.</p> <p>The SHELAA (CDE.54) identifies a net developable area of 3.5 hectares. This would require development of approximately 35 dwellings per hectare, which is considered high given the rural nature of the settlement and surrounding development. These concerns are further compounded by the fact that a planning application (WD/2021/1895/MAO) has been made on the site for 40 dwellings, which is significantly smaller than the appeal site and the size of sites considered through the Sequential Test. It is noted that the scheme at Coopers Row does not provide SANG within the site, instead it will provide a financial contribution towards wider Council mitigation</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
					<p>schemes. As such, given the small scale of development proposed, and the site not providing on-site SANG, it is not an appropriate site for the proposed development.</p> <p>The Wealden Core Strategy (2013) (CDE.1) identifies Five Ashes Down as a 'Neighbourhood Centre' which is defined as "<u>A settlement with limited, basic or no facilities, but with access to another centre, or a settlement with facilities but poor accessibility or access only to a service or local centre</u>". Five Ash Down contains very limited services, with only a small convenience store/post office and no school or significant employment opportunities. As such, having regard to the wider sustainable development objectives, as per NPPF paragraph 163, the site is not considered an appropriate location for the development. The site is entirely within an area of Groundwater flooding concern.</p> <p>Furthermore, the currently undetermined planning application on the site (referred to above) has been made on behalf of a developer - Linkwise Properties Ltd - and as such the site is not reasonably available.</p>	
SHELAA 2019	031/1990	Land south of Millwood Lane, Maresfield	FZ 1 Low and Medium Risk Surface Water Flooding	120*	<p>The site is not allocated as part of the development plan. The site is largely detached from services and facilities and is located on the edge of Five Ashes Down, which Wealden Core Strategy (2013) (CDE.1) identifies as a 'Neighbourhood Centre' which is defined as "<u>A settlement with limited, basic or no facilities, but with access to another centre, or a settlement with facilities but poor accessibility or access only to a service or local centre</u>". Five Ash Down contains very limited services, with only a small convenience store/post office and no school or significant employment</p>	No

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
			Area of Ground Water Flooding Concern		<p>opportunities. As such, it is considered that future residents would be highly reliant on private motor vehicles. Other constraints include, a number of trees are located on the site, and consideration would need to be given to noise pollution from the A26.</p> <p>The SHELAA (CDE.54) identifies a net developable area of 4 hectares, and would require a density of 30 dwellings per hectare to achieve this yield. Given the largely remote location of the site, it appears unlikely that the scheme can deliver the required yield. This is further evidenced by a local plan representation made on behalf of a developer - Akehurst Homes in January 2021 - who are promoting the site for 63 dwellings, which is significantly below the appeal site (see attached letter). They state <i>"The site is assessed in the SHELAA under ref 031/1990 which concludes that the site is suitable for housing, available, achievable and deliverable. The SHELAA finds the site to have a total capacity of 120 dwellings, however having undertaken some early opportunities and constraints analysis and subsequent masterplanning, Akehurst consider the true capacity to be c.63 dwellings."</i> As such, 63 dwellings is considered to be a more realistic dwelling yield for this site. Furthermore, it should be noted that the site proposed at Millwood Lane through the local plan did not include SANG provision. As such, the site is not considered to be appropriate for the proposed development. As the site is being promoted by a developer, it is also not reasonably available.</p> <p>The whole site is within an area of Groundwater flooding concern. Areas of Low and Medium Surface Water Flood Risk have been identified on the site.</p>	

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
SHELAA 2019 & HLS 2022	250/1110 & WD/2018/2122/MAO	Land at Steel Cross, Crowborough	FZ 1	103	The site is not allocated as part of the development plan. Outline application which was granted in July 2019 was made on behalf of a developer - Dandara South East Ltd - for 120 dwellings. A number of discharge of condition applications have been submitted - most recently WD/2023/1809/CD in July 2023. Subsequently, a full planning application was submitted on behalf of the same applicant in July 2023 (WD/2023/1798/MAJ). As such, the site is not considered to be a reasonably available site.	No
HLS 2022	WD/2022/0775/MRM	Orchid Riding Centre, Walshes Road, Crowborough	FZ 1	150	The site is not allocated as part of the development plan. Reserved Matters application granted in November 2022 on behalf of a developer - Vestry Homes Limited; Wates Developments. Further Discharge of Condition applications submitted, including WD/2023/1773/CD, which was submitted in July 2023. CIL Payment made in January 2023, suggesting that work has commenced on site. As such, the site is not considered to be a reasonably available site.	No
HLS 2022	WD/2021/0897/MRM	Land North of Eridge Road, Crowborough	FZ 1 Medium & High Surface Water Flooding	119	The site is not allocated as part of the development plan. Reserved Matters application submitted on behalf of a developer - Vistry Group - for 199 dwellings (WD/2021/0897/MRM). Further Discharge of Condition applications granted in April 2022 and March 2023, and development has commenced on site. As such the site is not considered to be a reasonably available site.	No
HLS	WD/20	Land North of	FZ 1	146	The site is not allocated as part of the development plan. Site is under	No

Sequential Test - Land at Bird in Eye Farm, South of Bird in Eye Hill

Source	Ref	Address	Flood Risk	Capacity from SHELAA/ Allocation	Assessment	Is the site appropriate for the proposed development; reasonably available; and sequentially preferable in flooding terms?
2022	13/0415/MR	Mallard Drive, Uckfield			construction by a developer - Persimmon Homes. Therefore, the site is not considered to be a reasonably available site.	
Appeal	APP/C1435/W/23/3321978	Downlands Farm, Uckfield	FZ 1 Medium & High Surface Water Flooding	424 (Appealed Scheme)	The site is not allocated or a suitable SHELAA site or has planning permission, it is not therefore considered to be suitable for residential development. A much larger site was submitted and dismissed through the SHELAA process. An appeal is to be heard at a Public Inquiry scheduled to commence on 24 th October 2023.	No

Sequential Test – Conclusion

- 5.2 As set out earlier in this Sequential Test, it remains the appellants position that a Sequential Test is not required. This Sequential Test has undertaken an extensive search of site allocations, planning applications and windfall sites in the search area. Having reviewed 13 comparable sites, it is considered that there are no reasonably available sites available in the search area. As such, the site can progress to the Exception Test.

6. EXCEPTION TEST

- 6.1 Following the satisfactory completion of the Sequential Test, the NPPF/NPPG requires that in certain circumstances an Exception Test is applied.
- 6.2 The PPG, at Table 2 (below) sets out the circumstances in which an Exception Test is required.

Table 2: Flood risk vulnerability and flood zone ‘incompatibility’

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓ *

Key:

✓ Exception test is not required

X Development should not be permitted

- 6.3 Annex 3 of the NPPF (**CDL.1**) classifies “*Amenity open space, nature conservation and biodiversity, outdoor sports and recreation*” and “*Water transmission infrastructure and pumping stations*” as ‘Water-compatible development’. It also classifies “*Buildings used for dwellinghouses*” are classified as ‘More Vulnerable’ uses, where in certain circumstances an Exception Test would be required.
- 6.4 As stated earlier in this report, Flood Zones 2 and 3 are limited to the edges of the site, where only ‘water compatible development’ is located such as public open space,

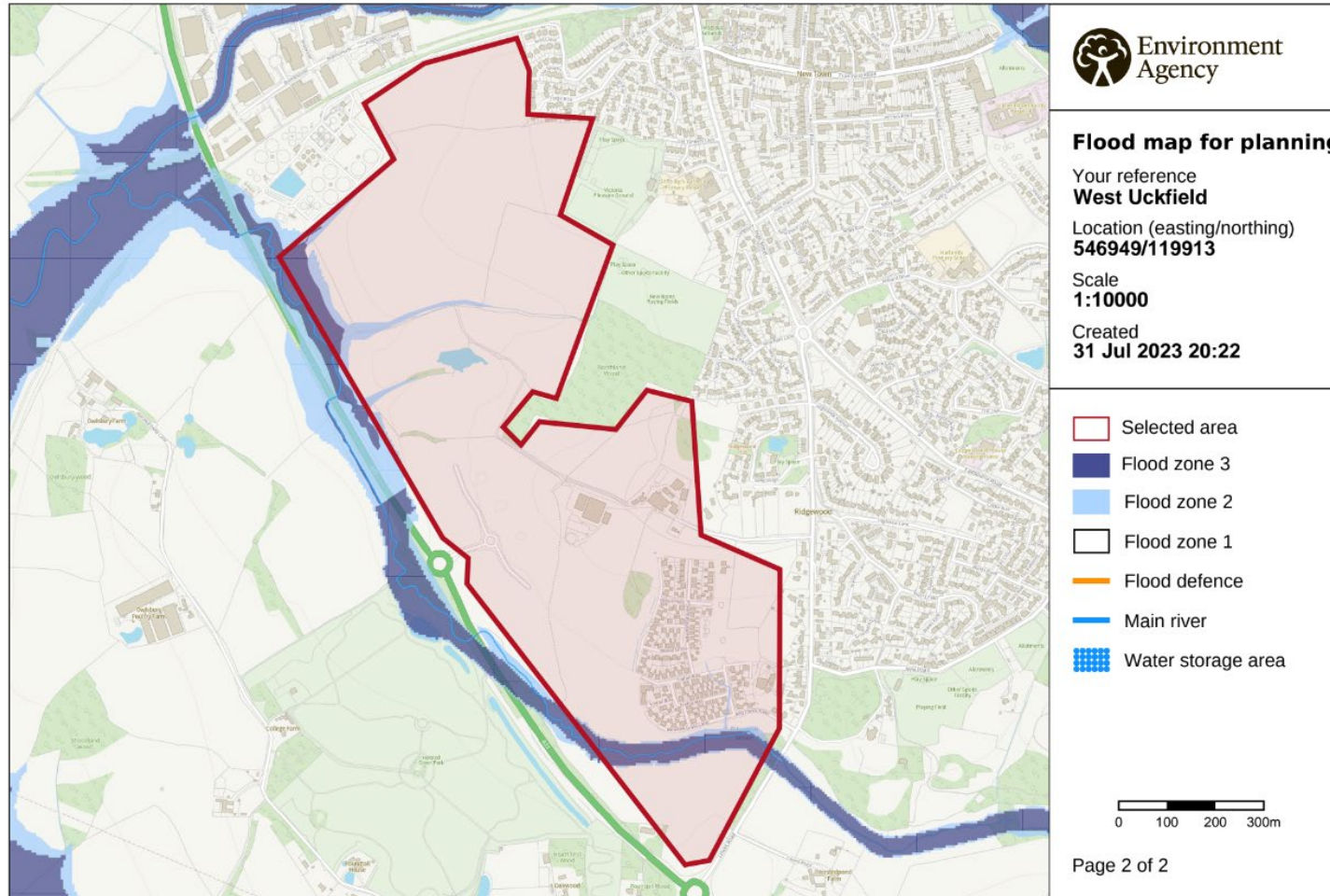
biodiversity areas and SANG areas. More Vulnerable Uses, as defined by Annexe 3 of the NPPF, such as dwellinghouses are not located in areas at risk of flooding. As such, in accordance with Table 2 (above) and the PPG an exception test is not required.

7. CONCLUSION

- 7.1 As set out earlier in this report, the areas at risk of flooding within the site are confined to the edges of the site. In these locations, the only forms of development proposed are public open space, biodiversity areas and SANG. As such, it is considered that a Sequential Test or Exception Test is not required.
- 7.2 However, for the sake of robustness and to reassure the Inspector, a Sequential Test has been carried out. In accordance with local circumstances, an extensive search area of 7km from the Ashdown Forest SPA has been used, and sites have been reviewed in detail which can accommodate in excess of 100 dwellings.
- 7.3 Following an in-depth review of 13 sites, this Sequential Test confirms that there are no sequentially preferable sites within the search area, and as such the Sequential Test is passed.
- 7.4 As the Sequential Test is passed, this report then considered the implications of the Exception Test. Following the relevant guidance set out in the PPG, in particular Table 2, it can be concluded that the Exception Test is not required for this proposal.

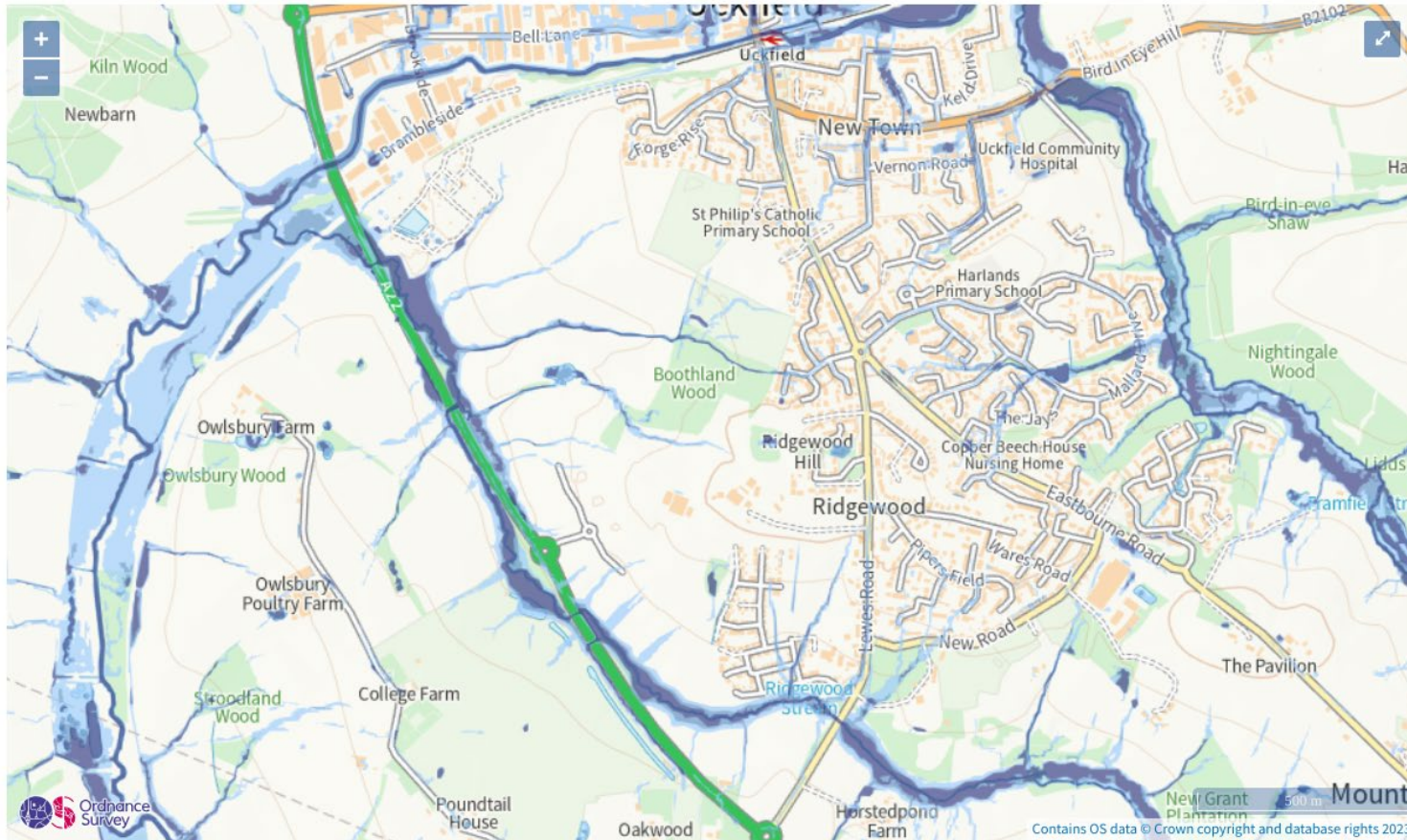
APPENDIX 1 – FLOOD RISK MAPS

Land West of Uckfield, Uckfield - Environment Agency Flood Map for Planning



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Land West of Uckfield, Uckfield - Extent of Surface Water Flooding (Source: Environment Agency)



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

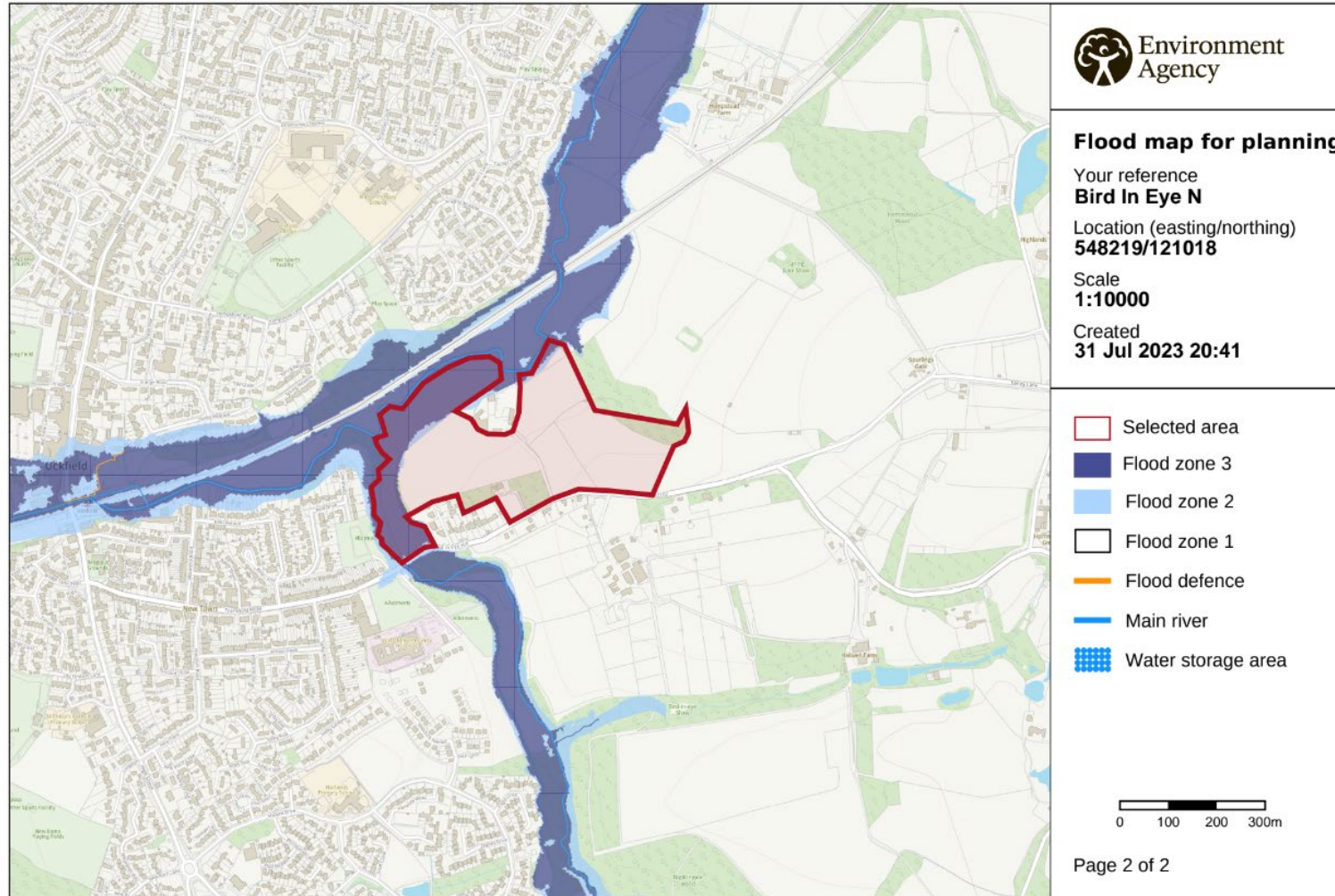
Land north of Walshes Road, Crowborough - Extent of Surface Water Flooding (Source: Environment Agency)



Extent of flooding from surface water

● [High](#) ● [Medium](#) ● [Low](#) ○ [Very low](#) ⊕ Location you selected

Land at Bird in Eye Hill (North) Environment Agency Flood Map for Planning



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Land at Bird in Eye Hill (North) - Extent of Surface Water Flooding (Source: Environment Agency)

Flood risk

Location

Extent of flooding

Enter a place or postcode



Extent of flooding from surface water

● High ● Medium ● Low ○ Very low ⊕ Location you selected

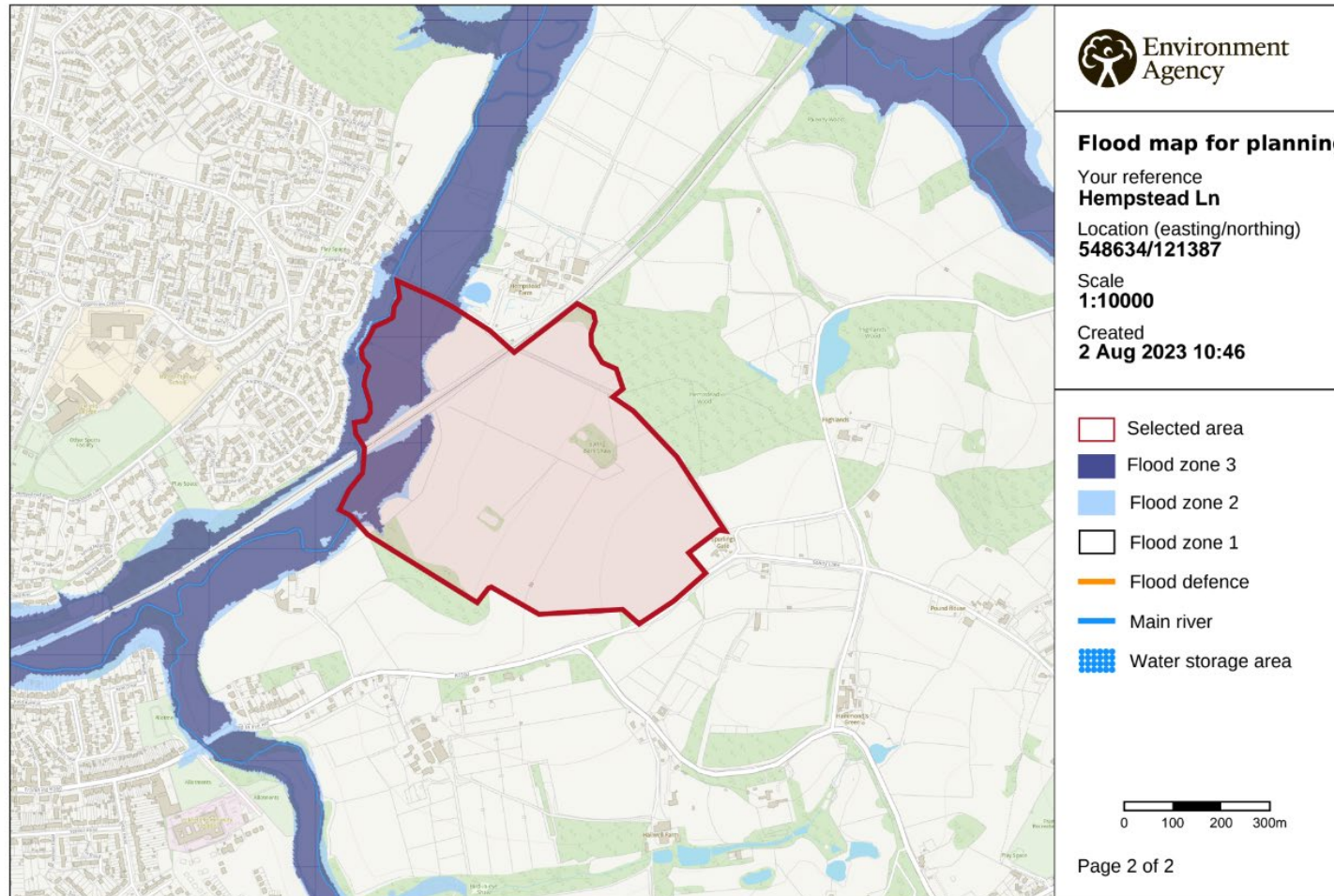
Land at Cysleys Farm, Uckfield - Extent of Surface Water Flood Risk (Source: Environment Agency)



Extent of flooding from surface water

● [High](#) ● [Medium](#) ● [Low](#) ○ [Very low](#) ⊕ Location you selected

Land at Hempstead Lane, Uckfield Environment Agency Flood Map for Planning



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SB3

The economic benefits of **Bird in Eye Farm, Uckfield**

Croudace
HOMES.CO.UK

The proposed development at Bird in Eye Farm, Bird in Eye Hill, Uckfield will contribute towards Wealden District's housing and affordable housing provision, stimulate economic growth and add to local authority revenues.



The proposal

Up to
290
New homes

35%
Affordable homes

Other details:

A new play area will be located in the heart of the residential development. There will also be provision of a 26.5ha SANG with associated parking and an integrated footpath network which will be accessible to everyone. A range of biodiversity enhancements will be delivered including new woodland, tree planting, and areas for wildflower planting and bird nesting.

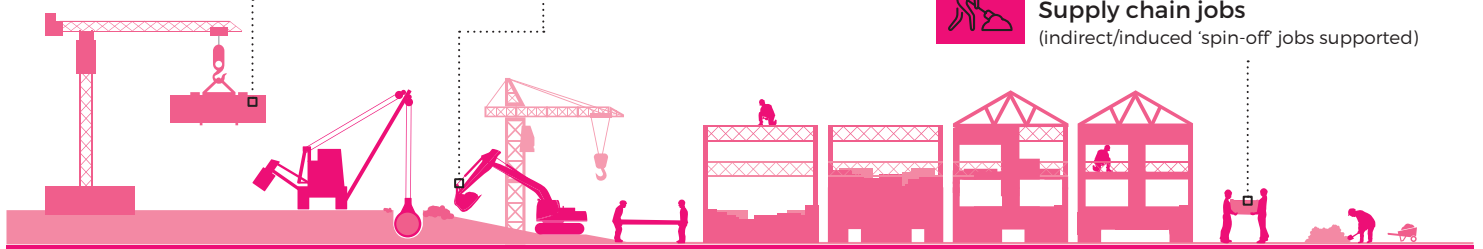
Construction benefits

 **£54m**
Construction value
(total construction cost)

 **£35.7m GVA**
Economic output
(additional GVA p.a.)

 **202 Jobs**
Construction jobs
(temporary jobs over the c4.5 year build period)

 **246 Jobs**
Supply chain jobs
(indirect/induced 'spin-off' jobs supported)



Operational and expenditure benefits

 **£1.6m**
First occupation expenditure
(spending to make a house 'feel like a home')

 **£3.9m**
Resident expenditure
(within local shops and services p.a.)

 **42 Jobs**
Supported jobs
(from increased expenditure in the local area)



Local Authority revenue benefits

 **£3.5m**
Planning contributions
(S106 or CIL)

 **£675,000**
Council Tax revenues (p.a.)

 **26.5ha**
SANG
(Accessible to everyone)

 **Over £330,000**
Bus Service Contribution



SB4



21st August 2023

██████████
Croudace Homes Ltd
Croudace House
Tupwood Lane
Caterham
Surrey
CR3 6XQ

Dear ██████████,

Subject to Contract

Re: Land Trust SANG provision and maintenance

Location: Land at Bird in Eye Farm, South of Bird in Eye Hill, Uckfield

Following our recent correspondence, discussions and site review concerning the Strategic Suitable Alternative Natural Greenspace (SANG) to be created at Land at Bird in Eye Farm, I am pleased to confirm that we now have Board approval to proceed with supporting you on this scheme. This will be subject to contract and payment of an agreed endowment, the Land Trust ('LT') is able to take formal ownership of the proposed SANG, being an area of approximately 26 hectares, and would thereafter remain responsible for its provision and maintenance in perpetuity - for the avoidance of doubt being a term no less than 80 years.

LT expects an unencumbered transfer with all SANG to be made available with the full endowment.

The site would be funded by the agreed in perpetuity endowment that would include for all management and maintenance, including the periodic capital replacement of site furniture and access infrastructure. The capital sum is ring fenced to the site and is invested in within LT's wider investment portfolio of almost £180M.

Investment returns, assumed at 3.5%, are generated to fund the site management and delivery of LT's wider charitable objectives. The capital endowment is not spent and grows in line with inflation.

The site would be managed in accordance with a planning approved SANG Management Plan.

The SANG is considered to be of 'strategic' status as it contains more capacity than is required for the Land at Bird in Eye Farm development. This will enable other developments within a 5km catchment to acquire surplus capacity to help mitigate the impact of their developments on the Ashdown Forest SPA. LT is able to provide the current landowners the legal mechanism and structure, to allow LT to deliver the

SANG in perpetuity and the current landowners to retain control over the allocation and sale of surplus capacity themselves.

This model is widely accepted by Local Planning Authorities such as Guildford Borough Council and Royal Borough of Windsor and Maidenhead.

LT is an independent Charity with influential partners, members and trustees. We manage open spaces on behalf of and in partnership with local communities. Our Key Principles and detail on our approach to site management are appended.

LT is leading the charge for cost effective solutions to deliver high quality and sustainably managed open space which preserves the character, value and benefits of our open spaces. LT supports people across the country to take control of their local green space.

We are highly experienced in every aspect of SANGs including:

- Identifying land
- Site design and management plans
- Reviewing third party designs and management plans
- Calculating capital works and in-perpetuity funding
- Project managing capital works
- Acquisition and in-perpetuity management

LT has a proven track record in managing land for the benefit of communities and wildlife. It has been approved by Natural England and a number of Local Planning Authorities as an “appropriate body” to manage SANG and now manages over 300 hectares of SANG from Devon to Surrey, with a further 200 ha of on our pipeline from Cornwall to Suffolk. Our portfolio includes Wellesley Woodlands and Hogmoor Inclosure, the largest and third largest SANG in the country.

Ash Green Meadows was LT’s first strategic SANG. The 25 hectares site was originally intended to transfer to Guildford Borough Council, however Bewley Homes Ltd undertook a Deed of Variation to the s106 to allow the land to be transferred to LT. Gifting the land to LT provided Bewley with a more cost-effective funding model and allowed them to retain control over the sale of surplus capacity to third party developments.

LT acquired Ash Green Meadows in September 2018 and has meant that LT has since acquired a further four strategic SANGs in Guildford, with a further two due to transfer in 2023/24.

More information about LT, and the role we are undertaking with SANG can be found at [SANG-leaflet-FINAL.pdf \(thelandtrust.org.uk\)](https://thelandtrust.org.uk/wp-content/uploads/2020/07/SANG-leaflet-FINAL.pdf)¹.

LT’s role at Bird in Eye Farm (South) SANG would be to manage the landscape as a recreational resource for residents to mitigate any negative impact that the possible increased footfall may have on the Ashdown Forest SPA.

¹ <https://thelandtrust.org.uk/wp-content/uploads/2020/07/SANG-leaflet-FINAL.pdf>

LT will happily take part in discussions with Wealden District Council and Natural England concerning the subject SANG, if it is felt beneficial to the scheme. This could include a meeting with local partners, to discuss our planned role with ongoing management and maintenance of the land subject to transfer.

In response to any specific concerns regarding guarantees over long term security, funding management and the requirement for the Local Planning Authority, or other suitable body to have step-in rights, we can confirm the following would apply to the SANG at Land at Bird in Eye Farm (South).

Management Standards and Security of Investment

LT manages land specifically to deliver against its 5 Charitable Aims that include illustrating clear benefit to Environment, Education, Social Cohesion, Health and Local Economy.

Each transfer has to clearly illustrate sufficient opportunity to deliver against each of the LT's charitable objectives. If a site cannot provide a sound business case, the Board of Trustees will not approve the transfer of the land.

Risk Management

In order to avoid the situation where costs outstrip income, they will be monitored carefully and regularly against site and annual seasonal budgets. This will allow us to respond quickly to variations in income and expenditure and any other issues of concern. Other financial risk management measures include:

- The establishment of LT on a permanent basis was approved following a full appraisal in accordance with the HM Treasury 'green book' in 2010.
- The above appraisal reviewed LT's long term business plan underpinned by its core investment strategy.
- LT invests to achieve a real rate of return of 3.5% pa taking into account HMT and Bank of England guidance on long term investment returns.
- This rate of return is also in accordance with the HMT approved Best Practice Note on endowments agreed between HMT, MHCLG, and Homes England.
- LT currently has just under £180 million of investments, thus optimising returns.
- The endowment is not a commitment to spend and therefore most of the annual expenditure is discretionary.
- The agreements with our managing partners allow for downwards negotiations on annual site budgets.

Protection of assets

LT is a registered charity and as such it can only use its assets in furtherance of its charitable objects. At the heart of LT's charitable purpose is the maintenance of open areas for recreation within communities and this is the purpose for which LT uses gifted land. LT's trustees have a legal duty (arising from trust law) to use LT's assets

solely in furtherance of its charitable objects and they cannot use its assets to further private benefit.

Article 5 of LT's Articles also provide that its assets will only be used for charitable purposes. If LT were to dissolve, its assets would pass to another organisation with similar charitable purposes by virtue of Article 8 of its Articles and as a matter of charity law.

Furthermore, as a registered charity, as well as a Company Limited by Guarantee, we are regulated by the Charity Commission, the Companies Act and other relevant legislation.

The investment model LT applies is based on management and maintenance costed from the return on investment. The whole of the principal capital sum is invested and we do not draw down on the capital. The endowment although invested as part of our overall investment portfolio, is ring fenced for the site it relates to, with the investment income used to deliver site management and LT's wider charitable aims.

With the risk management we apply to our investments, combined with the excellent track record we have in land management, we strongly believe that the transfer of land to LT provides partners with the best and most secure form of long term management, and negates the need for step-in rights.

Yours sincerely,

A handwritten signature in blue ink that reads "Jeremy, Mr. Brookes".

Jeremy Brookes MRICS

Area Head of Business Development (South)

The Land Trust

Appendix 1

Our key principles

We aim to deliver high standards of management on all our sites and this is an essential element of our land management strategy.

Our work is guided by the following key principles:

- i. A guarantee that the land is managed properly to an agreed standard i.e. the management plan
- ii. That we protect the original investment made in creating the open space and ensure it has a permanent and positive effect on the economy and environment of the local area
- iii. That we create long-term relationships with landowners, businesses, the wider community and other agencies devoted to land management and sustainability
- iv. That we find sustainable funding solutions in order to guarantee long term maintenance in line with established management plans
- v. That we host educational events and activities that promote healthier lifestyles
- vi. That we leverage additional funding options
- vii. That we actively manage the land in a way that significantly reduces incidents of anti-social behaviour
- viii. That we provide landscape conservation which enriches biodiversity and protected species.

Site Management

At a local level, LT identifies and appoints an appropriate local organisation to act as Managing Partner and to manage the site on behalf of ourselves and the local community. The benefits for communities are twofold: they can enjoy the local expertise, activities and events offered by the on-site ranger team; and be safe in the knowledge that the managing agents are fully accountable to LT to deliver the outputs outlined in the Management Agreement.

The Management Plan is the key safeguard to ensure the site is managed in accordance with planning. This document is appended to the Management Agreement between LT and the Managing Partner, outlining specific aims and objectives for site maintenance, environmental improvements and community involvement. The agreement is set for a 10-year period to ensure longevity but the Management Plan is reviewed regularly to provide comfort that the partnership is delivering their commitments and the community is receiving the outputs it can expect.

Managing Partners provide detailed quarterly performance reports and the Management Plan and contract is reviewed annually. This management process gives the current landowner, funder and other stakeholders assurance that the site and the investment within it is being well managed.