Land at Downlands Farm, Uckfield

Statement of Case

Prepared on behalf of Gleeson Land and John Alison Land and Research Ltd

May 2023

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1.0 INTRODUCTION

1.1 Barton Willmore, now Stantec, has prepared this Statement of Case (SoC) on behalf of Gleeson Land and John Alison Land and Research Ltd (the Appellant) in relation to an appeal against the decision by Wealden District Council (WDC) to refuse planning permission (Local Authority reference WD/2022/1637/MEA) for development on Land at Downlands Farm, Uckfield (the Site)

1.2 The description of development for the proposed development is:

> **Hybrid planning application comprising: Outline application (with all matters reserved except for access) for the erection of up to 424 no. Residential dwellings including affordable housing, the provision of vehicular, pedestrian and cycle access and separate emergency access from the Uckfield bypass (A22), pedestrian and cycle access from Snatts Road, open spaces including children's play space, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks; and full application comprising creation of a strategic SANG, associated landscaping and car parking, and demolition of existing residential property and other buildings and provision of pedestrian and cycle access from Rocks Road, associated landscaping, infrastructure and earthworks.**

1.3 The planning application was refused on 21 April 2023 by way of delegated decision. The Decision Notice **(CD5/1**) contains 9no. reasons for refusal (RFR). These are not replicated here but broadly reflect matters relating to the principle of development, loss or deterioration of Ancient Woodland, built heritage, surface water flood risk, safe and suitable access arrangements and impacts on the highway network.

1.4 The SoC forms part of the appeal submission and sets out the Appellant's case, which will be presented at the appeal.

1.5 The Appellant reserves the right to add to the matters contained in this SoC and to the list of Draft Core Documents.

i) Appeal Procedure

1.6 The Appellant considers the Appeal can only be appropriately determined via a Public Inquiry. This conclusion is clearly supported by reference to the factors set out in Annexe K of the PINS Procedural Guidance – Planning Appeals, including the following in particular:

a) There are a number of technical issues raised by the reasons for refusal including detailed matters relating to Ancient Woodland, Ecology, Drainage, Highways and Heritage which should be tested through formal questioning by an advocate;

b) The proposal has generated substantial local interest having received over 300 local representations;

c) The proposals have unresolved objections / concerns raised by statutory and non-statutory consultees, some of whom are likely to become Rule 6 parties; and

d) The need to test the significant implications of the Council's acknowledged position in relation to its undersupply and lack of a 5-year housing land supply.

2.0 APPEAL SITE AND SURROUNDINGS

i) Description of the Appeal Site and Surrounding Area

2.1 The Appeal Site 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 (some of it Ancient Woodland) and agricultural land, alongside the residential property of Chicory Cottage and its associated curtilage.

2.2 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 immediate southwest 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.

2.3 The Appeal Site slopes downwards towards the north-west and the A22.

2.4 The A22 that bounds the Appeal Site to the west is the principal road within the District which connects Uckfield to Crowborough and Tunbridge Wells (both via the A26), East Grinstead to the north and Hailsham and Eastbourne to the south. The A22 provides a physical barrier to the settlement of Uckfield, which is located to the east of the Appeal Site. Land to the west of the Appeal Site beyond the A22 is predominately rural.

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

2.6 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.

2.7 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).

2.8 Other services and facilities in Uckfield, include educational facilities at 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.

Site Designations and Constraints

2.9 The Appeal Site is predominately agricultural land. With reference to the Department for Environment, Food and Rural Affairs (DEFRA) online Magic Map tool, the agricultural land on the Site comprises a mixture of Grade 3b and Grade 4 (i.e. is not 'Best and Most Versatile' (BMV) agricultural land.

2.10 The remainder of the Appeal Site is comprised of woodland, including that classified as Ancient Woodland.

2.11 There are no Public Rights of Way (PROW) 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.

2.12 The entire Appeal Site is located within Flood Zone 1 and therefore is at low risk of flooding from river or sea. There are small areas of surface water flooding within the Appeal Site, predominately along / within the existing woodland and associated Ghylls.

2.13 The Medieval settlement site at Buxted Park, a Scheduled Monument, is located approximately 1.5km to the east of the Appeal Site.

2.14 The nearest Listed Buildings to the Appeal Site are the Grade II Listed Oast Cottage and Barn at Downlands Farm, located immediately to the east. The Grade II Listed Buckwood Grange is located approximately 150m to the south of the Appeal Site.

2.15 The Appeal Site is not located within a Conservation Area, but is located close to the Maresfield Conservation Area, located approximately 900m to the north.

2.16 The High Weald Area of Outstanding Natural Beauty (AONB), is located approximately 3km to the north of the Appeal Site. The Appeal Site is not located within the setting of the AONB.

2.17 Rock 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.

ii) Planning History of the Appeal Site

2.18 The Appeal Site has historically been used for agricultural purposes (grazing) 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 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.

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

2.20 The other sites considered through the conjoined Appeal (known as Bird in Eye North and Bird in Eye South) were also dismissed.

2.21 The Appeal considered in respect of the proposals on the Appeal Site (and, where relevant, conjoined sites) at that time:

- The Council could demonstrate a 5-year housing land supply against its South East Plan requirement for 2007 – 2012 which therefore resulted in "no good case to allow […] on the basis of housing need at this time" (SoS para 18) and "the damage to the plan-led system […] weighs against all the schemes" (SoS para 19);

- The proposals would have a harmful impact on landscape contrary to relevant plan policies, sufficient to justify refusal of planning permission (SoS para 25);
- The proposals have potential to impact the long-term integrity of Ancient Woodland alongside the possibility that some protected species may suffer in the long term (SoS para 30 – 31);
- The lack of direct connection to the Town Centre means the proposals would potentially be car dependent (SoS para 34);
- The conflicts with the Development Plan are not outweighed by the benefits including conclusions on housing need (SoS para 53).

2.22 The Appeal proposals have been prepared in the context of the previous decision, as detailed in Section 3.

3.0 THE PROPOSED DEVELOPMENT

3.1 The Project Vision sought to take a fresh approach to the Appeal Site, its constraints and opportunities, to develop a new high quality and sustainable neighbourhood set within a mature landscape framework with high quality open and recreational spaces. Existing landscape features and woodland would be retained, protected and managed for future generations to enjoy.

3.2 The Application was formed of 2no. distinct elements:

1) An Outline element with all matters reserved, except for details of access, for the erection of up to 424 dwellings, including affordable housing, alongside open spaces, sustainable urban drainage, landscaping, infrastructure and earthworks; and
2) A Detailed element including demolition of the existing residential property of Chicory Cottage and provision of new pedestrian and cycle access from Rocks Road alongside associated landscaping, infrastructure and earthworks, and creation of new Strategic SANG alongside associated landscaping and car parking.

3.3 These are detailed in turn below.

3.4 An Illustrative Masterplan (**CD2/94**) was submitted to demonstrate one way in which the appeal proposals could come forward in the context of the Appeal Site's location, the detailed proposals and in accordance with the identified parameters.

i) The Outline Element

3.5 The Outline element is applied for with all matters reserved except for access which is to be determined. Matters relating to layout, scale, appearance and landscaping would be the subject of future Reserved Matters.

3.6 Vehicular access to the Appeal Site would be achieved via a new roundabout junction with the A22, alongside an access into the SANG car park on Snatts Road and an emergency access to the A22.

3.7 Details of vehicular access arrangements are as shown on **CD2/104 and CD2/109**.

3.8 Pedestrian and cycle access would be provided to the Appeal Site from the A22, Rocks Road, via a new boardwalk through Fir Tree Grove (forming part of the Detailed element), and Snatts Road.

3.9 3no. Parameter Plans were submitted for approval to enable an assessment of the Outline element of the proposal and to control and limit the form and design of development that could be progressed at the Reserved Matters stage as follows:

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 (CD2/91)

- 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.

3.10 In addition, a Dark Areas Map (CD2/12)[1] 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.

3.11 In the context of the above, the Illustrative Masterplan (**CD2/94**) demonstrates how 424 dwellings could be accommodated on the Appeal Site at a density of circa. 35 dwellings per hectares, making effective use of the land whilst reflecting the character of the Appeal Site and its surroundings.

3.12 The Illustrative Masterplan shows the following layout and key design principles:

- Buildings which are up to 2.5 storeys in height with the potential for landmark buildings at key locations within the site to assist in providing legibility and place making;
- A variety in size and shape of plots with detached, semi-detached and terraced housing distributed evenly throughout the Site;
- Retention of high-quality hedgerows and trees to create distinctive character/structure whilst protecting the existing habitat and facilitating Biodiversity Net Gain;
- A focus on pedestrian and cycling connectivity through the provision of a network of cycle/foot ways and a pedestrian focused spine road; and
- A varied building line with a strong definition of the street maintained through boundary hedges and walls.

Housing Mix and Type

- A range of housing types comprising 1 – 5 bed, including affordable homes;
- While the housing mix is not fixed at this stage due to the Outline nature of the application, and the final mix would respond to design and market considerations at any subsequent Reserved Matters stage, the Illustrative Masterplan is prepared on the basis of an Indicative Housing Mix as shown below in Table 3.1. The

[1] CD2/12 forms the basis of the Lighting Impact Assessment (CD2/30) and Environmental Statement (figure 3.5 of the ES). Incorrect additional Dark Zones / Area plans were submitted at the point of validation (CD2/90 and CD2/92), these should be disregarded as they do not form the basis of the Lighting Impact Assessment and ES.

Indicative Mix has been informed by the Council's Local Housing Needs Assessment (2021) and likely market requirements.

Table 3.1: Indicative Housing Mix

	Total	Market	Affordable
Total No.	**424**	**276**	**148**
1 bed apartment	102	28	74
2 bed apartment	64	26	38
2-bed house	96	80	16
3-bed house	113	98	15
4-bed house	33	28	5
5-bed house	16	16	0

Landscaping and Open Space

- Retention of important trees and hedgerows within the Site and on its boundaries;
- New hard and soft landscape features within the development;
- New areas of amenity public open space including areas of play including potential for formal sports pitches; and
- Appropriate green edges to the development providing buffers to Ancient Woodland.

Sustainable Urban Drainage

- The provision of ponds and swales - whilst detailed drainage design would be addressed at Reserved Matters stage, a Preliminary Drainage Strategy contained within the Flood Risk Assessment (**CD2/82**) has informed the proposals and Illustrative Masterplan. This seeks to mimic the existing hydrological regime, discharging into existing watercourses.

Movement

- A new primary vehicular access from the A22 in the form of a roundabout with an emergency access at the northern end of the Appeal Site also linking to the A22;
- A new strategic cycle link to the town centre from the Appeal Site on the eastern side of the A22;
- Provision of new routes through and from the Appeal Site which have potential to provide cycle and pedestrian links to the surrounding area and town centre; and
- A hierarchy of streets, shared surfaces and footpaths which aim to encourage pedestrian / cycle priority;

3.13 The accompanying Planning Statement (**CD2/24**), DAS (**CD2/25**) and other technical documents submitted in support of the Application illustrate the design rationale behind the scheme and how the Appeal Proposals have been prepared following a thorough assessment of the Appeal Site, its surrounding area and prevailing technical considerations.

ii) The Detailed Element

3.14 The Detailed element relates to areas of the Appeal Site proposed for SANG (Suitable Alternative Natural Greenspace), and the areas of Ancient Woodland proposed for management including the land at and surrounding Chicory Cottage (including the woodland of Fir Tree Grove) where a new pedestrian and cycle access is proposed.

The Proposed SANG

3.15 The proposed SANG area is located to the north / north east of the Appeal Site. The key objectives of the SANG are to provide an attractive area for recreational use in its own right, to both offset visitor pressure on the SPA arising from the development of Downlands Farm and attract existing residents through the provision of car parking facilities.

3.16 The SANG would cover an area of 13.2 hectares and would include:

- A 2.3km circular walk alongside other footpaths;
- A new community orchard (0.34 hectares);
- Additional new woodland (1.7 hectares) and shrub (0.8 hectares) planting;
- Creation of new species rich grassland; and
- A car park with 19 parking spaces, alongside a further linked car park (outside of the SANG, near to the A20 access) with 15 parking spaces.

3.17 Based on Natural England's guidelines, the proposed SANG would provide sufficient capacity for 619 homes (including a precautionary discount of 10% due to minor existing informal use of the Appeal Site by members of the public). The SANG therefore mitigates the potential impacts arising from the proposed development, as well as providing capacity for an additional 195 dwellings from other developments.

3.18 A "Downlands Woodland Park" SANG and Woodland Management Plan (**CD2/111**) details how the SANG would be created and how the SANG and other woodland areas would be managed.

3.19 In addition to the SANG, the other areas of woodland, both Ancient and Non-Ancient, including Longwood Ghyll, part of Shermanreed Wood and Fir Tree Grove that are not suitable for inclusion within the SANG are proposed to be brought into woodland management to bring them into favourable condition.

The Proposed Pedestrian and Cycle Route through Fir Tree Grove

3.20 Detail of the proposed pedestrian and cycle route through Fir Tree Grove, connecting the residential development to Rocks Road, is also submitted as part of the Detailed element.

3.21 This is submitted in detail to demonstrate how a direct and attractive route for pedestrians and cyclists would be installed and operate without loss of or deterioration to Ancient Woodland utilising an elevated boardwalk, alongside a stepped / ramp arrangement outside of the Ancient Woodland.

3.22 The Fir Tree Grove proposals are accompanied by detailed soft landscaping plans (**CD2/23**) which demonstrate how this route would be planted to create a high-quality gateway to the Appeal proposals. Improvements to Fir Tree Grove are also proposed as part of the Woodland Management Plan.

iii) Comparison to 2009 Appeal Scheme

3.23 As noted in Section 2, the Appeal Site has been subject to a dismissed Appeal in 2009. There are significant material differences between that scheme and the one now proposed.

3.24 The 2009 proposals included up to 750 residential dwellings alongside a 1.2 hectare employment site and a 1-form entry primary school, proposed to be distributed across the entirety of the Site (including land now proposed to comprise designated SANG land). A density of circa. 40 dwellings per hectares was also proposed, with development up to 4 storeys in height.

3.25 Primary access to the scheme was to be taken from Blackdown Roundabout through the Ancient Woodland of Budletts Wood, requiring significant areas of woodland clearance, as well as Ancient Woodland removal to facilitate an internal road link through Shermanreed Wood. No consistent site-wide buffers were shown between development and Ancient Woodland.

3.26 In contrast, the Appeal proposals now seek to focus development on areas of the Appeal Site which are considered least sensitive in landscape, ecological and arboricultural terms,

to facilitate a more sensitively designed and significantly reduced scheme of up to 424 homes without impacting on the Ancient Woodland.

3.27 The proposed access (internal and external) arrangement delivers safe and secure routes whilst avoiding loss of or deterioration to areas of woodland (non-Ancient Woodland and Ancient), including provision of a new direct connection between the proposed housing and the services and facilities of the Town Centre (via the Fir Tree Grove route). In addition, appropriate buffers to Ancient Woodland are provided throughout the development.

3.28 Further comparison of the Appeal proposals with the 2009 Appeal are included within the Design and Access Statement (**CD2/25**, pages 48-49).

3.29 The matters considered as part of the 2009 Appeal have been fully addressed through this fundamentally different scheme.

4.0 BACKGROUND TO THE APPEAL

i) Pre-Submission of the Outline Planning Application

4.1 Pre-application advice was sought from the Council in July 2020, based on an earlier iteration of the masterplan which identified capacity for the Site to deliver circa. 550 new homes including affordable housing and an area of Suitable Alternative Natural Greenspace (SANG).

4.2 The Council's pre-application response (**CD5/4**) confirmed the tilted balance could apply unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF taken as a whole.

4.3 The pre-app response identified that a crucial element of the scheme, unresolved from the appeal decision, was the accessibility of the Appeal Site with the Case Officer concluding "the accessibility failing of the site which were instrumental in the rejected scheme, have not been materially addressed in the emerging proposal". Further this was identified as being a "major flaw" and would significantly and demonstrably outweigh the benefits of the scheme.

4.4 The Appellant subsequently responded to this by acquiring additional 3rd party land (Chicory Cottage and Fir Tree Grove) in order to facilitate an additional and more direct pedestrian / cycle link from the Site to Uckfield Town Centre

ii) Consideration of the Planning Application

4.5 A planning application was subsequently submitted to the Council on 24 June 2022, valid as of 08 July 2022, accompanied by an Environmental Statement (covering matters of Landscape and Visual Effects, Biodiversity, Water Resources and Flood Risk, Cultural Heritage and Land Contamination) together with other stand-alone reports and the plans as detailed in Table 4.1.

Table 4.1. Submission Plans

Outline Element:	Detailed Element:

All for approval unless noted
 	
• Site Location Plan (**CD2/5**)
• Parameter Plans:
  ○ Land Use and Access (**CD2/8**)
  ○ Green Infrastructure (**CD2/9**)
  ○ Scale (**CD2/10**)
• Dark Areas Map (**CD2/12**)
• Site Access Roundabout (**CD2/13**)
• Proposed Emergency Access (**CD2/14**)
• Illustrative Masterplan (not for approval) (**CD2/6**); and
• Illustrative Masterplan – Movement and Access Strategy (not for approval (**CD2/7**).
	Detail of the proposed pedestrian and cycle route through Fir Tree Grove
	
	• Overview of Fir Tree Grove Pedestrian / Cycle Route (**CD2/17**);
	• Fir Tree Grove Proposed Ramp / Steps Arrangement (**CD2/18**);
	• Fir Tree Grove Proposed Boardwalk (**CD2/19**);
	• Pedestrian / Cycle Route Long Sections (**CD2/20**);
	• Pedestrian / Cycle Route Cross Sections (**CD2/21**);
	• Pedestrian / Cycle Route Earthworks Cut and Fill Feasibility (**CD2/22**); and
	• Fir Tree Grove Detailed Soft Landscape (**CD2/23**).
	
	Detail of the proposed SANG
	
	• SANG: Detailed Hard and Soft Landscape (**CD2/15**); and
	• Proposed SANG Access and Pedestrian Crossing Point (**CD2/16**).

4.6 Amended plans were submitted pre-validation to address comments relating to scale / scale bars of the submission plans and providing stand-alone copies of the Environmental Statement plans (which were in all cases duplicates of other plans in any event). These are as listed in the Core Documents.

4.7 Various statutory and non-statutory consultee responses have been received through the course of the application consideration as detailed in **Appendix A** of this Statement of Case.

4.8 Over 350no. consultation responses were received from local residents. A summary of these is provided at page 13 of the Officer's Report. Broadly these cover similar topics to the statutory and non-statutory consultee responses (Appendix A) and the general principle of development. These matters are therefore considered to be addressed as part of the considerations of Section 6 of this Statement of Case.

4.9 At this stage, it is not known whether any interested persons will request Rule 6 status for the Appeal or submit 3rd party comments. The Appellant therefore reserves the right to respond to these at the appropriate time.

4.10 During the course of the application additional material was submitted in response to comments received, as detailed in Table 4.2.

Table 4.2. Additional Material submitted during course of the application

Document / Plan	Date of Submission	Reason for Submission
Technical Note – Response to Drainage Comments (**CD2/97**)	24 August 2022	In response to Council Drainage Officer and LLFA consultee comments
Technical Briefing Note 08: Potential for hydrological connectivity to Sphagnum bed at Lake Wood (**CD2/98**)	31 October 2022	In response to comments raised by Woodland Trust, Sussex Wildlife Trust and local resident
Letter to Natural England (**CD2/99**)	29 November 2022	In response to Natural England consultee comments
Response to Comments from Non-Statutory Ecological Consultees (**CD2/100**)	29 November 2022	In response to Woodland Trust, Sussex Wildlife Trust and third party consultee comments
Response to WDC Ecology Consultation (**CD2/101**)	29 November 2022	In response to WDC Ecology Officer and WDC Arboriculture and Landscape Officer consultee comments
Response to ESCC Highways Comments (**CD2/102**)	21 December 2022	In response to ESCC Highways consultee comments
Heritage Addendum (**CD2/103**)	10 January 2023	In response to WDC Heritage Officer consultee comments
Technical Note – Response to Drainage Comments (**CD2/112**) and updated	23 January 2023	In response to Council Drainage Officer and LLFA consultee comments

Document / Plan	Date of Submission	Reason for Submission
Drainage Strategy Drawing (**CD2/113**)		
Letter in response to Natural England comments on SANG provision (**CD2/105**)	22 February 2023	In response to Natural England consultee comments and to reflect updated SANG proposals
Updated Woodland Park – SANG and Woodland Management Plan (**CD2/111**)	22 February 2023	In response to Natural England consultee comments and to reflect updated SANG proposals
Updated Report to inform Habitat Regulations Assessment (**CD2/106**)	22 February 2023	To reflect updated SANG proposals
SANG Overview Plan (**CD2/107**) and updated SANG: Detailed Hard and Soft Landscape plan (**CD2/108**)	22 February 2023	In response to Natural England consultee comments
Updated versions of: Site Access Roundabout (**CD2/109**) Proposed Emergency Access (**CD2/104**) Proposed SANG Access and Pedestrian Crossing Point (**CD2/110**)	22 February 2023	Submitted as part of Response to ESCC Highways comments (21 December 2022) but now submitted as 'stand-alone' plans for ease of re-consultation
Noise Assessment (**CD2/114**)	28 March 2023	In response to WDC Environmental Health Officer consultee comments
Air Quality Assessment (**CD2/115**)	28 March 2023	In response to WDC Environmental Health Officer consultee comments
Updated Green Infrastructure Parameter Plan (**CD2/116**)	11 April 2023	To reflect updated SANG proposals

4.11 Following the submission of additional material responses were received from ESCC Highways (received on the date of determination), the Council's Drainage Officer and the LLFA. The determination of the application reflects these up-to-date responses.

4.12 No further responses have been received from the Council's Ecology Officer, the Council's Arboriculture and Landscape Officer, Woodland Trust, Sussex Wildlife Trust or Natural England. The determination of the application reflects the initial responses received from these statutory and non-statutory consultees, with limited consideration for the responses submitted by the Appellant.

4.13 The determination of the application reflects the first response received from the Council's Heritage Officer, however it did not take into account subsequent responses or the Appellant's Heritage Addendum. This is discussed further in Section 6.

4.14 Whilst the Appellant sought to work proactively with the Council (and vice versa), it was clear there were obvious areas of dispute which were unlikely to be resolved through further technical submissions or discussion. On this basis, the Appellant requested the Council determine the application.

4.15 Following the submission of amended SANG plans (as referenced above) and other information on 22 February 2023, and the subsequent re-consultation of the application (running from 17 March 2023 to 16 April 2023), the Council determined the application on 21 April 2023.

4.16 The Decision Notice (**CD5/1**) contained 9no. reasons for refusal, accompanied by the Officer's Report (**CD5/2**) and Officer's Report Appendix (**CD5/3**) which provides the statutory and non-statutory consultee responses.

4.17 For 'ease' of considering the most up-to-date plans (for approval) this is as set out below:

- Site Location Plan, drawing ref. 1309.01 (CD2/5)
- Parameter Plans:
  - Land Use and Access, drawing ref. 1309.03 (CD2/8)
  - Green Infrastructure, drawing ref. 1309.04A (CD2/116)
  - Scale, drawing ref. 1309.05 (CD2/91)
- Dark Areas Map, drawing ref. 1309.07 (CD2/12)
- Site Access Roundabout, drawing ref. 2001061-101 Rev C (CD2/109)
- Proposed Emergency Access, drawing ref. 2001061-102 Rev C (CD2/104)
- Overview of Fir Tree Grove Pedestrian / Cycle Route, drawing ref. 2001061-135 Rev E (CD2/17);

- Fir Tree Grove Proposed Ramp / Steps Arrangement, drawing ref. 2001061-136 Rev B (CD2/18);
- Fir Tree Grove Proposed Boardwalk, drawing ref. 2001061-137 Rev B (CD2/19);
- Pedestrian / Cycle Route Long Sections, drawing ref. 2001061-138 (CD2/20);
- Pedestrian / Cycle Route Cross Sections, drawing ref. 2001061-139 (CD2/21);
- Pedestrian / Cycle Route Earthworks Cut and Fill Feasibility, drawing ref. 2001061-140 (CD2/22);
- Fir Tree Grove Detailed Soft Landscaping, drawing ref. edp6170_d024a (CD2/23)
- SANG Overview Plan, drawing ref. edp6170_d026b (CD2/107)
- SANG: Detailed Hard and Soft Landscape, drawing ref. edp6170_d016i (CD2/108); and
- Proposed SANG Access and Pedestrian Crossing Point, drawing ref. 2001061-107 Rev A (CD2/110).

5.0 PLANNING POLICY CONTEXT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where the development plan contains relevant policies, applications for development should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Appellant's evidence will refer to the following policy documents at the Public Inquiry, except where their contents are superseded by newly adopted or published documents. The Appellant's evidence will also refer to any other relevant documents as may be published prior to the Public Inquiry.

i) Development Plan

5.3 The Development Plan comprises:

1) Wealden Local Plan 'Saved' Policies (WLP, 1998, **CD6/2 and CD6/3**);
2) Wealden Core Strategy Local Plan (CSLP, 2013, **CD6/4**); and
3) Wealden Affordable Housing Delivery Local Plan (2016, **CD6/5**);

5.4 The Wealden Local Plan was adopted in 1998 (25 years ago) and set out the planning strategy and policies for the plan period 1994 – 2004. It is therefore increasingly out of date.

5.5 The Core Strategy was adopted in 2013 and covers the plan period 2006 – 2027. The Core Strategy was adopted on the basis it would be subject to an early review by 2015, this was not achieved. Whilst the Core Strategy set broad locations for housing allocations, individual sites to meet provisions identified were to be allocated in subsequent Site Allocations DPDs, which have not to date been prepared.

5.6 The Affordable Housing Delivery Local Plan includes a single policy relating to affordable housing provision.

5.7 The Appellant will seek to agree the relevant policies for the determination of this Appeal with the Council through the Statement of Common Ground.

ii) National Planning Policy and Guidance

5.8 The National Planning Policy Framework (NPPF, **CD6/1**) (last updated July 2021) provides the relevant national planning policy for the Appeal Proposals. The NPPF is accompanied by the Planning Practice Guidance (PPG), which came into effect in March 2014.

5.9 The key objectives of the NPPF include the promotion of sustainable development (para 11) and significantly boosting the supply of housing (para 59).

5.10 Both the NPPF and PPG are relevant "other material considerations" in the context of S38(6) and will be referred to in the Appellant's evidence.

5.11 Sections of the NPPF relevant to this Appeal include:

- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision-making;
- Section 5 – Delivering a sufficient supply of homes;
- Section 8 – Promoting healthy and safe communities;
- Section 9 – Promoting sustainable transport;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 14 – Meeting the challenge of climate change, flooding and coastal change;
- Section 15 – Conserving and enhancing the natural environment; and
- Section 16 – Conserving and enhancing the historic environment.

iii) Emerging Policy

5.12 The Council prepared and submitted a new Local Plan (2019) to the Secretary of State for independent examination on 18 January 2019. Following an extensive 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.

5.13 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.

5.14 A Direction of Travel Consultation (**CD6/9**) took place between November 2020 and January 2021. No further consultations have taken place since that time.

5.15 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 late Summer / early Autumn 2023.

6.0 CASE FOR THE APPELLANT

6.1 It is the Appellant's case that planning permission should be granted for the Proposed Development, complying with the relevant requirements of the Development Plan, NPPF and other guidance.

6.2 The following outlines the Appellant's understanding of the Council's position (alongside that of key consultees) and sets out the case the Appellant will present in evidence. It is anticipated that areas of common ground will be established between the Appellant and the Council and agreed through Statements of Common Ground.

i) The Appellant's Case and Grounds for Appeal

a) Compliance with the Development Plan

6.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.4 The judgement of *R (On the Application of Corbett) v Cornwall Council* [2020] **(CD4/4)** establishes that when considering the Development Plan as a whole, the breach of one policy does not cause a proposal not to be in accordance with the Plan given the often conflicting interests a Development Plan needs to reconcile. A proposal does not have to accord with each and every policy therein.

6.5 It is therefore a matter of judgement for the decision maker whether a proposal is in accordance with the overall thrust of Development Plan policies.

6.6 The Appeal Site lies outside of defined development boundaries, as adopted by the Wealden Local Plan 1998, and therefore there is conflict with saved Policies GD2 and DC17 which direct development to inside development boundaries.

6.7 Nevertheless, these policies are recognised as "out of date" by the Council and the Core Strategy 2013 recognises the development boundaries will need to be breached to meet housing needs (which were considerably lower at the time of adoption of the Core Strategy than they are now).

6.8 The Council therefore takes the view, which the Appellant shares, that development outside defined development boundaries would not be at odds with the spatial strategy in the Development Plan taken as a whole which directs growth to sustainable locations (see PDF pages 45 - 46 of recent committee report in **Appendix B** which summarises this position).

6.9 The Planning Statement and the supporting technical reports accompanying the Application set out the Appellant's case in support of the Appeal Proposal and demonstrate how the Appeal Proposals complies with all other relevant requirements of the Development Plan, the NPPF and PPG.

6.10 It is therefore the Appellant's view that the proposed development represents sustainable development in a location which is in accordance with the Council's overarching spatial strategy and the Development Plan taken as a whole notwithstanding the conflict with policies GD2 and DC17. As such, it should be approved "without delay" in accordance with Paragraph 11 c) of the NPPF. Alternatively, the policies most relevant to the determination of the appeal are out of date and permission should be granted unless the impacts of the development significantly and demonstrably outweigh the benefits of the scheme.

The extent to which the Development Plan is "out of date"

6.11 As set out in the Planning Statement to the original application, the Development Plan is considered "out of date" in relation to the planning policies used for the assessment of housing applications and any conflict with the development plan (eg the nature of the site not being allocated for housing) is significantly outweighed by other material considerations.

6.12 Paragraph 219 of the NPPF states that existing policies should not be considered out-of-date simply because they were adopted prior to the Framework, but due weight should be given to them, according to their degree of consistency with the Framework.

6.13 The *Bloor Homes East Midlands v. SSCLG* [2014] judgment (**CD4/5**) recognised that if a Plan has relevant policies to an application (opposed to being absent or silent) "these may have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason, so that they are now out of date" (para 45).

6.14 The Council recognises that Policies GD2 and DC17, which direct development to within development boundaries, are "out of date".

6.15 The Appellant considers that the 'basket' of the most important policies for the determination of this Appeal including GD2 and DC17 as well as others to be established in the through Evidence are "out of date".

Housing Land Supply position

6.16 The Council acknowledges it does not have a demonstrable 5-year housing land supply, with the latest 'Five Year Housing Land Supply Statement' dated December 2022 (**CD7/2**) demonstrating a 3.92-years supply at most.

6.17 Notwithstanding the Council's position, the Appellant considers the "deliverable" supply, in accordance with the definition contained at the glossary of the NPPF, is likely to be lower than that identified by the Council and intends to review the supply assumptions and present evidence on this.

6.18 Footnote 8 of the NPPF advises that the policies most important for determining applications are deemed to be out-of-date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The acknowledged 5-yr HLS shortfall results in the GD2 and DC17 and those other policies most relevant to the determination of the appeal being out-of-date and triggers Paragraph 11 d) of the NPPF and the application of the "tilted balance".

Other Material Considerations and the 'Tilted Balance'

6.19 The NPPF is an important material consideration in the determination of this Appeal, given that the most relevant polices of the Development Plan are "out of date".

6.20 It is the Appellant's position that the Appeal should be allowed as, in accordance with NPPF para 11d, the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed, and the adverse impacts of the allowing the Appeal would not significantly and demonstrably outweigh the proposals benefits when assessed against the NPPF as a whole.

6.21 The Appellant considers that clear material benefits of the proposal include:

- The delivery of a significant number of much needed new homes.
- The housing provision will include 35% of much needed Affordable Housing (for which there is a further acknowledged shortfall).
- The provision of a range of Economic benefits during construction and post-construction;
- The provision of a range of Environmental benefits including biodiversity net gain and woodland management; and

- The provision of a range of Social benefits including new areas of open space and SANG.

6.22 The cumulative weight of the "benefits", even when the 'titled balance' does not apply, would clearly outweigh any limited conflict with the Development Plan.

ii) The Appellant's Evidence

6.23 To enable an Inspector to conclude whether any adverse impacts arising from the proposed development are outweighed by its benefits the Appellant proposes to present evidence in relation to:

a) Planning
b) Housing Land Supply and Affordable Housing
c) Ecology (including impacts on Ancient Woodland)
d) Arboriculture (including impacts on Ancient Woodland)
e) Drainage (including Hydrology, or this as stand-alone evidence)
f) Highways and Transport
g) Built Heritage

6.24 There may be need for further Expert Witnesses to present evidence, the need for which will be ascertained once the Council's Statement of Case is submitted and any third parties are given "Rule 6" status.

iii) The Council's Position

6.25 The Appellant has sought to engage proactively with the Council and consultees both prior to and following the submission of the Planning Application, now the subject of this Appeal. **Appendix A** outlines the latest statutory and non-statutory consultee comments received in response to the application, albeit there remain several responses outstanding to the most recent submission of information at the time of preparing this Statement of Case.

6.26 As indicated previously, it is anticipated that areas of "common ground" will be established between the Appellant and the Council and agreed via topic specific SoCGs. However, and in the absence of a number of statutory consultee responses, the SoCGs will necessarily be an iterative process.

6.27 The same is therefore also true for the actual "Grounds of Appeal", based upon the consultee responses thus far and the Council's Decision Notice (**CD4/1**) and Officer's Report (**CD4/2**). On this basis, the key technical areas "in dispute" are likely to be:

- Biodiversity
- Arboriculture;
- Surface Water Drainage;
- Highways and Transport; and
- Built Heritage

6.28 These are discussed in turn below.

Biodiversity

6.29 There are a variety of 'biodiversity' related matters within the reasons for refusal. The majority of these relate to perceived impacts (direct and indirect) on Ancient Woodland. These stem from the matters raised by the Council's Biodiversity Officer in his response of 14 October 2022 alongside other ecological points raised by other consultees, namely:

- The proposed SuDS strategy and potential for effects on the Ancient Woodland and Ancient Woodland buffer zones;
- The installation and use of the raised walk/cycle way through Fir Tree Grove and its effects on ecology and the Ancient Woodland;
- The potential for increased access to Ancient Woodland; and,
- The delivery of Biodiversity Net Gain and the delivery/suitability of the proposed SANG.

6.30 In addition, RFR5 relates to Great Crested Newts and a perceived 'lack of information' as to the appropriate to mitigating impacts on this protected species.

6.31 RFR9 also relates to the suitability of the proposed SANG, in respect of its location partly within and partly adjoining Ancient Woodland.

6.32 These points are discussed below in turn. Additional evidence will also be presented as necessary to address other issues and comments raised by third party consultees.

6.33 The evidence to be presented will conclude that the Appeal proposals are in accordance with Local and National policy and relevant legislation and guidance including the Habitats Regulations 2017, The Environment Act 2021 and standing advice in respect of Ancient Woodland.

The Proposed SuDS Strategy and Potential for Effects on the Ancient Woodland and Ancient Woodland Buffer Zones;

6.34 Evidence will be presented to demonstrate that the proposed SuDS are a compatible use type within buffer zones to Ancient Woodland, drawing on the technical designs put forward with the application, industry standard guidance and case studies as required.

6.35 Evidence will also be presented to demonstrate that the proposal will not adversely affect the hydrology of the Ancient Woodland. The Appellant has been aware of the sensitivity of the ghyll woodlands from the outset, and to this end has undertaken detailed hydrological work to inform the drainage design for the appeal proposals.

6.36 To this extent, evidence will be presented to demonstrate that the design solutions proposed will be effective and will ensure that the hydrological regime of the Ancient Woodlands will not be adversely affected by the appeal proposals. This evidence will address water flow and volumes as well as water quality and future maintenance.

6.37 The evidence will demonstrate how a dispersed drainage solution has been designed to ensure that adverse effects on the hydrological regime of the Ancient Woodlands are avoided. All existing inflow points to the ghylls have been identified and mapped and drainage outflows from SuDS designed to feed water to the ghylls at the exact same points with the necessary pipework to deliver water to these points to be inserted by directional drilling as required. Evidence will be presented to demonstrate that the technique of directional drilling has been proposed as a methodology that will ensure that pipework can be installed without creating disturbance to woodland soils.

6.38 Similarly, evidence will be presented to demonstrate that no adverse hydrological impacts will affect the lake in the adjacent Lake Wood Local Wildlife Site as a result of the Appeal proposals.

6.39 Evidence will be presented to demonstrate the appropriateness of the proposed buffer zone and that this is fit for purpose, drawing on technical data, industry guidance and case studies as required.

The Installation and Use of the Raised Walkway/Cycleway through Fir Tree Grove and Effects on Ecology and the Ancient Woodland

6.40 A cycle / pedestrian route is proposed through Fir Tree Grove in the west of the Appeal Site, to provide a direct connection between the residential development area of the Appeal proposals and the facilities and services of Uckfield.

6.41 Evidence will be presented to demonstrate the merits of the use of a boardwalk in this location drawing on recommendations provided, industry guidance and case studies as required.

6.42 Evidence will further demonstrate that the accompanying lighting solution is sensitive and will ensure that the woodland will remain fully accessible to nocturnal fauna.

Access to Ancient Woodland inc. SANG

6.43 Whilst it is acknowledged that some use of the woodlands may occur by new residents, evidence will be presented drawing on the proposals and application materials to demonstrate that following the implementation of mitigation measures potential harmful impacts as a result of footfall into the woodlands from new residents will be avoided.

6.44 This is also the case for the insertion of the emergency access (within an area of non-Ancient Woodland but adjoining areas of Ancient Woodland) which, through the use of careful construction methods, will ensure no loss or deterioration will occur to Ancient Woodland either side of the emergency access route.

6.45 Evidence will be brought forward to demonstrate that the SANG design is in full accordance with guidance and will effectively act to offset recreational effects on the SPA. The SANG design has taken full account of the presence of Ancient Woodland, informed by relevant detailed botanical survey work.

6.46 Natural England and the Council's Ecology Officer have been consulted on the SANG design and the SANG proposals have been updated to take account of their comments and ensure that no deterioration effects will arise on the Ancient Woodland.

Biodiversity gain/loss inc. SANG

6.47 Evidence will be presented that will demonstrate the Appeal proposals include a range of positive benefits for Biodiversity, which sit both within the gain captured by the Metric as well as separately and additionally to the Metric.

6.48 The evidence will demonstrate that a Biodiversity Net Gain in excess of 10% is robust and achievable.

6.49 Evidence will also be presented that gains within the proposed SANG are additional to the baseline and so are correctly incorporated into the Metric.

Protected Species

6.50 The Officer's Report (**CD5/2**) acknowledges that the "findings of the ecological reports are broadly accepted" which confirms the acceptability of the ecological survey work completed to date and the mitigation proposed in respect of protection species. Similarly, there are no objections from statutory or non-statutory consultees in this regard.

6.51 The sole exception to the above relates to the potential impacts on Great Crested Newts (GCN). In this regard, RFR5 states insufficient information has been submitted to demonstrate the proposed development would not result in adverse impacts on GCN. A subsequent informative on the Decision Notice (**CD5/1**) notes:

> **Reason 5 relates to GCNs and common ground that GCN ponds were identified through the survey work completed with the application. That pond is likely to be affected by the development and either a Natural England licence is required to secure GCN mitigation. Or there is the option of a District Level Licence with Nature Space. Providing either is secured then Reason 5 will not be contested in any s78 appeal**

6.52 Evidence will be brought forward to demonstrate that relevant survey information in respect of this protected species has been obtained which has in turn informed the impact assessment for the species.

6.53 This finds that following the use of standard mitigation proposals the species will be fully safeguarded.

6.54 Accordingly, a standard protected species licence could be readily obtained from Natural England at the post planning stage.

6.55 It will therefore be demonstrated in evidence the Appeal proposals could be suitably delivered on the Appeal Site without unacceptable impacts on protected species.

Arboriculture

6.56 The Appellant will demonstrate that the 'Irreplaceable Habitats' within the site comprising Ancient Woodland and Veteran Trees, have been considered with great care and placed centrally in the design process. The fruition of the high priority given to these features is that none would suffer either loss or deterioration.

6.57 As such, the Appellant will demonstrate that whilst paragraph 180 c) of the NPPF is relevant to the determination of this Appeal, there will be no loss or deterioration of Ancient Woodland or Veteran Trees and it is not engaged.

6.58 In addition to the Ecological evidence to be presented, the Appellant's Arboricultural evidence will demonstrate, contrary to the assertions made by the Statutory and non-Statutory consultees including residents, that:

- The proposed drainage strategy has been derived from an approach approved by Natural England and would be delivered without causing change to hydrology or other loss/deterioration of Ancient Woodland (this evidence will also be supported by the Surface Water Drainage Evidence).
- The Fir Tree Grove raised walkway/cycleway link is technically implementable in way that does not result in loss or deterioration of Ancient Woodland, and is a technique recommended elsewhere by Natural England.
- In relation to the alleged impact to Lake Wood from hydrological change, the Appellant will show that no material hydrological link exists;
- The proposals provide for the enclosure and protection of all Veteran Trees on the Appeal Site within a protective buffer zone dimensioned according to the recommendations in Natural England and Forestry Commission Standing Advice.

6.59 It will therefore be demonstrated that none of the alleged adverse effects on Irreplaceable Habitat trees and woodland (in RFR2, RFR4 and in Statutory and non-Statutory consultee responses) would in fact arise.

6.60 In the alternative, the public benefits delivered by the Appeal proposals provide wholly exceptional reasons to grant permission alongside a suitable compensation strategy.

Surface Water Drainage

6.61 The reasons for refusal with respect to drainage can be summarised as:

1. Insufficient evidence has been provided to demonstrate how the proposed surface water drainage can be discharged to the Longwood Ghyll and Shermanreed Wood Ghyll without impacting Ancient Woodland.
2. Insufficient evidence has been provided to demonstrate that the proposed SuDS are a compatible use type within buffer zones to Ancient Woodland.

6.62 Matters relating to point 2 are commented on above in the 'biodiversity' and 'arboriculture sub-sections. Given the interrelationship between ecology, arboriculture and drainage in this regard (and wider Ancient Woodland matters) there will likely be some overlap / cross referral in evidence.

6.63 The principle of the surface water drainage strategy has been agreed with the Council's Drainage Officer and East Sussex, as the Lead Local Flood Authority (LLFA). In both cases their latest consultee responses received 14 February 2023 confirmed the proposed drainage strategy could be achieved, subject to agreement with the Council's Arboricultural Officer that drainage strategy could be delivered in a way which avoids impacts on Ancient Woodland.

6.64 The drainage strategy proposes to discharge surface water runoff into the woodland brooks at the greenfield runoff rate. The existing hydrological characteristics of the woodlands have been determined in collaboration with the project arboriculturist and ecologist through identifying the existing inflows into the watercourses. The proposed drainage strategy would discharge into the watercourses using these existing inflow locations so as to not alter the existing hydrological regime.

6.65 The proposed drainage strategy includes the provision of attenuation provided in strategic detention basins. The proposed SuDS features have been carefully positioned to allow inflow into the woodland ghylls in a controlled manner, with inflows making best use of existing flank incision features (natural channels entering the main ghyll) where these exist. Inflow from SuDS features would occur at 8 points into the watercourse at Longwood Gill, and a further 3 to Shermanreed Wood.

6.66 Proprietary flow control devices would be used at the downstream end of the SuDS features, before runoff is conveyed towards the brooks onsite via swales, aligned with the natural incisions to create a seamless flow path into the brooks. Appropriate trenchless technologies

(such as directional drilling or laser-guided auger bore) will be used to insert the pipe connections where necessary within the Ancient Woodland, and pre-fabricated headwalls used (if necessary) where an inflow is proposed within the area of Ancient Woodland. The method would not require excavation in the form of a trench, reception pit, nor would this require the installation of the headwall which would be pinned to the woodland floor.

6.67 As noted above, both the Council and LLFA accept the drainage strategy could be delivered, subject to Ancient Woodland impacts being avoided, which the Appellant will demonstrate with reference to the relevant chapter of the Environmental Statement (**CD2/41**) and Flood Risk Assessment submitted as a technical appendix (**CD2/82**), along with two Technical Notes in response to drainage comments received from the Council and LLFA (**CD2/97** and **CD2/112**).

6.68 Evidence will further reference relevant consultation responses, National and Local planning policy and guidance, Non-Statutory Technical Standards for Sustainable Drainage Systems (**CD10/1**), East Sussex SuDS Decision Support Tool for Small Scale Development - User Guide Version 2 (**CD10/2**) and CIRIA C753 SuDS Manual (**CD10/3**).

6.69 Evidence will be supported by additional information including detailed plans and cross sections demonstrating that the proposed drainage pipework, access chambers and proprietary outfall structures can be constructed without causing damage to existing trees and root protection zones within the ancient woodland and further information demonstrating the proposed surface water drainage can be discharged to the Longwood ghyll and Shermanreed Wood ghyll without impacting Ancient Woodland.

Highways and Transport

6.70 The main highway and transport issues raised during consideration of the application by ESCC (the Local Highway Authority) in its October 2022 consultation response, and as referenced in the Officer Report accompanying the Decision Notice, related to:

- The suitability of the Appeal Site's location in terms of access to more active and sustainable forms of travel and whether there would be a reliance on private vehicle usage due to:
  - The deliverability of the proposed access/accessibility measures for active travel in terms of design and highway safety;
  - Whether use of public rights of way is appropriate for everyday use, having regard to surfaces and gradients; and
  - The submitted proposals for the community bus service.

- Whether the highway impact of additional traffic on the town centre roads has been considered and addressed.
- The adequacy of the proposed pedestrian/cycle connection through Fir Tree Grove, in integrating the development with the urban fabric of the town, and whether this allows for efficient connectivity to local amenities.

6.71 These are considered in turn below.

6.72 Additional information was submitted to the Council in December 2022 (**CD2/102**) in response to the initial Highway Authority comments. A subsequent response to this information was provided by ESCC in April 2023 (dated March 2023, but only received on the date of determination), although the Reason for Refusal and Officer Report do not appear to make reference to this.

6.73 The evidence to be presented as part of this Appeal will refer to the submitted Transport Statement and Framework Travel Plan (**CD2/27, CD2/28 and CD2/29**) as well as supplementary information provided in response to initial comments received from the Highway Authority (**CD2/102**).

6.74 Other key documents referred to will include the consultation response of ESCC Highways alongside guidance contained within Manual for Streets (MfS) (**CD8/1 and CD8/2**), Inclusive Mobility (**CD8/3**), relevant sections of the Design Manual for Roads and Bridges (DMRB) and Local Transport Note (LTN) 1/20 (**CD8/4**). Reference is also made to the Uckfield Local Cycling and Walking Infrastructure Plan (LCWIP) (**CD8/5**) as well as the adopted Development Plan and National Planning Policy Framework.

6.75 The Appellant will continue to work proactively with ESCC Highways, with a view to agreeing a Statement of Common Ground on highways matters to reduce matters to be considered through evidence.

The Sustainability of the Appeal Site's Location

6.76 The access strategy for the development seeks to reinforce the use of active and sustainable forms of travel to core amenities, by providing direct connections to existing networks, enhancing current provision where possible and creating new pedestrian and cycle links where appropriate. Whilst the proposed access onto the A22 means that future residents have ease of access to the major road network, these routes into the town and some other core amenities are longer than the walking/cycling alternatives. The road routes are also

convoluted and traffic flows at peak times are likely to impact journey time reliability and in turn will likely influence travel choice.

6.77 Pedestrian and cycle access to the Site is proposed via the main site access off the A22, Rocks Road and Snatts Road. The approach to supporting active modes of travel seeks to provide a number of options for future residents, depending on their location within the development, level of mobility and destination.

6.78 The Appeal proposals include three points of access for pedestrians and cyclists with associated off-site highway works to enhance provision for active travel to the town and core amenities, including:

- A new route through the Site connecting to Rocks Road, including enhancements to the route along Rocks Road/Church Street;
- Use of the current site access off Snatts Road connecting to existing footways, public rights of ways and other pedestrian routes through the residential estate to the south-east of the Site; and
- From the main Site access off the A22, connecting to existing/upgraded foot/cycleways on Bellfarm Road.

6.79 A package of off-site highway works was submitted as part of the application to provide and enhance routes for active travel between the Site and core amenities, including to the town, railway station, employment, healthcare and education, as detailed in the Transport Assessment (**CD2/27**).

6.80 It will be demonstrated that there are proposed a number of suitable active travel connections to core amenities, providing a choice of modes for future residents to access these services and facilities, in accordance with national policy. Importantly, it will be demonstrated that the proposed active travel routes are deliverable from a design and highway safety perspective.

6.81 In terms of access to buses, it is recognised that existing bus stops are outside the preferred walk distance of 400 metres referred to in CIHT guidance. The proposed development supports 2no. potential options for ensuring residents have access to bus services through either provision of a community bus service or diverting and extending an existing bus service into the Appeal Site currently serving the town.

6.82 Discussions are ongoing with ESCC Passenger Transport Team over the appropriate strategy for bus provision, with its preferred approach being the diversion of the existing bus service

31 through the Appeal Site and augmenting the existing service frequency. This strategy is, in principle, accepted by the Appellant to be secured through a Public Transport Service Contribution of £1,100 per dwelling and a Public Transport Infrastructure Contribution to secure suitable infrastructure within the Appeal Site.

6.83 Alternatively, as detailed in Appendix H of the Transport Statement (**CD2/28**), a community bus service could successfully be operated and funded as part of the Appeal proposals. The provision of the community bus service could be secured through an appropriate planning obligation. This remains a suitable and viable option.

6.84 It will therefore be demonstrated that the development will include a suitable bus strategy providing bus access to core amenities in accordance with national policy for ensuring a genuine choice of transport modes.

6.85 Further, the Framework Travel Plan (**CD2/29**) submitted as part of the application brings together the infrastructure measures proposed as part of the development (i.e. cycle parking, pedestrian/cycle route enhancements, provision of community bus service) along with a number of softer measures (including provision of Travel Information Packs) and outlines an action plan for implementation and monitoring the effectiveness of the Plan against objectives and targets.

6.86 It is anticipated that a Full Travel Plan will be secured by suitably worded planning condition and be subject to regular monitoring and review. Provision of the Travel Plan further supports the sustainable transport strategy for the site, by seeking to encourage more active and sustainable travel choices, reducing the need to travel and single occupancy car use, thereby reducing reliance on the use of private vehicles.

6.87 In accordance with para 105 of the NPPF, the Appellant will therefore demonstrate that it is appropriate to focus development at this location as the Appeal Site is and can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The Assessment of Highways Effects

6.88 The submitted Transport Statement (**CD2/27**) includes an assessment of trip generation and presents the results of a highway capacity assessment completed at a number of junctions, the scope of which was agreed during the pre-application process.

6.89 The detailed capacity assessment demonstrated that the proposed development would not result in a severe impact, as defined by the NPPF, on the operation of any of the junctions within the scope of assessment and no mitigation measures or highway works are necessary

as part of the Proposed Development.

6.90 A strategic modelling exercise was also completed, taking account of emerging, albeit not committed, proposals at 3no. additional sites at Bird in Eye (North), Bird in Eye (South) and land at Horsted Pond Farm. This assessment identified two junctions, Budletts roundabout and Black Down roundabout, where mitigation highway works may be required to support all four developments, should they all be approved. The Transport Assessment demonstrates these mitigation works can be delivered within the adopted public highway.

6.91 It is concluded the Appeal proposals would not have a material effect on the operation of these junctions and therefore a mitigation scheme was not considered necessary as part of the planning application. However, the Appellant is willing to provide an appropriate and fair contribution alongside other developments, towards a mitigation scheme at these junctions if considered to meet the CIL Regulation 122 tests.

6.92 Additional analysis presented in the Response to ESCC Highway Comments submitted December 2022 (**CD2/102**) relating to Town Centre junctions demonstrates that the appeal proposals would result in a negligible change in traffic flows at these junctions during the weekday morning and evening peak hours. The proposals will therefore not result in a material effect on the operation of the town centre road network.

6.93 It will therefore be demonstrated that the development will not result in a severe impact on local or town centre roads.

The Proposed Pedestrian/Cycle connection through Fir Tree Grove

6.94 The Appeal proposals include a new pedestrian and cycle connection between the Appeal Site and Rocks Road, through Fir Tree Grove. The link provides a direct route towards the town centre and train station by integrating with existing networks. The Fir Tree Grove link forms part of the "detailed" element of the application.

6.95 Further off-site highway enhancement works are proposed as part of the Appeal scheme along Rocks Road and Church Street, to improve the route for pedestrians and cyclists towards the town centre.

6.96 The Fir Tree Grove link includes a 3m wide boardwalk through the existing woodland, which connects to a series of steps and a ramp towards Rocks Road and a pedestrian/cycle link leading into the development. The timber boardwalk is circa 95m in length and is to include low level lighting and a non-slip decking surface. The proposed ramp and steps are sited within an open part of the Appeal Site, where an existing dwelling (Chicory Cottage) is currently positioned. These features have been designed to accommodate the change in

levels at Fir Tree Grove and meet relevant gradient and width requirements, to be accessible to all users. The final section of the ramp runs adjacent to Rocks Road.

6.97 The route has been designed to ensure appropriate parameters are satisfied in terms of providing a pedestrian and cycle connection for all users in accordance with relevant design guidance. It is considered the Fir Tree Grove link provides a safe and suitable pedestrian and cycle connection between the site and town centre. The route seeks to integrate with existing networks to ensure efficient connectively to local amenities available in Uckfield, with the town centre located less than 2 kilometres from every proposed dwelling.

6.98 It will therefore be demonstrated that the appeal proposals include a safe and suitable active travel link through Fir Tree Grove, providing a direct route towards core amenities in Uckfield and ensuring a genuine choice of transport modes.

Built Heritage

6.99 RFR3 focuses on the potential impact of the Appeal proposals on built heritage, including designated and non-designated heritage assets. The RFR is based on the Council Heritage Officer's consultee response of 13 September 2022 (as detailed at page 13 of the Officer's Report, **CD5/2**). The RFR fails to consider the update Heritage Officer's response of 13 February 2023, the intervening email correspondence of 20 October 2022 (**CD3/29**), or the Heritage Addendum (**CD2/103**) submitted by the Appellants in January 2023.

6.100 It is therefore the Appellant's view that RFR3 fails to provide an accurate reflection of the Council's position on heritage at the point of determination, most notably as the Heritage Officer's response of 13 February 2023 stated the Heritage Addendum represented a "much more thorough response to assessing the site and understanding the contribution that setting makes to significance of the heritage assets".

6.101 The Appellant will continue to engage with the Council, with a view to preparing a Built Heritage Statement of Common Ground which accurately reflects the positions of both parties.

6.102 It is the Appellant's position that the effects of the Appeal proposals on the historic environment do not conflict with either national policy governing the conservation of the historic environment set out in Chapter 16 of the NPPF or the relevant policies of the Development Plan.

6.103 The proposals will result in a very low level of less than substantial harm to Maresfield Conservation Area as a consequence of change to the wider setting of the conservation

area. The harm would arise from the loss of rural character to a single field through the introduction of new built form, which would be visible in the distance in an important view from Maresfield Recreation Ground.

6.104 In respect of the Grade II listed Barn at Downlands Farm and Grade II listed Oast Cottage located to the immediate east of part of the Appeal Site, it is acknowledged that the Appeal Site historically formed part of the wider agricultural landholding associated with these two listed buildings. While the Appeal proposals would result in the loss of agricultural land formerly associated with the listed buildings, this change would be so peripheral to the current experience of the listed buildings that the implementation of the Appeal proposals would nonetheless preserve the character of their settings and the legibility of the listed buildings within their distinct historic farm group. On this basis, it is the Appellant's view that the implementation of the Appeal proposals would not result in any loss of significance to these listed buildings nor diminish the contribution that the listed buildings' setting presently makes to their significance; i.e. there would be no harm to the Barn at Downlands Farm and Oast Cottage.

6.105 Similarly, it is acknowledged that the Appeal Site historically formed part of the wider landholding of the Grade II listed Buckswood Grange circa. 80m to the south. Nonetheless, it is considered that the implementation of the Appeal proposals would not diminish the contribution that Buckswood Grange's setting presently makes to its significance and therefore this listed building would not be harmed.

6.106 It is the Appellant's position that if it were to be considered that the implementation of the Appeal proposals would result in harm to significance of these Listed Buildings, the harm deriving from any change to the setting of these assets would only be at the lower end of the spectrum of less than substantial harm. This will be further demonstrated in the Appellant's evidence.

6.107 The appeal proposals therefore respond positively in terms of S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy governing the conservation of the historic environment set out in Chapter 16 of the NPPF and the Development Plan.

6.108 Having regard to paragraph 202 of the NPPF, it is the Appellant's view the Appeal proposals lead to a very low level of less than substantial harm on a single designated heritage asset (Maresfield Conservation Area). It will be for the decision-taker to weigh up the balance of planning benefits against this very low level of less than substantial harm. It is the Appellant's view the benefits (as referenced previously) would clearly outweigh this very low level of less than substantial harm.

6.109 On this basis, there are no reasons, giving due weight to the Development Plan and all

other material considerations of relevance to the historic environment, why planning permission should not be granted.

iv) Other Development Management Matters

6.110 The principal matters not likely to be in agreement are as detailed above.

6.111 The Appellant considers that all other design, technical and environmental considerations are considered to be acceptable, subject to conditions where necessary or further consideration through Reserved Matters submission/s, as detailed through the application documentation, statutory consultee comments received.

6.112 This includes matters of landscape, archaeology, contamination, foul drainage, noise and air quality alongside the principles (as considered through an Outline application) of housing mix, public open space, sustainable construction and residential amenity. The agreed position on these 'other development management matters' will be formally agreed through the Statement of Common Ground(s), including relevant conditions and planning obligations.

6.113 In addition to the 'principal matters' above, RFR8 and 9 of the Decision Notice (**CD4/1**) identify a "lack of mechanism" to secure affordable housing and self-build housing (RFR8) and mitigation to avoid increased recreational pressures on the Ashdown Forest SPA (RFR9).

6.114 It is the Appellant's position that these elements of the scheme can be secured by way of legal agreement and/or conditions, such that RFR8 and RFR9 would be wholly addressed. This will be formally agreed with the Council through the Statement of Common Ground and any necessary legal agreement prepared ahead of the Inquiry.

7.0 PLANNING CONDITIONS AND LEGAL OBLIGATIONS

7.1 Draft Heads of Terms are to be included in the agreed Statement of Common Ground. The Appellant will seek to agree a legal obligation to secure this with the Council as part of the Appeal, subject to the demonstrating the contributions / obligations are necessary to make the development acceptable in planning terms, in accordance with Regulation 122 of the CIL Regulations 2010 (as amended).

7.2 The Appellant will seek to agree planning conditions with the Council, to be considered should the Appeal be allowed.

APPENDIX A
SUMMARY OF CONSULTEE COMMENTS

Summary of Consultee Responses

Respondent	Comments	Action
Southern Water Services	First response (August 2022): No objection, additional network reinforcements may be required. Detailed modelling would be complete post-consent and any upgrades to be completed through Southern Water's charging regime. Condition proposed. Second response (November 2022): No objection, Uckfield WWTW has sufficient capacity for the proposed development.	n/a
Sport England	No Objection	n/a
WDC - Housing Department	No Objection. Affordable Housing should be protected by way of Section 106 legal agreement.	n/a
East Sussex Fire & Rescue Service	No Objection	n/a
Environment Agency	No Objection. Conditions proposed.	n/a
Police (Crime Prevention)	No Objection	n/a
WDC Footpaths	No Objection	n/a
ESCC Archaeology	No Objection. Conditions proposed.	n/a
NatureSpace Newt Officer	Objection in absence of clarification as to how Great Crested Newt mitigation (licence) will be sought	A standard protected species licence could be readily obtained from Natural England at the post planning stage.
Historic England	No Objection	n/a

Respondent	Comments	Action
WDC - Conservation and Design Officer	First response (September 2022): No objection but identifies heritage harm on the higher end of less than substantial. Identifies further assessment which could be undertaken to understand the likely harm. Second response (February 2023): No objection. Proposals would still result in less than substantial harm to the significance of designated heritage assets through the proposed development within their setting. Considers this would be at the moderate or higher end of less than substantial harm, although could be reduced through amendment to design.	Addressed in Section 6 of the Statement of Case. To be further considered through Heritage Statement of Common Ground and in Evidence.
WDC Drainage	First Response received 16 August 2022 – Objection, additional information necessary to demonstrate suitability of proposed drainage scheme with regard to Ancient Woodland. Additional information requested to demonstrate drainage scheme can accommodate run off rates from 1 in 100 year event plus 45% climate change allowance. Second Response received 30 September 2022 - No Objection subject to conditions Note – No objection is subject to Council's arboriculturist being satisfied drainage scheme can be accommodated within ancient woodland.	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.
WDC-Rother - Pollution Control	Additional work requested prior to approval in respect of Air Quality and Noise [Both submitted March 2023]	n/a
ESCC - Highway Authority	First Response (October 2022): Objection • Accesses and accessibility measures for active travel cannot be accepted as being deliverable from both a design and highway safety perspective.	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.

Respondent	Comments	Action
	• PRoW routes are inappropriate for everyday use as surfaces and gradients are unsuited to vulnerable users, prams/buggies, and require solid footwear. • The community transport option has received objection from the Passenger Transport Team, though there is a further option to explore and discuss. • Highway impact on the town centre roads has not been assessed • The scheme is detached from the urban fabric of the town, and this prevents any efficient connectivity to the local amenities Second Response (April 2023): Objection maintained	
WDC - Arboriculture and Landscape Officer	Objection Unable to support the application in its current form as the cumulative effects and impacts to the ASNW habitat, as outlined above, are considered to be contrary to NPPF (2021) para 180c and saved WDC Policy EN13. Response submitted November 2022 – no further comments received	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.
WDC - Biodiversity Officer	Objection Potential impacts to Ancient Woodland arising from development including housing, roads, SUDS, lighting and access, and further information required relating to Biodiversity Net Gain. Response submitted November 2022 – no further comments received	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.
Natural England	Further information required Justification required on use of pathways through ancient woodland, including additional information on existing use.	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.

Respondent	Comments	Action
	Further consideration of likely ecological impacts of the SANG needed before acceptability of SANG can be determined. Concerns remains regarding the wider proposals relating to ecological and landscape impacts. Responses submitted November 2022 and February 2023 – no further comments received	
Sussex Wildlife Trust (non-Statutory Consultee)	Objection The application has failed to adequately address the direct and indirect impacts on the irreplaceable habitats of ancient woodland. It is unclear whether the inclusion of ancient woodland is compatible with SANG guidance issued by Natural England. It has not clearly been demonstrated how the presence of Protected Species (as surveyed, including; Great Crested Newts, Dormice and Bats Spp.) have influenced the application. Response submitted November 2022 – no further comments received	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.
Woodlands Trust (non-Statutory Consultee)	Objection Deterioration of ancient woodland and veteran trees, and adverse impacts on Woodland Trust-owned site, Lake Wood, particularly from: • Intensification of human activity and recreational disturbance on ancient woodland, veteran trees and	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.

Respondent	Comments	Action
	Lake Wood, particularly the inclusion of ancient woodland with designated SANG. • Fragmentation of ancient woodland sites from adjacent semi-natural habitats. • Noise, light and dust pollution affecting habitats and important flora and fauna. • Threats to long-term retention of notable and veteran trees from increased safety concerns, and removal of important habitat features • Adverse hydrological impacts across the site. • Wider impacts on ecological connectivity and functioning of site, and concerns regarding the overall suitability of the site for development purposes. • Cumulative effect of the above impacts resulting in long-term deterioration of the natural landscape. Response submitted November 2022 – no further comments received	
ESCC - SUDS & Flood Management	First Response (August 2022): Objection due to insufficient information. Additional information needed to demonstrate viability of draining the site via gravity. Second Response (September 2022): Objection due to insufficient information, requiring additional clarity on invert levels of receiving watercourses. Third Response (February 2023): Objection due to insufficient information. Consider the drainage strategy could be suitable if Ancient Woodland impacts are avoided. Conditions proposed if that is achieved.	Addressed in Section 6 of the Statement of Case. To be further considered in Evidence.
Uckfield Town Council	Objection • Lack of stakeholder engagement;	Where relevant, to be considered further through Evidence.

Respondent	Comments	Action
	• Location and linkages between the proposed development and Uckfield Town; • Concerns with main access point into the site and highway/parking proposals; • Environmental impact on important ecological habits – SSSI, ancient woodland, wetlands and Local Wildlife Sites; • Limited consideration of amenity space and facilities to support the size of development and north of town; and • Concerns with drainage, groundwater and risk of foul flooding.	
Maresfield Parish Council	Objection 1) The housing quota established in the 2013 Core Strategy for Uckfield has already been fully met; 2) Lack of necessary infrastructure to support 424 no. houses with no provision of facilities; and 3) Impact on the local road network.	Where relevant, to be considered further through Evidence.
Buxted Parish Council	Objection As per Maresfield Parish Council comments plus:. • No consideration has taken place of the effect development would have on the village of Buxted; • Negative impacts on ecological matters.	Where relevant, to be considered further through Evidence.
Isfield Parish Council	Objection 1) The housing quota established in the 2013 Core Strategy for Uckfield has already been fully met; 2) No consideration for the effect of the development on surrounding villages; and 3) Area is already overdeveloped and existing infrastructure is unable to cope.	Where relevant, to be considered further through Evidence.

Respondent	Comments	Action
Fletching Parish Council	Objection 1) Impact on the local road network; 2) Proximity of the main access to Shortbridge Stream; 3) Inadequate plans for sewerage and potential inability to cope with run off from rainfall; and 4) Impacts on habitats, environment, ancient woodland and wildlife that currently occupies Downlands Farm	Where relevant, to be considered further through Evidence.

APPENDIX B

LAND AT UPPER HORSEBRIDGE ROAD, HAILSHAM

COMMITTEE REPORT

For: Planning Committee South
Date: 26 January 2023

WD/2021/3029/MAO - LAND AT UPPER HORSEBRIDGE ROAD, UPPER HORSEBRIDGE, HAILSHAM, BN27 3UU

Summary of Proposal

Major Application - Outline application for:-
ERECTION OF UP TO 28 DWELLINGS INCLUDING 35% AFFORDABLE, ACCESS, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE.

Received date: 8 December 2021
8/13 week date: 13 May 2022

Parish: Hellingly
Ward: Hellingly
Grid Ref: 558298 111385

Link to website:
https://planning.wealden.gov.uk/plandisp.aspx?recno=156296
https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=660

Recommendation

Outline planning permission BE GRANTED, subject to the conditions below and subject to completion of a Section 106 Agreement to secure:-

- 35% Affordable Housing
- 5% Custom Self Build
- Off Site Highways works including:
  - The provision of a new access into the site off Upper Horsebridge Road (A271) with dropped kerbs and tactile paving on either side.
  - Provision of a 2m wide footway on either side of the access which will continue into the site.
  - Upgraded footway on the north side of Upper Horsebridge Road to the east of the site access.
  - Relocation of the east bound bus stop further west along Upper Horsebridge Road.
  - Improvements to the bus stops on Upper Horsebridge Road.
- An index linked transport contribution of £1000 per dwelling for enhancement of bus services

1. Permission is granted subject to the subsequent approval by the Local Planning Authority of the detailed particulars of the layout, scale and appearance of the buildings to which this permission relates, and the landscaping of the site before any development is commenced, such matters being reserved from the permission. STD1A

   REASON: To meet the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015,

2. (a) Application for approval of the matters reserved for subsequent approval must be made to the Local Planning Authority no later than the expiration of two years beginning with the date of the grant of this outline permission; and

(b) the development to which this permission relates must be begun no later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved. STD3

REASON: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. AR01

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013.

4. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under Condition 3. AR03(M)

REASON: To enable the recording of any items of historical or archaeological interest, in accordance with the requirements of SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013.

5. No work below ground level shall be carried out on site for the development approved, until full written details for a Code of Construction Practice (COCP) has been submitted and approved in writing by the Local Planning Authority. The Code of Construction Practice shall provide for:

a) An indicative programme for carrying out the works;
b) Measures for protection of retained features and surface water bodies on or adjacent to the site;
c) A scheme for the control of noise and dust which shall accord with British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites;
d) The parking of vehicles by site operatives and visitors,
e) The loading, unloading and storage of plant, materials and waste,
f) The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
g) Measures to minimise the potential for pollution of groundwater and surface water;
h) Details of measures to manage flood risk, both on and off the site during construction

i) The location and design of security hoardings, site offices and storage compounds;
j) The arrangements for public consultation and liaison during the construction works.

The approved COCP shall be adhered to in full throughout the construction period.

No bonfires are permitted during site clearance or construction.

REASON: In the interests of and for the safety of persons and vehicles on the site and/or adjoining road and to minimise loss of amenity to adjoining properties and minimise potential for environmental impact having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998

6. Before preparation of any groundworks or foundations for the development hereby approved, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter so retained. SS05

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the Wealden Design Guide, Chapter 4.

7. No site machinery or plant involved in the demolition and construction operations shall be operated and no process shall be carried out except between the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 Saturday and at no time on Sundays, Bank or Public Holidays.

No demolition or construction related deliveries shall be received or dispatched from the site except between the hours of 0900 and 1630 Monday to Friday, 09:00 to 13:00 Saturday and at no time on Sundays, Bank or Public Holidays.

REASON: To protect residential amenity, having regard to Saved Policy EN27 of the adopted Wealden Local Plan 1998.

8. The reserved matters submission(s) shall be accompanied by a detailed acoustic report on the existing noise climate at the development site. The report shall include a scheme of sound insulation measures for all residential accommodation and garden amenity areas. The sound insulation measures shall be designed to achieve sound insulation to a standard that nuisance will not be caused to the occupiers of residential accommodation by road traffic noise from the A271 and the scheme will include appropriate measures for the ventilation of habitable rooms to maintain the benefit of the sound insulation.

The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the Professional Practice

Guidance on Planning & Noise (ProPG), New Residential Development published by the ANC, IOA and CIEH in May 2017, relevant provisions of both BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS 8233:2014 Guidance on sound insulation and noise reduction for buildings and Acoustic Ventilation and Overheating - Residential Design Guide published by the ANC and IOA in January 2020.

The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

REASON: To protect residential amenity having regard to Policy EN27 of the adopted Wealden Local Plan.

9. The Reserved Matters application)s) shall be accompanied by an Emissions Mitigation Assessment and an Air Quality Assessment in accordance with the guidance in the Air Quality & Emissions Mitigation Guidance for Sussex (2021). A mitigation statement that includes the elements required by the guidance document must be submitted to and approved in writing by the local planning authority. The approved mitigation measures must be implemented prior to occupation of the development.

REASON: To protect residential amenity, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998.

INFORMATIVE

The intention of the air quality guidance is to identify and ensure the integration of appropriate mitigation into a scheme at the design stage, so the damage costs on health can be properly mitigated. The applicant shall include an emissions mitigation assessment, the purpose of which is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce the potential effect on health and/or the local environment.

The emissions mitigation assessment must use the most up to date emission factors (at http://laqm.defra.gov.uk/review-andassessment/tools/emissions.html). Mitigation shall include the promotion of cycling and walking, public transport, car clubs, low emission vehicles and associated infrastructure, etc. A development such as this can have a major influence on public behaviour. For example by providing electric vehicle charge points and/or separate electricity connection rated at least 32A and capable of taking at least a 7kW charge point in parking spaces and garages, residents and visitors can be assisted to switch to low emission vehicles. Additionally, charge points are much cheaper and easier to install during the construction phase rather than as a retrofit.

10. No work below ground level shall be carried out on site for the development approved, until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) A survey of the extent, scale and nature of contamination;

(ii) An assessment of the potential risks to:

- Human health.
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes.
- Adjoining land.
- Groundwaters and surface waters.
- Ecological systems.
- Archaeological sites and ancient monuments;

(iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's "Land Contamination Risk Management (LCRM)" web pages https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm. CL01

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

11. No work below ground level shall be carried out on site for the development approved until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared and submitted to and approved in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. CL02

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

12. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks' written notification of commencement of the remediation scheme works.

    Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. CL03

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

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 10 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 11, which is subject to the approval in writing of the Local Planning Authority.

    Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 12. CL04

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

14. Before preparation of ground levels of the development approved by this permission, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02(M)

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

15. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

    a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual flow (Qbar) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations shall demonstrate that the system can half drain within 24 hours and also take into account the impact of high water levels in the River Cuckmere.

    b. Details of measures to intercept offsite overland surface water flows from offsite. The flood risk impacts of these measures should be clearly demonstrated through an appropriate assessment.

    c. The detailed design of the surface water attenuation structures shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

    d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.

    e. Evidence that close to the ground drainage structures such as ponds and swales have been incorporated into the strategy.

    f. Provide evidence that the receiving watercourse is in sufficient condition to receive the flows from the site.

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

16. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

    a. This plan shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

REASON: In order to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

17. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

REASON: In order to secure a satisfactory standard of development, having regard to Policy WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

18. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 with an overall capacity compatible with the site being drained and shall be retained thereafter.

REASON: To prevent pollution of the water environment, having regard to SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

19. The reserved matters submission shall identify the location of the 65% market dwellings to be provided on site. The development shall be carried out in strict accordance with the approved scheme.

REASON: To ensure that the development comes forward in a form which ensures that its impacts upon infrastructure have been appropriately mitigated and avoids a development coming forward the impacts of which have not been appropriately mitigated having regard to Spatial Planning Objectives SPO3, SPO4, SPO5, SPO13, SPO15 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998.

20. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level and directional and has been submitted to and approved in writing by the Local Planning Authority. The artificial lighting in the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note 01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.

The scheme shall be implemented in accordance with the approved details and thereafter retained.

REASON: To preserve the rural and residential amenities of the locality having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy EN29 of the adopted Wealden Local Plan 1998.

21. No development shall be occupied until the vehicular access serving the development off Upper Horsebridge Road has been constructed in accordance with the approved drawing and as amended as part of the s278 agreement and detailed design. HW01

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998.

22. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and retained thereafter. HW16

REASON: In order to provide visibility for vehicles entering and leaving the site In the interests of and for the safety of persons and vehicles using the development and the adjoining road having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

23. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority, and such work as approved shall be carried out at the time of the development and thereafter so retained. HW02

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998.

24. The new estate road shall be constructed to a standard approved by the Local Planning Authority with a view to subsequent adoption as a maintainable highway and the works phased with the progress of building construction to the approval of the Local Planning Authority. HW05

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to SPO2, SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy TR3 of the adopted Wealden Local Plan 1998.

25. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall

thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority. HW07

REASON: To encourage reduced dependence on the car having regard to SPO2, SPO7, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy EN2 of the adopted Wealden Local Plan 1998.

26. No development shall commence until a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development on Great Crested Newts can be addressed through Wealden Council's District Licence. Works shall be carried out in accordance with a precautionary working method statement that has been submitted to and approved in writing by the Local Planning Authority .

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

27. Before preparation of ground levels for development approved a wildlife management plan shall be submitted and approved, to include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The works and other measures forming part of that plan shall be carried out in accordance with it. NC08

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

28. The development shall take place strictly in accordance with the recommendations set out within the Ecological Appraisal authored by Ecology Solutions. The development shall be carried out in accordance with the approved details and thereafter retained.

REASON: In the interests of protecting and enhancing ecological features in and surrounding the site having regard to Saved Policy EN15 of the adopted Wealden Local Plan 1998, SPO1, WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.

29. Before preparation of any groundworks and foundations on site for the development hereby approved, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner. LA01

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

30. A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens or areas to be adopted by the Local Highway Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted and the landscape management shall be carried out in accordance with the approved plan over the period specified. LA09(M)

The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed;
b) Ecological trends and constraints on site that might influence management;
c) Aims and objectives of management;
d) Appropriate management options for achieving aims and objectives;
e) Prescriptions for management actions, together with a plan of management compartments;
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
g) Details of the body or organisation responsible for implementation of the plan;
h) Ongoing monitoring and remedial measures.

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

REASON: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a

LEMP will ensure the long term management of habitats, species and other biodiversity features. To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

31. Before preparation of levels on site for the development hereby approved, the finished ground floor levels of the buildings in relation to the existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all accesses to include pathways, driveway, steps and ramps shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation. LA12(M)

REASON: In order to achieve a satisfactory form of development with regard to the topography of the site having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998.

32. A full Arboricultural Impact Assessment and Method Statement shall be submitted as part of the Reserved Matters application to and approved in writing by the Local Planning Authority which shall include numbering and detailing trees, confirming root protection areas, routing of service trenches, overhead services and carriageway positions and any details of no dig techniques along with associated use of geotextiles and an indication of the methodology for necessary ground treatments to deal with compacted areas of soil. The works shall be implemented in accordance with the approved details. TP05(M)

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the Wealden Design Guide, Chapter 3, Section 6.

33. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-

(i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.

(ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

(iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.

(iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.

(v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.

(vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998, coupled with the Wealden Design Guide, Chapter 3, Section 6.

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

Ref.	Date Stamped. STN4
0619/P1 Site Location Plan	8 December 2021
Site Layout with Visibility Splays 9239/102 Rev A (Page 15 Transport Statement)	8 December 2021
0619/P5 Rev C Site Clearance Layout	29 June 2022

REASON: For the avoidance of doubt.

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

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

NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990. STN1

NOTE 2: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house/street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 3: The applicant is advised that it is an offence under section 161 of the Highway Act 1980 to deposit anything on a highway the consequence of which a

user of the highway is injured or endangered. It is strongly recommended that during any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided and used within the site, to prevent contamination and damage to the adjacent roads. STN13

NOTE 4: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

Reason for Referral

This application referred to this Committee as positive determination falls beyond the scheme of delegation, and following the deferral of this application at the Committee on the 12 August 2022, to seek further information from Southern Water in relation to the July 2022 Full Council recommendation.

Executive Summary

This is an outline planning application with all matters reserved except for access for the development of up to 28 dwellings, including 35% affordable units, access, landscaping and other associated infrastructure. This application therefore deals solely with the principle of housing and the means of access. The application is a resubmission following refused application WD/2020/1209/MAO, which proposed up to 33 dwellings. Since the submission of the application, the number of dwellings has been reduced from 29 to 28 with amended plans received on the 29 June 2022.

The application site lies within open countryside as defined by the adopted Local Plan and was advertised as a 'departure' application.

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 adopted development plan documents relevant to the application site are 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, the Affordable Housing Delivery Local Plan adopted in May 2016 and the Hellingly Neighbourhood Plan July 2021.

The proposed development would provide up to 28 dwellings, 35% of which would be affordable, meeting the policy requirements of AFH1 and 5% self-build units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. In view of the Government's objective of significantly boosting the supply of homes, this would clearly be a benefit of the scheme. Moreover, the Council can currently demonstrate only 3.92 years (or 78.5%) supply of specific deliverable sites for housing, falling short

of the five-year requirement expected by the National Planning Policy Framework (the Framework) under Paragraph 74. In this context, the proposed housing, which would be in accordance with the growth strategy of the adopted Core Strategy, constitutes a significant benefit that weighs very heavily in favour of the development in the planning balance.

Furthermore, the absence of a five-year housing land supply triggers the operation of Paragraph 11d of the Framework. Paragraph 11d (ii) applies for the reasons set out in the main body of the report (having regard to the fact that an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required). This sets out that that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is known as the 'tilted balance' in consideration towards housing supply.

Having regard to Paragraph 111 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal. There would be no adverse impact on the amenity of both existing residents and prospective occupiers.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the two policies GD2 and DC17, which for the reasons set out in the report are given very limited weight. There are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development proposal. Therefore the presumption in favour of sustainable development is applicable.

Following the deferral of this application from Committee on the 12 August 2022, a further consultation response was sought from Southern Water. Southern Water have indicated that the comments made in their initial response dated 02.02.22 remain unchanged, and that they have capacity to take foul drainage. More detailed comments from Southern Water were received on the 19 December 2022.

In light of that and whilst noting the comments from all consultees and those who have lodged representations, it is recommended that outline planning permission be GRANTED subject to the completion of a legal agreement and the conditions set out in this report.

1. Statutory Bodies and Residents - Responses

Full details of responses can be viewed on the Council's web site.

Highway Authority

Summary *– one comment (received 21 February 2022)*

NO OBJECTION subject to conditions:

No major concerns regarding the development proposal; however, this is subject to appropriate highway conditions being attached to any grant of consent.

For: Planning Committee South
Date: 26 January 2023

Response

The application site is located to the immediate north of the A271 (Upper Horsebridge Road) abutting the northern edge of the Hailsham development boundary. To the immediate west lies a mobile home estate (Bakers Farm Park Homes). To the south lies Upper Horsebridge Road, with existing residential development beyond. Land under agricultural management is located to the north. To the immediate east lies Worth Way which forms part of the Cuckoo Trail leisure route.

Site Accessibility

Public Transport - The nearest bus stops to the site are located on Upper Horsebridge Road, with the eastbound bus stop on the site frontage and the westbound bus stop a short distance from the site at the London Road junction (approx. 125m away).

Both bus stops requiring upgrading as part of the development proposal. The eastbound bus stop is also likely to require relocating to a suitable location (as detailed below). Both bus stops will require:

- Raised kerb
- Bus stop clearway
- Real time information
- Bus shelter (in consultation with the parish council)

There will also be the need to provide new bus poles, sourced from Stagecoach.

A contribution of £1000 per dwelling (index linked) will also be required towards enhancing the bus service provision. Such a contribution being in line with other developments in this area.

The site travel plan should provide for incentives for new residents to adopt bus use as a sustainable travel mode. We would ask that they are provided with free bus travel for one month, followed by 3 months of discounted travel.

The nearest train station is in Polegate with regular services to Eastbourne, London and Gatwick Airport and along the south coast between Brighton and Hastings.

Walking/Cycling – With regards to the shops and other services/facilities available in the area it is noted that very few are located within a short walking distance. The links for pedestrians in the area are generally good and the roads are generally considered suitable for cyclists. However, the footway to the east of the site access would benefit from being widened to 3m to allow for a shared footway/cycleway to/from the new development and the Cuckoo Trail.

Conclusion – The site is not ideally located from an accessibility perspective with no shops and facilities within easy walking distance; however, pedestrian and cycle links in the area are generally good and the nearby bus service offers an alternative to travel by private car.

For: Planning Committee South
Date: 26 January 2023

Site Access

The development will be served via a new access onto Upper Horsebridge Road.

The proposed access has a width of 5.5m with approximately 3.0m radii either side. Tracking drawings have been provided to demonstrate that the access can accommodate large refuse vehicles; however, the junction radii would benefit from being increased slightly to enable large vehicles to enter and leave the site without overrunning the opposite side of the carriageway.

The existing footway across the site frontage will continue into the site on both sides of the access. The footways leading into the site require a minimum width of 2.0m. Dropped kerbs and tactile paving will be required either side of the access for the benefit of pedestrians walking on the north side of Upper Horsebridge Road.

The road serving the site is subject to a 30mph speed limit and therefore visibility splays measuring 2.4m x 43m are required either side of the access in accordance with guidance provided by Manual for Streets2.

The submitted plan indicates that appropriate splays are achievable over highway land or land within the applicant's control.

The access arrangement has been subject to a Stage 1: Road Safety Audit. The audit has raised some issues, one of which relates to the existing eastbound bus stop on Upper Horsebridge Road located a short distance to the west of the proposed site access.

It is accepted that the bus stop does not impact on the visibility to the west of the new access; however, the RSA raises the issue of a stationary bus obstructing the sight line, and as result there is a risk of a vehicle overtaking the bus colliding with a vehicle exiting the site access.

It is therefore recommended that the bus stop should be relocated further west in order to provide greater clearance to the proposed junction. This would need to be investigated further prior to agreeing on a suitable location for the bus stop.

The proposed access arrangement is acceptable in principle; however, this is subject to the above points being taken into account at detailed design stage. It should be noted that the access will require constructing in accordance with ESCC specifications with all works carried out by an approved contractor under a s278 legal agreement.

Trip Generation/Highway Impact

The Wealden Local Planning Transport Study 2018 was previously used to assess the impact of the Wealden Local Plan development proposals on the operation of the study area highway network making use of the SWETS SATURN highway model. The outputs from the transport studies have enabled the identification of the need for, and type and scale of associated transport improvements, which have informed WDC's Infrastructure Development Plan

(IDP) which supported their Local Plan. The improvements will be funded through CIL contributions. The model considers those development sites that were allocated within the Wealden Local Plan "plus windfall allocations within the whole of Wealden". The proposed site would have been classed as a windfall site and therefore theoretically the development traffic would have been considered in the SWETS model.

However, the Local Plan has been withdrawn and the SWETS model is now outdated. With this in mind the development traffic would ideally be modelled using the new up to date A26/A22 model to determine the impact on the surrounding highway network. It is, however, acknowledged that the impact of this development alone on the highway network is unlikely to be severe and therefore an objection based on a lack this type of assessment could not be justified in this instance. Nonetheless, the proposed access arrangement would introduce additional right-hand turning movements into the site on to Upper Horsebridge Road, which is a busy 'A' road and therefore the site access has been assessed as part of the development proposal.

The TRICS Database has been utilised to determine the level of traffic likely to be generated by the development. The traffic generation predicted by TRICS amounts to an additional increase in daily trip level of 160 trips per day with the 16 trips in the AM Peak hour and 17 trips in the PM Peak hour.

I am satisfied that the methodology used provides an accurate indication of the vehicle movements likely to be associated with the proposed development.

The transport model has also been interrogated to obtain the predicted traffic flows on the A271 past the site in 2028. Traffic movements from the development proposal have also been distributed at the site access in accordance with the passing traffic.

The operation of the access road junction has been modelled using PICADY 9 and the results indicate that it will function well within its theoretical capacity and with zero queuing in the forecast year of 2028. With this in mind I have no major concerns regarding the site access from a highway capacity perspective.

Strategic Road Network Impacts

Based on the predicted traffic flows on the A271 and the presumed distribution of development traffic, the impact on junctions to the east and west of the site are likely to be relatively minor. As such, it is considered that the impact of the development traffic will not be severe, or to the extent that the proposals should be resisted or refused on transport grounds (para 109 NPPF).

It is, as detailed above, accepted that in isolation the impact of this development on the strategic network cannot be considered severe, but the Wealden District Councils Local Plan, which was withdrawn in February 2020, demonstrated that the highway network will not operate satisfactorily with all development traffic associated with the South Wealden Growth Area added unless the transport interventions identified by ESCC/WDC within the WLPTS are in place to mitigate impacts- to 2015 levels.

Detailed assessment of nearby junctions/roundabouts have not been undertaken by the applicant; however, it is acknowledged that some of these junctions have been identified as in need of capacity and safety improvement in the WLPTS/IDP. This is unacceptable and it is ESCC's intention to use Major Road Network (pending a successful bid to government) and CIL funding to upgrade/construct/improve these junctions.

I would prefer that a condition be attached to any planning permission to ensure that the development is not occupied until the package of works in the IDP is completed but I accept that WDC feel such a condition to be unreasonable. I can agree that the traffic capacity impact of the development on strategic network is not/will not be severe provided the necessary funding is forthcoming from WDC and ESCC's MRN bid. It should be noted that there is likely to be a general degradation in network performance as developments are likely to be occupied before ESCC is able to deliver the complete package of highway schemes.

Travel Plan

A travel plan has not been provided as part of the proposal; however, a Travel Plan Statement will be required as part of the proposal. The full travel plan requirements will therefore be agreed at a later date.
The Travel Plan will be secured via a condition. The condition will, amongst other measures, need to secure the following:

- The agreement of a "measures" approach which; a) specifies targets / outcomes; and, b) identifies specific measures designed to achieve the agreed targets / outcomes and c) identifies the remedies and/or sanctions that shall be applied if the targets / outcomes are not achieved.
- The appointment of a Travel Plan Coordinator to coordinate implementation of the TP and take responsibility for achieving targets including handover arrangements from the developer to a management or residents' group.
- The completion of the appropriate monitoring reports, including multi-modal travel surveys to be carried out for five years following occupation/operation of the Development based on the standard survey requirement in East Sussex, i.e. a Level 2 TRICS survey (known in this context as SAM: Standard Assessment Methodology).
- New residents to be provided with 1 month's free bus travel followed by 3 months discounted travel.
- And any other measures to be agreed following further discussions. This could include measures to encourage children to use non-car modes of travel to school (provision of scooters/high visibility jackets etc), and the offer of discount vouchers for cycle stores and supermarket delivery etc.

Construction Traffic

Should consent be granted then careful consideration would need to be given to how the site can be built in a safe manner minimising disruption as much as possible.

For: Planning Committee South
Date: 26 January 2023

Conclusion

I do not wish to object to the development proposal; however, I require that the following obligations and conditions form part of any consent

Highway Works and Financial Contribution:
I expect the following highway works to be completed prior to occupation of the development and the designs shall be subject to Road Safety Audits.

- The provision of a new access into the site off Upper Horsebridge Road (A271) with dropped kerbs and tactile paving on either side.
- Provision of a 2m wide footway on either side of the access which will continue into the site.
- Upgraded footway on the north side of Upper Horsebridge Road to the east of the site access.
- Relocation of the east bound bus stop as required.
- Improvements to the bus stops on Upper Horsebridge Road as detailed above.
- An index linked transport contribution of £1000 per dwelling is required, as per the other significant developments in the area.
- A robust site travel plan statement would also need to be put in place as detailed above. This should include the provision of 1 month's free bus travel followed by 3 months discounted travel for new residents.

Conditions

1. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing and as amended as part of the s278 agreement and detailed design.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

2. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

4. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

6. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large

7. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

9. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

Informative

1. This Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the applicant and East Sussex County Council The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2. Section 38 Agreement of the Highways Act, 1980 – Provision of Adoptable Highway. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

3. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.

<u>Southern Water Services</u>

Previous summary *– Four comments received in total (received 2 February 2022, 4 November 2022, 8 December 2022 and 19 December 2022).*

Comments *(received 19 December 2022) –* ***Detailed comments****.*

Please see response below (in green text) to the points your require further comment on;

1. Which treatment works will be managing the sewage for the above development. This development is in the Hailsham North Wastewater Treatment Works (WWTW) catchment.

2. Confirmation that the treatment works has sufficient capacity for the proposed development. Hailsham North WWTW has sufficient capacity for the proposed development.

3. Has the relevant sewage treatment works experienced operational issues in the last year (i.e. unconsented discharge or other issues). If yes, please provide information and details of how the matter was resolved. As discussed in the meeting with Wealden on the 26 September 2022, the Future Growth Planning team are unable to respond to enquiries relating to operational issues at our WWTW's and this information would need to be obtained via our Environmental Information Request team. This is the correct process for internal and external contacts, however, to facilitate this process we are willing, and have passed details of your consultation directly to the EIR team on your behalf and they will respond directly within 20 days from the date the request was received. This will ensure that your enquiry for environmental information is logged and managed effectively and we assure you that this is simply our process for this type of request.

4. Confirm that the capacity is inclusive of all committed developments that would also use the same treatment works. To respond to this question, it is important to clarify how we apply the Water Industry's standard methodology for predicting population growth in wastewater catchments in accordance with Ofwat requirements.

   For the seventh Asset Management Plan (AMP7), Southern Water prepared growth forecasts for each WWTW in the period 2020 to 2025 and any investment required to meet demand will be carried out in this period. The forecasts were prepared based on;

   (a) housing trajectories provided by planning authorities,
   (b) published five-year supplies of housing land, and
   (c) an Experian population forecast, which is derived from the Office for National Statistics (ONS) for each wastewater catchment.

   Planning is now underway for the AMP8 business plan, for investments in the period 2025 to 2030 which will also incorporate the forecasts of WWTW catchment growth based on (a) and (b) above, as well as a new population forecast from Edge Analytics which is also based on ONS data.

   In addition to the above, within each AMP, we annually update housing projections based on local authority published data to check whether this is consistent with the forecasts prepared for the business plan. Where we observe significant increase, this is fed back to the asset planners for inclusion in their design horizon calculations.

   Current and future planning applications (i.e. 'committed developments') are inherently incorporated within these projections.

Comments *(received 2 February 2022 and confirmed as being unchanged 4 November 2022 and 8 December 2022)* ***– NO OBJECTION subject to conditions:***

The submitted drainage layout (drawing no. 9239/100 rev. B) shows 3m easement to public foul sewer and rising main which is acceptable to Southern Water.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Environment Agency

Summary *– one comment (received 3 February 2022)* ***– NO OBJECTION:***

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

The applicant should be aware that the watercourse on the northern boundary of the site is a main river and that it is unlikely that we would permit any works within the 8 metre distance other than an outfall structure.

County Archaeologist

Summary *– one comment (received 10 February 2022)* ***– NO OBJECTION subject to conditions:***

If the Local Planning Authority is minded to grant planning permission, we ask that conditions are attached to secure the implementation of a programme of archaeological works.

A detailed archaeological desk-based assessment (Archaeology South-East report number 2020186, dated October 2020) has been submitted in support of this application. This document appears to be the same as that submitted under refused application WD/2020/1209/MAO and has not captured important evidence that has been added to the Historic Environment Record in the intervening period. However, I do not consider that this omission materially affects our recommendations submitted under WD/2020/1209/MAO, but I have included additional comments below where relevant.

The desk-based assessment places the proposed development site within an archaeological and historic context and draws the following conclusions.

- There is a high potential that the site contains “deposits of prehistoric to Romano- British date, including flint scatters of Mesolithic date and cut

features (e.g. pits, ditches and postholes) of Bronze Age and later date". Additional evidence of field boundary ditches Late Iron Age/Early Romano-British periods in addition to Middle Bronze Age and Mesolithic flintwork has recently been identified at the former Sussex Plants Nursery approximately 700m to the northwest. Neolithic activity has also been identified west of Park Road approximately 1.5km to the north-north-east of the site.

- There is a low – moderate potential that the site contains "medieval deposits relating to the agricultural landscape around the moated site of Horselunges Manor". A focus of medieval activity (including some evidence for Saxo-Norman land division) was recently identified at the former Sussex Plants Nursery. A large assemblage of domestic pottery was retrieved from multiple indicating that a focus of settlement or possibly a farmstead lie in close proximity.
- There is a possibility that the site once contained a post-medieval/modern brickfield, although this is far from certain.

In order to objectively ascertain the archaeological potential of the application site and define the character and extent of any archaeologically significant buried structures, cut features, deposits and artefacts, the area affected by the proposals should be subject to archaeological field assessment defined by a programme of archaeological works. This will enable any archaeological remains that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

Police (Crime Prevention)

Summary *– one comment (received 3 February 2022)* ***– NO OBJECTION, comments made:***

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

With the level of crime and anti-social behaviour in the Wealden district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered.

The proposed development sits adjacent to the Cuckoo Trail, a very popular cycling and walking route for the area. The development in the main has outward facing dwellings with easily accessible back gardens and gardens that back onto the development's boundary. Whilst the design and layout has created good active frontage with the streets and the public areas being overlooked, this has also created a very permeable development. Parking in the main has been

provided with on-curtilage, garage, overlooked parking and a number of on street parking bays, this should leave the street layout free and unobstructed.

A number of concerns were expressed regarding design and layout with particular regard to the very permeable development that has public open spaces along with the adjacent public footpath that between them have the potential to give unobserved access to the rear vulnerable gardens of the majority of the dwellings within the development. Consideration should also be given to protection of unauthorised access from the Cuckoo Trail.

NatureSpace

Summary *– one comment (received 4 February 2022)* ***Comments***

The applicant has provided an ecological report, [Ecological Appraisal, EcologySolutions, October 2021]. Within this report it states that:

'The application site comprises an area which is understood to have been dominated by scrub, ruderal, scattered trees and tree groups. An element of vegetation clearance has taken place, although scrub, scattered trees and tree groups do remain, especially in the north and south of the site and along its boundaries.

Habitats on site were appraised for their potential to support Great Crested Newts, either as a breeding resource or during their terrestrial phase. In addition, two ponds located to the east of the application site were visually assessed from a clear vantage point for potential use by breeding Great Crested Newt.

No water bodies suitable for breeding purposes is present within the application site. Two ponds to the east of the application site were assessed for potential suitability for breeding Great Crested Newts. One is best described as a seasonally wet depression which was dry at the time of survey. The other is an ornamental duck pond. Both were considered sub-optimal for use by breeding Great Crested Newts. These same ponds and one additional pond (recorded at that time) were assessed and specifically surveyed as part of planning application WD/2013/1294/MEA and no Great Crested Newts were recorded. Other ponds would appear to be well removed from the application site and / or separated from it by barriers to dispersal.

Information returned by SxBRC shows two records for this species, recorded in 2018 at a location approximately 550m south of the application site.'

Conclusion and recommendation for conditions:

I am largely satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. The pond 150m east is isolated from any other ponds and surrounded by development and the site has been recently cleared offering limited suitable habitat for great crested newts. However, as the site has some connectivity to the suitable habitat to the north and the pond to the east, and a wet ditch running along the site boundary it

is recommended that works are carried out under a precautionary working method statement.

Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Wealden Council's District Licence; or
- As there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

LLFA
Summary *– one comment (received 7 February 2022)* ***– NO OBJECTION subject to conditions:***

Our formal response to this consultation has been made on the understanding that this an outline application where the applicant is not seeking a fixed number of dwellings. Therefore, there is an opportunity to incorporate sustainable surface water management including conveyance of offsite overland flows through the site into consideration at a later stage and increase the space required for surface water management should it be required.

The Environment Agency's surface water flood map shows that there is an existing overland surface water flow route from existing properties south of Upper Horsebridge Road and along the road to the application site. There are numerous reported flooding incidents at the location of this flow route along and adjacent to the road. These incidents range from 2012 to December 2020. The information supporting the planning application has not undertaken an adequate assessment of the potential impact of the proposed development on this overland flow route and associated flood risk to existing properties and infrastructure. The development could increase this flood risk if the site design does not take into consideration and also the general relationship between the site and water movement from and within the application site.

Should the application receive planning permission, any application for a reserved matters that seek to fix quantum of development and layout should demonstrate that there is either an interception swale along the southern boundary of the site receiving offsite flows and conveying them into the onsite watercourse or the site levels along the southern and eastern boundary of the application site allow from the overland flows to be intercepted and conveyed to the watercourse without increasing flood risk. A 2D surface water overland flow hydraulic model might be necessary if the overland flow route is managed by just using site levels.

It is not clear why an underground tank has been chosen to manage surface water runoff from the application site instead of a pond. We would prefer to see surface water runoff managed using attenuation ponds only due to ease of maintenance, access and visibility of the condition. Consequently, the applicant should explore the use of close to the ground attenuation structures such as swales and ponds. Any reserved matters application which seeks to fix the development layout should demonstrate that close to the ground surface water drainage structures have been incorporated into the layout.

If the Local Planning Authority is minded to grant planning permission, the PCWLMB and LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
   a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the mean annual flow (Qbar) for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations. The calculations should demonstrate that system can half drain within 24 hours and also take into account the impact of high water levels in the River Cuckmere.

   b. Details of measures to intercept offsite overland surface water flows from offsite. The flood risk impacts of these measures should be clearly demonstrated through an appropriate assessment.

   c. The detailed design of the surface water attenuation structures shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.

   d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.

   e. Evidence that close to the ground drainage structures such as ponds and swales have been incorporated into the strategy.

2. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

    a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

    b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

3. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the applicant should formally agree surface water discharge rates into the internal drainage district with the Water Level Management Board. This should be done at the time of fixing the development layout.

Hellingly Parish Council

Summary *– two comment (received 14 July 2022 and 31 January 2022) –* ***OBJECTION:***

- The land identified is on an old landfill site therefore concerns regarding the safety of the site were raised.
- It has two public sewers running across the site. There are already problems in the area regarding the sewage systems not being able to cope with the current demand.
- The loss of trees and green space alongside a public amenity trail.
- The density of the building is of concern in such a small space.
- The impact on the residents of the neighbouring Bakers Farm Park complex which is home to mainly elderly and retired residents was raised.

- Access to the A271 is an issue. This is already a busy and congested road and the closeness of the site access to the Bakers Farm Park complex access will only add to the congestion.

- The area has a history of flooding.

Response to Hellingly Parish Council

Having regarding to the technical responses from Pollution Control, Southern Water, ESCC LLFA and ESCC Highways, the recommended conditions and the reduction in the number of units from the previous refusal which will enable development to be set away from the Cuckoo Trail that the concerns raised by the Parish Council have been addressed.

Hailsham Town Council

Summary** – one comment (received 4 February 2022) – **OBJECTION:

Hailsham Town Council strongly objects to the proposed application for the following reasons:

The proposed application will have a detrimental impact on neighbouring properties and the elderly residents of Bakers Farm Park. It will result in a loss of privacy, loss of light and overlooking and is therefore contrary to the National Planning Policy Framework chapter 7 paragraph 56 and contrary to saved policy EN27 of the Wealden Local Plan 1998.

The proposed area is not suitable for development due to the high risk of flooding.

The proposed application will have a negative effect on the large variety of wildlife here, including roosting bats. The application will also result in the loss of trees and green space in the area.

The proposed development will result in congestion and parking problems in this already busy area.

The application is contrary to saved policies TR3, EN27, DC17 of the Wealden Local Plan 1998 and paragraphs 56, 103, 109, 117, 123 of the National Planning Policy Framework.

The application is also contrary to policy D1, D2, GS1, SD2 of the Hailsham Neighbourhood Plan.

Response to Hailsham Town Council.

Having regarding to the technical responses from Pollution Control, Southern Water, ESCC LLFA and ESCC Highways, the recommended conditions and the reduction in the number of units from the previous refusal which will enable development to be set away from the Cuckoo Trail that the concerns raised by the Parish Council have been addressed.

The site does not fall into the area covered by the Hailsham Neighbourhood Plan.

Other third party responses (including local residents)
42 responses have been received and a summary of their comments is below:

- Application was only rejected a year ago and has only been reduced by a few houses
- Outside of development boundary within open countryside
- Not in line with the Hailsham Neighbourhood Plan
- Area has been saturated with new builds already and cumulative impact of developments in the area
- Number of dwellings proposed would be overdevelopment of this site
- Residents were not directly notified
- Concern over the land being contaminated from being an ex-landfill site
- Impact on already stretched local infrastructure, lack of schools, doctors surgeries etc

Traffic

- Impact of the increase in traffic on an already busy road and concern over the access onto the road from the retirement park including visibility splays and the existing bus stop
- Location of bus stop relied upon by residents in the retirement park
- Increase traffic would result in further congestion and pollution along the A271 and increase risk to pedestrians
- Access onto a road that is too narrow, large vehicles cannot pass safely through the traffic lights and is already used by large lorries and containers and the condition of the road surface is very poor
- Safety of pedestrians as the pavement is very narrow and cars park on the pavements

Amenity

- Noise pollution and intrusion of new builds on residents of the area
- Impact to users of the Cuckoo Trial through the further loss of a greenfield site adjacent to it
- Impact of lights from headlights on properties opposite the access
- Impact from noise and dust on neighbouring residents during construction
- Not in keeping with the peaceful location of the adjacent retirement park
- Impact of quality of life from noise and disturbance on the residents of the retirement park where no children, BBQs and dogs are allowed, and a noise report has not been submitted
- Increased risk the park will be used to walk dogs, ride bikes and as a short cut to the nearby public house
- Potential use of buffer zone as a cut through to retirement park and concern over the continued maintenance of this area
- The application does not include plans to show the heights of the proposed buildings in relation to the existing park homes
- Increase in light pollution

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Flooding

- Area liable to flooding, including the site and Upper Horsebridge Road
- Development would result in an increase of flood risk on adjacent properties
- Water draining towards the watercourse will have an impact on the adjacent park homes
- Surface water drainage method unsuitable as Local rivers and flood plains are already at capacity
- Sewerage is under Bakers Farm and is already at capacity

Ecology

- Loss of green land, intrusion of sites that should be preserved for nature
- Loss of habitats including deciduous woodland, trees have already been removed
- Impact on wildlife site is a wildlife corridor next to two areas of protected woodland
- Government – no more building on green land

Other

- 10m buffer zone between buildings and the Cuckoo Trail
- At least 2m high fence on the boundary
- Hedgerows to be planted in the buffer zone and maintained by landowner and residents by a compulsory maintenance charge
- Existing trees to remain on boundary with Bakers Farm and The Willows
- Building work times to be controlled 9:00-18:00 Mon-Fri and not weekend work and no machinery left operating outside these hours
- Any play area to be sited adjacent to Cuckoo Trail and not boundary with Bakers Farm/The Willows and any unoccupied land not to be used for childrens/teeangers social area for or social gatherings (to be included in new residents rules)
- Existing Bus stop to remain in place
- Widening of pavement to local store
- Compensation for Bakers Farm/The Willows
- Better use of site for retirement-only bungalows

<u>Additional Representations – Committee Update 11 August 2022</u>

12 additional letters of objection.

- Concern that the boundary and fence is shown incorrectly from 28-15 The Willows and is at least 5m out in this area
- Concern over the proximity of the attenuation pond to existing dwellings and will be sited on higher land than these dwellings and concern that the stream is overgrown and blocked
- Disturbance due the location of the affordable housing next to the retirement park

- Proximity of gardens adjacent to a gas tank and the risk of BBQs, bonfires, fireworks etc next to highly flammable homes
- Road has recently been dug up and resurfaced
- Does the local area need further development until all the houses under construction are sold
- Potential impact on residents heath from construction and as a result of the site previously being a waste tip and is methane gas being monitored

2. Other Relevant Responses/Issues

WDC/Rother Pollution Control

Summary** – one comment (received 31 January 2022) – **NO OBJECTION subject to conditions:

Road Traffic Noise

The site is adjacent to the A271 road which represents a potential noise impact on the proposed development a condition requiring a detailed acoustic report is recommended:

Air Quality

As this is a major application, consideration has been given to the Air Quality and Emissions Mitigation Guidance for Sussex (2021). This is used to ensure that consistent advice is provided about air quality mitigation by Local Authorities across Sussex. For a major development such as this the guidance advises that an Air Quality Assessment and an Emissions Mitigation Assessment be required. The purpose of the latter is to quantify the monetised health damage value associated with transport emissions from a proposed development. As this is a significant development, some increase in traffic on local roads due to the developed site is to be expected. It should be noted that air quality in the Wealden area is generally good. However, the National Planning and Policy Framework (NPPF) indicates that policies and decisions should work to sustain current standards and identify opportunities to improve air quality. This is because any decrease in air quality will have a negative health impact.

In view of the above it is recommended that prior to commencement an air quality impact assessment and mitigation cost calculation is undertaken for this development and a condition has been recommended.

Land Contamination

The GGP5 database indicates that the southern half of the site has a history as a landfill site. There is also shown an area of ‘potentially contaminated land’ approximately 34m east south east of the site on the south side of Upper Horsebridge Road, areas of ‘unknown filled ground’ 150m to the east and 225m south east and another ‘historic landfill site’ 192m to the west south west. These indicate the need for a ground investigation and therefore conditions are recommended.

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Construction Working Hours and Control of Noise and Dust

Given the proximity of the site to several existing residential properties I recommend a condition to limit the hours and days of the week when demolition and/or construction activity is permitted and to ensure there are controls in place to minimise the environmental impacts during the works:

WDC Footpaths

Summary *– one comment (received 31 January 2022) –* ***NO OBJECTION:***

As shown on the map below, the legal line of the Cuckoo Trail Licensed Bridleway abuts the eastern boundary of the application site.

From the plans attached to this application, it would appear this public right of way will not be obstructed as a result of this application and I would therefore have **no objection** to this planning application on rights of way grounds.

WDC Drainage

Summary *– one comment (received 31 January 2022) –* ***NO OBJECTION subject to conditions:***

Flood Risk

The majority of the site lies within EA Flood Zone 1, apart from a small area adjoining the northern boundary which is in Flood Zones 2 and 3. As no development is proposed for this part of the site, the sequential test is met and the exception test is not required for this site. The site does not appear to be at risk from tidal or sea flooding or from failure of a drainage asset such as a canal or reservoir. Only the area adjacent to the northern boundary is at risk of fluvial flooding. The majority of the site is at very low risk of flooding from surface water, apart from the area immediately adjoining the main river and the ordinary watercourse described below which are at medium to high risk. There is stated to be a low risk of groundwater flooding, although experience at the adjacent site on the other side of the Cuckoo Trail, suggests that groundwater may well be encountered in this area.

There is a main river running north-east to south-west just inside the northern boundary of the application site. There is an ordinary watercourse running south to north to join this main river adjacent to the eastern boundary of the application site. There are no ponds within the application site, but there are several ponds in the vicinity.

There are records of flooding of the northern end of the static caravan park immediately west of the application site.

The Geological Map states that the southern end of the site is on the Weald Clay Formation of mudstones. The northern end of the site is on the Tunbridge Wells Sand Formation of siltstones, mudstones and sandstones. The northern part of the site is overlain with superficial River Terrace Deposits of sand and gravel.

The area immediately adjacent to the main river is overlain with superficial Alluvium Deposits of clay, silt, sand and gravel.

Surface Water Drainage

Infiltration is the first recommended drainage method in the SUDS hierarchy but the underlying mapped geology and the presence of watercourses on the site suggest that this is very unlikely to be a usable solution for this site.

There are no adopted, public, surface water sewers in the vicinity of the site, so this method of surface water drainage cannot be used.

The site is to be drained via a conventional pipe and manhole system to an attenuation tank sited towards the north of the site. Given the space available, I am unsure why a tank has been selected rather than a pond which is cheaper to construct and much easier to maintain. Given the groundwater levels experienced on the opposite side of the Cuckoo Trail, the storage device will need to be lined.

The outlet is via a hydrobrake to the main river along the northern boundary of the site. This main river, which is a tributary of the Cuckmere tends to back up when the Cuckmere is in full flow and I would suggest fitting a one way valve on the outlet as well as the hydrobrake or raising the outlet above the invert level of the watercourse.

A swale is provided along the western boundary of the site to prevent exceedance flows entering the static caravan site adjacent to the west and to direct these flows northwards to the main river. This is welcomed but may need to extend the full length of the boundary. The liner drain to prevent water running onto the A271 public road is also welcomed.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require full detail in the drainage calculations used to design the system and Wealden, as the planning authority, would support this request. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 40% climate change allowance plus urban creep.

It is stated that maintenance activities for the whole surface water drainage system will be by “an appropriate organisation” which will have to be a site management company set up to maintain the system for the lifetime of the development. A generic maintenance schedule is provided but the Council would expect to see details of a site specific maintenance plan in due course when a surface water drainage scheme is finalised and before first occupation.

Notes

Provision of the foul sewage arrangements is for Southern Water to comment on. There are two existing public foul sewers crossing the site which may require diversion.

Please note that any new connection to an ordinary watercourse will require an Ordinary Watercourse Consent from the Lead Local Flood Authority over and above any planning permission which may be issued. Any new connection to a main river will require a Consent from the Environment Agency over and above any planning permission which may be issued.

Conclusion

In my opinion, the information provided within this application is adequate for this application subject to the caveats mentioned above. Should you be minded to allow planning permission, I would wish to see the following **conditions** applied namely:-

> "No development shall take place until full details of the surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. The submitted details shall include the following:
>
> i. Supply detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features.
> ii. Provide a full management and maintenance plan for the development which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime.
> iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority.
> iv. Provide evidence that the receiving watercourse is in sufficient condition to receive the flows from the site.
>
> NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the ESCC "Guide to Sustainable Drainage Systems in East Sussex" and the total costs of implementing the drainage scheme, that is design, construction and maintenance costs.
>
> REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraphs 163 and 165 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved policy CS2 of the Wealden Local Plan."

<u>WDC Waste Management</u>

Summary *– one comment (received 31 January 2022) –* ***NO OBJECTION:***

Detailed points are raised relating to layout which is a reserved matters consideration.

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WDC Housing

Summary *– one comment (received 1 February 2022) –* ***NO OBJECTION:***

This response is provided having regard to the Wealden Local Plan 1998, Core Strategy 2013, Affordable Housing Delivery Local Plan 2016 and National Planning Policy Framework (NPPF) 2021.

Policy AFH1 of the Affordable Housing Delivery Local Plan 2016 requires a 35% affordable housing contribution. This Application acknowledges this and proposes a policy compliant scheme.

Hellingly, like many areas of Wealden District has an acute shortage of affordable housing. In addition to this, the rate of turnover of affordable homes there is very low which results in long waiting times for people that need affordable accommodation.

Applicants with; 1) a connection to the parish, or 2) a connection to an adjoining parish would be given preference over those with no connection to the area. The data in the table below is taken from the Housing Register. It shows the number of applicants currently seeking affordable rented accommodation in Hellingly and the adjoining parishes.

Parish	Number of Applicants with a Local Connection.
Hellingly	22
Hailsham	141
Horam	20
Herstmonceux	12
Arlington	2
Chiddingly	2
Warbleton	1

WDC Conservation & Design

Summary *– one comment (received 31 January 2022) –* ***NO OBJECTION:***

I can confirm that I have no observations to make on the submissions from a heritage perspective.

WDC Biodiversity

Summary *– one comment (received 11 May 2022) –* ***NO OBJECTION:***

Ecological Appraisal

The ecological appraisal report (EAR), dated October 2021, has been undertaken to best practice standards (CIEEM guidelines for preliminary ecological appraisal 2017). Local ecological records have been used to inform the application. The report has assessed impact upon protected species and includes biodiversity net-gain assessment to support proposals.

Bats, European Protected Species

No bat roosts considered present onsite. The EAR states “A key feature of the masterplan is the retention and enhancement of the wooded site boundaries, In particular that along the eastern boundary (including the woodland block in the south east) abutting the Cuckoo Trail”. And “A sympathetic lighting regime associated with the proposals would minimise light spillage into key areas such as the wooded boundaries and more mature trees. This would maintain foraging and navigational opportunities in these areas. Of particular importance will be avoiding direct illumination of those trees along the Cuckoo Trail in order to maintain this as a foraging and navigation feature”. Recommendations include installation of bat boxes onsite.

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Other protected species recommendations have been made including for nesting birds and precautionary badger check prior to works. These could secured through standard condition NC08 wildlife management plan.

Deciduous Woodland, Priority Habitat

The site contains recognised deciduous woodland, a priority habitat in England under section 41 of the Natural Environment and Rural Communities Act 2006. Priority habitat is a material consideration in the planning process and Local Authorities are required to take account of priority habitat and species in planning decisions. Onsite deciduous woodland priority habitat is proposed to be retained, notably the area at the south east of the site bordering road Upper Horsebridge Road and the Cuckoo Trail. Recommendations have been made to manage/restore existing woodland onsite, which is included in habitat enhancement biodiversity net-gain calculations. It is recommended management and enhancement of onsite woodland is secured through suitably worded condition.

Biodiversity Net Gain

As per section 180 of the National Planning Policy Framework 2021 and policy WCS12 Biodiversity of the Wealden District Core Strategy Local Plan 2013, development should provide biodiversity net-gain (BNG) that is integrated as part of their design.

A DEFRA BNG Metric v3 net-gain assessment has been undertaken and included within Appendix 7 of the EAR. This depicts baseline habitat and hedgerow value units, loss, creation and enhancement units. The assessment calculates the development will deliver a 10% BNG in habitat units and 58% in hedgerow units. This demonstrates the development is capable of BNG provision, in line with local and national policy. Calculations for provision of BNG rely on habitat creation but also existing habitat enhancement, the EAR states “The trees and tree groups are of greatest ecological value within the context of the site. Whilst losses will arise, the lack of existing management (poor structure), presence of non-native species (garden escapes) and generally poor species diversity, reduces the significance of these losses. Boundary trees / tree groups will be retained including the block of semi-natural woodland in the south east of the application site.

Such features will be enhanced through new / bolster planting and all such features will be brought under an appropriate management regime. Other features are of limited ecological value although appropriate new planting and future management will enhance these features". A LEMP is recommended for condition, as above.

Recommendation

No ecological objection

The application has demonstrated it has taken account of protected species and has can provide a level of biodiversity net gain through habitat creation and habitat restoration/enhancement. Conditions have been recommended above to secure these matters.

WDC Arboriculture and Landscape

Summary *– one comment (received 11 May 2022) –* ***NO OBJECTION***

My comments in relation to this application are as follows:

1. The previous layout was not supported given the impact to priority deciduous woodland habitat in the south east corner of the site.
2. The revised layout now removes development from this part of the site. However, I note that the previous AIA has been resubmitted from the 2020/1209 application. This document would need to be updated to ensure tree protection measures relate to the most recent layout and to avoid any future confusion.
3. NPPF para 131 notes that "*Planning policies and decisions should ensure that new streets are tree-lined*" at present the scheme cannot be argued to provide tree lined streets and so further consideration should be given as to how this can be achieved. This may be able to be secured by condition but given the additional space requirements needed for suitable street tree planting, it may be prudent to ensure this is deliverable at an early stage.
4. I would also recommend the use of WDC standard condition TP02.

Subject to the above amendments beings secured, I raise no objection on arboricultural grounds.

Pre-Application Matters

No pre-application advice was undertaken following refusal of previous application.

3. Relevant Planning History

Application No.	Description	Decision and Date
WD/1962/1435K/O	Dwelling	REFUSED 28 December 1962
WD/1962/200/F	10 dwellings and garages	REFUSED 28 March 1962

Application No.	Description	Decision and Date
WD/1963/979/F	Hay barn	REFUSED 25 September 1963
WD/1975/0874/O	Storage of gas cylinders	REFUSED 13 November 1975
WD/1976/1468/F	Storage of gas cylinders	REFUSED 22 July 1976
WD/2020/1209/MAO	Erection of up to 33 dwellings including 35% affordable, access, landscaping and other associated infrastructure.	REFUSED 15 April 2021

4. Details of Case

The Application Site

Lying to the north of the A271, the site comprises an area of 1.88 hectares with Bakers Farm a mobile home park bounding the western boundary of the site and the Cuckoo Trail, a public footpath and cycle route abutting the eastern boundary. Farmland lies to the north and residential development to the south of the A271.



The Development Proposals

Outline planning application for erection of up to 28 dwellings including 35% affordable, access, landscaping and other associated infrastructure with all matters reserved except for access. The application is accompanied by an

illustrative layout plan and is a resubmission following refused application WD/2020/1209/MAO which proposed up to 33 dwellings.

In addition to the application form, certificates and plans the application is accompanied by:

- Covering Letter including Planning Design and Access Statement from the previous application
- Flood Risk Assessment
- Drainage Strategy and Sustainable Drainage Management and Maintenance Plan
- Archaeological Desk-Based Assessment
- Ecological Appraisal
- Arboricultural Implications Report;
- Transport Statement
- Road Safety Audit Stage 1
- Road Safety Audit Stage 1 Response Report

Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)
- Hailsham Neighbourhood Plan July 2021
- Hellingly Neighbourhood Plan July 2021
- Herstmonceux Parish Neighbourhood Plan July 2019

On 28 March 2013 an application was made to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 challenging the validity of the Core Strategy on the grounds that it failed to comply with the requirements of Directive 2001/43/EC on the Assessment and Effect of Certain Plans and Programmes on the Environment and the implementing Environmental Assessment of Plans and Programmes Regulations 2004. This was dismissed by Order dated 21 February 2014. However, an appeal on 3 grounds was made to the Court of Appeal. On 7 October 2014, the Court of Appeal dismissed Grounds 1 and 2 relating to the housing numbers in the Core Strategy (original ruling was upheld).

Ground 3 related to whether the Council had considered reasonable alternatives to the use of a 7 km zone in relation to the provision of SANGS. On 9 July 2015 in response to a Court of Appeal decision, the Council has made changes to its Core Strategy Policy WCS 12 relating to Ashdown Forest.

Prior to the Court of Appeal Judgement Policy WCS12 provided that any net increase in residential development between 400m and 7km would be required to mitigate its recreational impact through the provision of Suitable Alternative Natural Green Space (SANGS) and on-site visitor management measures. The reference to the 7km zone of influence and the specific mitigation identified in this policy has now been removed. However all planning applications will continue to be subject to the Habitat Regulations which protect the Ashdown Forest Special Protection Area (SPA).

The rest of the Core Strategy is unaffected therefore remains intact as part of the adopted development plan for the purposes of this application.

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

Under ‘saved’ policies EN1 (sustainable development) and EN27 (layout and design) of the Wealden Local Plan 1998, the Council has also formally adopted the Wealden Design Guide, November 2008, as a Supplementary Planning Document. Some ‘saved’ policies and the design guide continue to have material weight where they are in compliance with the NPPF and CSLP (having regard to paragraph 219 of the NPPF).

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn. The plan was withdrawn in February 2020.

Relevant Policies

The National Planning Policy Framework (NPPF) in force from July 2021 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 7, 8, 9, 10, 11, 47, 92, 93, 97, 98, 100, 104, 110, 111, 124, 126, 130, 131, 134, 166, 168, 174, 179. 180, 183, 185 and 186 of the NPPF.

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

- Saved Policies GD2, DC17, EN1, EN2, EN8, EN12, EN14, EN27, EN27 ,HG6, TR3, TR16, CS1 and CS2 the adopted Wealden Local Plan 1998.
- Policies WCS6, WCS9, WSC12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016 Policies HNDP3, HNDP4, HNDP5, HNDP8 of the Hellingly Neighbourhood Plan July 2021

- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Section 3 Paragraph 6.1, 6.2, 6.3, 6.4, 6.8, 6.10, 6.11, 10.4, 11.1 and 11.2, Section 7 Paragraphs 4.13, 13.1, 13.2, 13.7, 15.3, Section 8 Paragraphs 2.1, 2.4, 2.5 and 2.7.

The Development Plan

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016. In addition, the Waste and Minerals Local Plan ((February 2013) and the Waste and Minerals Sites Plan (February 2017) were adopted by East Sussex County Council and form part of the statutory development plan, although not relevant to this particular application. Neighbourhood development plans when adopted by Wealden District Council, also form part of the statutory development plan and at the time of writing this includes the Herstmonceux Neighbourhood Plan (July 2019), Hailsham Neighbourhood Plan Final Version 21 July 2021 and the Hellingly Neighbourhood Plan July 2021. The Hellingly Neighbourhood Plan is relevant to the current application.

Each planning application is considered on its own merits taking into account the adopted development plan and any other material considerations.

Housing Land Supply

Paragraph 74 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year. Importantly, where there has been a record of persistent under delivery of housing through the Housing Delivery Test (HDT), local planning authorities should increase the buffer to 20%.

The latest national Planning Practice Guidance (PPG) states that for local planning authorities that deliver less than 85% of their identified housing requirement, a 20% buffer would then be added to their housing land supply position, with immediate effect from the publication of the HDT results. Only a 5% buffer would apply where the local planning authority has results of at least 85% for its HDT measurement and where they are not seeking to demonstrate a five year housing land supply position.

The government has recently published its HDT results for 2021 and this confirms that Wealden District Council had a result of 82% against its housing requirement. The implications of this result means that the local planning authority is required to use a 20% buffer for its five year housing land supply

position. As set out in the Five Year Housing Land Supply Statement as of 1st April 2022, published December 2022, the Council confirmed there are 5,706 (net) dwellings on identified sites that are considered available, suitable and available now for the five year period, which is some 1,556 (net) dwellings less than the 7,272 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to 3.92 years (or 78.5%) of housing land supply.

Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework take as a whole. The presumption in favour of granting planning permission under Paragraph 11 of the NPPF does not automatically apply where Footnote 7 of the NPPF applies, and policies of the NPPF provide a clear reason for refusal. However, the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) states *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*. This therefore provides a presumption in favour of the development plan.

Section 70(2) of the Town and Country Planning Act states '*In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'.* Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.

The adopted development plan documents relevant to the application site are 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 and the Hellingly Neighbourhood Plan July 2021.

Whilst the HNP is one of the most up to date documents in the suite of development plan documents, it does not allocate policies in its Plan for housing. This is significant in so far as the NPPF and para 14. Paragraph 14 of the NPPF states that:

"In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development

that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
c) the local planning authority has at least a three year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
d) the local planning authority's housing delivery was at least 45% of that required over the previous three years."

There is no specific policy within the HNDP that prohibits residential development outside of the development boundary. Nor does the HNDP allocate housing.

The application site lies within open countryside as defined by the Local Plan and has therefore been advertised as a 'departure' application. Policies within the development plan resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites) as set out in saved Policies GD2 and DC17 of the Wealden Local Plan 1998 but also in national guidance through the NPPF. The supporting text of Paragraph 5.91 to Policy DC17 sets out the range of special justifications for allowing development outside development boundaries. Outside of development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of these exceptions, nor does the site qualify as a Rural Exceptions site under Policy WCS9 of the Core Strategy Local Plan 2013. The application site which lies in open countryside therefore conflicts with Policies GD2 and DC17.

The proposed development is therefore contrary to the adopted local plan and should be refused unless material considerations indicate otherwise.

In the absence of a five year supply of deliverable housing land the effect of policies GD2 and DC17 would be to restrict the supply of housing and prevent local housing needs being met. It is therefore the officer's view that very limited weight should be given to these two policies in the consideration of this application. On this basis the issue of housing delivery is considered to be a significant material consideration that outweighs the policy conflict with development plan policies GD2 and DC17 in terms of s38(6) of the Planning and Compulsory Purchase Act 2004.

Paragraph 3.6 of the CSLP indicates that development boundaries may be moved where housing growth indicates that it will be required which would be undertaken as part of the Site Allocations DPD. This is formalised by Policy WCS6, which advises that retained or new development boundaries will be reviewed as part of the Delivery and Site Allocations DPD as appropriate. The adopted CSLP clearly accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. Policy WCS4 seeks provision of at least 1300 dwellings within and

around Hailsham and included land in the northern part of the town between Hailsham and Hellingly. Whilst the figure of 1300 homes is long since met (and indeed is based on housing growth that does not represent full objectively assessed housing need) Policy WCS4 postdates the 1998 Local Plan and has identified land in north Hailsham as required for outward growth. This is part of a spatial strategy that recognises the need to breach the 1998 settlement boundaries in order to deliver the housing and community needs of the district. Thus, the scheme's location outside any settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

To conclude, it therefore follows that development boundaries and the saved policies that refer to them, are, in practical terms, out of date and that in having regard to National Planning Policy Framework and Core Strategy policies relating to sustainable development that significant and demonstrable harm needs to be demonstrated for the proposed application to be refused.

Prematurity

Paragraph 49 of the Framework requires that two tests are met before a refusal of planning permission could be justified on grounds of prematurity:

a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan: and
b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to state:

"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."

Taking these points in turn:

(a) The scale of the development proposed for up to 28 dwellings is a major development. However, in the context of the housing requirements for the District as a whole, it is not considered to be significant or excessive in scale. The new local plan will have to contemplate significantly higher housing requirements than those within the withdrawn local plan. The strategic options as to where development should be accommodated within the district will be considered as the new local plan progresses, however whether or not the site is proposed as an allocation in the new local plan, having regard to the overall quantum of housing development that will be required across the district, it is considered that having regard

to test (a) under paragraph 49 of the Framework, a grant of planning permission for up to 28 dwellings would not undermine the plan making process for the new Local Plan by predetermining decisions about the scale, location or phasing of development that are central to it.

(b) Following the withdrawal of the SWLP it is not necessary to consider test (b) under paragraph 49 of the NPPF

It is therefore concluded that permitting the development is in compliance with the NPPF regarding prematurity.

Main Issues

Traffic Impact and Access

A new access will be formed onto Upper Horsebridge Road A271with a carriageway width of 5.5m and approximately 3.0m radii either side. ESCC Highways have advised that the junction radii would benefit from being increased to enable large vehicles to enter and leave the site without overrunning the opposite side of the carriageway.

The existing footway across the site frontage will continue into the site on both sides of the access. The footways leading into the site will require a minimum width of 2.0m with dropped kerbs and tactile paving required either side of the access for the benefit of pedestrians walking on the north side of Upper Horsebridge Road.

ESCC Highways have advised that visibility splays measuring 2.4m x 43m are required either side of the access and a plan has been submitted (Drawing 9239/102 Rev A) which indicates that appropriate splays are achievable over highway land or land within the applicant's control.

The Stage 1: Road Safety Audit however has raised some issues, one of which relates to the existing eastbound bus stop on Upper Horsebridge Road located a short distance to the west of the proposed site access. Whilst the bus stop does not impact on the visibility to the west of the new access, the RSA raises the issue of a stationary bus obstructing the sight line, and as result there is a risk of a vehicle overtaking the bus colliding with a vehicle exiting the site access.

ESCC Highways have advised that the bus stop should be relocated further west in order to provide greater clearance to the proposed junction.

The issues identified above can be addressed through imposition of conditions and the legal agreements.

Quantum of Development

As an outline application with all matters reserved other than access to the site (i.e. appearance, landscaping, layout and scale), the detailed position of particular buildings, internal roadways, parking, amenity space or proposed planting are all matters for later consideration. In terms of these aspects, this

application simply has to satisfy one basic test - can the quantum of development proposed, accessed from the location detailed be adequately accommodated within the constraints of the site?

The illustrative layout submitted in support of the outline application shows how the site could accommodate development of up to 28 dwellings. The density of 28 dwellings for 1.88 hectare of land is considered to be an effective use of land and appears to provide a good balance in weighing up the site's constraints.

The illustrative layout provided with the application details one potential layout for the site, in order to try to satisfy this basic test. The details of layout will be considered at reserved matters stage should outline planning permission be granted.

Concerns previously raised by officers that the layout for the refusal of 33 dwellings did not meet spatial requirements have been addressed through the removal of the 5 dwellings that would have resulted in the loss of priority habitat deciduous woodland in the south eastern corner of the site, thus reducing the overall number of dwellings to 28.

During the course of this application, amendments have been made to improve the relationship of plots 25-28 to the open space behind and increase the degree that the attenuation pond and open space will be overlooked. Other changes include the indication of connectivity to the Cuckoo Trail, the road width increasing to 5.5m and sufficient visitor parking being provided. Additionally fencing has been indicated that will prevent access to the buffer areas to the rear of gardens thus improving security concerns.

The description of the development allows an element of flexibility and the officer considers that the applicant has been able to demonstrate that the site can accommodate the density of development proposed without any unacceptable impacts on the quality of life of potential residents, on neighbouring properties, treed boundaries of the site, or the wider area.

Affordable Housing

The application is submitted with a commitment to provide 35% affordable homes at the site, meeting fully the requirement as set out in policy AFH1 of the Affordable Housing Delivery Local Plan. The 35% affordable housing will be secured through the legal agreement. The Housing Service supports the application as it will provide much needed affordable housing and will meet a key strategic objective of the Council by providing these units. They state that there is a substantial need for affordable rented homes in the area.

As the application is in outline, the location and design of the affordable units is not known at this stage, though if approved this detail will be confirmed through the reserved matters submission(s). The Housing Service has indicated that they are happy with the suggested affordable housing mix which would provide a good mix of 1, 2 and 3 bedroom affordable homes with a high proportion of smaller affordable homes.

The provision of additional affordable housing is afforded significant weight in favour of the grant of consent.

Custom and Self Build

The Self-build and Custom Housebuilding Act 2015 (as amended) and the associated Self-build and Custom Housebuilding Regulations 2016 are also both significant material considerations.

Amongst other matters, the purpose of the Act is to allow individuals wishing to build their own home to register their interest in acquiring a suitable plot of land with the relevant authority. Specifically, the Act makes provision for Local Authorities to maintain a register of people who are seeking to acquire a serviced plot in their area in order that they may build houses for them to occupy as homes; and the Council is required to grant planning permission for enough serviced plots of land to meet the demand for self-build and custom housebuilding in the District which arises in each base period (this comes from Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended)).

The NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that are suitable for housing. So whilst there is no development plan policy in play, there is a legal duty for the Council to grant planning permission for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.

At the end of October 2021 there were 148 applicants on the self build register.

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. In this current case 5% of the number of dwellings secured would be 1 which albeit small would, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This is a consideration given that there is evidence of unmet need for serviced plots in the District.

Tree and Landscaping Proposals

This is an outline application therefore detailed landscaping proposals would be considered at the reserved matters stage. A full arboricultural impact assessment (AIA) and method statement (AMS) to BS 5837:2012 standard has been submitted in support of this application.

There are no TPO’s on the site and there is no Ancient Semi Natural Woodland within the site or within a 15m distance, although there are Ancient Woodland areas in the adjoining development site.

The Cuckoo Trail which abuts the eastern boundary of the site is flanked by mature trees and the wooded eastern boundary of the application site contributes

to the district's green infrastructure corridor. Part of the proposed development site is classified as priority habitat deciduous woodland. The development proposals will result in losses to trees and tree groups within the application site, including losses to the woodland block in the south-east.

The pre-application advice was clear that development should avoid the loss of the woodland. The previous application was refused due to the application having not been amended despite officer's recommendation to reduce the quantum of development and omit development in the eastern part of the site that affects this principal habitat.

Revisions made in this submitted application include the removal of 5 properties in the south eastern corner of the site.



Ecology

The site contains recognised deciduous woodland, a priority habitat in England under Section 41 of the Natural Environment and Rural Communities Act 2006. Priority habitat is a material consideration in the planning process and local authorities are required to take account of priority habitat and species in planning decisions. The area of deciduous woodland priority habitat on-site is contiguous with adjacent deciduous woodland priority habitat along the Cuckoo Trail, a prominent ecological corridor in the wider landscape that connects and links to areas of Ancient Woodland in the local ecological network , including Horselunges Wood close to the eastern edge of the Cuckoo Trail.

The key issues relate to the effect on biodiversity with particular regard to whether or not there would be an unacceptable loss of broadleaved deciduous woodland which also forms part of a local ecological network and impact on bats.

Policy EN8 of the Wealden Local Plan emphasises the importance of retaining woods, boundary trees and hedges in the Low Weald and Policy EN12 also seeks to retain and enhance the contribution of trees and woodland areas. EN14 further endorses the importance of retaining existing trees, significant hedgerows and other valuable site features. Policy WCS12 of the Core Strategy seeks to prevent a net loss of biodiversity, ensure a comprehensive network of habitats

and maximise opportunities to ensure habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas. Policy WCS13 also seeks to ensure that the district's network of green infrastructure will be protected, improved and enhanced. Development will be resisted that harms the network of green spaces unless mitigation measures are incorporated. New residential developments are required to contribute to the green infrastructure network.

The Council's Biodiversity Officer's concerns on the previous application regarding the adverse effects on priority habitats have been addressed by the removal of 5 dwellings from the area of deciduous woodland priority habitat. He confirms that the ecological appraisal report is acceptable and that the report has assessed the impact upon protected species

Recommendations have been made to manage/restore existing woodland onsite, which is included in habitat enhancement biodiversity net-gain calculations, and that management and enhancement of onsite woodland is secured through a planning condition.

Therefore, the application has demonstrated it has taken account of protected species and can provide biodiversity net gain through habitat creation and habitat restoration/enhancement. Conditions have been recommended to secure these matters and also to address the conclusions of the NatureSpace Newt Officer.

Flood Risk and Drainage

The majority of the site lies within EA Flood Zone 1 so the sequential test is met and the exception test need not apply. The exception is the area immediately adjoining the northern boundary which is within EA Flood Zones 2 and 3 – however, no development is proposed in this small area as can be seen from the extract below.

Both ESCC LLFA and WDC Drainage Officer are satisfied that the flood risk is capable of being mitigated to acceptable levels by the application of planning conditions.

For: Planning Committee South
Date: 26 January 2023



Foul Drainage

In relation to foul drainage Southern Water have indicated that they have capacity to take foul drainage.

Further consultation responses were sought from Southern Water who have indicated that the comments made in their initial response dated 2 February 2022 remain unchanged. They have also addressed the queries as a result of the Full Council recommendation from July 2022.

Sustainable Drainage: SuDS

Paragraph 166 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. A suitable sustainable drainage system is key to meeting this aim. To provide detailed technical assessment of the submitted details the County Council as the Lead Local Flood Authority (LLFA) and the Council's Engineer have both been consulted on the application and do not raise objections. The comments of the LLFA and the WDC Drainage Engineer can be viewed on the application file and website.

Officers note that the suggested planning condition set out within the consultation response from the LLFA would ensure that the proposed surface water drainage would constructed to a standard that which means that the development would not lead to increased flood risk, would have built in capacity for climate change and would be appropriately managed and maintained. It is recommended that the planning conditions recommended by the LLFA be imposed on any planning permission granted at outline stage.

Contaminated Land

There is an area of contaminated land within the site indicating the need for a ground investigation. Officers are satisfied that this and any subsequent findings would be able to be dealt with by conditions recommended in the WDC/Rother Pollution Control's consultation response.

Sustainable Construction

On 19 January 2021, the Government published its response to the Future Homes Standard Consultation. The response includes plans to radically improve the energy performance of new homes with all homes to be highly energy efficient with low carbon heating and be zero carbon ready by 2025. These homes are expected to produce 75-80% lower carbon emissions from 2021.

The Council's Climate Emergency Plan 20 December 2019 identifies actions that can be taken to respond to the Climate Emergency. These actions cover both things that the Council can do to reduce their own emissions, and things that the Council can influence across the District. Measures fall under four broad categories:

- To reduce heat and power demands in buildings through fabric efficiency improvements and behavioural change,
- Reducing vehicle use and/or mileage through behavioural change.
- Encouraging a modal shift in transportation along with the replacement of all existing petrol and diesel engine vehicles with low and zero emission vehicles.
- Ensuring that future development achieves a high standard of energy efficiency to minimise increases in fuel consumption including increased uptake of Low and Zero Carbon (LZC) technologies in buildings to reduce reliance on fossil fuels and pressure on utility infrastructure, improve security of supply, and mitigate against price fluctuations.

The plan highlights that Wealden District Council should proactively support such measures through its own planning policy and decisions, and take a proactive and positive attitude towards increasing the amount of Low or Zero Carbon (LZC) technology energy generation within the District as an important means of 'doing their part' on national electricity grid decarbonisation.

Saved Policy EN1 of the Wealden Local Plan states that the Council will pursue sustainable development with regard to the location, layout and design of development including renewable energy and the effects on the environment including air and water quality . Had the application been considered acceptable in all other respects, a condition would have been recommended requiring the submission of details for water and energy efficiency measures and sustainable construction for approval.

Impact on Neighbours

As an outline application details of the final layout are not being considered, however, one potential layout as shown on the Illustrative layout plan indicates

that there will be a minimum of an 8 metre retained landscape buffer between the new houses and the existing properties at Bakers Farm Mobile Home Park.

The description of the development allows an element of flexibility and the officer considers that the applicant has been able to demonstrate that the site can accommodate the density of development proposed without any unacceptable impacts on the quality of life of potential residents, on neighbouring properties, treed boundaries of the site, or the wider area.

Other Issues

Consideration has been given to remaining issues addressed in the supporting documentation and the consultation responses received from statutory consultees and local residents. It is considered that any remaining impacts could be adequately mitigated or controlled through the imposition of conditions and the development of detailed layout, design of the buildings and landscaping at the reserved matters stage.

Reduced time limit for Planning Permission

Whilst the Council has begun the process of the next Local Plan, that will take some time. The Council needs housing now. There is a significant shortfall in the five year supply. It is not possible to defer decisions on planning applications and to wait for the next development plan. Whilst both area committees have been permitting recent applications, where justified, we are considerably short of the five year supply. The need is pressing. There are also other issues as mentioned elsewhere in the report regarding affordable, custom and self-build housing, together with boosting housing delivery and choice.

It is possible to add a planning condition requiring the commencement of the development within a shorter timescale than the relevant default period, as paragraph 77 of the NPPF makes provision for. A condition has been recommended that reduces the timescale for the submission of reserved matters within two years of the grant of planning permission and the commencement of development within one year from the final approval of reserved matters. .

The key thrust behind this is to try and ensure all dwellings are able to be counted as ‘deliverable’ within a five year period.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications. It sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that “local finance consideration” includes sums that a relevant authority has

received, or will or could receive, in payment of Community Infrastructure Levy. This detail is key and does make clear that CIL is relevant to this application as the improvements to meet highway capacity improvements will need to be secured by CIL. CIL is therefore, material to the consideration of this application by members of the planning committee and the delivery of the 65% market housing proposed in the application, which would be CIL liable. This CIL funding will be used towards the funding of the strategic highway improvements at Boship Roundabout and will also help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development if planning permission is granted.

Habitat Regulations Assessment

The Conservation of Habitats and Species Regulations 2017 (as amended) requires that where a plan or project is likely to result in a significant effect on a European site, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives. In so doing, an assessment is required as to whether the development proposed is likely to have a significant effect upon a European site, either individually or in combination with other plans and projects.

Assessment of likely significant effects on the Ashdown Forest SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.

Natural England's (NE) supplementary advice on conserving and restoring site features for the Ashdown Forest SPA (See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722) identifies recreational disturbance as one of the principle threats to ground nesting birds. Research and assessment undertaken by the Council supports this by demonstrating that increased recreation can result in damage to the bird's habitat through trampling and erosion. Moreover, the presence of people can disturb ground nesting birds during their breeding season (Feb - Aug). Dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.

The Ashdown Forest is an attractive semi-natural area however, evidence in the form of visitor surveys carried out for the Council demonstrates that it is residents living within 7km of the Ashdown Forest that are likely to visit it. The application site is beyond the 7km distance and as such, the evidence held does not provide a pathway of effect for recreational disturbance.

Given the above, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is not required to consider the

implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Assessment of likely significant effects on the Ashdown Forest SAC

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

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

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

The Council had proposed a new Local Plan to 2028 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace. Considering the effects of that quantum of growth, NE is satisfied that will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC and Ramsar from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

NE has also advised that where an existing national, regional or local initiative can be relied upon to lead to the reduction in background levels of pollution at a site, the competent authority should assess the implications of a plan or project against an improving background trend. Air quality monitoring indicates improvements in vehicle technology will come forward and this is a further material consideration to inform any screening stage.

The development proposed is also considerably less that the quantum of growth promoted in the Submission Wealden Local Plan 2019, which was declared unsound on the basis of failed duty to cooperate. For the reasons set out above, when considered on its own or in combination, the proposed development would not adversely impact on the integrity of the protected European Sites.

Assessment of likely significant effects on the Pevensey Levels SAC/Ramsar

The Pevensey Levels site is designated as a Ramsar site for the outstanding assemblage of ditch flora and fauna supporting wetland plants, invertebrates including the rare Fen Raft spider, aquatic beetles and dragonflies amongst others species.

The Pevensey Levels is also designated as a Special Area of Conservation (SAC). The SAC status was awarded for the presence of the Ramshorn snail which can be found here in both a wide spatial distribution and in good population densities

The Pevensey Levels are required to be protected from any detrimental development impacts that may affect its environmental designations which include

- Inappropriate water levels
- Invasive species (notably existing presence of Floating Pennywort and New Zealand Pigmyweed)
- Water Pollution (principally discharged from sewage treatment plants)

.
The development site does not drain into the Pevensey Levels catchment and therefore there is no potential for impacts to its conservation status

5. Planning Balance and Conclusion

The development lies outside of any development boundary. It is acknowledged that the Council does not have a five-year land supply. In these circumstances, the Framework directs that the policies most important for determining the application are out of date. Paragraph 11 states that planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal is for the construction of up to 28 homes. This would contribute to the overall supply of housing within the District. The development whilst outside of the development boundary would be located close to an existing settlement. It would provide 35% affordable housing meeting the policy requirements of AFH1 and 5% self-build units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. This is a material consideration and carries substantial weight in the context of the NPPF

The description of the development allows an element of flexibility and the officer considers that the applicant has been able to demonstrate that the site can accommodate the quantum of development proposed without any unacceptable impacts on the quality of life of potential residents, on neighbouring properties, treed boundaries of the site, or the wider area.

ESCC Highways have no objections to the application subject to conditions and the completion of a legal to secure the necessary off-site highway works. Having regard to Paragraph 111 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal.

Therefore, in recognition that the application is solely for the principle of development and access, the applicant has been able to demonstrate the quantum of development can be satisfactorily accommodated on the site and that the site can be safely accessed..

Having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject to the recommendation set out at the front of the report including completion of a legal agreement and conditions.

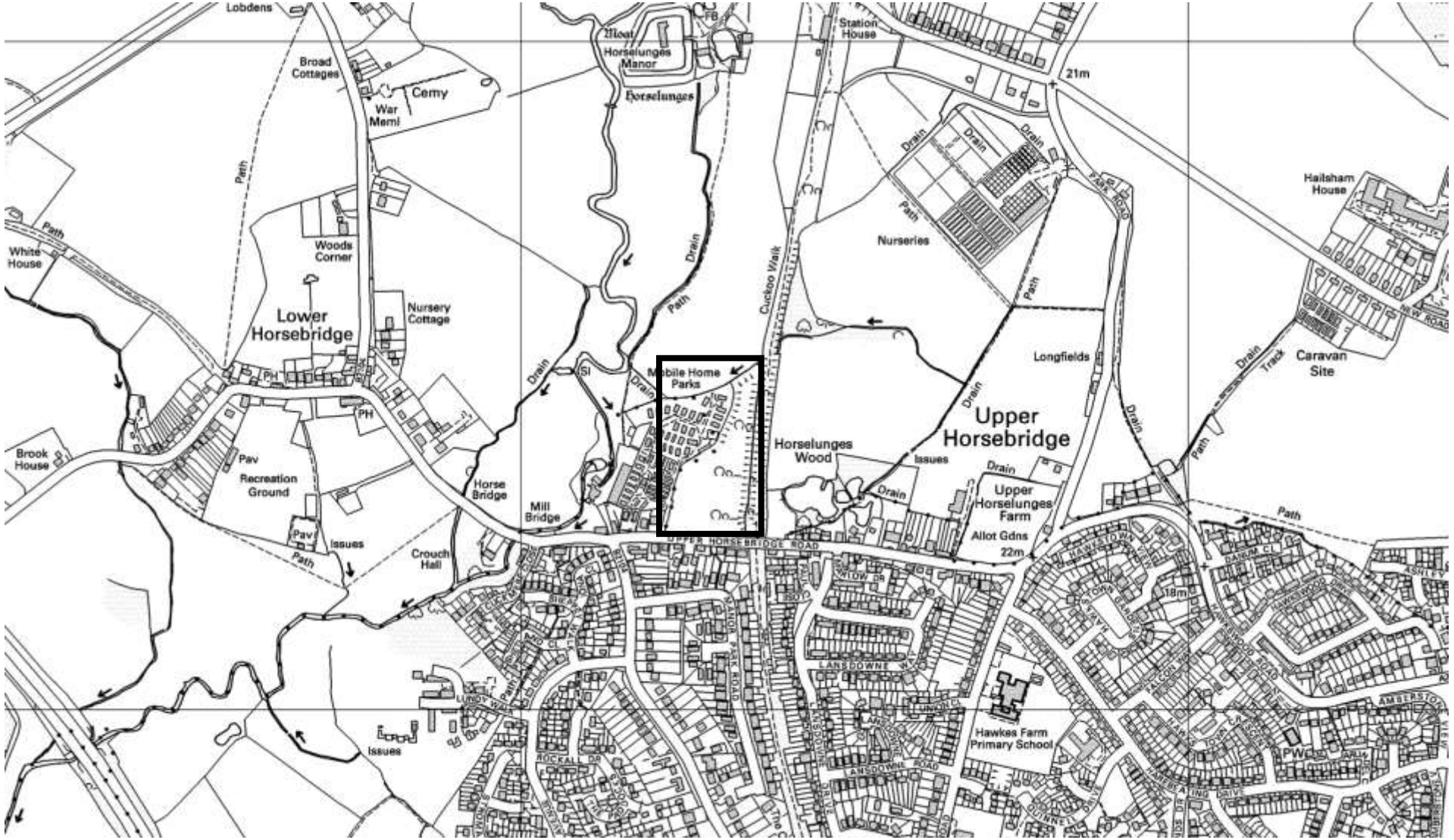
6. Contact points and references

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For: Planning Committee South
Date: 26 January 2023

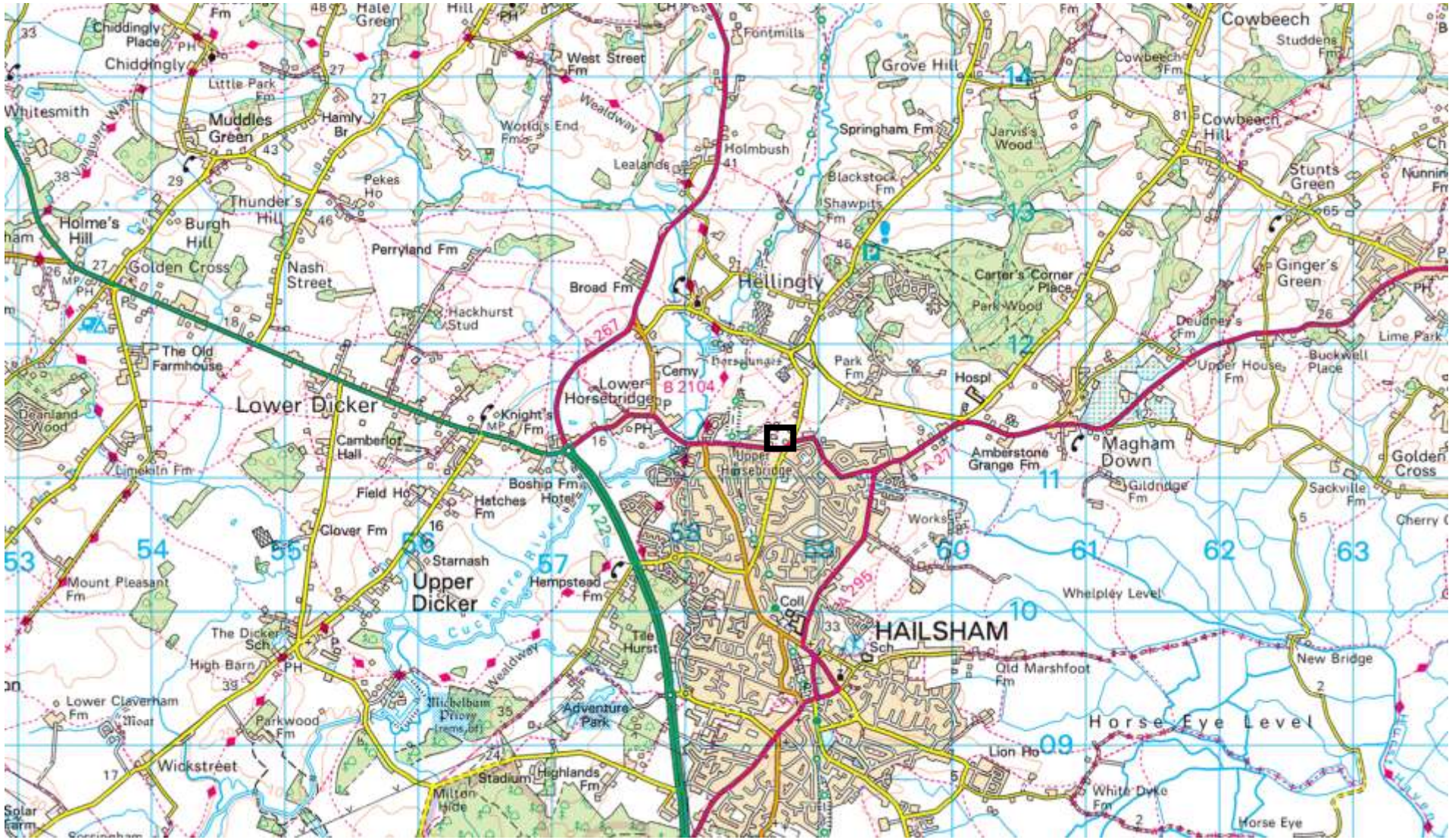


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