PLANNING STATEMENT OF COMMON GROUND
BETWEEN THE APPELLANT AND WEALDEN DISTRICT COUNCIL

APPEAL REFERENCE: APP/C1435/W/23/3321978

DATE OF INQUIRY: 24 October 2023.

VENUE OF INQUIRY : East Sussex National, Little Horsted, Uckfield, East Sussex, TN22 5ES

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

Address: Land at Downlands Farm, Uckfield (The Appeal Site).

Description of Development:

(1) Outline Application (with all matters reserved except for access) for the erection of up to 424 residential dwellings including affordable housing, the provision of vehicular, pedestrian and cycle access and separate emergency access from the Uckfield Bypass (A22), pedestrian and cycle access from Snatts Road, open spaces including children's play space, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks.

(2) Full Application comprising creation of a Strategic SANG, associated landscaping and car parking, and demolition of existing residential property and other buildings and provision of pedestrian and cycle access from Rocks Road, associated landscaping, infrastructure and earthworks.

APPELLANT: Gleeson Land and John Alison Land and Research Ltd

[redacted] Joshua Mellor

LOCAL PLANNING AUTHORITY: Wealden District Council

[redacted] acey Robins

1 DESCRIPTION OF THE APPEAL SITE

1.1 The Appeal Site (**CD 2/5**) comprises several parcels of land which combine to provide a total area of circa. 46 hectares (ha) to the north-west of Uckfield. It comprises a mixture of woodland and agricultural land, alongside the residential property of Chicory Cottage and its associated curtilage.

1.2 The majority of the woodland on the Appeal Site, with the exception of the woodland within the north and southeast, is classed as Ancient Woodland.

1.3 The Appeal Site is located on the north western edge of the urban area of Uckfield Town. The A22 forms the north western boundary of the Appeal Site, and Snatts Road bounds part of the south eastern boundary extending to London Road. To the south is Lake Wood (owned and managed by the Woodland Trust) with Rocks Road beyond. Further south is West Park Local Nature Reserve and West Park neighbourhood area.

1.4 There are no public rights of way within the Appeal Site itself, albeit one adjoins the eastern boundary of the Site with Snatts Road. There are no public access rights across the Appeal Site.

1.5 The Appeal Site slopes downwards towards the north-west and the A22 and is located within Flood Zone 1. Therefore, it is at low risk of flooding from River or Sea. However, there are four Ordinary Watercourses located within or adjacent to the site, which connect into the Shortbridge Stream to the west. These watercourses are relied upon to deal with surface water from the appeal scheme.

2.0 DESCRIPTION OF THE AREA

2.1 The Appeal Site is bound to the west by the A22, the principal road within the District which connects Uckfield to Crowborough and Tunbridge Wells (both via the A26) and East Grinstead to the north and Hailsham and Eastbourne to the South. The A22, which is located to the east of the Appeal Site. Land directly to the west of the Appeal Site beyond the A22 is predominately rural. To the northwest is the village of Maresfield.

2.2 To the east / south east and south of the Appeal Site is the existing built-up area of Uckfield, including residential properties of Snatts Road, Hunters Way, and the West Park Neighbourhood area, further beyond these are the services and facilities of Uckfield Town Centre and the significant employment area of Bellbrook Industrial Estate.

2.3 Uckfield is located centrally in the district. It has the largest town centre in the District and acts as a hub and service centre serving both its residents and a wider catchment area of the surrounding villages and settlements. The Town Centre has a wide variety of shops, including a Tesco Superstore and a Waitrose, a variety of cafes and restaurants, a cinema, and a Civic Centre.

2.4 The town boasts good public transport services including a centrally located bus station and rail station, providing connections to neighbouring towns and villages, and London (via rail).

2.5 Other services and facilities of Uckfield, include educational facilities of Uckfield School and Uckfield College, leisure facilities at Uckfield Leisure Centre, West Park Recreational Ground and Luxford Playing Fields, and health facilities at The Meads Surgery.

2.6 The Medieval settlement site at Buxted Park, a Scheduled Monument, is located approximately 1.5km to the east of the Appeal Site. The nearest Listed Buildings to the Appeal Site are the Grade II Listed Oast Cottage and Swallows Barn (formerly Barn at Downlands Farm) which directly abut the appeal site to the east. The Grade II Listed Buckswood Grange is located approximately 150m to the south of the Appeal Site. Other designated heritage assets are located in the surrounding area, more distant from the Appeal Site.

2.7 The Council considers other nearby buildings and designed landscapes to be non-designated heritage assets, including Chicory Cottage (within the Appeal Site), Partridges Oast and Lake Wood (both outside of the Appeal Site). The rationale for this will be discussed in the Council's evidence and the separate Heritage Statement of Common Ground being drawn up by the main parties.

2.8 The Appeal Site is not located within a Conservation Area. The nearest Conservation Area is Maresfield Conservation Area, located approximately 900m to the north.

2.9 The High Weald Area of Outstanding Natural Beauty (AONB), is located approximately 3km to the north of the Appeal Site. Rocks Wood SSSI is located approximately 2.5km to the north and Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and SSSI is located approximately 3.5km to the north.

3.0 PLANNING HISTORY OF THE APPEAL SITE

3.1 The Appeal Site has historically been used for agricultural purposes but has the below relevant planning history:

- WD/2006/2855/MEA – Residential development for 750 dwellings; employment development for 9,600sqm of B1 and B8 uses; neighbourhood centres with primary school, community hall, land for community facilities; creation of new vehicular access from Black Down Roundabout (A22) and emergency and bus only accesses from Snatts Road; construction of estate roads and new cycle footway connections; provision of managed country park with warden's lodge/information point and education/interpretative facility, public and amenity open space, playing fields and associated development and changes of use – Refused 22 February 2007 and Dismissed at Appeal following recovery by the Secretary of State, 24 February 2009.

- WD/2020/6507/SO – Request for Screening Opinion for proposed residential development of up to 550 dwellings – EIA Required.

- WD/2020/6511/SCO – Request for Scoping Opinion for development of up to 500 residential dwellings with associated parking, infrastructure, landscaping and access – Determined, Scope of EIA agreed.

3.2 The Appeal Site was subject to a previous application submitted October 2006 which was refused by the Council and subsequently dismissed at Appeal in 2009. Copies of the relevant Decision Notice and Appeal decision (inc. Inspector's report to the Secretary of State and the Secretary of State decision) are provided within the Core Documents (**CD4/1**, **CD4/2** and **CD4/3** respectively).

3.3 The other sites considered through the conjoined Appeal (known as Bird in Eye North and Bird in Eye South) were also dismissed. The land at Bird in Eye South is the subject of a live appeal, Inquiry opening 12 September 2023 (PINS APP/C1435/W/22/3307820).

4.0 THE DEVELOPMENT PLAN

4.1 It is agreed that the Development Plan comprises:

1) Wealden Local Plan 'Saved' Policies (WLP, 1998, **CD6/3**);
2) Wealden Core Strategy Local Plan (CSLP, 2013, **CD6/4**);
3) Wealden Affordable Housing Delivery Local Plan (2016, **CD6/7**);

Whilst there are Neighbourhood Plans 'made' in the District, none of them apply to the appeal site.

1) The 'saved' policies of the adopted Wealden Local Plan (1998)

4.2 The Wealden Local Plan was adopted in 1998 and set out the planning strategy and policies for the plan period 1994 – 2004.

4.3 Upon the enactment of the Planning and Compulsory Purchase Act 2004, some of the policies of the adopted WLP were 'Saved'. Any policies that were not 'Saved' by the Secretary of State's Direction have been deleted and no longer comprise part of the Development Plan.

4.4 Below is a summary of the policies relevant to this appeal, full details of these are contained within **CD6/3**:

- **Policy GD2:** Development within development boundaries;
- **Policy EN1:** Sustainable Development;
- **Policy EN2:** Development Pattern;
- **Policy EN8:** Development in the Low Weald;
- **Policy EN12:** Protection of trees and woodlands;
- **Policy EN14:** Landscaping within Developments;
- **Policy EN15:** Designated Nature Conservation Sites;
- **Policy EN27:** Layout and Design of development;
- **Policy EN29:** Light pollution;
- **Policy DC17:** Housing development in the countryside;
- **Policy HG5:** Development mix within new development schemes;
- **Policy HG6:** Crime prevention in new housing developments;
- **Policy HG7:** Energy consideration in new housing developments;
- **Policy TR3:** Traffic impact of new development;
- **Policy TR13:** Footpaths and Bridleways;
- **Policy TR16:** Car Parking Standards;

- **Policy LR1:** Provision of outdoor playing space;
- **Policy LR3:** Children's play space in development of 30 or more dwellings;
- **Policy CS1:** Provision of capital works and services;
- **Policy CS2:** Drainage;
- **Policy CS3:** Willingdon Levels Drainage Catchment Area; and
- **Policy CS4:** Recycling enclosures: residential development.

2) Wealden Core Strategy Local Plan (February 2013)

4.5 The Core Strategy Local Plan (CSLP) adopted February 2013 covers the Plan period 2006 – 2027. It covers the plan period 2006 – 2027 and was found to be "sound" by the Planning Inspector on the proviso that it be subject to an early review by 2015.

4.6 Section 4 of the Core Strategy Local Plan provides the vision of the Plan and the Spatial Objectives (SPO1 – SPO15) which summarises how the Plan seeks to achieve the vision. These are not policies but provide context against which the policies of the Plan have been formulated. The spatial objectives are material considerations in the planning decision'

4.7 Below is a summary of the policies relevant to this appeal, full details of these are contained within **CD6/4**:

- **Policy WCS1:** Provision of Homes and Jobs;
- **Policy WCS2:** Distribution of Housing Growth;
- **Policy WSC3:** Distribution of Employment (B Class) and Retail (convenience and comparison)
- **Policy WSC4:** Strategic Development Areas
- **Policy WCS5:** Managing the Release of Housing Land;
- **Policy WCS6:** Rural Areas Strategy
- **Policy WCS7:** Effective Provision of Infrastructure;
- **Policy WCS8:** Affordable Housing, albeit superseded by AFH1 (see below)
- **Policy WCS12:** Biodiversity;
- **Policy WCS13:** Green Infrastructure; and
- **Policy WCS14:** Presumption in Favour of Sustainable Development.

3) Affordable Housing Delivery Local Plan DPD (February 2016)

4.8 The Affordable Housing Delivery Local Plan, adopted May 2016, reviewed the affordable housing policy of the Core Strategy (WCS8) and contains a sole policy relating to this, full detail of which is contained in **CD6/7**:

- **Policy AFH1:** Affordable Housing

4) Emerging Policy

4.9 The Council prepared and submitted a new Local Plan (2019) to the Secretary of State for independent examination on 18 January 2019. Following Stage One examination process in the spring/summer of 2019, including public hearing sessions, the appointed Inspector provided WDC with a letter on 20 December 2019 setting out the conclusions from the hearing sessions. The letter concluded that the submitted Plan cannot proceed further in the examination process and should be withdrawn.

4.10 The Council is currently in the process of producing a new Local Plan which will replace the current Core Strategy. The Local Development Scheme (July 2020) anticipated a draft Reg 18 consultation in Spring 2022, followed by Reg 19 consultation in Winter 2022 / 2023. Adoption was anticipated by Winter 2023. A Direction of Travel Consultation took place between November 2020 and January 2021 (**CD2/9)**. No further consultations have taken place since that time.

4.11 The latest update from the Council on 16 March 2023 indicates a potential consultation (likely Regulation 18) on a Plan which includes allocations and policies in early Autumn.

5.0 OTHER RELEVANT PLANNING POLICY/ GUIDANCE/MATERIAL CONSIDERATIONS AND WEIGHT TO BE AFFORDED

5.1 The table below identifies other relevant documents at this time and does not preclude other documents being drawn upon in the preparation of evidence.

Document
National Planning Policy Framework, July 2021 (**CD6/1**)
Wealden District Council Design Guide (November 2008) (**CD6/5**)
Wealden District Council Draft Outdoor Playing Space, Supplementary Planning Guidance (**CD6/11**)
Wealden Open Space Study 2016 – 2028 (September 2017) (**CD6/12**)
Wealden Playing Pitch and Outdoor Sports Needs Assessment 2016 – 2028 (August 2018) (**CD6/13**)
Authority Monitoring Report 2021 – 22 (December 2022) (**CD7/1**)
Five Year Housing Land Supply Statement – as of 1st of April 2022 (December 2022) (**CD7/2**)

6.0 MATTERS NOT IN DISPUTE

6.1 The following confirms areas that are not in dispute between the parties and the referenced technical reports are considered to satisfy National and Local Planning policy requirements together with relevant technical guidance informing their preparation. Where necessary appropriate planning conditions are proposed which are set out under Section 11 of this Statement.

Housing Land Supply

6.2 The Council's Five Year Housing Land Supply Statement (**CD7/2**) confirms not more than a 3.92-years supply of deliverable housing sites as of 01 April 2022.

6.3 The housing requirement is established on the basis of the 'standard method' for calculating housing needs (1,212 dwellings per annum) plus a 20% buffer to account for Housing Delivery Test 2021 results.

6.4 The parties agree the shortfall is significant.

6.5 It is disputed between the Council and Appellant whether there are specific policies of the Framework which indicate development should be restricted, specifically in respect of matters relating to Ancient Woodland impacts and impacts on habitat sites (Ashdown Forest SPA).

Defined Settlement Boundaries

6.7 Saved Policies GD2 and DC17 of the Wealden Local Plan (1998) direct development to locations within defined settlement boundaries, as established through the Wealden Local Plan.

6.8 The Appeal Site is located outside of, but adjoining, the defined settlement boundary for Uckfield. Nevertheless, the Core Strategy recognises that settlement boundaries would need to be breached to meet housing needs and in Uckfield, this has previously occurred on what was known as Ridgewood Farm (see policy WCS2 and WCS4 (SD1) of the Core Strategy.

6.9 The Council and the Appellant agree that policy GD2 and DC17 are out-of-date and limited weight should be attributed to any conflict taking into account:

a) The settlement boundaries were based on an assessment of settlements carried out in 1998;
b) The boundaries are restrictive to the supply of housing and prevent local housing needs being met;
c) There are few 'within' development boundary locations available for development.

It is also agreed the Council currently cannot demonstrate a deliverable supply of 5-year housing land supply.

Sustainable Development

6.10 The proposed development would bring about economic, social and environmental benefits in accordance with the Sustainable Development tests of the NPPF

6.11 It is agreed that the following are benefits:

- The delivery of a significant number of new needed new homes in the context of a housing land supply shortfall;
- The provision of a significant number of affordable homes;
- The provision of custom and self-build homes
- The provision of Economic benefits during construction and post-construction;
- The provision of Environmental Benefits including biodiversity net gain and commitment to low carbon energy, resource efficiency and waste management beyond minimum local expectations; and
- The provision of Social benefits including new areas of open space.

6.12 There is disagreement about the weight to be given to these benefits and how they should be considered as part of the Planning Balance which is to be considered through Evidence.

6.13 The benefits package presented also includes woodland management and a SANG. There is also disagreement about this. The Council does not consider these to be benefits to be given any weight, with it being the Council's case there is no absolute need for the development to be permitted to deliver present good woodland management. It is simple good woodland/forestry management to do so and does not need major residential development for that to occur. The primary driver for the SANG is to mitigate the effect of the appeal scheme. In doing so, in the Council's view there will be harm to irreplaceable assets and associated ecological harm. The Appellants disagree. This will be considered through Evidence.

Housing Mix and Affordable Housing

6.14 It is agreed that the development subject to this appeal would provide up to 424 dwellings of which 35% would be affordable. This represents a planning benefit in line with the provision required by Policy AFH1 of the Affordable Housing Delivery Local Plan. The housing would make a positive contribution to meeting affordable housing need.

6.14 The Council does not object to the proposed housing mix which has been supported by the Council's Housing Service.

Design and Layout

6.15 The residential development element of the scheme is, up to 424 dwellings, and submitted all matters reserved apart from access which is submitted for approval. The parties agree that matters of design and layout for the outline element of the application will be addressed through the submission of reserved matters pursuant to conditions. The Council's view is the quantum of growth identified cannot be accommodated on the Appeal Site alongside the linked aspects of growth, for example open space, landscaping, drainage, SANG, etc.

6.16 The application was supported by a Land Use Parameter Plan (**CD2/8**), Green Infrastructure Parameter Plan **(CD2/116),** and Scale Parameter Plan **(CD2/10)** which sought to define the parameters against which future Reserved Matter/s applications would come forward in accordance with.

6.17 The 3no. parameter plans were submitted which demonstrate the following overarching principles of the development:

Land Use Parameter Plan (**CD2/8**)

- To confirm the location of the proposed vehicular and emergency access to A22 [detail submitted in Full];
- To confirm the location of the proposed cycle/pedestrian accesses to A22, Rocks Road and Snatts Road;
- To confirm the extent of development areas within the body of the Site, to include residential uses (up to 424 residential dwellings), roads, parking, open spaces, sustainable urban drainage system and landscape and associated infrastructure; and
- To confirm the extent of 'Green Infrastructure' areas, to include existing landscape, landscape buffers, planting, public open spaces, sustainable urban drainage system, SANG and pedestrian and cycles routes, and associated infrastructure (further details of which are provided on the Green Infrastructure Parameter Plan).

Green Infrastructure Parameter Plan (**CD2/116**)

- Boundary of SANG;
- Areas of Natural Green Space including existing woodland, proposed buffers to Ancient Woodland and the SANG;
- Amenity Open Space within the central area of the residential development site; and;
- Protective fencing to Lake Wood along southwestern boundary of the Appeal Site.

Scale Parameter Plan (**CD2/10**)

- To set maximum building heights, including:
  - Areas of 2-storey housing with a maximum of 10% of buildings up to 2.5 storeys;
  - Areas of 2-storey housing with a maximum of 2.5% of buildings up to 2.5 storeys.
  - Maximum building heights 11.5m above existing ground level.

6.18 In addition, a Dark Areas Map (**CD2/12**) provides guiding principles for primary and secondary dark zones across the Appeal Site (both Outline and Detailed elements) with targeted levels of illuminance for each zone.

6.19 There are elements of the Parameter Plans which relate to matters in dispute, specifically the appropriateness of the proposed buffers to Ancient Woodland and the proposed access arrangements.

6.20 However, it is agreed that the Parameter Plans provide a suitable way to secure the parameters against which future Reserved Matter/s applications would come forward, subject to overcoming the matters in dispute.

Landscape and Visual

6.21 A Landscape and Visual Baseline (LVIA, **CD2/77**) was undertaken to assess the likely effects of the proposed development on the landscape and the Appeal Site's contribution to the wider landscape. It is agreed the LVIA has been prepared accordance with current best practice as set out in 'Guidelines for Landscape and Visual Impact Assessment', 2013 (3rd edition) (GLVIA3).

6.22 The Appeal Site is not covered by any national landscape designations, nor is it located within the setting of any. Further, it is not covered by any local landscape designations.

6.23 It is agreed that the Appeal proposals would lead to a change in character of the section of the Appeal Site where built development is proposed, from undeveloped land to residential development. There is disagreement about the acceptability of that change which will be covered in evidence, in respect of impacts on Ancient Woodland and heritage assets.

6.24 The parties agree that the Appeal Site is very well contained which provides few opportunities for views into the Appeal Site beyond distant views. It is accepted the Council have not identified Landscape and Visual matters as a reason for refusal. However, the Council does have concerns about the effect on the setting of Lake Wood which it says is a non designated heritage asset. This issue is addressed in evidence and referenced in the sperate Heritage SoCG.

Flood and Drainage

6.25 The Appeal Site is located within Flood Zone 1 which means it is at the lowest risk of fluvial flooding.

6.26 The Appeal proposals include an indicative, albeit detailed, drainage strategy which indicates how surface water runoff would be addressed on site. This includes the use of SuDS ponds. There is disagreement about the acceptability of locating the amount of SuDS proposals in proximity to areas of Ancient Woodland (including within 15m buffers). There is also concern about the outfall from said SuDS basins, which involves new engineered outlet within and under Ancient Woodland.

6.27 The concerns about Ancient Woodland and go to the heart of the scheme. This includes from drainage proposals which the Council says will cause loss, but at the very least deterioration, of this irreplaceable asset. The Appellants disagree.

6.28 In the scenario that the Inspector concludes the proposals do not conflict with the requirement of Para 180 c) of the NPPF, the parties agree that the surface water drainage strategy is fit for purpose and could serve the appeal scheme.

6.29 For Foul Drainage, it is agreed that whilst Southern Water has advised there is current inadequate capacity within the existing foul sewerage network, they have also confirmed this can be addressed through the provision of additional infrastructure to be secured through their usual charging regime.

Ecology, Biodiversity and Arboriculture

6.30 Whilst there are specific ecology related matters which are not agreed between the Appellant and Council (as detailed in Section 8) there are some elements not in dispute.

6.31 It is agreed between the parties the Appellant has completed the appropriate ecological survey work to understand the presence or absence of protected species across the Appeal Site. The findings of the ecological reports in this respect are accepted.

6.32 Further, it is agreed the mitigation proposed in respect of identified protected species is appropriate or could be made appropriate through obtaining necessary protected species licence (for Great Crested Newts).

6.33 It is agreed that trees on and immediately adjacent to the Appeal Site have been surveyed and assessed in accordance with BS5837:2012. Additionally, the tree survey has identified a number of veteran trees, the identification and attributes of which are also agreed.

6.34 Various elements of Ancient Woodland are present on and adjacent to the Appeal Site. The boundaries of these are drawn from the MAGIC database, and therefore reflect the Ancient Woodland Inventory. Prior to submission of the planning application the Inventory was altered to remove Beechy Pit Copse from the Inventory. We understand submissions have been made to Natural England by Third parties to review this.

6.35 Botanical surveying has been undertaken on the Appeal Site, including in the wooded areas; details of 'ancient woodland indicator plants' are agreed. The botanical surveys are not in dispute.

Heritage and Archaeology

6.36 The parties agree that the Appeal Site does not contain any known archaeological deposits and there is considered to be only the potential for hitherto unidentified remains of no greater than local or regional significance to exist.

6.37 A programme of post-determination archaeological works would be secured by condition to enable any archaeological deposits or features which may exit to be recorded in advance of works commencing.

6.38 The parties disagree on the impact of the proposed development on 3no. designated heritage assets (Grade II listed Oast Cottage, Grade II listed Swallows Barn (designated as Barn at Downlands Farm) and the Grade II listed Buckswood Grange).

6.39 The Appeal proposals will lead to the total loss of Chicory Cottage which the Council consider should be treated as a non-designated heritage asset.

6.40 There is disagreement about the effect of development on other assets the Council view as non-designated heritage asset, as detailed in the Heritage SoCG.

6.41 Matters relating to heritage form the basis of RFR3. In this respect, there are differing professional opinions which will be drawn out through Evidence. To support this, and to seek to limit the areas of dispute, a separate Heritage Statement of Common Ground will be prepared ahead of submission of Proofs of Evidence.

Contamination

6.42 As part of the Environment Statement, an assessment of Land Contamination (Chapter 10) and Phase 1 Geo-Environmental Desk Study and Phase 2 Geo-Environmental Site Investigation (Appendix 10.1 and 10.2, respectively) (**CD2/84 & CD2/85**) were submitted as part of the original planning application and confirms a general lack of contamination from all of the potential sources.

Public Open Space

6.43 Wealden District Council's Draft Outdoor Playing Space SPG (2003) (**CD6/11**) seeks a total of 2.4ha of outdoor play space per 1,000 population, reflecting Policy LR3 of the 1998 Local Plan. The proposed development would result in a requirement for circa. 2.26 hectares to be delivered.

6.44 The Land Use Parameters Plan (**CD2/8**) identifies areas of the Appeal Site which will be utilised for Green Infrastructure, including existing landscape, landscape buffers, planting, public open spaces, SANG and sustainable urban drainage systems.

6.45 The Green Infrastructure Parameters Plan (**CD2/116**) further identifies areas for amenity open space and natural greenspace which seeks to secure:

- 1.6ha of amenity open space in the centre of the residential development site; and
- 0.9ha of amenity space / community orchard area (shown as Natural Greenspace) to the south of Downlands Barn.

It also includes :

- Ancient Woodland which the Appellants say are 'retained and protected with a minimum 15m buffer for Natural Greenspace'

The Council does not accept that 15m buffers provide protection since there are multiple SuDS basins within that 15m buffer, the outlet to all of which is directionally drilled under areas of Ancient Woodland. The Council does not consider that 15m buffers are sufficiently large on this site in any event. These points will be considered through Evidence.

6.46 The Illustrative Landscape and Ecology Strategy Plan at Figure 6.2 of Volume 1 of the Environmental Statement (**CD2/54**) demonstrates how the open spaces could come forward alongside other spaces and planting throughout the residential development area.

6.47 The provision of public open space is in excess of WDC standards.

6.48 The proposals include provision of a 13.2 hectare area of SANG as shown on the SANG Overview Plan (CD2/107) determined by the Council. The SANG proposals are accompanied by detailed hard and soft landscaping plan (**CD2/108**) which aims to demonstrate how a high-quality and usable SANG could be delivered on the Appeal Site.

6.49 However, the suitability of the SANG in respect of its location within and adjacent to Ancient Woodland is disputed by the parties, with the Council believing this to cause direct harm to, or at the very least, deterioration of, Ancient Woodland. This will be considered through Evidence.

6.50 At the time of writing the Appellants were about to consult on changes to the SANG provision including a boardwalk for the entirety of the SANG walkway/route. The parties position on this change to this part of the Appeal Scheme will be set out in evidence.

Air Quality

6.51 The Appeal Site is not located in an Air Quality Management Area (AQMA) nor there any AQMAs which are likely to be affected by the proposed development.

6.52 An Air Quality Assessment (**CD2/115**) submitted during the course of the application confirmed that potential adverse impacts arising from construction stage can be mitigated using appropriate management and dust suppression techniques. A Code of Construction Practice is to be secured by condition.

6.53 Whilst it is agreed, road traffic emissions arising from the proposed development would not significantly impact local air quality, the Council is concerned about vehicle emissions from

cars so close to the Ancient Woodland.

6.54 It is agreed by the parties the proposed development is acceptable in this regard.

Noise

6.55 A Noise Assessment (**CD2/114**) was submitted during the course of the application and confirmed that noise impacts arising from the construction of the proposed development could be sufficiently mitigated by appropriate management. A Code of Construction Practice is to be secured by condition.

6.56 Further, future occupiers would not be at risk of unacceptable levels of noise from existing noise emissions (most notably the A22). Further consideration of whether any specific mitigation is necessary will be considered at detailed design stage.

Habitat Regulations Assessment

6.57 It is agreed that the Appeal Site is not directly connected with or necessary to the management of a protected site. The proposed development would not, alone, lead to an adverse effect on the integrity of European designated sites.

6.58 However, the Appeal Site is located within 7km of the Ashdown Forest Special Protection Area (SPA) where past evidence has shown recreational pressure is causing disturbance to the habitats of ground nesting birds.

6.59 The Council's adopted Ashdown Forest Mitigation Zone Background Paper (**CD9/1**) sets out measures for mitigation, supported by Natural England, through the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). The mitigation seeks to provide alternative greenspace for recreation to divert visitors away from the SPA, and the latter relates to projects to monitor and manage visitors to the SPA.

6.60 It is common ground that without securing the necessary mitigation there would be an adverse effect on the integrity of the SPA. This is the basis for RFR9 and the Appellants do not contest the principle of that reason for refusal.

6.61 The proposed development includes the provision of a strategic SANG which, if implemented, would provide capacity for the new homes proposed.

6.62 Natural England's latest position on the SANG proposals is as set out in its Appeal Statement of 13 July 2023 which noted the SANG capacity should be 'discounted' to remove areas of Ancient Woodland within the SANG from the SANG capacity calculations. This results in a SANG capacity for the Appeal proposal (424 homes) and an additional 44 homes elsewhere.

6.63 As detailed in Section 8, the suitability of the SANG in relation to its location partly within and partly adjoining Ancient Woodland (including within buffer zones) is disputed and will be explained in evidence.

6.64 In the scenario that the Inspector concludes the proposals do not conflict with the requirement of Para 180 c) of the NPPF subject to the acceptability of public access being demonstrated in perpetuity (including ongoing management and maintenance), it is agreed by the parties the SANG provision and SAMM payments could be secured through conditions and/or legal agreement.

6.65 Subject to mitigation, including the appropriateness of the SANG, the parties agree detrimental effects on European designated sites would be avoided such that there would be no adverse effects on the Ashdown Forest SAC.

6.66 It is however agreed that the appointed Inspector is now the competent authority.

S106 Contributions and Heads of Terms

6.67 It is agreed that the application proposes the provision of affordable dwellings, together with custom and self-build housing, which can be secured through a Section 106 agreement.

6.68 Details of the proposed Heads of Terms for the Section 106 agreement are included in Section 12.

6.69 It is agreed that CIL contributions towards the provision of physical and social infrastructure will be made at the Reserved Matters stage.

7.0 AREAS WHERE THE PARTIES ARE WORKING TOGETHER AND THERE IS A PROSPECT OF RESOLVING A RELATED REASON FOR REFUSAL

7.1 The Appellant and Council will continue to work proactively, alongside other consultees where relevant, to seek to limit the matters in dispute and, where possible, fully address reasons for refusal.

7.2 As detailed in the informative of the Decision Notice (**CD5/1**) it is envisaged there is good prospects for resolving the following:

- Reason for Refusal 5 – Appellant to provide confirmation on approach to securing Great Crested Newt mitigation;
- Reason for Refusal 8 – Appellant and Council to agree legal mechanism for securing affordable housing and self-build plots;

7.3 Reason for Refusal 7 – As detailed in the Highways SoCG, this has been resolved through the agreement of a contribution towards town centre mitigation, to be secured through legal agreement. Subject to this being secured, the Council agree RfR7 falls away.

7.4 Reason for Refusal 9 – The Appellant and Council are in discussion about the legal mechanism for securing SANG provision and SAMM payments. However, the Council remains concerned about provision of a SANG in the Ancient Woodland. Moreover, whether there are requirements for managing the restricted capacity of the SANG. As such SANG matters are likely to remain in dispute regarding the suitability of the SANG in relation to Ancient Woodland.

7.4 Should the position change, the Inspector will be advised accordingly.

8.0 AREAS OF DISAGREEMENT REMAINING

8.1 It will be for the Appellants' and Council's Statement of Cases to reflect their respective positions on the Reasons for Refusal, and the matters of disagreement, but in summary:

- The Council's position is that:
    - Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.
    - This application fails to comply with the development plan when considered as a whole. This is due to it being outside of the settlement boundary, the impact which the proposals will have on ancient woodland, adverse impact upon the significance of various heritage assets, the failure to provide a safe access, the failure to offering a real choice of sustainable transport modes, and the failure demonstrate how the impacts of the proposal on the highway network will be mitigated. The policies relating to these issues are set out in the reasons for refusal.
    - The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable, custom and self build housing. This is a matter which is to be given weight.
    - However, in this case the tilted balance in paragraph 11 does not apply. The proposals will lead to the loss and/or deterioration of ancient woodland and veteran trees. Further, if the SANG cannot acceptably be secured then the proposals will not demonstrate that they will not have an adverse impact upon the integrity of Ashdown Forest SAC.
    - Even if the tilted balance were to apply then the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.
    - The benefits include contribution towards housing land supply, plus other forms of housing also in need (affordable, custom and self build).
    - The adverse impacts are significant (both individually and cumulatively). These include the impacts upon ancient woodland, adverse impacts upon heritage assets, the failure to provide a safe access, the failure to offer a real choice of sustainable transport modes, and a failure to demonstrate that adverse impacts on the highway network will be mitigated.

- The residential development element of the scheme is, up to 424 dwellings, and submitted all matters reserved apart from access which is submitted for approval. Whilst it is agreed that matters of design and layout for the outline element of the application will be addressed through the submission of reserved matters pursuant to conditions, the Council's view is the quantum of growth identified cannot be accommodated on the Appeal Site alongside the linked aspects of growth, for example open space, landscaping, drainage, SANG, etc.
- As will be covered in evidence, large parts of the site were the subject of a previous scheme refused by the Council and subject of multi week public inquiry (that also considered other land in Uckfield). Whilst that appeal was, plainly, some time ago and related to a larger site and form of development, it is clear that very many of the issues remain material to the current appeal. They have not been addressed and/or the scheme does not present a persuasive case to overcome these points. Whilst the site is reduced from that larger scheme, it also now includes a dwelling and its curtilage, Chicory Cottage. That site has been introduced in order to try and address some of the earlier connectivity complaints and criticisms of development here. Except that site and area is wholly within Ancient Woodland. The case presented that primary pedestrian and cycling connections through this site can occur without harm to the Ancient Woodland is not agreed.
- There can be little doubt that since that earlier appeal, policy and guidance relating to Ancient Woodland and other irreplaceable habitats is different. That difference is to present a much higher bar before development can proceed, with clear direction from Government that planning permission should be refused even where schemes will lead to degradation (let alone direct loss). Whilst there are exceptions to this, none are relevant or in play.
- The Council case is that the appeal scheme must be refused both because it fails to accord with the development plan and material considerations (including the NPPF) indicate that permission should be refused.

- The Appellant's position is that:

  - The matters considered as part of the 2009 Appeal have been fully addressed through the submission of this fundamentally different scheme;
  - The Appeal proposals in accordance with the Development Plan taken as a whole and should therefore be approved "without delay" in accordance with NPPF paragraph 11 c);
  - Additionally, the presumption in favour in accordance with NPPF paragraph 11d) applies, with there being an acknowledged 3.92-year housing land supply and

acknowledgement that policies GD2 and DC17 relating to settlement boundaries are out-of-date;

- Further, in accordance with NPPF paragraph 11 d) there are no protect areas or assets of particular importance which provide a clear reason for refusing the Appeal proposals, nor would the adverse impacts of the allowing the Appeal significantly and demonstrably outweigh the benefits;
- In any event, the cumulative weight of the benefits, even when the presumption in favour does not apply, would clearly outweigh any limited conflict with the Development Plan; and
- Where the Council, Statutory and non-Statutory consultees or third parties have alleged harms, in respect to the "disputed" matters of Ancient Woodland, Drainage, Heritage and Highways and Transport, it will be demonstrated through Evidence the harms do not exist or at least do not exist to the level assumed by those parties, such that these harms would not preclude the Appeal being allowed and planning permission being granted.

9.0 LIST OF PLANS & DOCUMENTS THAT INFORMED THE COUNCIL'S DECISION

List of all Plans, Drawings, Docs & Information the LPA's Decision was based on	
Original Submission	
CD2/1	Full Application Form
CD2/2	Outline Application Form
CD2/3	Certificate C Press Notice
CD2/4	Covering Letter, dated 20 June 2022
Application Drawings	
Outline Element	
CD2/5	Site Location Plan – Dwg. 1309.01
CD2/6	Illustrative Masterplan – Dwg. 1309.02
CD2/7	Illustrative Masterplan – Movement and Access Strategy – Dwg. 1309.02M
CD2/8	Land Use and Access Parameter Plan – Dwg. 1309.3
CD2/9	Green Infrastructure Parameter Plan – Dwg. 1309.4
CD2/10	Scale Parameter Plan – Dwg.1309.5
CD2/11	Plan Showing Boundaries for Outline and Detailed Planning Applications – Dwg. 1309.6
CD2/12	Dark Areas Map – Dwg. 1309.7
CD2/13	Site Access Roundabout – Dwg. 2001061-101 Rev A
CD2/14	Proposed Emergency Access – Dwg. 2001061-102 Rev B
Full Element	
CD2/15	SANG: Detailed Hard and Soft Landscape – Dwg. Edp6170_d016f
CD2/16	Proposed SANG Access and Pedestrian Crossing Point – Dwg. 2001061-107
CD2/17	Overview of Fir Tree Grove Pedestrian / Cycle Route -Dwg. 2001061-135 Rev E
CD2/18	Fir Tree Grove Proposed Ramp / Steps Arrangement – Dwg. 2001061-136 Rev B
CD2/19	Fir Tree Grove Proposed Boardwalk – Dwg. 2001061-137 Rev B
CD2/20	Pedestrian / Cycle Route Long Sections – Dwg. 2001061-138
CD2/21	Pedestrian / Cycle Route Cross Sections – Dwg. 2001061-139
CD2/22	Pedestrian / Cycle Route Earthworks Cut and Fill Feasibility – Dwg. 2001061-140
CD2/23	Fir Tree Grove Detailed Soft Landscape – Dwg. Edp6170_d024 Rev A
Supporting Documents	
CD2/24	Planning Statement – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/25	Design and Access Statement – Prepared by Richards Urban Design, dated June 2022
CD2/26	Economic Benefits Statement – Prepared by Barton Willmore, now Stantec, dated May 2022
CD2/27	Transport Statement – Prepared by Motion, dated May 2022
CD2/28	Transport Statement Appendices – Prepared by Motion, dated May 2022
CD2/29	Framework Travel Plan – Prepared by Motion, dated May 2022
CD2/30	Lighting Impact Assessment – Prepared by The Lighting Bee, dated May 2022
CD2/31	Arboricultural Submission, including Tree Survey, RAVEN Veteran Tree Identification, Proposed Tree Retention and Removal, and Tree Protection Plan and Arboricultural Method Statement – Prepared by FLAC, dated May 2022
CD2/32	Downlands Woodland Park – SANG and Woodland Management Plan – Prepared by Aspect Ecology, dated June 2022
CD2/33	Environmental Statement Non-Technical Summary – Prepared by Barton Willmore,

List of all Plans, Drawings, Docs & Information the LPA's Decision was based on	
	now Stantec, dated June 2022
CD2/34	Environmental Statement: Volume 1 – Chapter 1 Introduction – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/35	Environmental Statement: Volume 1 – Chapter 2 EIA Methodology – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/36	Environmental Statement: Volume 1 – Chapter 3 Site and Development Description – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/37	Environmental Statement: Volume 1 – Chapter 4 Alternatives and Design Evolution – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/38	Environmental Statement: Volume 1 – Chapter 5 Construction Methodology and Programme – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/39	Environmental Statement: Volume 1 – Chapter 6 Landscape and Visual Effects – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/40	Environmental Statement: Volume 1 – Chapter 7 Biodiversity – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/41	Environmental Statement: Volume 1 – Chapter 8 Water Resources and Flood Risk – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/42	Environmental Statement: Volume 1 – Chapter 9 Cultural Heritage – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/43	Environmental Statement: Volume 1 – Chapter 10 Land Contamination – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/44	Environmental Statement: Volume 1 – Chapter 11 Summary and Residual Effects– Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/45	Environmental Statement: Volume 1 – Main Text and Figures Contents – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/46	Environmental Statement: Volume 1 – Figure 1.1 Site Location Plan, dated May 2022
CD2/47	Environmental Statement: Volume 1 – Figure 2.1 Cumulative Schemes Plan, dated December 2021
CD2/48	Environmental Statement: Volume 1 – Figure 3.1 Land Use and Access Parameter Plan, dated May 2022
CD2/49	Environmental Statement: Volume 1 – Figure 3.2 Scale Parameter Plan, dated May 2022
CD2/50	Environmental Statement: Volume 1 – Figure 3.3 Green Infrastructure Parameter Plan, dated May 2022
CD2/51	Environmental Statement: Volume 1 – Figure 3.4 Illustrative Masterplan, dated May 2022
CD2/52	Environmental Statement: Volume 1 – Figure 3.5 Dark Areas Map, dated May 2022
CD2/53	Environmental Statement: Volume 1 – Figure 6.1 Site Location and Site Boundaries, dated April 2022
CD2/54	Environmental Statement: Volume 1 – Figure 6.2 Illustrative Landscape and Ecology Strategy Plan, dated June 2022
CD2/55	Environmental Statement: Volume 1 – Figure 6.3 SANG Detailed Hard and Soft Landscape, dated April 2022
CD2/56	Environmental Statement: Volume 1 – Figure 6.4 Fir Tree Grove Detailed Soft Landscape, dated May 2022
CD2/57	Environmental Statement: Volume 1 – Figure 6.5 Site Character and Local Context, dated April 2022
CD2/58	Environmental Statement: Volume 1 – Figure 6.6 Topography, dated April 2022
CD2/59	Environmental Statement: Volume 1 – Figure 6.7 Relevant Planning Designations and Con, dated April 2022

List of all Plans, Drawings, Docs & Information the LPA's Decision was based on	
CD2/60	Environmental Statement: Volume 1 – Figure 6.8 Published Landscape Character Units, dated April 2022
CD2/61	Environmental Statement: Volume 1 – Figure 6.9 Findings of EDPs Visual Appraisal, dated April 2022
CD2/62	Environmental Statement: Volume 1 – Figure 6.10 Photo View Points, dated April 2022
CD2/63	Environmental Statement: Volume 1 – Figure 6.11 Winter Photo View Points, dated April 2022
CD2/64	Environmental Statement: Volume 1 – Figure 6.12 Night Photo View Points, dated April 2022
CD2/65	Environmental Statement: Volume 1 – Figure 7.1 Ecological Designations, dated May 2022
CD2/66	Environmental Statement: Volume 1 – Figure 7.2 European Designations within 25km, dated May 2022
CD2/67	Environmental Statement: Volume 1 – Figure 7.3 Eco Features, dated May 2022
CD2/68	Environmental Statement: Volume 1 – Figure 9.1 Designated Heritage Assets, dated January 2022
CD2/69	Environmental Statement: Volume 1 – Figure 9.2 Non-Designated Heritage Assets, dated June 2022
CD2/70	Environmental Statement: Volume 2 – Appendices Contents Page, dated June 2022
CD2/71	Environmental Statement: Volume 2 – Appendix 1.1 Location of Information within the ES Required by Schedule 4 of the EIA Regulations – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/72	Environmental Statement: Volume 2 – Appendix 1.2 Statement of Expertise – Prepared by Barton Willmore, now Stantec, dated June 2022
CD2/73	Environmental Statement: Volume 2 – Appendix 2.1 EIA Scoping Report – Prepared by Barton Willmore, dated October 2020
CD2/74	Environmental Statement: Volume 2 – Appendix 2.2 EIA Scoping Opinion – Prepared by Wealden District Council, dated 30 November 2020
CD2/75	Environmental Statement: Volume 2 – Appendix 2.3 Scoping Correspondence – Prepared by Barton Willmore, dated December 2020
CD2/76	Environmental Statement: Volume 2 – Appendix 3.1 Energy, Waste and Sustainability Statement – Prepared by Daedalus Environmental, dated May 2022
CD2/77	Environmental Statement: Volume 2 – Appendix 6.1 Landscape and Visual Baseline – Prepared by EDP, dated June 2022
CD2/78	Environmental Statement: Volume 2 – Appendix 6.2 Assessment of Effects Schedules – Prepared by EDP, dated June 2022
CD2/79	Environmental Statement: Volume 2 – Appendix 7.1 Ecological Appraisal – Prepared by Aspect Ecology, dated June 2022
CD2/80	Environmental Statement: Volume 2 – Appendix 7.2 Habitat Regulations Assessment – Prepared by Aspect Ecology, June 2022
CD2/81	Environmental Statement: Volume 2 – Appendix 7.3 Fir Tree Grove Botanical Report – Prepared by Sylvan Consulting, dated May 2022
CD2/82	Environmental Statement: Volume 2 – Appendix 8.1 Flood Risk Assessment and Drainage Strategy – Prepared by Waterman Infrastructure & Environment Limited, dated May 2022
CD2/83	Environmental Statement: Volume 2 – Appendix 9.1 Archaeological and Heritage Assessment – Prepared by EDP, dated June 2022
CD2/84	Environmental Statement: Volume 2 – Appendix 10.1 Phase 1 Geo-Environmental Desk Study – Prepared by BRD Environmental Ltd, dated April 2022

List of all Plans, Drawings, Docs & Information the LPA's Decision was based on	
CD2/85	Environmental Statement: Volume 2 – Appendix 10.2 Phase 2 Geo-Environmental Site Investigation – Prepared by BRD Environmental Ltd, dated April 2022
Documents/Plans supplied Post-Submission / Pre-Validation	
CD2/86	Biodiversity Net Gain Assessment – Prepared by Aspect Ecology, dated June 2022. Submitted to WDC on 27 June 2022
CD2/87	Downlands Woodland Park SANG and Woodland Management Plan – Prepared by Aspect Ecology, dated June 2022. Submitted to WDC on 27 June 2022
CD2/88	Environmental Statement: Volume 1 – Figure 3.2 Scale Parameter Plan, dated July 2022. Submitted to WDC on 08 July 2022
CD2/89	Environmental Statement: Volume 1 – Figure 3.4 Illustrative Masterplan, dated July 2022. Submitted to WDC on 08 July 2022
CD2/90	Environmental Statement: Volume 1 – Figure 3.5 Dark Areas Map, dated July 2022. Submitted to WDC on 08 July 2022
CD2/91	Scale Parameter Plan – Dwg.1309.5, dated July 2022. Submitted to WDC on 08 July 2022
CD2/92	Lighting Strategy Plan – Dwg. 1309.06, dated July 2022. Submitted to WDC on 08 July 2022
CD2/93	Plan Showing Boundaries for Outline and Detailed Planning Applications – Dwg. 1309.06. Submitted to WDC on 08 July 2022
CD2/94	Illustrative Masterplan – Dwg. 1309.02, dated July 2022. Submitted to WDC on 08 July 2022.
CD2/95	Illustrative Masterplan Movement and Access Strategy – Dwg. 1309.02M, dated July 2022. Submitted to WDC on 08 July 2022
Documents/Plans supplied Post-Submission / Post-Validation	
CD2/96	Environmental Statement: Volume 1 – Figure 6.4 Fir Tree Grove Detailed Soft Landscape, dated May 2022. Submitted to WDC on 09 August 2022
CD2/97	Technical Note – Response to Drainage Comments, prepared by Waterman Infrastructure & Environment Limited, dated August 2022. Submitted to WDC on 24 August 2022
CD2/98	Technical Briefing Note 08: Potential for Hydrological Connectivity to Sphagnum Bed at Lake Wood, prepared by Sylvan Consulting, dated October 2022. Submitted to WDC on 31 October 2022
CD2/99	Response to Natural England's Consultation Response, prepared by Aspect Ecology, dated November 2022. Submitted to WDC on 29 November 2022.
CD2/100	Response to Comments from Non-statutory Ecological Consultees, prepared by Aspect Ecology, dated November 2022. Submitted to WDC on 29 November 2022.
CD2/101	Response to WDC Ecology Consultation, prepared by Aspect Ecology, dated November 2022. Submitted to WDC on 29 November 2022.
CD2/102	Response to ESCC Highways Comments, prepared by Motion, dated December 2022. Submitted to WDC on 21 December 2022.
CD2/103	Heritage Addendum, prepared by EDP. Submitted to WDC on 10 January 2023.
CD2/104	Proposed Emergency Access – Dwg. 2001061-102 Rev C – Prepared by Motion. Submitted to WDC on 22 February 2023.
CD2/105	Letter in response to Natural England, prepared by Aspect Ecology, dated 21 February 2023. Submitted to WDC on 22 February 2023.
CD2/106	Report to inform a HRA, prepared by Aspect Ecology, dated February 2023. Submitted to WDC on 22 February 2023.
CD2/107	SANG Overview Plan – Dwg. edp6170_d026b – Prepared by EDP, dated 08 February 2023. Submitted to WDC on 22 February 2023.
CD2/108	SANG Detailed Hard and Soft Landscape – Dwg. edp6170_d016i – Prepared by EDP,

List of all Plans, Drawings, Docs & Information the LPA's Decision was based on	
	dated 02 February 2023. Submitted to WDC on 22 February 2023.
CD2/109	Site Access Roundabout – Dwg. 2001061-101 Rev C – Prepared by Motion. Submitted to WDC on 22 February 2023.
CD2/110	Snatts Road Access – Dwg. 2001061-107 Rev A – Prepared by Motion. Submitted to WDC on 22 February 2023.
CD2/111	Woodland Park SANG and Woodland Management Plan – Prepared by Aspect Ecology, dated February 2023. Submitted to WDC on 22 February 2023.
CD2/112	Technical Note – Response to Drainage Comments, prepared by Waterman Infrastructure & Environment Limited, dated January 2023. Submitted to WDC on 23 January 2023
CD2/113	Noise Assessment, prepared by Cass Allen, dated March 2023. Submitted to WDC on 28 March 2023.
CD2/114	Air Quality Assessment, prepared by Cass Allen, dated March 2023. Submitted to WDC on 28 March 2023
CD2/115	Green Infrastructure Parameter Plan – Dwg. 1309.04A, dated April 2023. Submitted to WDC on 11 April 2023

10.0 LIST OF ANY NEW PLANS NOT PREVIOUSLY SEEN OR CONSULTED ON BY THE LOCAL PLANNING AUTHORITY

10.1 The following amended Plans have been submitted during the course of the Appeal and are to be subject to a consultation starting on 14 September 2023:

- SANG Overview Plan, drawing ref. edp6170_d026 Rev D – Updated from determined plan (Rev B) (CD2/107) changing SANG footways within areas of Ancient Woodland from "Unsurfaced Footpath with Loose Log Edging" to "Timber Board Walk";
- SANG: Detailed Hard and Soft Landscape, drawing ref. edp6170_d016 Rev J – Updated from the determined plan (Rev I) (CD2/108) changing SANG footways within areas of Ancient Woodland from "Unsurfaced Footpath with Loose Log Edging" to "Timber Board Walk";
- Proposed SANG Boardwalk, drawing ref. 2001061-142 Rev A – New plan showing detail of proposed boardwalk within SANG
- Proposed SANG Access and Pedestrian Crossing Point, drawing ref. 2001061-107 Rev B – Updated from determined plan (Rev A) (CD2/110) to extend footway on the north-eastern side of the Snatts Road / SANG access by circa 5 metres; and
- Proposed Emergency Access, drawing ref. 2001061-102 Rev D - Updated from determined plan (Rev C) (CD2/104) to introduce 'Keep Clear' markings on exit of proposed emergency access.

10.2 A further consultation, due to commence on 14 September 2023, will consider an update to the Environmental Statement reflecting the changes to the proposed SANG, comprised of:

- Environmental Statement Addendum Letter including:
    - Enclosure 1 – Revised ES Figure 3.3A – Green Infrastructure Parameter Plan 1309.04A (was submitted during the course of the application, albeit not referenced in the decision notice – CD2/116) and Revised ES Figure 6.6A – Detailed Hard and Soft Landscaping Plan (Rev J – amended plan);
    - Enclosure 2 – Environmental Statement Chapter 7A Biodiversity – amended to reflect updated baseline survey information and SANG boardwalk proposal;
    - Enclosure 3 – New Appendix 7.4 to the ES Ecology Chapter comprising updated baseline survey information; and
    - Enclosure 4 – Boardwalk Tree Protection Technical Note (dated 05 September 2023)

11.0 LIST OF POSSIBLE CONDITIONS AND THE REASONS FOR THEM (INCLUDING ANY THAT ARE NOT AGREED, WITH REASONS WHY)

11.1 To be provided separately ahead of submission of Proofs.

12.0 DRAFT TERMS OF ANY S106 OBLIGATIONS

12.1 The following heads of terms are agreed for the Section 106 agreement:

- 35% affordable housing provision;
- 5% custom and self build plots;
- SANG provision;
- SAMM payments;
- Financial contribution of £100,000 towards the installation of an enhanced control system, plus 10% of the equipment cost per annum for 20 years towards maintenance of the system;
- Public transport service contribution (£1,100/dwelling) and provision of public transport infrastructure (bus hub/turnaround and real-time passenger information) within the site;
- Travel Plan auditing fee (£6,000); and
- Site Access / Off-Site Highways works.