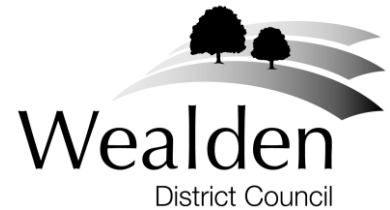


Trevor Scott
Chief Executive



My Reference PCN20250327/B

Ask for Katie Oliver, Trainee Democratic Services Officer,
Email: democraticservices@wealden.gov.uk, Tel:
01892 602720

Democratic Services
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX
Tel : 01892 602720

e-mail : DemocraticServices@wealden.gov.uk
website : www.wealden.gov.uk

Date 26 March 2025

To: Members of the PLANNING COMMITTEE NORTH:- M Everitt (Chair), G Owen-Williams (Deputy Chair), A Arthur, G Blake-Coggins, G Collins, M Gadd, J Howell, M Lunn, D Manvell, A Newton, G Shaw and Andrew Wilson (Substitute Members: K Benton, J Clark, M Fairweather, D French, J Partridge, G White and K Williams)

Dear Councillor

Planning Committee North - Thursday 27 March 2025

Further to the agenda and papers for the above meeting, previously circulated, please find attached the following:

OFFICER UPDATES

Yours sincerely

Trevor Scott
Chief Executive

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Planning Committee North

Officer Update Report

27th March 2025

Agenda Annex

Agenda Item 6 - WD/2024/2955/MAO - Land off Eastbourne Road, Uckfield (Pages 13-124)

Further representations

Two further letters of representation from the same household in the south of the district: No new material planning considerations relating to this application. Full details can be viewed on the Council's website.

Conditions

Following conditions amended as follows:

- Condition 10: Add in requirement to provide details of play equipment and street furniture and implementation of hard and soft landscaping in accordance with approved details.
- Condition 14 Delete duplicate sentence in first paragraph and reference to Pevensey Levels in part (b).
- Conditions 33 and 34: Amended from "*Prior to commencement...*" to "*Prior to the construction of the superstructure of any buildings..*"

Agenda Item 7 – WD/2022/2372/MAJ - Ashdown House School, Hartfield Road, Forest Row, RH18 5JY (Pages 125-204)

Updated schedule of conditions at Appendix 1 including plans for consideration.

Further representations

2 further objections received from households which have already raised objection, raising the following additional point not already covered in the published report:

- Potential to improve the existing access road should be further explored with third party land owner.
- Inadequate financial contributions sought to off-set the impact of the development.

2 further support comments received (from 2 households), with 1 comment raising the following not already covered in the published report:

- Development would enable the preservation of the main building.
- Removal of existing harmful development.
- Reduction in footprint of built form overall.

3 new comments have been received (from 2 households)

- 1 does not raise any new material considerations
- 1 does raise concern the new stock fencing erected to the access route has not been addressed in the report or consultees made aware. This is however addressed within the Highways section, under 'public right away'.
- 1 further comment has been received raising the following comments, but which do not raise any matters which would materially alter the officer recommendation and are generally procedure points to be addressed separately outside of the committee process.

Trip generation

For clarity, page 189 of the report confirmed the increase in weekend trips generated by the development but did not quantify the reduction on weekdays specifically. It can be confirmed based on the transport modelling undertaken by the applicant and reviewed and acknowledged by ESCC Highways, that the week day trip generation from the development would result in a reduction as set out below versus the lawful use as follows:

Time	Arrivals	Departures	Total
08:00-09:00	-61	-35	-96
17:00-18:00	10	-11	-2
07:00-19:00	-71	-69	-140

TABLE 5-15: RESIDUAL TRAFFIC IMPACT (WEEKDAY)

Therefore, whilst there would be an increase at weekends, as one might expect given the lawful use of the site as a school, on week days, there would be a net reduction overall.

CIL

Page 196 of the published report states that the development results in a net reduction in floor area and therefore it is CIL liable. It would result in a CIL payment if the building has not been in use for its lawful use for 6 months in the last 36 months less any self-build exemption applied for. This is not material to the application but required clarification.

Agenda Item 8 - WD/2022/2373/LB - Ashdown House School, Hartfield Road, Forest Row, RH18 5JY (Pages 205-238)

Updated schedule of conditions at Appendix 2 including plans for consideration.

Further representations

2 further support comments received (from 2 households), with 1 raising the following not already covered in the published report:

- Development would enable the preservation of the main building.
- Removal of existing harmful development.
- Reduction in footprint of built form overall.

2 further comments received from 1 household.

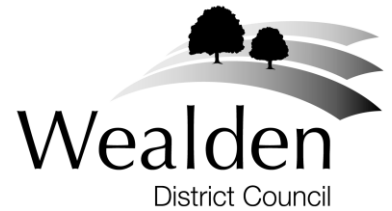
- 1 comment which does not raise any new material considerations.
- 1 comment has been received raising the following comments, but which do not raise any matters which would materially alter the officer recommendation and are generally procedure points to be addressed separately outside of the committee process.

Agenda Item 9 - WD/2024/2963/PIP - Roselands Close, Roselands Avenue, Mayfield, TN20 6EB (Pages 239 - 254)

No updates.

NOTE: The Council is now webcasting all its public meetings. This meeting will be broadcast live on the Council's website and the record archived for one year from the date of this meeting for future viewing

Trevor Scott
Chief Executive



My
Reference

PCN20250327

Ask for

Katie Oliver, Trainee Democratic Services Officer, Email:
democraticservices@wealden.gov.uk, Tel:
01892 602720

Democratic Services
Council Offices, Vicarage Lane
Hailsham
East Sussex BN27 2AX
Tel : 01892 602720

e-mail : democraticservices@wealden.gov.uk
website : www.wealden.gov.uk

Date

Wednesday, 19 March 2025

**PLEASE NOTE – THAT ORDER OF
BUSINESS MAY BE CHANGED BY THE
CHAIRMAN ON THE MORNING OF THE
MEETING TO ACCOMMODATE PUBLIC
SPEAKING**

TO: Members of the Planning Committee North:- Councillors M Everitt (Chair), G Owen-Williams (Deputy Chair), A Arthur, G Blake-Coggins, G Collins, M Gadd, J Howell, M Lunn, D Manvell, A Newton, G Shaw and Andrew Wilson (I Tysh – ex-officio)

(Substitutes: K Benton, J Clark, M Fairweather, D French, J Partridge, G White and K Williams).

Dear Councillor

PLANNING COMMITTEE NORTH - THURSDAY, 27TH MARCH, 2025

Your attendance is requested at a meeting of the PLANNING COMMITTEE NORTH to be held in The Civic Community Hall, Vicarage Lane, HAILSHAM on **THURSDAY, 27TH MARCH, 2025** at 10.00 a.m. The Agenda for the meeting is set out below:

AGENDA

- 1 - Chair's Introduction
- 2 - Apologies
Apologies for absence as reported at the meeting.
- 3 - Declaration Of Substitute Members
The Chairman to ask if any Member present is substituting for another Member and, if so, to declare his/her name as substitute Member and the name of the absent Member.

- 4 - Declarations of Interest
To receive Declarations of Interests in respect of items on the Agenda, as required by the Members' Code of Conduct.
- 5 - Minutes (Pages 5 - 12)
To resolve that the Minutes of the last meeting as circulated on the Agenda be confirmed as a correct record and signed by the Chair.

PLANNING - DEVELOPMENT MANAGEMENT

To consider the following reports of the Head of Planning and Environmental Services:

Reports (applications subject to public speaking)

Matters for Information

- 6 - WD/2024/2955/MAO - Land off Eastbourne Road, Uckfield (Pages 13 - 124)
- 7 - WD/2022/2372/MAJ - Ashdown House School, Hartfield Road, Forest Row, RH18 5JY (Pages 125 - 204)
- 8 - WD/2022/2373/LB - Ashdown House School, Hartfield Road, Forest Row, RH18 5JY (Pages 205 - 238)
- 9 - WD/2024/2963/PIP - Roselands Close, Roselands Avenue, Mayfield, TN20 6EB (Pages 239 - 254)
- 10 - Delegated Tree Matters (Pages 255 - 258)
- 11 - Delegated Approvals (Pages 259 - 278)
- 12 - Delegated Refusals (Pages 279 - 280)
- 13 - Withdrawn List (Pages 281 - 284)
- 14 - Appeals in Progress and Decided (Pages 285 - 290)
- 15 - Enforcement Matters for Information (Pages 291 - 306)
- 16 - Urgent Business
To consider any other items which the Chairman decides are urgent for reasons given.
- 17 - Any Other Business
- 18 - Consideration of Exempt Information and Exclusion of the Public
To give consideration under the Local Government Act 1972, Section 100 (A) (4) to the public being excluded from the meeting for the following item(s) of business (if any) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

19 - Date of the Next Meeting

The next meeting of the Committee will be held on Thursday, 10 April 2025 at 10.00 a.m. in Hailsham.

TREVOR SCOTT
Chief Executive

For: Planning Committee North
Date: 27 March 2025

WD/2024/2955/MAO - LAND OFF EASTBOURNE ROAD, UCKFIELD

Summary of Proposal

Major Application - Outline application for:-

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 145 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS), VEHICULAR ACCESS POINT AND PROVISION FOR SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANG). ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS

Received date: 7 January 2025

8/13 week date: 8 April 2025

Parish: Framfield

Ward: Framfield & Cross-in-Hand

Grid Ref: 548675 119562

Link to website:

<https://planning.wealden.gov.uk/Planning/Display/WD/2024/2955/MAO>

<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661>

Recommendation

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

A. Housing

- 35% affordable housing provision; and
- 5% serviced plots for custom and self-build units.

Financial Contributions

- Travel Plan auditing fee of £6,000 for period of five years of annual site monitoring;
- £500 registration fee and £7,500 for monitoring and approvals under S106 agreement;
- Financial contribution towards the Council's Strategic Access Management and Monitoring Strategy for the Ashdown Forest SPA (SAMMS);
- Financial contribution towards any residual off-site youth and adult recreation space requirements that cannot be accommodated on-site;
- Public transport service contribution of £1350 per dwelling to supplement the existing bus services;
- School transport contribution at cost of £703 per pupil falling within the eligible distance for school transport from the 1st occupation to 1 full academic year from full occupation; and
- Signal optimisation system for town centre junctions (SCOOT or MOVA) at cost of £100k + annual maintenance cost over 20-year period (10% of value of installed equipment).

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

Travel Plan

- Travel Plan to include significant measures to encourage the take up of bus use, including 6 months free travel for new residents followed by a further 6 months of discounted travel; car club with 1st car available at opening and 2nd car on completion. Residents' information pack.

Provision of SANGS

- Provision of Suitable Alternative Natural Green Space (in accordance with Natural England Guidelines) provided as an alternative recreational space to the Ashdown Forest including but not limited to car parking and access, footpaths, new planting and signage to be provided as part of the development.

Bio-diversity Net Gains

- A habitat management and monitoring plan, and
- Monitoring fee contribution of £10,794.49 for the 30 year period

Off-site Highway Works:

- Access points and related off-site highway works – highway footway improvements and verge retention works, crossing points with refuges, new junction and right-turn facility, lighting scheme; and
- Provision of three new bus stops to be located within 400m of the proposed development access points, furnished appropriately with shelters, seating and real time information, bus cages, kerbing and hardstanding (2no. South Bound; 1no North Bound including scheme for shelter maintenance).

OR

- B. Planning permission BE REFUSED if the Section 106 Agreement (required under recommendation A) is not completed within a reasonable timescale for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary infrastructure improvements to meet the additional demands generated by the proposed development and to ensure there would be no adverse impacts on highways, Ashdown Forest SPA and provision of affordable housing. Therefore, the proposal is considered contrary to saved Policies CS1 and TR3 of the adopted Wealden Local Plan 1998, Policies WCS7, WCS12 and WCS14 of the Core Strategy Local Plan and Policy AFH1 of the Affordable Housing Delivery Local Plan.

Conditions

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

For: Planning Committee North
Date: 27 March 2025

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 three 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 two years 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.

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

3. The reserved matters application shall be accompanied by a noise assessment which identifies any noise impacts on the proposed houses and sensitive receptors including the health club that adjoins the site. The assessment shall inform the layout and identify any necessary mitigation measures that addresses the issues of acoustics, ventilation and overheating (AVO). Good acoustic design, as per ProPG, shall be fully integrated into the scheme. This is to ensure that future residents and any adjoining sensitive receptors shall not be exposed to unacceptable levels of noise exposure, even during periods of overheating. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS). The ADS shall be incorporated into the overall AVO scheme and GAD shall include as many of the following methods as possible:
 - i. Maximising the spatial separation of noise source(s) and receptor(s).
 - ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources.
 - iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.
 - iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.
 - v. Using the layout of the scheme to reduce noise propagation across the site.
 - vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.
 - vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise.
 - viii. Using the building envelope to mitigate noise to acceptable levels.

For the purposes of this condition the scheme shall a) outline the level of noise exposure for each property and how the noise level within any (unoccupied) domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

BS8233:2014 and b) outline how the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

In order to prevent overheating, the cooling hierarchy below, combined with GAD shall be applied to the scheme with an aim to ensure that properties can comply with the simplified method to prevent overheating as outlined in Approved Document O:

1. Minimise internal heat generation through energy efficient design.
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls.
3. Design the properties to enable passive ventilation (e.g. cross ventilation).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If, after applying GAD and the cooling hierarchy it is determined that for some properties the simplified methods to prevent overheating cannot be applied, then for such properties, thermal dynamic modelling shall be submitted with the AVO scheme to show compliance with ADO for each of those properties.

Prior to occupation, a study confirming the effectiveness of the AVO scheme for a representative selection of different properties in different locations (10% of the development) shall be undertaken not less than one month after completion. The survey shall identify the level of compliance with the scheme and shall be submitted to the LPA within one month of the survey completion as a written report. No part of the development shall be occupied where compliance has not been achieved in full.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

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.

For: Planning Committee North
Date: 27 March 2025

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

10841-FPCR-XX-ZZ-DR-L-0004 Rev. P02	Site Plan	23 December 2024
Potential Access Arrangement - 24	General Plan	23 December 2024
Development Framework - 10841-FPCR-XX-ZZ-DR-L-0002 Rev. P17	General Plan	23 December 2024
SANG Proposals 10841-FPCR-XX-ZZ-DR-L-0005 Rev. P08	General Plan	23 December 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

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 <https://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.

5. The development hereby permitted shall be carried out in general accordance with plan the Development Framework Plan Dwg 10841-FPCR-XX-ZZ-DR-L-0002 P17 date stamped 23 December 2024.

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to Policies WCS12, WCS13 and WCS14 of the Wealden Core Strategy 2013 and Saved Policies EN13 and EN27 of the Wealden Local Plan 1998.

6. The SANGS land shall be used for the provision of SANGS and for no other purpose.

REASON: To ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

7. No dwelling shall be occupied until a SANG Management Plan reflecting the principles contained in SANG Management Plan Rev B date stamped 23 December 2024 has been submitted to and approved in writing by the Local Planning Authority. The SANG Management Plan shall be implemented as approved and thereafter the SANG shall be made publicly accessible and maintained in accordance with the approved details in perpetuity. The SANG Management Plan shall provide details of the SANG infrastructure, including interpretation board(s), path and fencing specifications to minimise impacts on the ancient woodland, and wildlife features, woodland, trees, hedgerows, grassland habitats and any water bodies.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

REASON: To ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

8. The Reserved Matters application(s) for landscaping and layout shall include car parking spaces which shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking and turning areas shall be provided prior to the occupation of the associated dwellings and thereafter retained for that purpose. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998.

9. The Reserved Matters application(s) for landscaping and layout shall show cycle storage provided in accordance with East Sussex County Council's adopted standards. Driveways or parking spaces providing access to cycle parking shall be at least 3.5m wide. The cycle storage and access shall be provided prior to the occupation of the associated dwellings and thereafter retained. PC03
REASON: To provide for alternative modes of transport, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the Wealden Local Plan 1998.

10. The Reserved Matters application(s) submitted pursuant to condition 1 shall provide full details of both hard and soft landscaping and shall include the following:

- (a) Positions, design, materials and type of boundary treatments to be erected;
- (b) Hard landscaping materials;
- (c) A full Arboricultural Method Statement which for each tree/hedge shall show the accurate position, canopy spread and species, confirming root protection areas, proposals for felling/pruning, any proposed changes in ground level, or other works to be carried out, within the canopy spread, 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;
- (d) A plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
- (e) A schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
- (f) A written specification outlining cultivation and other operations associated with plant and green grass establishment;
- (g) A schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;

For: Planning Committee North
Date: 27 March 2025

- (h) A timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008.

- 11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority.
 - (a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; and if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,
 - (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of condition (b) that any remediation scheme required and approved under the provisions of condition (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority the verification report shall comprise:

- 1) Built drawings of the implemented scheme;
- 2) Photographs of the remediation works in progress;
- 3) Certificates demonstrating that imported and/or material left in situ is free from contamination.

INFORMATIVE: The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Local Planning Authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to Land Contamination Risk Management online at <https://www.gov.uk/>

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 Policy EN1 of the adopted Wealden Local Plan.

12. 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, including a timetable for the 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.

13. 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 12.

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.

14. No works or enabling work (including vegetation clearance, demolition or below ground level work) shall be carried out on site until, full written details for a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for full written details for a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) 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 with specific regard to the protection of the Pevensey Levels;
 - 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 method of access, including temporary access points, on-site turning and egress;

For: Planning Committee North
Date: 27 March 2025

- e) The parking of vehicles onsite by site operatives and visitors;
- f) The loading, unloading and storage of plant, materials and waste. 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;
- k) No bonfires to be permitted during site clearance or construction.

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

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 and Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998.

15. During the construction and demolition phases of the development no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and no works on Sundays, Public or Bank Holidays.

Construction deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

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

16. Prior to the commencement of development a scheme (including a programme for its implementation) for the provision and management of naturally vegetated buffer zones between the development and the ancient woodland shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) Details of the planting scheme which shall include native species of local provenance;
- c) Details demonstrating how the ancient woodland and buffer zone will be protected during construction and occupation of the development and managed and maintained over the longer term; and
- d) Details for the restriction of public access to the ancient woodland and ancient woodland buffer.

The ancient woodland buffer shall be planted in accordance with the approved scheme in the first planting season prior to commencement of development. Any

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

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.

REASON: To safeguard irreplaceable habitats having regard to Saved Policy EN8 of the Wealden Local Plan and Policy WCS12 of the Core Strategy.

17. No ancient or veteran trees on the site, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, a veteran tree buffer zone, in line with the guidance provided within the Natural England and Forestry Commission standing advice for ancient woodland, ancient trees and veteran trees, will be established in addition to the standard approved protection zone/root protection area (RPA) as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, and the following work shall not be carried out within the approved protection zone (root protection area) or veteran tree buffer zone of any ancient or veteran tree:-
- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone or veteran tree buffer zone.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone or veteran tree buffer zone.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone or veteran tree buffer zone.
 - (iv) No fires shall be lit within the approved protection zone or veteran tree buffer zone 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 or veteran tree buffer zone.
 - (vi) No materials or equipment shall be stored within the approved protection zone or veteran tree buffer zone as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction' and 'Natural England and Forestry Commission standing advice for ancient woodland, ancient trees and veteran trees.

REASON: To preserve ancient and veteran trees on the site in the interests of visual amenity, landscape character and the protection of irreplaceable habitat, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 & EN16 of the Wealden Local Plan 1998; Section 3, Paragraph 7 of the Wealden Design Guide 2008; coupled with the requirements of paragraphs 136, 187b & 193c of the

For: Planning Committee North
Date: 27 March 2025

National Planning Policy Framework 2024 and the guidance provided by the Natural England and Forestry Commission joint standing advice for ancient woodland, ancient trees and veteran trees.

18. No footpaths shall be located within the Root Protection Areas of retained trees T2, T3, T10 and T13, in line with the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations or where superseded by updated standards.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies WCS13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

19. Details of landscaping as required by Condition 1 shall include those trees and hedgerows to be retained (including protection zones), those to be removed and new planting.

No trees and hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, topped, lopped 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 written 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 or where superseded by updated standards.
- (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 BS5837:2012 Trees in relation to design, demolition & construction - Recommendations or where superseded by updated standards.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies WCS13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

20. The development shall not commence until technical details of access related highway scheme to include details of footway, uncontrolled crossing point, right-turn ghost island, drainage, street lighting and signage have been submitted to and approved in writing by the Highway Authority and the development shall not

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

be occupied until the scheme for access has been completed in accordance with the agreed specification.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

21. The access shall not be used until visibility splays as shown in drawing 22-T025.24 are provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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 Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

22. No works below ground level shall take place until detailed plans, including levels, sections and constructional details of the proposed roads, surface water drainage (including details to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site), outfall disposal and any street lighting have been submitted to and approved in writing by the Local Planning 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 development and/or 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. No development shall be occupied until confirmation has been provided to the satisfaction of the Local Planning Authority that either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure-phasing plan has been approved in writing by the Local Planning Authority to allow development to be occupied. Where a development and infrastructure-phasing plan is agreed no occupation shall take place other than in full accordance with the approved development and infrastructure phasing plan. DF02(M)

REASON: To ensure 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.

24. Prior to either the commencement of development, or commencement of each phase, where a phase is drained independently of any other phase in the development, details of surface water drainage, which shall follow the principles of a two stage sustainable drainage system, shall be submitted to and approved

For: Planning Committee North
Date: 27 March 2025

in writing by the Local Planning Authority. The surface water drainage shall be provided in accordance with the approved details before first occupation of the development or where phased, development within that phase.

The detailed surface water drainage drawings and calculations shall include the following:

1. Surface water discharge rates shall not exceed greenfield runoff rates, as described in the Flood Risk Assessment and Outline Surface Water Drainage Strategy Ref 680480-R1(04)-FRA date stamped 23 December 2024, for all rainfall events including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations shall consider the connectivity of the different surface water drainage features.
2. The site levels design and development layout shall recognise the existing site topography and potential pluvial flow paths through the site. Allowances should be made for these to be retained unless alternative arrangements are made to collect pluvial flows and divert these around parts of the development that might be considered vulnerable. The site development layout will provide for pluvial flow paths.
3. The drainage layout drawings shall include pipe and manhole references that match the drainage calculations. Layout plans shall include the proposed finished floor levels of dwellings, driveways and hardstanding, roads and some landscape levels to describe the general site arrangement and demonstrate that flows arising on the site would be directed to the attenuation basin rather than off-site across the boundaries into third party land.
4. The details of the outfall of the proposed attenuation ponds and how it connects into the receiving watercourse(s) shall be provided as part of the detailed design. This shall include cross sections and invert levels.
5. The basins shall be above the prevailing ground water levels during the wetter periods of the year. Measures to manage any potential groundwater flows into and out of the attenuation basins shall be included in the detailed design submission. The detailed design of the attenuation basins should be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
6. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The roads and levels design shall prevent exceedance flows from being directed out of the site via the entrance road and onto the main road.

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 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

25. Prior to occupation of any dwelling within a phase of the development, evidence (including as built drawings and photographs) shall be submitted showing that the associated surface water drainage system for that phase of development has been constructed in full accordance with the final approved detailed drainage designs.

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 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

26. A maintenance and management plan for the entire drainage system shall be submitted to the Local 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. Who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
- 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 SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

27. Prior to the commencement of development hereby permitted, the Local Planning Authority shall be provided with either:
- a) A great crested newts (GCN) mitigation licence issued by Natural England pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
 - b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a great crested newts mitigation licence.

The development shall be carried out in strict accordance with the recommendations and GCN mitigation strategy contained in any licence issued by Natural England, with the mitigation and enhancement measures in place prior to first occupation of the dwellings and thereafter retained.

REASON: To safeguard protected species which could otherwise be adversely affected by the development and to provide biodiversity enhancement having regard to Spatial Planning Objective SPO1 and Policies WCS12 and WCS14 of

For: Planning Committee North
Date: 27 March 2025

the Wealden District Core Strategy Local Plan 2013 and the requirements of the National Planning Policy Framework.

28. 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 Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013.

29. Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with the recommendations contained in the submitted Ecological Impact Assessment date stamped 23 December 2024 to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

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.

30. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior the first occupation of any of the dwellings hereby permitted of the development. 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; and
- 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 landscape and ecological management plan shall be carried out as approved over the lifetime of the development and any subsequent variations shall be agreed in writing by the Local Planning Authority.

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 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

31. 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 lighting scheme shall include details of the impact of lighting on driver safety on the A27 Trunk Road. The artificial lighting within 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 08/23 Bats and Artificial Lighting at Night or where superseded the current guidance at the time.

The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan and the Wealden Design Guide, Chapter 3, Section 18 and Chapter 8, Section 7.

32. Prior to the construction of the superstructure of any buildings, details of water and energy efficiency measures and renewable energy and sustainable construction measures within the development shall be submitted to and approved in writing by the Local Planning Authority. 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 Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN1 of the Wealden Local Plan 1998 and Chapter 4 of the Wealden Design Guide 2008.

33. Prior to commencement an Air Source Heat Pump acoustic report shall be submitted to the Local Planning Authority for approval. This report shall show that the installation of every heat pump across the development site shall comply with the Chartered Institute of Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.' The report shall outline that the rating level from ASHPs, including the cumulative impact of multiple ASHPs if relevant, shall not exceed 35dB LAeq,15min at any noise sensitive façade of a

For: Planning Committee North
Date: 27 March 2025

neighbouring residential premises. If it is not practical to achieve this value for any of the heat pumps, and the local context supports a relaxation, then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the Local Authority for approval.

Following the installation of ASHPs across the development site, post installation noise monitoring shall be undertaken by the applicant at the reasonable request of the Local Planning Authority.

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

34. Prior to commencement, a report shall be submitted in writing for approval to the Local Authority, showing that the costs of air quality mitigation methods integrated into the development shall match or exceed the air quality damage cost calculation of £79,340.
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.

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

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.

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.

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.

NOTE 5: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

NOTE 6: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW
Tel 0330 3030119

www.southernwater.co.uk

NOTE 7: The applicant is advised of the need to consult East Sussex Fire Service regarding the provision and location of fire hydrants within the development.

INFORMATIVE – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wealden District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the Notes section below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the Notes section below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

For: Planning Committee North
Date: 27 March 2025

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Please see Notes section below for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

Reason for Referral

The Committee considered this application on 20 February 2025 where it was resolved to refuse planning permission. A motion to approve, in line with officer recommendation, failed. The putative reason for refusal was suggested to be damage to irreplaceable habitats contrary to Policies EN15 of the Wealden Local Plan and WSC12 of the Wealden Local Plan Core Strategy.

However, there was some confusion over the exact detail of the refusal reason and immediately following the vote, there was a Point of Order with reference to Part 3 Section 4.8 of the Constitution. It was proposed that due to lack of reasons for refusal that a new motion of referral to Planning Committee South be moved. Following some debate, this was agreed (by vote) and majority of Members supported the motion.

Whilst that motion was approved, it did not follow due process. At the rise of the Committee, concerns were raised about the decision-making process.

Having obtained legal advice, the Monitoring Officer advised the case should be remitted back to Committee. This was because of irregularities in the governance of the referral in meeting resolution and in relation to the putative reason for refusal, due to the confusion surrounding the basis on which the vote to refuse the application was taken. In short, it would be difficult for the LPA to cite clearly and precisely the full reasons for refusal, specifying all policies and proposals relevant to the decision taken.

Members will recall there was reference in the report and meeting to legal advice. It is clear from the debate on the 20 February 2025 that some members were concerned had not been shared. Remitting the case back to committee for fresh assessment can address that point.

As a result, the Committee and its Members are asked to consider the item afresh and with an 'open mind'. In doing so, Members need to avoid any appearance of bias or of having predetermined their views before taking a decision on the planning application (as resubmitted to the Committee) or on planning policies.

In this regard, Members are reminded of the Planning Code of Good Practice within Part 5 of the Council's Constitution which applies to all Members of the Planning Committee at all times when involved in the planning process.

The Local Government Association and the Planning Advisory Service have issued guidance entitled 'Probity in Planning' (December 2019) which contains advice concerning matters of probity for councillors and officers making planning decisions.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

To assist Members, some advice in relation to **Predetermination** has been set out below.

Central to the determination of planning applications at planning committee is the principle that Members who determine planning applications should come to Committee with an open mind, and be ready to hear and consider all sides relating to an application.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a 'closed mind' approach and likely to leave the committee's decision susceptible to challenge by Judicial Review.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition). The latter is acceptable, the former is not and may result in a Court quashing such planning decisions.

Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter.

This reflects the common law position that a councillor may be predisposed on a matter before it comes to committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased.

An example often cited is as follows, a councillor who states "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a councillor who states: "Many people find windfarms ugly and noisy and I will need a lot of persuading that any more windfarms should be allowed in our area."

Avoiding predetermination and the impression of it is essential and if any Member has predetermined their position, they should declare such and withdraw from the meeting for the matter.

Further advice can be given at the meeting if needs be.

Executive Summary

This is a resubmission of an outline planning permission for the erection of up to 145 dwellings. All matters are reserved except for access.

This application follows the refusal of outline planning permission WD/2022/2785/MAO on 14 November 2024 for the same development on the grounds of: *"The proposal has failed to demonstrate that, the site is suitably*

For: Planning Committee North
Date: 27 March 2025

accessible by all non-car modes of travel with specific reference to cyclists. The development would therefore be contrary to Saved Policies EN1 and TR3 of the Wealden Local Plan 1998, Spatial Planning Objective SPO7 and Policy WCS7 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 108(c), 110(d), 114 and 116 (a) and (b)."

ESCC Highways had acknowledged in their consultation response on the refused application that public transport and walking could be accommodated. Further, ESCC simply stated that the poor cycling connections was a matter which was to be factored in the balance. It did not state that the harm was at such a level that it *'significantly and demonstrably outweighs the benefits'* of the proposal.

The Council sought legal advice from Counsel which is unequivocal, that an appeal against the Council's decision has strong prospects of success and there is a medium high risk of costs being awarded against the Council on the basis that the decision was unreasonable in all circumstances. The applicant has also sought Counsel advice with similar conclusions. The applicant has lodged an appeal against the previous refusal to PINS. This application has been resubmitted for reconsideration by Members in light of the advice from Counsel and the pending appeal. ESCC Highways consultation response on this application is clear they are not objecting to the development *"we do not wish to oppose the granting of planning permission by the LPA in this instance"*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan, which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan. These policies, however, are out of date and have been superseded by policies contained in the adopted Core Strategy Local Plan (CSLP) 2013 which recognised the need to breach development boundaries to meet identified housing need. The strategic housing policies and development boundaries (GD2, DC17, WCS1 and WCS2) in the WCSLP and WLP are out of date given the level of need on which the plans were based on and the age of the policies.

The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing.

The proposed development would provide 145 dwellings, 35% of which would be affordable (51 units), meeting the policy requirements of AFH1 and 5% (7 units) self-build/custom built 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. In the context of the lack of a five-year

housing land supply, the proposed housing 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 a positively concluded Appropriate Assessment). 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.

Policy WCS14 of the WCSLP is clear that decisions should apply a presumption in favour of sustainable development. Having regard to WCS14 of the Core Strategy and the guidance contained within paragraph 11d(ii) of the NPPF, which advise that an application should be granted planning permission unless significant and demonstrable harm arising from the development can be demonstrated, no significant or demonstrable harm arising from the proposed development has been identified. Therefore, the presumption in favour of sustainable development is applicable and the application should be approved.

Subject to the imposition of conditions and the completion of a S106 agreement to secure the necessary and justifiable infrastructure works, financial contributions, SANG and affordable housing as recommended at the front of this report the proposal is compliant with the development plan when read as a whole and there are no other material considerations that indicate consent should be withheld. Approval of this application is recommended.

1. Statutory Bodies and Residents - Responses

All consultation responses as set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

2. Other Relevant Responses/Issues

All consultation responses as set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

Additional Consultation Response from WDC Bio-Diversity Officer

Received 12 March 2025

I understand this application is due further consideration at Planning Committee. Further to my consultation relating to BNG below, I provide further ecology consultation comments, addressing areas of ecological concern raised at the Planning Committee North February Meeting:

Irreplaceable Habitat and Ancient Woodland

The site includes an area of ancient woodland (AW), irreplaceable habitat to the far southeast of the site. The woodland (ref W2 in Ecological Impact Assessment, EclA, report) is within area proposed as SANG, but access is not proposed

For: Planning Committee North
Date: 27 March 2025

through the woodland, with the circular footpath walk proposed through non-priority habitat woodland adjoining it, which is described in the EclA report as a mixed plantation woodland, containing both native and non-native tree species. The EclA document, page 21, table 4, states; "Designated paths will be created to ensure residents have restricted access to the woodlands; within the SANG access has been promoted into the plantation woodland (W3), as this forms part of the 2.3 walk route, this has purposely avoided the more sensitive areas of the ancient woodland (W2). Area of open space and play areas have been positioned to allow for recreation but separate enough to ensure that play does not extend into the woodland areas". Proposed enhancements to the ancient woodland include some canopy thinning to benefit ground flora and installation of nest boxes.

The AW is located over 100 metres from the built form proposed. Whilst included in the site area, the ancient woodland is located within the wider SANG area, and as above, is not proposed to be subject to public access, with paths routed elsewhere. The connectivity and buffering of the woodland is proposed to be enhanced through extensive tree and scrub planting on its boundaries. This is depicted below on the plan extracts below.

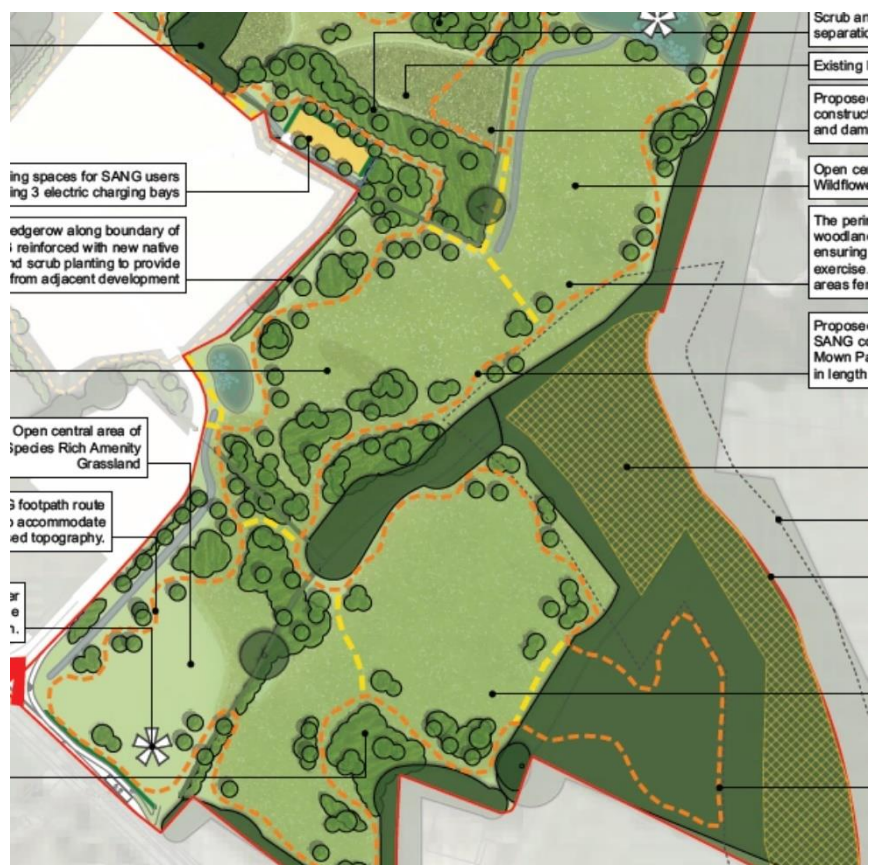
I provide no objection on ancient woodland grounds. I have provided extensive ecology consultation responses relating to ancient woodland, development and direct and indirect impacts. It is my view in this instance that the development would result in no degradation or loss of ancient woodland. I would like to draw distinction between this and other high profile Wealden applications where ecological objection has been raised on AW grounds. In the matter of Bird in Eye and Downlands Farm decisions, these applications proposed direct impacts to ancient woodland that would have resulted in degradation and loss, by installation of paths and boardwalks through AW habitat, insufficient AW buffer zones and extensive interfaces between AW and development. This development is very different scenario, with large semi-natural habitat area proposed between built form and AW, sufficient buffering and enhancement of AW and adjoining land and provision of biodiversity net gain. It is my professional view that the development meets requirements of local and national policy with regard to irreplaceable habitats.

To the northeast of the site, just beyond the site boundary, there are aquatic habitats bordered on their far side by further areas of AW. For the avoidance of doubt, these AWs are 95 and 60 metres respectively from the edge of SANGs and 130 and 240 metres away from the edge of proposed built form. The offsite fishery present between AW and proposed SANG site, is not recognised as irreplaceable habitat but is bordered by AW on its far side. I understand it is stocked with non-native fish and, whilst there are clear recreational and sport benefits, non-native fish stocking can in itself impact aquatic biodiversity and habitat quality. That being said, ponds and lakes are recognised as priority habitat under the NERC Act 2006, section 41. It is understood the SUDs drainage will be subject to a two-stage process to prevent aquatic impacts in the wider environment.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025



Distance from AW to built form; scrub and tree planting proposed buffering and enhancing AW

For: Planning Committee North
Date: 27 March 2025

Onsite Marshy Grassland, Other Neutral Grassland

The EcIA report has identified areas of marsh grassland onsite, a type of other neutral grassland. This is near the proposed SANG car park on a location proposed to be retained. Section 5.20 states: “There are multiple areas of marshy grassland present, particularly to the north-east, although the largest areas are associated with D2 and the associated field compartment. There are smaller areas present near D1 and H24 to the west, but these are limited in extent. These areas are dominated by jointed rush *Juncus articulatus*, other species include soft rush *Juncus effusus*, meadowsweet *Filipendula ulmaria* and hemlock *Conium maculatum*”. In the summary of baseline habitats (table 5, page 26) this was summarised as other neutral grassland g3c; “Two larger areas of marshy grassland were present within the centre of the Site, of poor condition and medium habitat distinctiveness”. This habitat is not recognised as an irreplaceable or priority habitat and has therefore not been identified as an Important Ecological Feature in the EcIA report. The proposed habitat condition/distinctiveness plan and habitat retention plan within the EcIA report (page 37-38) depicts the g3c wet grassland areas as being retained in current condition post development. This is deemed reasonable, taking account of management proposed and site use.

Ecological Connectivity

The development comprises of area of built form in parallel to Eastbourne Road (behind Cysley’s Farm) with proposed SANGs area wrapping around the east and north of this, integrating with the wider environment. The illustrative masterplan shows retention of the majority of ecological connective features through the site, bar breaks for road access between field parcels, with reinforcement native planting creating thicker corridors of connectivity along the west and north sides of the proposed built form, helping to reinforce existing onsite and offsite ecological connectivity from priority habitat woodland across Eastbourne Road to that to the northwest of the site – woodland behind Teelings Drive. Some ecological connectivity features through the built form are to be largely retained through hedge and tree line retention. Currently, according to the EcIA, the proposed SANGs area has a number of missing hedgerow sections and consists of largely modified grassland, having limited connectivity in the landscape. The proposals for the SANG include rather extensive creation of native habitats including areas of shrub, tree and woodland planting, enhancement to wildflower grasslands and creation of waterbodies in the form of SUDs. It is reasoned this mosaic of habitats will provide greater permeability to wildlife, better onsite foraging opportunities and improved connectivity across the site for mobile or arboreal species. Whilst some additional impacts of people and pets will be introduced to the SANG (for example, noise disturbance and dog fouling), it is reasoned the ecological benefits in this instance outweigh those impacts. It is noted the distance from built form to ancient woodland and further afield habitats is in excess of typical cat predation ranges.

Agenda Item 6

For: Planning Committee North

Date: 27 March 2025

Biodiversity Net Gain

As covered in my previous consultation response below, the development proposes BNG provision in excess of Wealden draft policies of a minimum 20% BNG provision and national requirements of 10%.

Pre-Application Matters

As set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

3. Relevant Planning History

As set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

4. Details of Case

As set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

5. Conclusion

As set out in the Officer report to the 20 February 2025 Planning Committee North as appended to this report.

6. Contact points and references

Development Manager	Samuel Batchelor - Tel: -01892 602552
Case Officer:	Claire Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr Mrs A E Newton

For: Planning Committee North
Date: 27 March 2025

APPENDIX 1

OFFICER REPORT to Planning Committee and OFFICER WRITTEN UPDATE for 20
February 2025 PCN

For: Planning Committee North
Date: 27 March 2025

WD/2024/2955/MAO - LAND OFF EASTBOURNE ROAD, UCKFIELD

Summary of Proposal

Major Application - Outline application for:-

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 145 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS), VEHICULAR ACCESS POINT AND PROVISION FOR SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANG). ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS

Received date: 7 January 2025

8/13 week date: 8 April 2025

Parish: Framfield

Ward: Framfield & Cross-in-Hand

Grid Ref: 548675 119562

Link to website:

<https://planning.wealden.gov.uk/Planning/Display/WD/2024/2955/MAO>

<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661>

Recommendation

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

Housing

- 35% affordable housing provision; and
- 5% serviced plots for custom and self-build units.

Financial Contributions

- Travel Plan auditing fee of £6,000 for period of five years of annual site monitoring;
- £500 registration fee and £7,500 for monitoring and approvals under S106 agreement;
- Financial contribution towards the Council's Strategic Access Management and Monitoring Strategy for the Ashdown Forest SPA (SAMMS);
- Financial contribution towards any residual off-site youth and adult recreation space requirements that cannot be accommodated on-site;
- Public transport service contribution of £1350 per dwelling to supplement the existing bus services;
- School transport contribution at cost of £703 per pupil falling within the eligible distance for school transport from the 1st occupation to 1 full academic year from full occupation; and
- Signal optimisation system for town centre junctions (SCOOT or MOVA) at cost of £100k + annual maintenance cost over 20-year period (10% of value of installed equipment).

Travel Plan

- Travel Plan to include significant measures to encourage the take up of bus use, including 6 months free travel for new residents followed by a further 6 months of discounted travel; car club with 1st car available at opening and 2nd car on completion. Residents' information pack.

Provision of SANGS

- Provision of Suitable Alternative Natural Green Space (in accordance with Natural England Guidelines) provided as an alternative recreational space to the Ashdown Forest including but not limited to car parking and access, footpaths, new planting and signage to be provided as part of the development.

Bio-diversity Net Gains

- A habitat management and monitoring plan, and
- Monitoring fee contribution of £10,794.49 for the 30 year period.

Off-site Highway Works:

- Access points and related off-site highway works - highway footway improvements and verge retention works, crossing points with refuges, new junction and right-turn facility, lighting scheme; and
- Provision of three new bus stops to be located within 400m of the proposed development access points, furnished appropriately with shelters, seating and real time information, bus cages, kerbing and hardstanding (2no. South Bound; 1no North Bound including scheme for shelter maintenance).

OR

- B. Planning permission BE REFUSED if the Section 106 Agreement (required under recommendation A) is not completed within a reasonable timescale for the following reason:

The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that they could secure the proper provision and delivery of the necessary infrastructure improvements to meet the additional demands generated by the proposed development and to ensure there would be no adverse impacts on highways, Ashdown Forest SPA and provision of affordable housing. Therefore, the proposal is considered contrary to saved Policies CS1 and TR3 of the adopted Wealden Local Plan 1998, Policies WCS7, WCS12 and WCS14 of the Core Strategy Local Plan and Policy AFH1 of the Affordable Housing Delivery Local Plan.

Conditions:

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 three 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 two years 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.

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

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

10841-FPCR-XX-ZZ-DR-L-0004 Rev. P02	Site Plan		23 December 2024
24	General Plan	Potential Access Arrangement	23 December 2024
10841-FPCR-XX-ZZ-DR-L-0002 Rev. P17	General Plan	Development Framework	23 December 2024
10841-FPCR-XX-ZZ-DR-L-0005 Rev. P08	General Plan	SANG Proposals	23 December 2024

REASON: For the avoidance of doubt and in the interests of proper planning.

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 <https://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.

4. The development hereby permitted shall be carried out in general accordance with plan the Development Framework Plan Dwg 10841-FPCR-XX-ZZ-DR-L-0002 P17 date stamped 23 December 2024.

REASON: To enable the Local Planning Authority to regulate and control the development of land having regard to Policies WCS12, WCS13 and WCS14 of the Wealden Core Strategy 2013 and Saved Policies EN13 and EN27 of the Wealden Local Plan 1998.

5. The SANGS land shall be used for the provision of SANGS and for no other purpose.

REASON: To ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

6. No dwelling shall be occupied until a SANG Management Plan reflecting the principles contained in SANG Management Plan Rev B date stamped 23 December 2024 has been submitted to and approved in writing by the Local Plan Authority. The SANG Management Plan shall be implemented as approved and thereafter the SANG shall be made publicly accessible and maintained in accordance with the approved details in perpetuity. The SANG Management Plan shall provide details of the SANG infrastructure, including interpretation board(s), path and fencing specifications to minimise impacts on the ancient woodland, and wildlife features, woodland, trees, hedgerows, grassland habitats and any water bodies.

REASON: To ensure appropriate mitigation for the recreational impacts upon the Ashdown Forest SPA in accordance with the requirements set out in Wealden Core Strategy Policy WCS12.

7. The Reserved Matters application(s) for landscaping and layout shall include car parking spaces which shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking and turning areas shall be provided prior to the occupation of the associated dwellings and thereafter retained for that purpose. The development shall be carried out in accordance with the approved scheme.

REASON: To ensure an adequate and satisfactory standard of parking provision, having regard to SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the adopted Wealden Local Plan 1998.

8. The Reserved Matters application(s) for landscaping and layout shall show cycle storage provided in accordance with East Sussex County Council's adopted standards. Driveways or parking spaces providing access to cycle parking shall be at least 3.5m wide. The cycle storage and access shall be provided prior to the occupation of the associated dwellings and thereafter retained. PC03

REASON: To provide for alternative modes of transport, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN27 and TR16 of the Wealden Local Plan 1998.

9. The Reserved Matters application(s) submitted pursuant to condition 1 shall provide full details of both hard and soft landscaping and shall include the following:
- (a) Positions, design, materials and type of boundary treatments to be erected;
 - (b) Hard landscaping materials;
 - (c) A full Arboricultural Method Statement which for each tree/hedge shall show the accurate position, canopy spread and species, confirming root protection areas, proposals for felling/pruning, any proposed changes in ground level, or other works to be carried out, within the canopy spread, 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;
 - (d) A plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
 - (e) A schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
 - (f) A written specification outlining cultivation and other operations associated with plant and green grass establishment;
 - (g) A schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
 - (h) A timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008.

10. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority.
- (a) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011+A1:2013; and if notified in writing by the Local Planning Authority that the results of the site investigation are such that site remediation is required then,

- (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the Local Planning Authority a written verification report by a competent person approved under the provisions of condition (b) that any remediation scheme required and approved under the provisions of condition (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority the verification report shall comprise:

- 1) Built drawings of the implemented scheme;
- 2) Photographs of the remediation works in progress;
- 3) Certificates demonstrating that imported and/or material left in situ is free from contamination.

INFORMATIVE:

The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Local Planning Authority has determined the application on the basis of the information made available to it.

It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to Land Contamination Risk Management online at <https://www.gov.uk/>

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 Policy EN1 of the adopted Wealden Local Plan.

11. 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, including a timetable for the 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.

12. 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 11.

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.

13. No works or enabling work (including vegetation clearance, demolition or below ground level work) shall be carried out on site until, full written details for a Code of Construction Practice has been submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) shall provide for full written details for a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The Code of Construction Practice (COCP) 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 with specific regard to the protection of the Pevensey Levels;
- 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) Management of traffic visiting the site including the anticipated number, frequency and types of vehicles used during construction, the times of delivery and collections and measures necessary to ensure highway safety;
- e) Measures to ensure that HGV loads are adequately secured;
- f) The method of access, including temporary access points, on-site turning and egress;
- g) The parking of vehicles by site operatives and visitors;
- h) The loading, unloading and storage of plant, materials and waste. 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);
- i) Measures to minimise the potential for pollution of groundwater and surface water;
- j) Details of measures to manage flood risk, both on and off the site during construction;
- k) The location and design of security hoardings, site offices and storage compounds;
- l) The arrangements for public consultation and liaison during the construction works;
- m) No bonfires to be permitted during site clearance or construction.

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

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 and Saved Policies EN27 and TR3 of the adopted Wealden Local Plan 1998.

14. During the construction and demolition phases of the development no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and no works on Sundays, Public or Bank Holidays.

Construction deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

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

15. Prior to the commencement of development a scheme (including a programme for its implementation) for the provision and management of naturally vegetated buffer zones between the development and the ancient woodland shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Plans showing the extent and layout of the buffer zone;
- b) Details of the planting scheme which shall include native species of local provenance;
- c) Details demonstrating how the ancient woodland and buffer zone will be protected during construction and occupation of the development and managed and maintained over the longer term; and
- d) Details for the restriction of public access to the ancient woodland and ancient woodland buffer.

The ancient woodland buffer shall be planted in accordance with the approved scheme in the first planting season prior to commencement of development. 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.

REASON: To safeguard irreplaceable habitats having regard to Saved Policy EN8 of the Wealden Local Plan and Policy WCS12 of the Core Strategy.

16. No ancient or veteran trees on the site, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, a veteran tree buffer zone, in line with the guidance provided within the Natural England and Forestry Commission standing advice for ancient woodland, ancient trees and veteran trees, will be established in addition to the standard approved protection zone/root protection area (RPA) as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, and the following work shall not be carried out

within the approved protection zone (root protection area) or veteran tree buffer zone of any ancient or veteran tree:-

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone or veteran tree buffer zone.
- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone or veteran tree buffer zone.
- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone or veteran tree buffer zone.
- (iv) No fires shall be lit within the approved protection zone or veteran tree buffer zone 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 or veteran tree buffer zone.
- (vi) No materials or equipment shall be stored within the approved protection zone or veteran tree buffer zone as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction' and 'Natural England and Forestry Commission standing advice for ancient woodland, ancient trees and veteran trees.

REASON: To preserve ancient and veteran trees on the site in the interests of visual amenity, landscape character and the protection of irreplaceable habitat, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 & EN16 of the Wealden Local Plan 1998; Section 3, Paragraph 7 of the Wealden Design Guide 2008; coupled with the requirements of paragraphs 136, 187b & 193c of the National Planning Policy Framework 2024 and the guidance provided by the Natural England and Forestry Commission joint standing advice for ancient woodland, ancient trees and veteran trees.

17. No footpaths shall be located within the Root Protection Areas of retained trees T2, T3, T10 and T13, in line with the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations or where superseded by updated standards.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies WCS13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

18. Details of landscaping as required by Condition 1 shall include those trees and hedgerows to be retained (including protection zones), those to be removed and new planting.

No trees and hedgerows that have been approved as being retained, unless dead or dangerous, shall be felled, topped, lopped 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 written 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 or where superseded by updated standards.
- (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 BS5837:2012 Trees in relation to design, demolition & construction - Recommendations or where superseded by updated standards.

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Policies WCS13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN12 and EN14 of the adopted Wealden Local Plan 1998.

19. The development shall not commence until technical details of access related highway scheme to include details of footway, uncontrolled crossing point, right-turn ghost island, drainage, street lighting and signage have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the scheme for access has been completed in accordance with the agreed specification.

REASON: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

20. The access shall not be used until visibility splays as shown in drawing 22-T025.24 are provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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 Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy TR3 of the Wealden Local Plan 1998; coupled with the requirements of the National Planning Policy Framework.

21. No works below ground level shall take place until detailed plans, including levels, sections and constructional details of the proposed roads, surface water drainage (including details to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site), outfall disposal and any street lighting have been submitted to and approved in writing by the Local Planning 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 development and/or 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.

22. No development shall be occupied until confirmation has been provided to the satisfaction of the Local Planning Authority that either all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a development and infrastructure-phasing plan has been approved in writing by the Local Planning Authority to allow development to be occupied. Where a development and infrastructure-phasing plan is agreed no occupation shall take place other than in full accordance with the approved development and infrastructure phasing plan. DF02(M)

REASON: To ensure 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.

23. Prior to either the commencement of development, or commencement of each phase, where a phase is drained independently of any other phase in the development, details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall be provided in accordance with the approved details before first occupation of the development or where phased, development within that phase.

The detailed surface water drainage drawings and calculations shall include the following:

1. Surface water discharge rates shall not exceed greenfield runoff rates, as described in the Flood Risk Assessment and Outline Surface Water Drainage Strategy Ref 680480-R1(04)-FRA date stamped 23 December 2024, for all rainfall events including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage

- drawings. The hydraulic calculations shall consider the connectivity of the different surface water drainage features.
2. The site levels design and development layout shall recognise the existing site topography and potential pluvial flow paths through the site. Allowances should be made for these to be retained unless alternative arrangements are made to collect pluvial flows and divert these around parts of the development that might be considered vulnerable. The site development layout will provide for pluvial flow paths.
 3. The drainage layout drawings shall include pipe and manhole references that match the drainage calculations. Layout plans shall include the proposed finished floor levels of dwellings, driveways and hardstanding, roads and some landscape levels to describe the general site arrangement and demonstrate that flows arising on the site would be directed to the attenuation basin rather than off-site across the boundaries into third party land.
 4. The details of the outfall of the proposed attenuation ponds and how it connects into the receiving watercourse(s) shall be provided as part of the detailed design. This shall include cross sections and invert levels.
 5. The basins shall be above the prevailing ground water levels during the wetter periods of the year. Measures to manage any potential groundwater flows into and out of the attenuation basins shall be included in the detailed design submission. The detailed design of the attenuation basins should be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
 6. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The roads and levels design shall prevent exceedance flows from being directed out of the site via the entrance road and onto the main road.

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 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

24. Prior to occupation of any dwelling within a phase of the development, evidence (including as built drawings and photographs) shall be submitted showing that the associated surface water drainage system for that phase of development has been constructed in full accordance with the final approved detailed drainage designs.

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 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

25. A maintenance and management plan for the entire drainage system shall be submitted to the Local 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. Who will be responsible for managing all aspects of the surface water drainage system, including piped drains; and
- 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 SPO12, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

26. Prior to the commencement of development hereby permitted, the Local Planning Authority shall be provided with either:

- a) A great crested newts (GCN) mitigation licence issued by Natural England pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) A statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a great crested newts mitigation licence.

The development shall be carried out in strict accordance with the recommendations and GCN mitigation strategy contained in any licence issued by Natural England, with the mitigation and enhancement measures in place prior to first occupation of the dwellings and thereafter retained.

REASON: To safeguard protected species which could otherwise be adversely affected by the development and to provide biodiversity enhancement having regard to Spatial Planning Objective SPO1 and Policies WCS12 and WCS14 of the Wealden District Core Strategy Local Plan 2013 and the requirements of the National Planning Policy Framework.

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 Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013.

28. Prior to preparation of ground levels for the construction of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with the recommendations contained in the submitted Ecological Impact Assessment date stamped 23 December 2024 to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.

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.

29. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior the first occupation of any of the dwellings hereby permitted of the development. 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; and
 - 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 landscape and ecological management plan shall be carried out as approved over the lifetime of the development and any subsequent variations shall be agreed in writing by the Local Planning Authority.

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 and Saved Policies EN14 and EN27 of the Wealden Local Plan 1998.

30. 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 lighting scheme shall include details of the impact of lighting on driver safety on the A27 Trunk Road. The artificial lighting within 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 08/23 Bats and Artificial Lighting at Night or where superseded the current guidance at the time.

The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN27 and EN29 of the adopted Wealden Local Plan and the Wealden Design Guide, Chapter 3, Section 18 and Chapter 8, Section 7.

31. Prior to the construction of the superstructure of any buildings, details of water and energy efficiency measures and renewable energy and sustainable construction measures within the development shall be submitted to and approved in writing by the Local Planning Authority. 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 Spatial Planning Objectives SPO9 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policy EN1 of the Wealden Local Plan 1998 and Chapter 4 of the Wealden Design Guide 2008.

32. No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority. Good acoustic design, as per ProPG, shall be fully integrated into the scheme. This is to ensure that future residents shall not be exposed to unacceptable levels of noise exposure, even during periods of overheating. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS). The ADS shall be incorporated into the overall AVO scheme and GAD shall include as many of the following methods as possible:
- i. Maximising the spatial separation of noise source(s) and receptor(s).
 - ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources.

- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise.
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise.
- v. Using the layout of the scheme to reduce noise propagation across the site.
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms.
- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise.
- viii. Using the building envelope to mitigate noise to acceptable levels.

For the purposes of this condition the scheme shall a) outline the level of noise exposure for each property and how the noise level within any (unoccupied) domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any (unoccupied) domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

In order to prevent overheating, the cooling hierarchy below, combined with GAD shall be applied to the scheme with an aim to ensure that properties can comply with the simplified method to prevent overheating as outlined in Approved Document O:

- 1. Minimise internal heat generation through energy efficient design.
- 2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls.
- 3. Design the properties to enable passive ventilation (e.g. cross ventilation).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If, after applying GAD and the cooling hierarchy it is determined that for some properties the simplified methods to prevent overheating cannot be applied, then for such properties, thermal dynamic modelling shall be submitted with the AVO scheme to show compliance with ADO for each of those properties.

Prior to occupation, a study confirming the effectiveness of the AVO scheme for a representative selection of different properties in different locations (10% of the development) shall be undertaken not less than one month after completion. The survey shall identify the level of compliance with the scheme and shall be submitted to the LPA within one month of the survey completion as a written

report. No part of the development shall be occupied where compliance has not been achieved in full.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

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.

33. Prior to commencement an Air Source Heat Pump acoustic report shall be submitted to the Local Planning Authority for approval. This report shall show that the installation of every heat pump across the development site shall comply with the Chartered Institute of Environmental Health and Institute of Acoustic's guidance: 'Heat Pumps, Professional Advice note.' The report shall outline that the rating level from ASHPs, including the cumulative impact of multiple ASHPs if relevant, shall not exceed 35dB LAeq,15min at any noise sensitive façade of a neighbouring residential premises. If it is not practical to achieve this value for any of the heat pumps, and the local context supports a relaxation, then a report providing a full justification as to why such a relaxation in rating level is required, shall be submitted in writing to the Local Authority for approval.

Following the installation of ASHPs across the development site, post installation noise monitoring shall be undertaken by the applicant at the reasonable request of the Local Planning Authority.

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

34. Prior to commencement, a report shall be submitted in writing for approval to the Local Authority, showing that the costs of air quality mitigation methods integrated into the development shall match or exceed the air quality damage cost calculation of £79,340.

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.

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

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.

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.

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.

NOTE 5: The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

NOTE 6: A formal application for connection to the public sewerage system is required in order to serve this development. For further advice, please contact:

Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW
Tel 03303030119
www.southernwater.co.uk

NOTE 7: The applicant is advised of the need to consult East Sussex Fire Service regarding the provision and location of fire hydrants within the development.

INFORMATIVE – Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wealden District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in the Notes section below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed in the Notes section below are considered to apply.

The permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Please see Notes section below for further information in relation to the condition, exemptions, transitional arrangements, irreplaceable habitats and the effect of 73(D) of the Town and Country Planning Act 1990.

Reason for Referral

The application is referred to this Committee as positive determination is beyond the scheme of delegation. This is a major application for a site identified for development in the Regulation 18 Draft Local Plan 2024

Executive Summary

This is a resubmission of an outline planning permission for the erection of up to 145 dwellings. All matters are reserved except for access.

This application follows the refusal of outline planning permission WD/2022/2785/MAO on 14 November 2024 for the same development on the grounds of:

“The proposal has failed to demonstrate that, the site is suitably accessible by all non-car modes of travel with specific reference to cyclists. The development would therefore be contrary to Saved Policies EN1 and TR3 of the Wealden Local Plan

1998, Spatial Planning Objective SPO7 and Policy WCS7 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 108(c), 110(d), 114 and 116 (a) and (b)."

ESCC Highways had acknowledged in their consultation response on the refused application that public transport and walking could be accommodated. Further, ESCC simply stated that the poor cycling connections was a matter which was to be factored in the balance. It did not state that the harm was at such a level that it *'significantly and demonstrably outweighs the benefits'* of the proposal.

The Council sought legal advice from Counsel which is unequivocal, that an appeal against the Council's decision has strong prospects of success and there is a medium high risk of costs being awarded against the Council on the basis that the decision was unreasonable in all circumstances. The applicant has also sought Counsel advice with similar conclusions. The applicant has served notification of intent to submit an appeal against the previous refusal to PINS and the Council and is requesting a Public Inquiry. This application has been resubmitted for reconsideration by Members in light of the advice from Counsel and the pending appeal. ESCC Highways consultation response on this application is clear they are not objecting to the development *"we do not wish to oppose the granting of planning permission by the LPA in this instance"*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan, which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.

The site is contrary to Saved Policies GD2 and DC17 of the adopted Wealden Local Plan 1998, by virtue of its location outside the development boundary as set out on the proposals map of that plan. These policies, however, are out of date and have been superseded by policies contained in the adopted Core Strategy Local Plan (CSLP) 2013 which recognised the need to breach development boundaries to meet identified housing need. The strategic housing policies and development boundaries (GD2, DC17, WCS1 and WCS2) in the WCSLP and WLP are out of date given the level of need on which the plans were based on and the age of the policies.

The Council cannot demonstrate a five-year supply of deliverable housing land and there is a clear need for housing within the housing market area, including a need for affordable housing.

The proposed development would provide 145 dwellings, 35% of which would be affordable (51 units), meeting the policy requirements of AFH1 and 5% (7 units) self-build/custom built 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. In the context of the lack of a five-year housing land supply, the proposed housing 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 a positively concluded Appropriate Assessment). 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.

Policy WCS14 of the WCSLP is clear that decisions should apply a presumption in favour of sustainable development. Having regard to WCS14 of the Core Strategy and the guidance contained within paragraph 11d(ii) of the NPPF, which advise that an application should be granted planning permission unless significant and demonstrable harm arising from the development can be demonstrated, no significant or demonstrable harm arising from the proposed development has been identified. Therefore, the presumption in favour of sustainable development is applicable and the application should be approved.

Subject to the imposition of conditions and the completion of a S106 agreement to secure the necessary and justifiable infrastructure works, financial contributions, SANG and affordable housing as recommended at the front of this report the proposal is compliant with the development plan when read as a whole and there are no other material considerations that indicate consent should be withheld. Approval of this application is recommended.

1. Statutory Bodies and Residents - Responses

Natural England

Summary: One response (received 20 January 2025)

NO OBJECTION – SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would:

- Have an adverse effect on the integrity of the Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) <https://designatedsites.naturalengland.org.uk/>.
- Damage or destroy the interest features for which Ashdown Forest Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required/or the following mitigation options should be secured:

- Appropriate financial contribution towards Strategic Access Management and Monitoring Strategy for the Ashdown Forest SPA (SAMMS) .

- Delivery of a Suitable Alternative Natural Green Space (SANG) with minimum walking route of 2.3-2.5km to be managed and maintained in perpetuity.
- A detailed SANG Management Plan.
- Management and maintenance of the SANG in perpetuity.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Habitats Regulations Assessment (HRA)

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Further advice on mitigation

Natural England previously responded to this development proposal in our letters dated: 23rd October 2023 (our ref 419040), 6th March 2024 (our ref 465653), 7th May 2024 (our ref 474746) and 8th August 2024 (our ref 481430).

In our latest advice letter, we welcomed the amended SANG plan and confirmed it addressed our concerns regarding “cut-through” routes across some sections of the 2.3km circular walk. We also welcomed the submitted SANG Management Plan and acknowledged it addressed potential conflicts between the core purpose of the SANG and current or future habitats and biodiversity assets, as well as addressing long-term management and maintenance. We, however, advised that further information was required to ensure the SANG is delivered prior to first occupation of dwellings on site and that it will be managed and maintained in perpetuity.

In light of this advice, we therefore welcome the amended SANG Management Plan (dated 14th August 2024) and the Council’s updated HRA submitted with this consultation. We note that the provision of “step-in” rights for the Council have been added through legal agreement (SANG Management Plan, sections 1.8 and 3.7). In addition, the SANG Management Plan and the delivery of the SANG prior to first dwelling on site have also been conditioned through planning obligations (HRA, Appropriate Assessment section, page 6 of 7).

Natural England is therefore satisfied that our comments have been addressed and we concur with the Council’s assessment conclusions.

Nature Space

Summary: *One response (received 10 January 2025)*

LICENCE REQUIRED

Summary

The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.

There are 23 ponds within 500m of the development proposal. The closest two within 5m north and south of the site, a further 13 ponds within 250m and 8 ponds within 500m of the site.

There are 6 great crested newt records within 500m of the site boundary.

There is direct connectivity between the development and surrounding features in the landscape.

Ecological Report

The applicant has provided an ecological document pertaining to great crested newts in the form of, *Appendix F - Great Crested Newt Surveys, Land North of Eastbourne Road, Uckfield* (FPCR Environment and Design Ltd, August 2023) which states:

A licence is recommended due to the positive records of GCN within pond P6 in 2015 and historical data from 2005, suggest that a population is still likely to be present and is assumed in this assessment.

Conclusion

We are in agreement that a licence is recommended, due to the close proximity of ponds, local great crested newt records and suitable habitat found on and surrounding the site.

The applicant has two licensing options. Either the District Licensing route can be used to demonstrate that the impacts of the proposed development can be addressed through the Council's District Licence (more details can be found at www.naturespaceuk.com); or the standard EPSL route can be taken.

Updated surveys of the ponds and on-site habitat may be needed following a further planning application to ensure that there have been no significant changes since the previous surveys. Ecological surveys are likely to be valid for 12 - 18 months (CIEEM, 2019).

N/B: If the applicant wishes to carry out licensable works prior to reserved matters stage, they will need to gain a licence at outline.

Active Travel England

Summary: *One response (received 10 January 2025)*

NO OBJECTION

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application.

Highway Authority

Summary: *One response (received 4 February 2025)*

NO OBJECTION but a concern raised for consideration by the LPA.

This application is submitted following the refusal of the previous application for the same proposal of 145 dwellings under planning reference WD/2022/2785 for the reason:

1. *The proposal has failed to demonstrate that, the site is suitably accessible by all non-car modes of travel with specific reference to cyclists. The development would therefore be contrary to Saved Policies EN1 and TR3 of the Wealden Local Plan 1998, Spatial Planning Objective SPO7 and Policy WCS7 of the Wealden Core Strategy Local Plan 2013 and the guidance within Chapter 9 of the NPPF in particular paragraphs 108(c), 110(d), 114 and 116 (a) and (b).*

This application has also been paralleled with an appeal on the refused application.

Reference is made in this response to the submitted Transport Note dated December 2024 which makes specific reference to cycling as a mode. Reference is also made to legal advice sought by the local planning authority for a view on the strength that the reason for refusal could withstand an appeal situation. The Highway Authority has seen this advice, which concludes that a case for successfully defending this appeal is low, with there being a reasonable prospect of costs being awarded against the Local Planning Authority (LPA). For this reason, whilst the matters we raise in the response below are consistent with our response to the previous application, we have made it clear that we do not wish to oppose the granting of planning permission by the LPA in this instance. Hence, no objection is raised.

- 1) Pedestrian access - the proposal now proposes a scheme to accommodate pedestrian users and a footway link is now included between the existing Cysleys Farm access (signposted as TBH Fitness) across Eastbourne Rd with a uncontrolled crossing with refuge, and

reconstruction of footway on the south side of Eastbourne Rd so that 2m wide provision is made up to the site currently under construction on the south side of Eastbourne Road (Barratt Homes site for 90 dwellings).

The footway works entail works along the verge section on the south side of Eastbourne Rd to include the removal of low value self-seeded saplings and provision of a retaining wall to prevent obstruction of the footway from debris drift; carriageway realignment to enable the refuge to be fitted without affected carriageway width requirements.

These highway works were subject of a Road Safety Audit which flagged up 3 problems where 2 were of a technical nature but were minor enough to be dealt with as part of a s278 agreement. The third problem related to ensuring pedestrian visibility sightlines would be maintained at the uncontrolled crossing point proposed as part of the highway scheme. This, through management measures of the verge vegetation could be secured and be raised again at the time a stage 2 road safety audit was commissioned as part of a highway related legal agreement for the footway widening, road realignment works.

- 2) Main Access (vehicle and pedestrian) - the proposal includes an access with bellmouth width 18m, radii 10-12m, with 3m footway on north and 2m footway on south sides to connect to the existing network, ghost right turn facility and pedestrian refuge on its north-western side. Appropriate visibility splays are provided and there is a need for management of site boundary vegetation to ensure that sightlines are not obstructed by overgrowth. Swept path drawings have demonstrated that vehicles are able to be accommodated. A RSA stage 1 for the most recent iteration of this drawing (dwg 41 dated October 2024) has been provided to conform with the construction requirements for a road where speeds are derestricted (DMRB standards). The outcome of the road safety audit raised 6 problems, all which could be overcome through the technical detailed design stage of a s278 agreement (details are in highway response WD/2022/2785)
- 3) Public Transport provision - 3 formal bus stops have been included in the off-site proposals for this site, 2 of which are in place of virtual bus stops at Cysleys Farm. These are conveniently located to be accessed on Eastbourne Road close to the access points for pedestrians. As mentioned in earlier paragraphs, crossing provision has been made to reach them by way of a proposed pedestrian refuge, width 2m.
 - a) Southbound stop on north side of Eastbourne Road, with a 2m footway connection to the main vehicle access and the proposed SANG. This is proposed within a layby and is expected to be supported with a shelter, seating and RTI.
 - b) Southbound stop at Cysleys Farm, with a short section of 1m wide footway to connect to and from the site via the proposed THB access. This is proposed as a simple flagged stop with bus cage and kerbs as it is considered that it would be mainly for alighting passengers arriving from the town centre. This is an enhancement to

what is currently available and is what can fit within the network. Ideally if 1.2m could be incorporated which may impact on the boundary hedge (subject to landowners consent) accessibility would be an improvement for wheelchair users and persons with buggies and young children. It is requested that 1.2m is provided.

- c) Northbound stop paired with (b), formalised virtual stop with bus cage, proposed widened footway and is expected to be supported with a shelter, seating and RTI.

These are expected to be secured within a s106/s278 for off-site highway works. The proposed bus stop layby and footway positioned within the site shall be dedicated as highway.

- 4) Accessibility credentials are affected by the inability for the proposal to support cycling from the site onto Eastbourne Road as a transit route to the town centre. Experienced cyclists are not likely to be deterred from using roads which support higher speeds than 30mph, though encouraging new users to cycle is likely to be challenging where speeds are 40mph+. There is no suitable cycle route using the shortest, most direct highway network, but the recent construction of the development site on the south side of Eastbourne Road adjacent to Ridgewood Industrial Park provides a route to reach low speed/traffic environments linking New Road, Wars Road and Highview Lane to Lewes Road where speed limit is 30mph. The proposal intends to include on-site cycling infrastructure after which one could dismount and walk along the proposed widened footway to reach more suited roads for cycling to reach the town centre as quieter alternative routes to the main roads. As far as active travel from this site can be accommodated, walking distances are not convenient for everyone and cycling would require riders' decisions on routes suited to them, which are still likely to be quicker than walking. Whilst the Highway Authority does not wish to raise an objection on this matter, the LPA would need to consider on balance the level of weight this is given on the basis that public transport and walking can be accommodated.
- 5) New Road is considered to be a matter of whether there is likely to be an impact resulting from the growth of traffic likely to use this route for cutting to reach the A22 for northbound journeys rather than continuing south on Eastbourne Road and then attempting to make a right turn movement at an uncontrolled junction across the A22. On balance, if following a satnav, it is likely to direct one along the shortest route which would be New Road, however, when using the route during busy times, it is neither convenient or quicker than routeing towards the Highland Roundabout and joining Lewes Road towards A22 (Little Horsted Roundabout). The transport modelling carried out for this site suggests an additional 30 or so trips would be directed along New Road during peak periods, based on traffic distribution forecast figures.

To assist assessment of the impact, there is an expectation of an additional 65 vehicle trips in the AM and 95 trips in the PM peak hours on the network. The applicant has predicted that 86% are to and from the

direction northwest of the site, 14% southeast. 18% would route using New Road which is calculated to be 11-12 vehicles in the AM and 17 vehicles in the PM peak. On the basis that this route would likely be busy during this time it is predicted that these flows may not be to this quantum given the unpredictable efficiency of using this route. When checking typical traffic during peak periods on Google Maps, the route between the site and Little Horsted Roundabout using New Road is in fact slower than via Highlands Roundabout or right turning at Eastbourne Road/A22 junction. It is agreed that the impact on New Road is unlikely to be a preferred route option in the long term, though would likely result in drivers attempting the route to work this out in the interim. The anticipated impact onto New Road is not considered to be one that would be severe.

- 6) Impact on the highway network in general – this has been reviewed for a number of sites in Uckfield and there is a scheme that has been identified to improve capacity at key junctions in the town centre since the majority of town centre junctions operate at over capacity.

Based on discussions with the Signals Team at East Sussex Highways, as it stands, there has not been a scheme fully drawn up for the town centre as this would involve extensive surveys of the network to include assessments of junction operation, use of the highway network, pedestrian crossing demands and safety risks. A MOVA scheme which links up all the signalised junctions/crossings is likely to be the only potential solution to assist the flows of vehicular movement through the town centre though the extent of the improvement is difficult to measure given the scope of the town centre road system that would need to be considered, the number of junctions and crossing points, any on-street parking areas that may need to be removed through a Traffic Regulation Order (separate public consultation) and scope of growth through unplanned development. The reason a scheme has not been drawn up is that the Core Strategy Local Plan included the last known housing allocation for Uckfield (Ridgewood Farm 1000 dwellings, approved in 2016) and the Draft Local Plan for Wealden (2019) did not include any sites in Uckfield for reasons relating to Ashdown Forest at that point in time. The Signals Team have, however, provided some ballpark costs for surveys, signals equipment and technology which I provide below:

*Survey & Design - **£4,500** (Site / Cruise Speed / Duct Survey £1000)
(Design – TOPAS 2500, Drawing, Dataset £2500) (MOVA Validation £1000)*

*Installation of equipment - **£10,000** for a pedestrian crossing (x4) ; **£15,000** for a junction (x3).*

Sites subject of the potential scheme are:

- Y71123: London Rd (Hooke Hall)-Pedestrian crossing
- Y71111: High St/Church St- junction
- Y71183: High St (Post Office)-Pedestrian crossing
- Y71113: High St (Town Centre HSBC)-Pedestrian crossing

- Y71191: High St/Bell Lane-Junction
- Y71153: Bell Lane (Bus Station)- Pedestrian crossing
- Y71121: High St/Framfield Rd-Junction

Annual charge for maintenance is 10% of value of equipment, for 20 year period.

*Any TROs required for parking management would be **£5000** per TRO.*

*The overall ballpark cost depending on the number of TROs or other engineered requirements would be around **£100k** + ongoing maintenance.*

Please note that this was accepted by the Planning Inspector for BIES and Downlands appealed schemes. If this site is included in the Regulation 19 Local Plan, a scheme is likely to be drawn up to support the sites coming forward in Uckfield and a contribution towards this may be secured. Until then, this scheme is being requested for all sites that are current departures from the Core Strategy Local Plan. It should also be noted that the current Regulation 18 Local Plan sites have not yet been modelled through the County Wide Transport Model, after which a mitigation study will need to be drawn up and local highway schemes developed. It is expected that this scheme will form part this. This scheme would need to be accepted and secured within a s106 agreement.

Summary

The application for 145 dwellings at Cysleys Farm has an element of disconnect for active travel modes that is enhanced with the inclusion of a widened footway and crossing point on Eastbourne Road. The Highlands PH, Co-op store, Ridgewood Industrial Park, post office and fitness gym and beauty spa are all destinations within a short walk of less than 1.5km taking up to 16mins. Walking as a mode would be challenging to reach town centre locations such as schools and employment on a daily basis and bus stops are being made available within 400m walk. Cycling as an active travel mode to walking would in distance terms be a good alternative to walking, and available routes are available but not consistent and to utilise quiet streets less than direct routes and some dismount would be necessary. It is not ideal but is an option for keen and keen to learn cyclists. What the application has offered within the proposal is:

- a) Improved footway to connect to the existing footway network to an appropriate standard and this authority seeks a further enhancement to provide link to an existing bus stop opposite the football club.
- b) 3 new formal bus stops with appropriate infrastructure.
- c) Travel plan to include car club provision.
- d) Achievable access for both vehicles and pedestrians.
- e) Crossing points on Eastbourne Road.

Although the proposal can provide appropriate localised infrastructure to support public transport usage and footways to connect to them, the propensity for residents to walk, cycle or take public transport could be influenced by a strong travel plan with appropriate measures and objectives to assist reduction in single

occupancy vehicles, car ownership (car club) and encourage walking and cycling.

There remains concern regarding the distance of the site and the town centre and strength of the overall sustainability credentials, however, the exploration of travel choices has been carried out and the proposal has offered as part of the transport package of works travel modes that would not otherwise be available.

Should the LPA wish to recommend this site for approval, the following heads of terms for s106 and conditions are expected to be included to ensure that the site delivers optimal sustainability credentials.

Heads of Terms

- 1) Access points and related off-site highway works - highway footway improvements and verge retention works, crossing points with refuges, new junction and right-turn facility, lighting scheme (s278).
- 2) Public transport service contribution of £1350 per dwelling to supplement the existing bus services.
- 3) School transport contribution at cost of £703 per pupil falling within the eligible distance for school transport from 1st occupation to 1 full academic year from full occupation.
- 4) Provision of three new bus stops to be located within 400m of the proposed development access points, furnished appropriately with shelters, seating and real time information, bus cages, kerbing and hardstanding (2no. SB; 1no NB) (s278 and town council agreement for shelter maintenance).
- 5) Travel Plan to include significant measures to encourage the take up of bus use, including 6 months free travel for new residents followed by a further 6 months of discounted travel; car club with 1st car available at opening and 2nd car on completion. Residents' information pack; Audit fee £6000 for period 5 years of annual site monitoring.
- 6) Signal optimisation system for town centre junctions (SCOOT or MOVA) at cost of £100k + annual maintenance cost over 20 year period (10% of value of installed equipment).

Conditions

- 1) The development shall not commence until technical details of access related highway scheme to include details of footway, uncontrolled crossing point, right-turn ghost island, drainage, street lighting and signage have been submitted to and approved in writing by the Highway Authority and the development shall not be occupied until the scheme for access has been completed in accordance with the agreed specification.

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 as shown in drawing 22-T025.24 are provided. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

- 3) Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

REASON: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding

- 4) 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 subsequent adoption as publicly maintained highway

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

- 5) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], 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

- 6) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CMP shall be implemented and adhered to in full throughout the entire construction period. The CMP shall provide details as appropriate but not be restricted to the following matters:
 - Temporary access provision,
 - The anticipated number, frequency and types of vehicles used during construction,
 - The method of access, turning, 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.

- 7) The development shall not be occupied until the necessary highway mitigation works for East Sussex Highway networks (Uckfield town centre signals enhancement scheme) has been fully completed.

REASON: To ensure the impact caused by traffic generated by this development is mitigated and sustainable modes of travel are available.

Please note:

- a) This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and 278 Legal Agreements 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.
- b) The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development, the applicant should contact East Sussex County Council's Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.
- c) 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.
- d) The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

- e) The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

Environment Agency

Summary: *One response (received 15 January 2025)*

NO OBJECTION

ESCC LLFA

Summary: *One response (received 23 January 2025)*

NO OBJECTION

This is a similar application to WD/2022/2785/MAO which was refused for reasons other than flood risk and drainage in 2023 and our advice at that time was No Objection subject to conditions.

The proposed drainage strategy is similar and there is sufficient space available for attenuation of surface water in basins upstream of discharge via watercourse.

The outline sizing calculations are acceptable.

We note a proposed surface water pumping station for Catchment A on the west side of the site and that there may be a ditch connection to the existing pond to the north. Prior to the development of the site layout, the possibility of downstream connection by gravity should be investigated and drainage strategy updated to remove the pumping station if possible. There is a ditch within the site which is likely to continue to the north and should be utilised for a positive outlet by gravity.

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

1. Surface water discharge rates not exceeding greenfield runoff rates for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence.

Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

2. The site levels design and development layout should recognise the existing site topography and potential pluvial flow paths through the site. Allowances should be made for these to be retained unless alternative arrangements are made to collect pluvial flows and divert these around parts of the development that might be considered vulnerable. Ideally, the site development layout will provide for pluvial flow paths.
3. The drainage layout drawings should include pipe and manhole references that match the drainage calculations. Layout plans should include the proposed finished floor levels of dwellings, driveways and hardstanding, roads and some landscape levels to describe the general site arrangement and demonstrate that flows arising on the site would be directed to the attenuation basin rather than off-site across the boundaries into 3rd party land.
4. The details of the outfall of the proposed attenuation ponds and how it connects into the receiving watercourse(s) should be provided as part of the detailed design. This should include cross sections and invert levels.
5. The basins should ideally be above the prevailing ground water levels during the wetter periods of the year. Measures to manage any potential groundwater flows into and out of the attenuation basins should be included in the detailed design submission. The detailed design of the attenuation basins should 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 ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
6. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The roads and levels design should prevent exceedance flows from being directed out of the site via the entrance road and onto the main road.
7. A maintenance and management plan for the entire drainage system should 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 should 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, and the appropriate authority should be satisfied with the submitted details.
 - b. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

8. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
9. Prior to occupation of the development, evidence (including surveys, as built plans, site records and photographs as necessary) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Sussex Police and Crime Commissioner

Summary: *One response (received 14 January 2025)*

COMMENTS

The development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. Response continues over 226 pages the capital costs incurred to enable safe policing of the development. Full details of the response can be views on the Council's website [Planning Register - Wealden District Council](#) (Officer Comment: *Funding for Police is covered by CIL*)

Sussex Police Crime Prevention Officer

Summary: *One response (received 21 January 2025)*

COMMENTS

As the application is outline the comments relate to generic good practice advice relating to various aspects of Secured by Design.

East Sussex Fire and Rescue

Summary: *One response (received 9 January 2025)*

COMMENTS

If this application receives approval the developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.

Framfield Parish Council

Summary: *One response (received 28 January 2025)*

OBJECTION

The Parish Council strongly objects to this planning application for the reasons summarised below. Full details of the response are available to view on the Council's website [Planning Register - Wealden District Council](#).

- Lack of adequate funding for public services and infrastructure.
- Failure to comply with community engagement requirements did not consult Framfield Parish Council or Uckfield Town Council.
- Inadequate and outdated supporting ecological evidence.
- Impact on local wildlife and loss of habitats.
- Unsafe and inefficient access designs.
- Proposed single vehicular access dangerously close to recently approved development at the Raj Dutt.
- Localised flooding across road within metres of entrance.
- Failure to address sustainable transport and infrastructure.
- Site is not within walking or easy cycling distance of Uckfield Community College.
- No meaningful connections to existing infrastructure/community.
- Does not address lack of safe accessible footways.
- Inadequate provision for cyclists.
- Application ignores ecological value of site.
- Isolated unsustainable development in a rural greenfield site.
- Overdevelopment of a greenfield site.
- Cumulative harm outweighs housing benefits.
- Site deserves better planning, better engagement and a commitment to sustainable integrated development.

Uckfield Town Council

Summary: *One response (received 30 January 2025)*

OBJECTION

The Town Council strongly objects to this planning application for the reasons summarised below. Full details of the response are available to view on the Council's website [Planning Register - Wealden District Council](#).

- Major concerns regarding the speed of traffic along this section of Eastbourne Road.
- No traffic calming measures, unlike that for the development of 90 houses off of Eastbourne Road, opposite Fernley Park. The entrance to that development had a roundabout next to it which would slow traffic.
- No safe footpath to the town centre and it was in a more rural location, despite being off of the same road.
- No mitigation for highway safety. The development lacked measures to slow the traffic along Eastbourne Road which had a 60mph limit. Members would suggest to move the national speed limit to be beyond the Palehouse Common turning, and to amend the speed limit along this stretch of the Eastbourne Road to 30mph and introduce speed cameras and the use of SID units as currently vehicles travelled in the region of 50-60mph on this straight stretch of road.

- Improve safety for those exiting onto the Eastbourne Road for motorists, pedestrians and cyclists.
- Provide safe walkways and to provide provision to allow people to cross the road to the bus stop, potentially to provide a pelican crossing.
- The footpath on the southern side of Eastbourne Road was currently very narrow and not wide enough for a pram/buggy.
- Impact to Uckfield AFC Football Club and the dangers of pulling out from the football club, especially at night.
- Detrimental visual impact the development would have to Framfield Place
- Lighting that would be necessary to light the Eastbourne Road for pedestrians and within the development itself would also be detrimental to the visual impact of landscaped garden at Framfield Place.
- Impact of increased traffic onto New Road.
- The site is divorced from the town - no other housing close by.
- Town Council need for financial contributions to financially support the infrastructure of the town, to support the increased use of facilities of the Civic Centre, provision and increased demand for allotment space and the provision for green recreational space.

Other third party responses (including local residents)

Two letters of representation raising issues which are summarised below. Full details are available to view on the Council's web site [Planning Register - Wealden District Council](#):

- The site is too disconnected from the town centre to be sustainable. The site remains in an unsustainable location to support active travel modes, for reasons relating to excessive walking distances to regularly required destinations, and unsuitable cycling routes towards the town centre or Blackboys. As such the site remains a car reliant proposal, though with appropriate mitigation would be accessible by public transport. Whilst car parking remains free in most of the district, private vehicle use will remain as a first choice of mode. The changes to the foot way as far as New Road do not resolve the issues with the narrow footway between New Road and Castle Rise.
- The speed limit along the road is too high for pedestrians to feel safe.
- Application fails to adequately address concerns regarding existing flood risk, exacerbation of flood risk and impact on existing properties.
- Overburdened foul water infrastructure with frequent failures. A Grampian condition should be attached to ensure that infrastructure deficiencies are addressed.
- Transport and accessibility.
- Does not specify which paths will be improved, where they will lead to and how will they be maintained.
- Paths to Framfield are impassable.
- Lack of clarity on public transport contributions.

2. Other Relevant Responses/Issues

WDC Housing

Summary: One response (received 22 January 2025)

COMMENTS

Thank you for consulting the Housing Service on this major outline application. Whilst it is understood that the main elements of this scheme will be determined at a later date, should this application be approved, the Housing Service would like to comment as follows:

This response is provided having regard to the Wealden Local Plan 1998, Core Strategy 2013, Affordable Housing Delivery Plan 2016 and National Planning Policy Framework (NPPF) 2024.

The National Planning Policy Framework 2024 requires that affordable housing is sought on major development sites. For sites outside the AONB, this is defined as sites where 10 or more units will be provided or where the site has an area of 0.5 hectares or more. As the proposed development is for 145 units, an affordable housing contribution is required.

Policy AFH1 of the Affordable Housing Local Delivery Plan 2016 requires a 35% affordable housing contribution. The Application acknowledges this by proposing a policy compliant 51 units of affordable housing to be provided on site.

The application does not give any indication of the tenure breakdown of the affordable units but in accordance with the Affordable Housing Delivery Local Plan 2016, the units will need to be provided as 40% social rent, 40% affordable rent and 20% intermediate (shared ownership).

Whilst this is an application for outline permission, and the detailed mix, tenure and location will be determined at Reserved Matters stage, I would request that the applicant consults fully with the housing service before submission of the Reserved Matters application to ensure the mix provided reflects the needs of those on the Housing Register. For indicative purposes, an up-to-date breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants' require is set out below:

Size of unit	Number of applicants	Percentage of register
1 bedroom	654	50%
2 bedrooms	350	27%
3 bedrooms	236	18%
4 (+) bedrooms	62	5%
Total	1302	100%

As per the Housing Register we would expect a range of unit sizes to be included in the affordable housing mix, including larger 4 bed units for rent as the waiting times for larger properties are considerably longer. In relation to the shared

ownership units, we would recommend that these are provided as 2 and 3 bed houses.

In respect of the design of the units we would recommend that any 1 bed units are provided in a maisonette style with separate external entrances and that any 2 bed provision is through houses as opposed to flats which are difficult to let in the district.

We note the contents of the Energy Statement and the preference for gas, however it should be noted that by the time this development is likely to be built out (should planning permission be granted) that Registered Providers will not be taking on affordable units which are served by gas and therefore it is imperative if this scheme moves forward, to consider and adopt suitable renewable energy provision for the affordable units.

In line with the National Planning Policy Framework 2024 and Policy AFH1 of the Affordable Housing Local Delivery Plan 2016, there is an expectation that the affordable units will be provided on-site. The Council can provide a list of Registered Providers to approach in respect of the affordable housing units.

It would be expected that any Affordable Units would be protected by way of a Section 106 legal agreement.

Other design requirements of Affordable Housing- Guidance:

- Security - The affordable housing should meet Part Q Building Regulations and observe Secure by Design principles as recommended by the Police Architectural Liaison Officer. Doors and windows to be certified to PAS 24 standards.
- Sustainability - Comply with Part L Building Regulations.
- Sizes - The affordable homes should meet or exceed the minimum sizes as required by the Nationally Described Space Standards based on:
 - 1 Bedroom (2 person) units @ 50m²
 - 2 Bedroom (4 person) houses @ 79 m²
 - 3 Bedroom (5 person) houses @ 93 m²
 - 4 bedroom (7 person) houses @ 115 m²
- Meet any Design and Quality Standards that may be required by Homes England or the Registered Provider.
- All affordable homes should meet current local and National Standards/ Part M Building Regulations with preference for M4(2) standards.

Other requirements for the affordable housing are that:

- Private outdoor amenity space must be provided in the form of gardens for houses and balconies/terraces or landscaped communal areas for flats with facilities for households to dry washing outside.
- Open plan kitchen/lounge layout is only acceptable for one bedroom homes.

- The affordable housing units should be owned and managed by a Registered Provider who is approved by the Council and has entered into a nomination agreement with the Council.

The developer/landowner should dispose of the affordable units to the Housing Association either on a freehold basis or on a long lease of at least 125 years.

WDC Conservation and Design

Summary: *One response (received 29 January 2025)*

COMMENTS

Heritage considerations

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990) (thereafter referred to as The Act). The site lies within the setting of several listed buildings including Cysleys Farmhouse, Brook House, and Upper Brook House Farmhouse (Grade II); and Framfield Place (Grade II*) and associated stables (Grade II).

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 relates to planning and conservation areas and requires that Local Planning Authorities pay special attention. In this instance, the application site also lies within the wider setting of the designated Framfield Conservation Area (the FCA). The Draft Conservation Area Appraisal for Framfield has been published on the Council's website, and although it has not been through formal consultation and can be afforded limited weight, the document provides the most up-to-date considerations of the character of the conservation area as designated in March 2017.

The requirements of The Act are reinforced by the National Planning Policy Framework 2021 (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular, requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 200 of the NPPF states that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. Paragraph 189 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

It should be noted that the Courts have held that 'preserve' means an absence of harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a

material consideration in the assessment of planning applications and as part of the balance exercise and in ascertaining if any public benefits would outweigh that harm. This national policy intent is addressed by 'saved' Local Plan Policies EN1, EN19 and EN27; Core Strategy Policy SP02; as well as Chapter 12 of the Wealden Design Guide.

Issues for consideration

The heritage issue for consideration is the impact of the proposed development on the significance of heritage assets. The NPPF glossary defines significance as 'the value of a heritage asset to this and future generations because of its heritage interest'. Such interest may be archaeological, architectural, artistic or historic and it may derive '*not only from a heritage asset's physical presence, but also from its setting*'.

The proposals

Development of land for up to 145 dwellings along with associated infrastructure and landscaping at Land north of Eastbourne Road, Uckfield. The site presently comprises @13.65ha and comprises a mix of arable land and woodland located on the southern slopes of a valley side. The boundary of the site is not delineated on the ground. Cysleys Farm perimeter around 50m to the south is denoted by post and rail, with the buildings comprising the farmstead visible from the site. In the wider context to the north is Framfield village and the FCA, including Framfield Place and associated parkland. To the east is Brookhouse Lane and associated isolated development; and to the west is the edge of Uckfield.

Heritage considerations

Section 66 of the Act makes clear that the decision maker when considering the grant of planning permission shall have special regard to the desirability of preserving the building or its setting, a matter the courts have given considerable importance and weight and this is reinforced by paragraph 206 of the NPPF. In keeping with statutory requirements special attention has also been given to the desirability of enhancing the character or appearance of the FCA and its setting. Any change will affect how the setting of a heritage asset is experienced, be that from the public or private domain. The resultant change to setting needs to be assessed as being either harmful (substantial or less than substantial); as making a positive contribution such as better revealing the asset or the understanding of the asset; or having a neutral contribution.

Officer commentary

I have previously commented on the former scheme on this site - WD/2022/2785/MAO - where I raised concerns that the proposed development would cause less than substantial harm to the significance of various heritage assets in the vicinity of the application site through development within their setting. I understand the previous application was refused but not on heritage grounds. I would refer you to my consultation response on that application.

The new outline application proposes a lower quantum of development and I note a new heritage statement has been provided with the current scheme. This acknowledges that the proposed scheme would cause less than substantial harm to heritage assets in the vicinity of the application site. I have no argument with the conclusions made in relation to harm to the significance of Framfield Place and Framfield conservation area. However I consider that the proposed scheme will have a moderate level of less than substantial harm on the significance of Cysleys Farm through development within its setting due to the permanent change in character and urbanisation, and loss of the rural character and tranquility of the landscape to the north of the listed building.

In summary, the National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. The introduction of residential development within the setting with the associated infrastructure and loss of tranquillity through associated use would cause less than substantial harm to the significance of the designated heritage asset. Where harm is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use and this planning balance is for the planning case officer to consider. From a heritage perspective, it is not considered that there are heritage benefits that would outweigh the impact of the harm of the proposals to the significance of the designated heritage asset, nor that planning conditions could be capable of sufficiently mitigating that harm. Therefore, it would not satisfy the aims of the National Planning Policy Framework in that regard.

WDC Biodiversity Officer

Summary: One response (received 5 February 2025)

NO OBJECTION

The application as submitted post introduction of BNG and is deemed subject to mandatory BNG requirements. Standard BNG informative BNG01 is recommended - highlighting the mandatory application of BGP condition.

Two statutory BNG metric has been submitted - intermediate and final versions. This includes proposed development land and SANG provision onsite. I am providing comments on the final version BNG metric.

The metric includes provision of development land and SANG creation. The overall habitat provision is 29% habitat and 26% hedgerow of onsite BNG. The SANG is proposed to provide wildflower grassland, new tree, hedge, scrub and woodland planting. In BNG terms, this is creation of broadleaf woodland, SUDs, urban trees, mixed scrub, other neutral grassland (ONG) and development features unsealed surface and sealed surface features. Condition proposed appears realistic, with only scrub being targeted for good condition.

Enhancement of modified grassland is proposed to ONG and modified grassland from low to medium condition. Considering impacts anticipated within the SANG these conditions are also deemed acceptable.

Significant areas of what is termed as 'onsite significant' BNG is proposed to be provided through creation and enhancement. This includes medium distinctiveness ONG, broadleaf woodland and mixed scrub. The BNG PPG cites the following examples of onsite significant habitat:

What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- *Habitats of medium or higher distinctiveness in the biodiversity metric.*
- *Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development.*
- *Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development.*
- *Areas of habitat creation or enhancement which are significant in area relative to the size of the development.*
- *Enhancements to habitat condition, for example from poor or moderate to good.*

The maintenance of these significant enhancements must be secured with a legal agreement (planning obligation or conservation covenant) or planning condition for 30 years in the same way as off-site gains. LPAs will consider the most appropriate mechanism and this will need to be agreed at the planning permission stage.

LPAs may also require legal agreements for wider planning policy reasons for other on-site enhancements or retained habitats which do not fall into the 'significant enhancements' category.

It is therefore recommended a habitat management and monitoring plan is provided, which should form part of the legal agreement for the site, and monitoring fee contribution for the 30 year period secured under the legal agreement.

WDC Arboricultural Officer

Summary: One response (received 5 February 2025)

NO OBJECTON

I have the following tree & landscape comments in respect of this outline application:

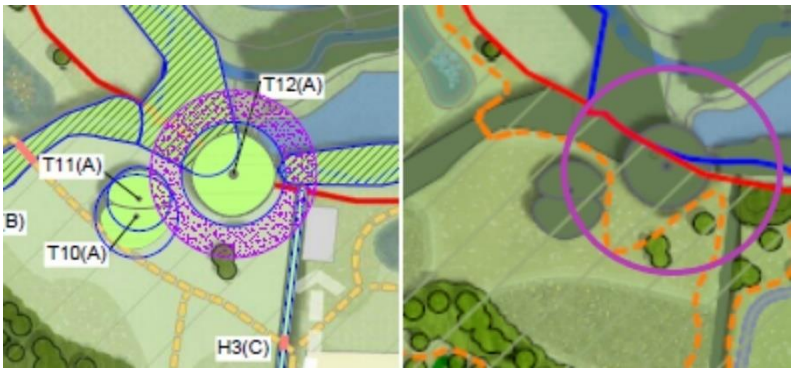
1. The site is comprised of a number of arable fields bounded by hedgerows and tree belts, an area of ancient woodland habitat (Paygate Farm Shaw) is located within the site red line boundary to the east, priority habitat deciduous woodland parcels are also located to the west and east of the site. Referring to the Ancient Tree Inventory database, there are no

identified veteran tree constraints on or adjacent to the site (but see para 6 below).

2. There is an area TPO (30, 2004) to the southeast of the site, in and around the football ground. There are no Conservation Area constraints on or adjacent to the site.



3. A general Arboricultural Assessment and a specific Arboricultural Assessment relating to footpath/carriageway alignment has been submitted in support of the application. I note that the survey was carried out in August 2022 - it is not clear from the submissions if the survey has been reassessed or verified as remaining accurate given the intervening 2.5 years as identified at para 3.35 of the survey.
4. At the outline stage proposals are obviously subject to amendment as the scheme progresses but the initial assessment suggests no tree removal, some limited hedgerow removal (H1 - H3), with H4 representing more substantial hedgerow removal to secure the access and accompanying visibility splay.
5. Some proposed SANG paths would encroach through RPAs of existing high quality trees e.g. T2, T3, T10 and T13, whilst there are methods such as 'no dig' solutions to mitigate for these impacts, the default position should be that they are located outside of the RPA of retained trees in line with BS 5837:2012 – however, I note that para 5.6 of the survey does discuss the possibility of realignment of these paths if more detailed investigations show that impacts to retained trees would be significant. This information could be secured by condition.
6. Whilst not identified on the Ancient Tree Inventory, the survey has identified one veteran tree on the site. This is T12 and the appropriate VT buffer in line with the NE/FC standing advice has been applied. However, I note that part of the SANG path layout brings a section into close proximity to T12 and it is now within its buffer zone. Ideally the path would be located outside of the buffer in line with current joint NE/FC standing advice in relation to ancient woodland and veteran trees. A route that runs south of T10 and remains outside of the buffer of T12 would be preferable. In addition, measures for localised protection of the veteran tree (e.g. knee rail and interpretation boards) could be secured by condition or as a specific section within the arboricultural method statement.



At this outline stage, the scheme proposal suggests that development could be accommodated within the existing tree and hedgerow constraints, however further consideration should be given to avoiding retained tree RPAs and VT buffer encroachments from SANG paths. Should the application be recommended for approval an update arboricultural impact assessment detailing specific impacts and mitigation measures along with a method statement would be required.

Pre-Application Matters

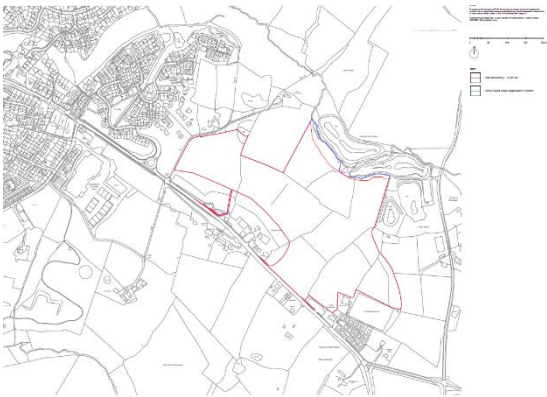
The applicant has engaged with the Council regarding the previous refusal on WD/2022/2785/MAO and the pending submission of the appeal into that refusal.

3. Relevant Planning History

Application No.	Description	Decision and Date
T/1955/202T/F	Residential development.	REFUSED 18 August 1955
WD/2022/2785/MAO	Outline application for the erection of up to 145 dwellings with public open space, landscaping and sustainable drainage system (SUDS), vehicular access point and provision for suitable alternative natural green space (SANG). All matters reserved except for means of access.	REFUSED 14 November 2024

4. Details of Case

The Application Site



The 13.65ha application site is agricultural land consisting of eight field parcels and an area of woodland located to the south-east of Uckfield, north of Eastbourne Road. A public right of way runs along the northwestern boundary of the site and further north west is the Fernley Park development approved and constructed as one of the allocation sites under the Wealden Non-Statutory Local Plan. A series of lakes, as Framfield Park Fishery lie immediately to the north with agricultural land beyond. Cysleys Farm buildings form part of the south-western boundary with a restaurant and caravan park to the south. AFC Uckfield ground is located adjacent to the south-eastern corner of the site.

The Development Proposals

This application seeks planning permission for up to 145 dwellings with public open space, landscaping and sustainable drainage system (SUDS) vehicular access points and provision for SANGS (Suitable Alternative Natural Green Space). All matters are reserved except for access.

In addition to the forms, certificates and plans that accompanied the outline application, the following supporting documents have been submitted:

- Planning and Affordable Housing Statement;
- Socio-Economic Report;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Ecological Appraisal;
- Arboricultural Impact Assessment and AIA relating to off-site footway widening works;
- Heritage and Archaeological Statement;
- Preliminary Risk Assessment;
- Soils and Agricultural Land Assessment;
- Flood Risk Assessment and Foul Drainage Analysis;
- Utilities Statement;
- Energy Statement;
- Waste Minimisation Statement;
- Air Quality;
- Noise Screening Report;
- Transport Assessment;
- Travel Plan
- Statement of Community Involvement; and
- SANG Management Plan

Environmental Impact Assessment

With regard to the Environmental Impact Assessment Regulations 2017 (as amended), the development proposed falls within Schedule 2 category, 10(b) - urban development project. A screening opinion has not been sought. The Council has assessed the proposed development against the selection criteria of Schedule 3 of the 2017 Regulations.

The Council determined that subject to the quantum of development proposed and a comprehensive landscape strategy the proposed development would not be out of context with its existing environment. The proposed development would have no significant impact upon relevant natural resources and any waste, pollution or hazard associated with the development scheme can be effectively controlled by conditions. The Council is satisfied that the development of this site will not cause any significant loss of valuable agricultural land, will not impact upon any area of flood protection and will not compromise or undermine any acknowledged asset of natural, ecological, heritage, landscape or cultural value within the site's vicinity. To conclude, considering the nature, scale and location of the proposed development and nature of the receiving environment, whilst there may be some impact on the surrounding area and nearby listed building as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact.

The Council concluded that an Environmental Statement would not be required.

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).
- Wealden Design Guide 2008 (Supplementary Planning Document).
- Herstmonceux Neighbourhood Plan 2019.
- Hailsham Neighbourhood Plan 2021.
- Hellingly Neighbourhood Plan 2021.
- Wadhurst Neighbourhood Plan 2024.
- Ninfield Neighbourhood Plan 2024.
- East Hoathly with Halland Neighbourhood Plan 2024.
- Horam Neighbourhood Plan 2024.

The Council is proposing a new Local Plan for the period to 2040. Consultation on the Plan ran from 17:00 Friday 15th March 2024 to 17:00 on Friday 10th May 2024. In line with paragraph 48 (and, but not limited to 226) of the NPPF, Local Planning Authorities may give weight to emerging policies in the circumstances set out by Government. If weight is to be afforded to any emerging policies then the requirements of paragraph 48 would be fully set out and explained.

Relevant Policies

The National Planning Policy Framework (NPPF) December 2024 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance.

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.

- Policies WCS7, WCS12, WCS13 and WCS14 and Spatial Planning Objectives SPO1, SPO2, SPO3, SPO7, SPO10, SPO11, SPO12, SPO13 and SPO15 of the Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016.
- Saved Policies GD2, EN1, EN2, EN8, EN14, EN27, EN29, HG5, HG6, HG7 DC17, TR3, TR13, TR16 LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.

Housing Land Supply

On 12 December 2024, the Government issued revisions to the NPPF. This included a new standard method for the calculation of housing. It also involved the deletion of the policy protection which was given to certain local planning authorities who could demonstrate a four-year housing land supply. Under the new standard method Wealden's annual housing requirement figure has increased from 1,186 to 1,433pa. Further, the new NPPF requires a buffer to be included within the supply of either 5% or 20% where there has been persistent under delivery. Having regard to the new provisions, Wealden is not able to demonstrate a five-year 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, as applied by Footnote 8, 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 strong 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 taken as a whole.

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

The application site lies outside of the development boundary for Uckfield as defined in the adopted Wealden Local Plan 1998 Proposals Map 53. 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

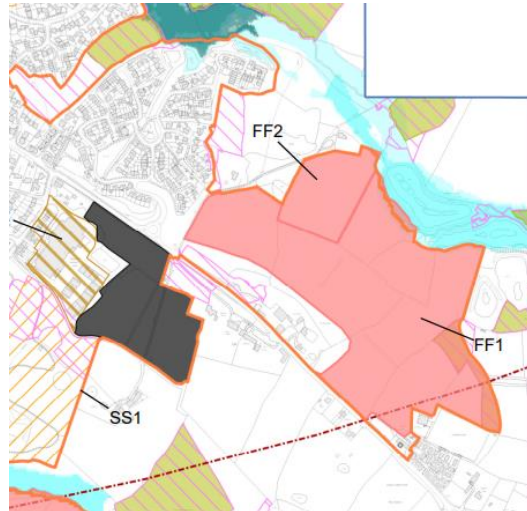
saved Policies GD2 and DC17 of the Wealden Local Plan 1998 but also in national guidance through the NPPF. The supporting text of Paragraph 5.91 to Policy DC17 sets out the range of special justifications for allowing development outside development boundaries. The proposed application does not comply 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 development boundary for Uckfield was retained as the town has been categorised as a District Centre. However, policies GD2 and DC17 are “out of date” in the context of the 2013 Core Strategy Local Plan which is the more up to date plan, aimed at guiding development up to 2027 as opposed to 2004 in the 1998 Plan. The CSLP in Paragraph 1.1 states that it *“is the key policy document which sets out how the places and communities within Wealden will change up until 2027”*. 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 and also clearly identifies Uckfield as a suitable location for development with Policy WCS4 allocating land for around 1,000 homes and some 12,650 sq. metres net employment floorspace and education provision as an extension to the urban area to the west of New Town (SD1).

Whilst this growth is not yet fully built out and relates to the Strategic Growth Area (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 this part of Uckfield as being 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 town. Thus, the scheme’s location outside the settlement boundary would not be at odds with the spatial strategy in the development plan taken as a whole.

Furthermore, whilst only very limited weight can be given to the emerging Local Plan at this stage, it is noted that the application site is indicated as a proposed development allocation (FF1) within the proposed extended development boundary for Uckfield, where the Regulation 18 Plan proposes an allocation of 350 homes.



Proposed allocation in Draft Local Plan

Paragraph 11 of the NPPF requires that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) is explicit that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (which includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years), the NPPF requires that permission is granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance (habitat sites [and sites listed in paragraph 189], SSSIs, National Landscape, irreplaceable habitats, designated heritage etc.) provides a strong reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having regard to key policies for directing sustainable development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination

WCS14 of the WCSLP is also clear that decisions should apply a presumption in favour of sustainable development. This reflects the provision under the NPPF. Policy WCS14 similarly states where the most relevant policies are out of date consent should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or where specific policies in the framework indicate consent should be refused.

It is accepted that the strategic housing policies and development boundaries in the WCSLP and WLP (GD2 and DC17 of the WLP and WCS1 and WCS2 of the

WCSLP) are out of date given the age of the Local Plan policies coupled with the significantly lower housing need figures those policies were based on.

In relation to 11d(i) as assessed in the body of the report there are no policies in the NPPF that provide a clear reason for refusing the development (those set out under footnote 7) and as such the para 11d(ii) is engaged providing the need for the harm of the development to significantly and demonstrably outweigh the benefits to be in conflict with the NPPF.

The harm and benefits are set out within the body of the report under the planning balance exercise carried out. The conclusion is that the harm from the development does not significantly and demonstrably outweigh the benefits, and the ability for RM applications to address general development control matters satisfactorily such that the proposal would be sustainable development when assessed against the NPPF as a whole under para 11d(ii) and under Policy WCS14 of the WCSLP.

Prematurity

Paragraph 50 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 51 goes on to state:

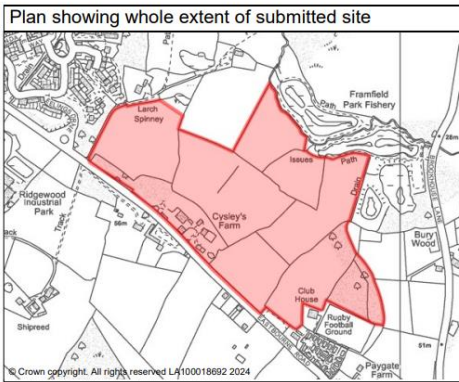
“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan - before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused 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 145 dwellings is undoubtedly classified as 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, having regard to the fact the Core Strategy Local Plan 2013 has already considered Uckfield as being capable of accommodating further development. The new local plan will have to contemplate significantly higher housing requirements.

The Strategic Housing and Economic Land Availability Assessment February 2024 (SHELAA) assesses the suitability, availability and achievability of all sites that were submitted to the Council up until 31st March 2023 for development.

The findings of the SHELAA do not pre-empt or prejudice any decision that the Council may make in the future on any particular site and does not alter any existing policies or land use designations as set out in an adopted Local Plan or ‘made’ Neighbourhood Plans. All judgements concerning the allocation of sites for housing development will be made through the statutory plan-making process. So far, this has included further work testing the suitability of the sites identified within this SHELAA process and has included processes such as the SA/SEA, the site selection process and the Habitats Regulation Assessment (HRA) as well as testing sites with infrastructure providers. Such testing has been produced in support of the draft Regulation 18 new Local Plan. Further testing will take place as the plan moves towards the Regulation 19 stage. The application site (Reference 028/1410) was considered suitable for housing development in the February 2024 SHELAA (145 homes).

	Plan showing whole extent of submitted site
	Site Reference: 028/1410
	Settlement: Uckfield
	Parish: Framfield
	Address: Cysleys Farm, Eastbourne Road, Uckfield
	Suitable for housing: Yes Suitable for employment: Yes Site available: Yes Site achievable: Yes Site Conclusion: Deliverable
	Site area (ha) Gross: 16.78 Site area (ha) Net: 8.2
Delivery Yr 1-5: 100 Delivery Yr 6-10: 45 Delivery Yr 11+: Total Capacity: 145	

It is considered that having regard to test (a) under paragraph 50 of the NPPF, a grant of planning permission for up to 145 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.

Having regard to the early stage of the local plan, it is not necessary to consider test (b) under paragraph 51 of the NPPF

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

Consideration of Statement of Heritage Significance

The application is supported by Heritage Statement. and considers the archaeological potential of the application site and the likely impacts of the currently proposed development upon the archaeological and built heritage resource.

The site does not lie within an Archaeological Notification Area. The archaeological assessment indicates that concludes that the potential for the site to contain archaeological remains of all periods, from the prehistoric to modern era, is low. Having regard to the local discoveries made at the Ridgewood site and historical maps of the application site, the County Archaeologist considered under the previous application that there is the potential for groundworks to expose buried archaeological cut features, structures, deposits and artefacts of prehistoric and Romano-British date and the below ground remains of the house and garden recorded on the 1841 tithe map. The County Archaeologist has confirmed that he is satisfied that a programme of archaeological works can be secured via a condition.

The site does not contain any designated heritage assets, such as World Heritage Sites, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields or Listed Buildings. The site lies within the setting of several listed buildings including Cysleys Farmhouse, Brook House, and Upper Brook House Farmhouse (Grade II); and Framfield Place (Grade II*) and associated stables (Grade II). The application site also lies within the wider setting of the designated Framfield Conservation Area as shown in the Draft Conservation Area Appraisal for Framfield. The document not been through formal consultation and is therefore afforded limited weight, however, the document provides the most up-to-date considerations of the character of the conservation area as designated in March 2017.

The Council has a duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The Heritage Statement finds that the proposed development would have a minor, less than substantial harm, at the low end of this spectrum upon Grade II Listed Cysleys Farmhouse, via an alteration to setting, and very minor, less than substantial harm to the Framfield Place. The HS states that other assets have been assessed in accordance with Historic England's setting guidance, including Grade II Listed Brookhouse, Grade II Listed Upper Brookhouse, and the Grade II Listed stables associated with Framfield Place. It has been concluded that the significance of no other heritage assets will be harmed by the proposed development.

The Conservation Officer whilst agreeing with the assessment in relation to Framfield Place considers that the development will have a moderate level of less than substantial harm on the significance of Cysleys Farm through development within its setting as a result of the permanent change in character

and urbanisation, and loss of the rural character and tranquilly of the landscape to the north of the listed building.

The Council has a duty (with respect to any buildings or other land) to have special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990). This requirement is reinforced by the National Planning Policy Framework (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The Heritage Statement considers the impact of the site in relation to the character of the Framfield Conservation Area. *"It is agreed that the site makes a positive contribution to the significance of the Conservation Area through setting, and this contribution is considered to arise from its agricultural character, its relationship to Framfield Place, and views out from the designation area. When taking into account all elements which contribute to the significance of the Conservation Area, it is evident that this contribution is only very small."*

The application site comprises agricultural fields located some distance to the south of the Conservation Area boundary beyond intervening land. Whilst there are distant views between the site and the edge of the Conservation Area due to the topography of the site and the wider landscape, officers do not consider the development of the application site would impact on the character of the Conservation Area.

There will be no physical impacts on any of designated heritage assets. The Council agrees that the proposed development would not cause direct harm to the fabric of the listed buildings, but that harm would result from the introduction of built form into a part of the identified assets' setting. Notwithstanding the difference in opinion regarding the level of harm, the key point is that the harm identified is considered to be in the spectrum of "less than substantial". The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning applications and as part of the balance exercise and in ascertaining if any public benefits would outweigh that harm. Less than substantial harm does not equate to a less than substantial planning objection

The NPPF sets out, at paragraph 215, that where a development proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The scheme would provide up to 145 new homes, 35% of which would be affordable (51 units), meeting the policy requirements of AFH1 and 5% (7 units) self-build/custom built units, all in an area where there is a supply deficiency and a deliverability deficit. This is considered to carry such weight that the less than substantial harm caused by the development is considerably outweighed by the benefit of housing delivery. The

development will provide construction jobs during the building of new dwellings and likely on-going multiplier effects on spending in/at local businesses and facilities. There would also be the provision of a SANG over and above the requirement necessary to mitigate the impact of the development. Ecological improvements made through the proposed planting and the areas of open space would be accessible to both occupiers of the development but also other residents in the surrounding area, these would comprise both environmental and social benefits.

Careful consideration will need to be given to the layout, design and landscaping of the proposed development on this site, including height and massing of buildings. The detailed design at reserved matters stage will seek to ensure that the juxtaposition of new development to the listed buildings is appropriate and minimises harm to its setting.

On balance, the public benefits of the proposal are considered to outweigh the less than substantial harm as set out under paragraph 215.

Loss of Agricultural Land

Paragraph 187(b) of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account in planning decisions. Significant development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of a higher quality.

Annex 2 of the NPPF defines best and most versatile agricultural land, as land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). For planning applications, specific consultations with Natural England are required under the Development Management Procedure Order in relation to BMVAL. These are for non-agricultural development proposals that are not consistent with an adopted local plan and involve the loss of twenty hectares or more of BMVAL. Natural England Technical Information Note TIN049 edition 2 advises however that the land protection policy is relevant to all planning applications, including those on smaller areas, but it is for the planning authority to decide how significant the agricultural land issues are.

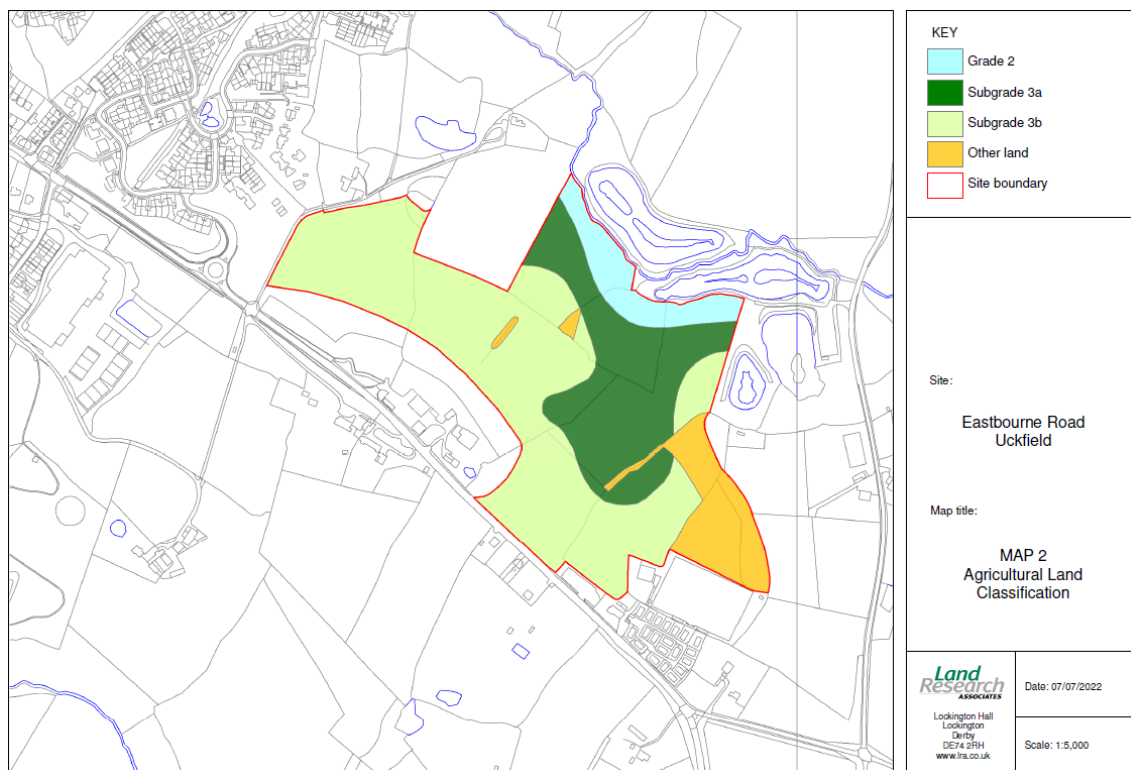
The site is proposed as a housing allocation in the Draft Local Plan 2024. This plan is in its early stages having completed the Regulation 18 consultation in May; therefore limited weight is given to it. Nonetheless it shows the site is considered suitable for development, notwithstanding the loss of agricultural land and any consequent impacts of the lack of availability of that land to agricultural businesses.

The applicant has submitted a report Soils and Agricultural Land Report. The agricultural quality of the land is primarily determined by wetness, slope gradient and depth/droughtiness. Other factors have been assessed but do not affect the land grade. The report states that the site consists of land of grades 2 and 3:

- The Grade 2 land occurs in the north-east of the site and extends across 1.03 hectares (equating to 7% of the site). These soils were found to be variably affected by shallow groundwater, graded as having slight wetness

limitations, and therefore likely to present some machinery access restrictions in winter

- Land classified as Grade 3a occurs on the mid-slopes in the north-east of the site and extends across 3.43 hectares (equating to 25% of the site). Imperfect drainage caused by underlying poorly structured layers means that safe machinery land access is likely to be restricted in winter and early spring under the local climate, although the land is usually sufficiently dry to allow late spring (as well as autumn) sowings.
- Land classified as Grade 3b extends across 7.94 hectares (equating to 57% of the site). and has poor to imperfect drainage. Under the local climate these combinations mean the soils are usually too wet for cultivation in spring, which mainly restricts arable use to autumn sowings. Also included are areas with slope gradients between 7 and 11 degrees in the centre of the site. These gradients limit the safe use of some cultivation machinery.
- The remaining 1.5 hectares comprises woodland.



Agricultural Land Classification

The majority of the site (68%) is not defined as BMVAL. The site is not, therefore, afforded the same level of protection in planning policy terms as BMVAL. The Council has indicated that, in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed to meet existing and future housing needs. Paragraph 5.8 of the Core Strategy states “... in a rural area such as Wealden, where there is a limited supply of brownfield opportunities, it is inevitable that there will have to be a substantial use of greenfield land to meet existing and future housing needs”

Landscape Impact

The site and its wider landscape context are not subject to any national, local or other landscape designations.

The 2023 Landscape Sensitivity Assessment indicates that the site is moderately sensitive to residential development. The site lies within *“an undulating landscape associated with Framfield Stream, in an area of small to medium scale mixed pastoral and arable fields bound by hedgerows and with pockets of mature woodland, some of which are ancient”*

A Landscape and Visual Appraisal (LVA) has been submitted as part of the application, which assesses the potential landscape and visual impacts of the proposed development. The LVA concludes that the proposals have responded to the constraints of the site, including topography and views, while retaining the existing landscape features such as existing trees, hedgerows and woodland across the vast majority of the site

The site by virtue of development being on greenfield land will inevitably result in the irretrievable loss of open land and therefore will have a permanent landscape impact, which is accentuated by virtue of the topography of the site. Concerns regarding the loss of a greenfield site and agricultural land and the impact on countryside and localised views including those from the Public Rights of Way is understood, and whilst limited weight can be given to the emerging plan, this site is proposed as a housing allocation in the draft plan for development.

The application is in outline form with all matters reserved other than access. As such, detailed landscaping proposals for the site are reserved for later consideration, not least until the layout is fixed.

Trees, Woodland and Ecology

Paragraph 193 of the NPPF states that *“When determining planning applications, local authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

An Ecological Impact Assessment has been submitted as part of the application; this assesses the potential impact on ecology of the proposed development. Various ecological surveys have been undertaken including an extended Phase 1 Habitat Survey and a range of protected/notable species surveys.

Most of the site comprises species-poor semi-improved grassland split into field compartments enclosed by hedgerows. There is broadleaved Ancient Woodland (W2) and mixed woodland (W3) on the east of the site, and a small area of broadleaved woodland (W1) in the centre. There are two areas of marshy grassland and a small patch of scrub in the north of the site and one marshy area along the north eastern boundary. With the exception of the Ancient Woodland, the habitats are considered to be no more than local importance being common and widespread habitats in East Sussex.

There are five stand-alone trees on the site that are not associated with hedgerows, four of which are mature pedunculate oak and one young hawthorn.

The Council's Arboriculturist has advised that some proposed SANG paths would encroach through RPAs of existing high quality trees e.g. T2, T3, T10 and T13, and whilst there are methods such as 'no dig' solutions to mitigate for these impacts, the default position should be that they are located outside of the RPA of retained trees in line with BS 5837:2012. The precise routing of footpaths would be determined at the reserved matters stage. However, a condition has been recommended to ensure there is no encroachment into the RPA's.

The Council's Arboriculturist has also advised that whilst not identified on the Ancient Tree Inventory, the survey has identified one veteran tree (VT) on the site. This is T12 and the appropriate VT buffer in line with the Natural England and Forestry Commission Standing advice needs to be applied. Part of the SANG path layout brings a section into close proximity to T12 and it is within its buffer zone. The path should be located outside of the buffer in line with current joint NE/FC standing advice in relation to ancient woodland and veteran trees. This has been conditioned.



Existing Habitats

There are 26 hedgerows within the site. All hedgerows consist of 80% native woody species and are Habitats of Principal Importance (NERC Act S41). Hedgerows H6 (along the northern boundary and H16 (to the south of the site abutting the adjoining restaurant car park) were found to provide high to very high conservation value primarily a result of their tall structures with little or no gaps,

dominated by mixed native species and multiple mature and young standards present, species included pedunculate oak, alder and willow spp The development proposals will not affect these hedgerows.

Hedgerows H3, H4, H5, H7, H8, H10, H11, H12, H14, H17 H24 and H25 are of moderately high to high conservation value, again largely due to their tall structures with little or no gaps, most of which are dominated by mixed native species including hawthorn, hazel and ash with some of them being bordered by a ditch. Of these hedgerows only H4 will be impacted by the development where some loss will occur to provide access to the development parcel on the western side of the site.

The remaining hedgerows are either moderate (H13, H15, H18, H20, H21, H22, H23) or low (H1, H2, H9, H19, H26) conservation value.

Hedgerows H5, H7, H20, H21, H23, and H24 are classified as important under REGS (1997) due to the presence of dormice, a protected species under Schedule 5 & 8 Wildlife and Countryside Act 1981. H10 was also important due the presence of seven woody species, on average, in a 30m length. The development should not impact on these hedgerows (and therefore dormice habitat) as they are sited along the edge of the proposed SANGS to the north and east of the site.

The site is used by eleven species of bats for commuting and foraging. Trees with roosting bat potential are scattered throughout the site and will be retained.

The Arboricultural Assessment confirms the removal of approximately 45m of hedgerow (H18) to facilitate the vehicular access into the site. It is proposed that new hedgerow planting will be provided along the site frontage, set back from Eastbourne Road which will allow the phased removal of the remainder of the existing hedgerow over a period of time. By moving the hedgerow away from the highway, this will reduce the need to regularly maintain the roadside hedgerow in the future and thereby ensuring visibility splays are retained. This also provides the opportunity for the planting of a hedgerow of higher quality.

The removal of a category C tree will also be required to allow the reinstatement of this frontage for new tree planting. New tree planting along the same road will create a visually attractive appearance to the development.

The site supports a low population of reptiles and a population of hazel dormice. The breeding bird species are typical of the habitats present on site, with suitable nesting opportunities provided within hedgerows and woodland.

The submitted documentation sets out a range of measures recommended by the ecologist to ensure that no protected species are harmed and to minimise ecological impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures it is considered that the development will not result in significant adverse effects to biodiversity. Indeed the Ecological Impact Assessment indicates that the proposals will lead to “mid to long term minor beneficial effect at a local level”.

The findings of the Ecological Assessment are accepted and it is considered that a planning condition can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies with regard to nature conservation and biodiversity enhancement.

This application is also now subject to the BNG requirements of the Environment Act. The statutory metric has been submitted and the Ecology Officer is satisfied it is an appropriate assessment and that the gain should be deliverable under the submissions for the BNG Plan at condition discharge stage.

Ancient Woodland

Ancient woodland is a valuable biodiversity resource both for its biodiversity of species and for its longevity as woodland. Local and national policy and guidance is clear that ancient woodland is an irreplaceable habitat and proposals should not result in its loss or deterioration. Saved Policy EN13 of the 1998 Plan states that the Council will resist development proposals that involve the clear felling or otherwise prejudice the ecology of Ancient Semi-Natural Woodlands. SPO1 of the Core Strategy indicates that the Council will seek to protect and enhance recognised biodiversity assets and seek to ensure that the distinct landscapes of the District, including those not nationally designated, are managed and enhanced. Policy WCS12 of the Core Strategy seeks to prevent a net loss of biodiversity, ensure a comprehensive network of habitats, and ensure habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas.

Standing Advice in relation to planning applications affecting ancient woodland is provided by Natural England and the Forestry Commission. This sets out that there must be wholly exceptional reasons to approve development which would lead to the deterioration of ancient woodland. The guidance doesn't define deterioration but it does include a list of direct and indirect effects that they consider can lead to it. It advocates the use of buffer zones which can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:

- Scale and type of development and its effect on ancient woodland, ancient and veteran trees.
- Character of the surrounding area.

but is clear that as a minimum, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

The proposed SANGS borders the existing Ancient Woodland. Buffers have been provided in accordance with Standing Advice and features which previously

encroached into the buffer have now been removed. A condition is recommended to secure details for the protection and planting of this buffer.



Location of Ancient Woodland

Impact on Neighbours

A condition is recommended relating to the submission of and adherence to a Code of Construction Practice Plan to address concerns raised by local residents relating to the impacts during the construction process.

Detailed design will ensure that development is set back from existing residential properties and appropriate buffer/screening provided were required.

Affordable Housing

The development includes provision for 35% affordable housing which is policy compliant with Policy AFH1 of the Affordable Housing Local Plan. This will be secured through the legal agreement.

As the application is in outline form the exact mix, position, size and design of the affordable units is not known at this stage, though if approved all this detail will be determined through the reserved matters submission(s).

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)).

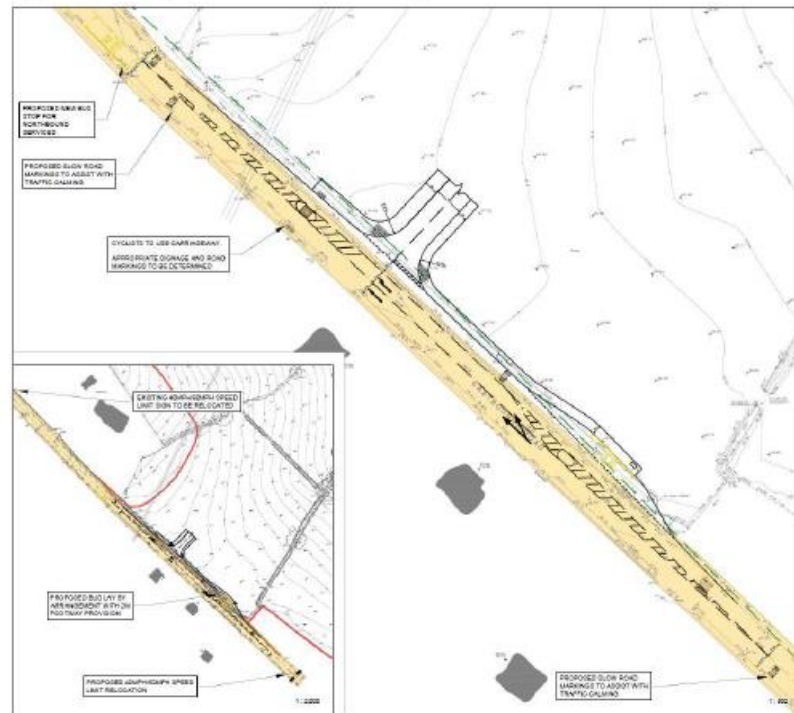
The NPPG on Self-Build and Custom Housebuilding states that relevant authorities could include policies in their local plans for self and custom housebuilding, but this is not a requirement. It also states that relevant authorities could seek to meet demand by engaging with landowners who own sites that 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.

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 7 custom or self build plots would, in part, 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.

Traffic Impact and Access

Site Access

The proposed site access will be off Eastbourne Road via a new priority junction with a right turn lane located centrally along the southern boundary of the site. The access has a 3m footway on the north and 2m footway on the south side to connect to the existing network, a ghost right turn facility and pedestrian refuge on its north-western side. ESCC Highways have confirmed that appropriate visibility splays are provided. Highways note that there is a need for management of site boundary vegetation to ensure that sightlines are not obstructed by overgrowth, which could be ensured through the imposition of a condition. However, it is noted that the supporting Arboricultural Impact Assessment refers to the removal of 45m of the existing hedgerow along this southern boundary, with replacement hedgerow planted further back to ensure visibility splays remain unobstructed. The RSA identified six problems in relation to the new access will be addressed through the detailed design as part of the technical approval process/S278 agreement.



Proposed Site Access

Pedestrian access will be off Eastbourne Road from two separate points:

- The northernmost pedestrian access will be via the existing Cysleys Farm vehicle access west of existing fitness club; and will provide a footway link across Eastbourne Rd with an uncontrolled crossing with refuge, and reconstruction of the footway on the south side of Eastbourne Rd so that 2m wide provision is made up to the site currently under construction on the south side of Eastbourne Road (Barratt Homes site for 90 dwellings).
- The southernmost access will be provided adjacent to the proposed new vehicular access.

Highways have confirmed both of these are acceptable with any minor points arising from the RSA being addressed at the detailed technical design stage for the 278 agreement.

Wider Highway Impact

The application was accompanied by a Transport Assessment, Transport Assessment Addendum and various Transport Notes. The junction capacity analysis has demonstrated that, two of the eleven junctions assessed, the High Street/New Road/ Framfield Road/Bridge Farm Road and High Street / Bell Lane Signal Junctions are already operating above capacity in the Base Case scenarios. Whilst the results have shown the PRC increasing slightly as a result of the proposed development, the impact is not considered to be severe. The junction capacity analysis has also demonstrated that the remaining eleven junctions surveyed all operate within theoretical capacity in future AM and PM peak scenarios.

ESCC Highways have requested that the development pays a financial contribution to a scheme that has been identified to improve capacity at key junctions in the town centre. This is considered justifiable and will be secured through the legal agreement. To allow sufficient time for the Town Centre works to be undertaken before the development is occupied, it is recommended that the financial contribution is paid prior to commencement of development. Provided this contribution is paid prior to commencement of development, ESCC Highway's request for a condition to restrict any occupation of the development until these Town Centre works are completed is considered unreasonable having regard to the limited impact that would arise from the development and that the developer has no control over the timetable for the design and implementation of these works. Unlike the Bird-in Eye appeal where this was deemed acceptable, as most trips from that development would have been funnelled through the town centre, this application site has direct access to the A22 without the need to go through the Town Centre.

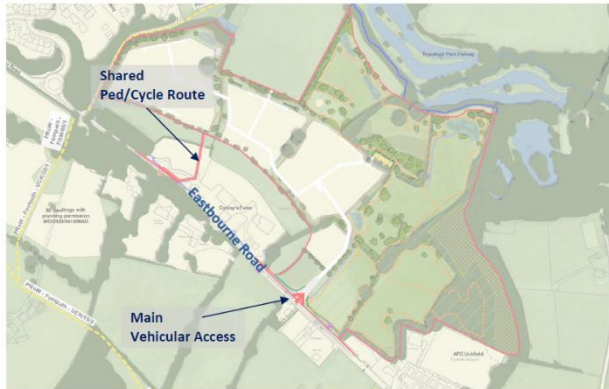
Suitable location - Accessibility

The town of Uckfield is located to the west of the appeal site and offers a good choice of shops, restaurants, a train and bus station and other services. The Interim Travel Plan supporting the application sets out the approximate walking distances from the centre of the site to various facilities in and around Uckfield, as an example, the distance to Uckfield Town Centre High Street is 1.8km (23 min) walk. The Institute of Highways and Transportation (IHT) provides guidance on desirable walk distances in their publication 'Providing for Journeys on Foot' which recommends suggested acceptable walking distances of between 500m (6 minutes, "Desirable") and 2km (25 minutes, "Preferred Maximum") for commuting and journeys to school. The site would therefore be 'walkable' but not within 'easy' walking distance. It also follows that Uckfield is also within cycling distance of the development although there are no formal cycle routes within the Uckfield area.

ESCC Highways state in their consultation response that they are not objecting to the application and do not wish to oppose the granting of planning permission. ESCC Highways clearly state:

"The application for 145 dwellings at Cysleys Farm has an element of disconnect for active travel modes that is enhanced with the inclusion of a widened footway and crossing point on Eastbourne Road. The Highlands PH, Co-op store, Ridgewood Industrial Park, post office and fitness gym and beauty spa are all destinations within a short walk of less than 1.5km taking up to 16mins. Walking as a mode would be challenging to reach town centre locations such as schools and employment on a daily basis and bus stops are being made available within 400m walk. Cycling as an active travel mode to walking would in distance terms be a good alternative to walking, and available routes are available but not consistent and to utilise quiet streets less than direct routes and some dismount would be necessary."

Figure 1 – Options for Cycle Access



Cycle routes can be provided within the application site (details at reserved matters application) which means cyclists could leave the site at the northern most exit which is a short distance away from the 90-unit Eastbourne Road development, to which Highways raised no concerns regarding suitable routes for cyclists.

Paragraph 110 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and advises that this should be taken into account in both plan-making and decision-making.

Of relevance to this application is the appeal decision relating to the land at Bird-in Eye, South of Bird in Eye Hill, Framfield, Uckfield. (APP/C1435/W/22/3307820). Similar to the circumstances of the Bird in Eye appeal site where there was a proposed pedestrian /cycle link, the walk/cycle into Uckfield from the Cysleys Farm site would be improved by the proposed scheme to accommodate a footway link between the existing Cysleys Farm access (by TBH Fitness) across Eastbourne Rd with an uncontrolled crossing with refuge, and reconstruction of footway on the south side of Eastbourne Rd so that a 2m wide footway is provided to connect to the footway by the Barratt's site on the south side of Eastbourne Road, east of Ridgewood Industrial Park, which is currently under construction. ESCC Highways have accepted the proposed scheme which will be secured through the legal agreement.

The Bird-in Eye appeal decision was clear that whilst the pedestrian and cycle route would not offer easy walking or cycling options, the key consideration related to the proximity of the bus stop, in combination with the proposed works to upgrade the bus stop and funding to secure the bus service for a further three years. The Inspector considered that these measures offered “*a genuine choice of transport modes in line with the Framework*”

The Inspector's decision on the appeal at Land at Old Nursery House, The Street, Framfield (Ref APP/C1435/W/22/3301104) similarly recognised that whilst the services and facilities to meet day to day needs at Uckfield would be within generally reasonable cycling distance of the appeal site, the relatively narrow and unlit sections of the B2102, meant that cycling would be unlikely to be an attractive option to all but the most confident cyclists. Importantly having regard to the location of bus stops to the site combined with a financial contribution towards the enhancement of bus services, the Inspector considered “*that bus services would offer future occupiers a realistic alternative to the private vehicle for at least some trips....I am satisfied that there would be opportunities for future occupiers of the site to access services by sustainable travel modes....*”

Having regard to the points set out above, refusal on the grounds of improved provision for cycling is not considered a justifiable reason for refusal that could be sustained on appeal.

The previous decision to refuse planning permission on the basis of locational sustainability for this site is inconsistent with the subsequent grant of permission for five houses immediately adjacent to this application site at the Rajdutt Inn (WD/2023/0671/F) which was approved in December 2024 without any concern with regards to its locational sustainability credentials.

Car Club and Travel Plan

The proposals include the provision for electric vehicle car clubs on site. Further measures are also set out in the Interim Travel Plan to encourage sustainable travel, such as car sharing, which provides additional opportunities for future residents to access services sustainably.

Summary of Traffic Impact and Access

The application makes provision for:

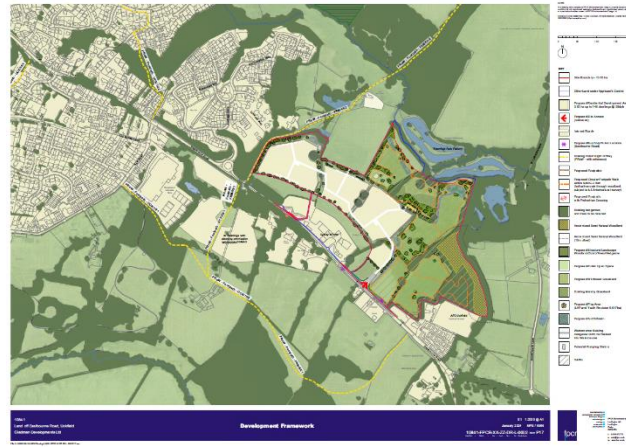
- Improved footway to connect to the existing footway network to an appropriate standard. ESCC Highways are also requesting a further enhancement to provide link to an existing bus stop opposite the football club.
- Three new formal bus stops with appropriate infrastructure, two of which are in place of virtual bus stops at Cysleys Farm. These are conveniently located to be accessed on Eastbourne Road close to the access points for pedestrians.
- Travel plan to include car club provision;
- Achievable access for both vehicles and pedestrians
- Crossing points on Eastbourne Road

ESCC Highways have confirmed they have no objection and do not want to restrict the grant of planning permission. It is accepted that ESCC Highways has highlighted about the location of the site. But as described, the development would support sustainable development aims by making it easier to travel by more sustainable modes of transport. In this regard the development would reflect guidance in the NPPF, saved Policy EN1 of the 1998 Local Plan and WCS14 of the Core Strategy which seeks to achieve a sustainable pattern of development. The NPPF sets out that this can be achieved by providing homes that are served by a genuine choice of transport modes and which facilitates walking/cycling as a means of doing this.

Having regard to Paragraph 116 of the NPPF the development would not 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.

Illustrative Development Framework

The application proposals are in outline. Details of appearance, landscaping, layout and scale are reserved for future consideration at which time detailed plans would be required to be submitted as part of a Reserved Matters application, therefore the merits of the illustrative layout as submitted are not considered in this report. The development parcels have been pulled back significantly from the northern and eastern part of the site to protect the Ancient Woodland and reduce the landscape and visual impact within the wider landscape.



Development Framework for 145 dwellings

The application seeks approval for up to 145 dwellings on the site. The ability to accommodate the 145 units on-site will be dependent on the proposed unit mix with a greater number of flats or smaller units as opposed to larger detached properties.

Open Space

The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policies LR1, LR3 and LR5 of the Wealden's Local Plan and Policy WCS13 of the Core Strategy set out the requirements for open space. Policies LR3 and LR5 set specific policy expectations for open space provision in new developments. In summary, these policies require:

- The seeking of adequate outdoor playing space to be provided in towns and villages in the District in line with National Playing Field Association's standards (LR1).
- New residential development of 30+ homes must provide 0.6-0.8 hectares of children's play space per 1000 population (0.2-0.3 hectares should be equipped). The play space should well designed and located within the site. Contributions towards future maintenance are also required (LR3).
- All new large residential development must provide informal amenity space in addition to the required children's play space (LR5).

Policy WCS13 of the Core Strategy Local Plan requires all new residential development where appropriate to make provision for new or enhancement of existing open space.

All residential development of 30 or more homes are expected to make a contribution towards open space either on-site, off-site or through a financial contribution. The outdoor playing space requirements are based on Draft SPG Outdoor Play Space which requires a figure of 24sqm per occupier, broken down into 17sqm for youth and adult, 4.5sqm informal children's play and 2.5sqm for equipped children's play space.

The development will be required to accommodate casual informal and equipped play space on site. It may not be possible to accommodate the required youth and adult recreation space on-site and therefore a financial contribution will be secured through the legal agreement for offsite provision including maintenance for the residual provision that cannot be accommodated on-site

Suitable Alternative Green Space (SANG)

The Ashdown Forest Special Protection Area (SPA) is located in the High Weald of East Sussex, and covers an area of 3,207 hectares. Together with the nearby Wealden Heaths SPA and Thames Basin Heath SPA, the Ashdown Forest SPA forms part of a complex of heathlands that support breeding bird populations of European importance, in particular the nightjar and Dartford warbler. The Ashdown Forest SPA is also a designated Special Area of Conservation (SAC) because it contains one of the largest single continuous blocks of lowland heath in South-East England with both European dry and North Atlantic wet heath. The SAC designation covers an overall area of 2,729 hectares. The Ashdown Forest SPA is also designated a Site of Special Scientific Interest (SSSI).

Members will know that together with Strategic Access Management and Monitoring (SAMMs) and SANGs are used to mitigate the effect of development in close proximity to the Ashdown Forest. They are used within a zone of influence around the Forest, stretching from 400m and out to 7kms. Within 400m it is not possible to permit new residential development. Beyond 400m and up to 7km, SANGs and SAMMs are used, in collaboration with Natural England, to manage development.

SANGs are a strategic tool and offer an alternative recreational option in order to avoid pressure in the Forest. There are two in the District, one nearby at Horsted Park and the other is in Crowborough off Walshes Road. More SANGs will be required if the Council is able to support further growth in the emerging Local Plan. The 2024 Habitats Regulation Assessment sets out on a Parish basis the residential sites that are proposed to be allocated in the 7km mitigation zone surrounding the Ashdown Forest SPA. All dwellings in the 7km zone will require SANG mitigation, either through delivery of bespoke SANG (i.e. integrated in the site fabric) or contribution to a strategic SANG.

The application site falls within the 7km zone of influence of the Ashdown Forest. A SANG is proposed within the application site to mitigate for the recreational

effects on the Ashdown Forest. Having regard to the SANG guidance, this SANG needs to be at least 2ha, and of a size proportional to the new dwellings and number of new residents. This is calculated as 8ha of a SANG for 1000 population increase. This scheme will deliver up to 145 new dwellings, which works out as approximately 348 new residents and will require a 2.8ha of SANG. This scheme proposes 7.44ha of SANG, which is an over delivery of 4.64ha, with the credits available to mitigate other developments that cannot meet their own SANG requirements. The proposals include the provision of a car park to the west of the SANG.



Proposed SANG

The SANG Management Plan that accompanies the application indicates that to ensure the long-term viability of the SANG as a public open space, the management will be undertaken by Wealden District Council, a management company or charitable body.

If the SANG is taken on by a private management company, there will be a commitment in place so that the local authority can have 'step in' rights if required. The provision for "step in rights" for the Council in the event the SANG is not being managed properly is a requirement by Natural England.

A SAMMS payment will also be paid to fund the monitoring and maintenance works to Ashdown Forest SPA.

Contaminated Land

The application is accompanied by a Preliminary Risk Assessment. The assessment identifies that the main historical feature which may affect the site with potentially contaminative land uses was a small centrally located open cast quarry on the site between 1875 and early 1900's. The assessment concludes that whilst the potential for significant and widespread contaminative impact is considered 'low', there remains a potential for localised impact. Most notably the potential for localised reworking of natural soils and or unknown fill material (if any) associated with the small historical open cast quarry. The report recommends intrusive exploratory works with supplementary laboratory testing, monitoring and subsequent risk assessment. It also recommends undertaking

confirmatory level ground gas monitoring as part of any future intrusive exploratory work to confirm the 'low-ground gas generation' potentials assigned.

The historical quarry is now occupied by mature trees and hedgerows and therefore the report considers it likely that this area will be retained as future soft-landscaping. Having regard to this the risks posed by ground instability issues are considered 'low' negligible.

Pollution Control have confirmed that potential contamination can be appropriately controlled by condition.

Foul Water Drainage

A condition has been recommended that ensures any necessary upgrade works to local infrastructure are delivered prior to occupation.

Air Quality

The application is not situated within or adjacent to an Air Quality Management Area. An Air Quality Assessment has been submitted in support of the application. The assessment considered dust and fine particulate matter during the construction phase, and road traffic emissions during the operational phase. Risks of dust arising during the construction phase, would be addressed through the imposition of conditions to ensure works are carried out in accordance with best practice. For the operational phase assessment, the impact of the development is predicted to be negligible. Conditions have been attached in accordance with the recommendations of the Environmental Health Officer.

Flood Risk and Drainage

The National Planning Policy Framework (NPPF), paragraph 174 sets out that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is referred to as the sequential test. Paragraph 175 advises that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

Planning Practice Guidance (Flood risk and coastal change 25 August 2022) states at Paragraph: 027 (Reference ID: 7-027-20220825) that *"the sequential test should be applied to 'Major' and 'Non-major development' proposed in areas at risk of flooding, but it will not be required where:*

- (1) The site has been allocated for development and subject to the test at the plan making stage (provided the proposed development is consistent with the use for which the site was allocated and provided there have been no significant changes to the known level of flood risk to the site, now or in the future which would have affected the outcome of the test).*

- (2) *The site is in an area at low risk from all sources of flooding, unless the Strategic Flood Risk Assessment, or other information, indicates there may be a risk of flooding in the future.*
- (3) *The application is for a development type that is exempt from the test, as specified in the NPPF”*

The National Flood Risk Standing Advice for local planning authorities (23 August 2024) also provides advice on when the sequential test is needed: “A sequential test is required for major and non-major development ...if any proposed building, access and escape route, land-raising or other vulnerable element will be:

- *In flood zone 2 or 3;*
- *In flood zone 1 and your SFRA shows it will be at increased risk of flooding during its lifetime;*
- *Subject to sources of flooding other than rivers or sea”.*

The Standing Advice also indicates that a sequential test may not be needed “if development can be laid out so that only elements such as public open space, biodiversity and amenity areas are located in areas at risk of any source of current or future flooding”

This is standing advice from the Government’s relevant executive non-departmental body and statutory consultee for this issue, directly linked from the PPG where the PPG looks at the sequential test and is the most recent guidance to be published on this matter.

The application site lies wholly within Flood Zone 1 and the risk of flooding from other sources is assessed as very low or low, with the exception of three areas of medium risk related to existing ditches and one area of high risk within the Ancient Woodland. All of these areas of medium risk are outside the proposed developable area and are within the proposed SANG which is classed as a water compatible use and the area of high risk is within the existing Ancient Woodland. Having regard to the most recent EA Standing Advice and NPPF it is considered that a sequential test is not required



EA Flood Risk from Surface Water mapping

The developable area and the access road lies outside of the 1 in 1000 year fluvial flood extent. Existing surface water flow routes across the site will either be retained or incorporated into the proposed drainage system for the development.

All surface water runoff generated on site up to the 1 in 100 year climate change storm will be stored on site and discharged into an existing watercourse. Surface flows may be generated due to drainage capacity exceedance, which would be conveyed into the SuDS features via surface flows along the new roads.

ESCC LLFA have provided comments on the flood risk and surface water drainage strategy at the site (the detailed comments are at the start of this report). They have no objections to the development and consider that the proposal is capable of managing flood risk effectively, subject to conditions.

Officers find no reason to disagree with the conclusions of the LLFA and conditions have been recommended in accordance with their advice.

Foul Water Drainage

A Grampian Condition has been recommended that ensures any necessary upgrade works to local infrastructure are delivered prior to occupation.

Water Supply

Planning Practice Guidance states water supply would normally be addressed through authorities' strategic policies and therefore unlikely to be a consideration for most planning applications. Exceptions might include:

- Large developments not identified in plans that are likely to require a large amount of water; and/or
- Significant works required to connect the water supply; and/ or
- Where a plan requires enhanced water efficiency in new developments as part of a strategy to manage water demand locally and help deliver new development.

None of the above exceptions are applicable to the application site.

Lighting

Having regard to the location of the development, lighting will need to be carefully controlled and has been conditioned to restrict lighting to levels appropriate to Environmental Zone E2.

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.

A condition has been recommended that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

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.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. 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 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.

The application was screened and an appropriate assessment undertaken. The Appropriate Assessment Stage 2 concluded that, having regard to the conservation objectives of the European designations, and the implementation of mitigation measures in the form of onsite SANG and financial contribution towards SAMM, the proposed development would have no adverse effect on the integrity of the European designations either alone or in combination. Therefore, no further assessment is required and proceeding to Stage 3 was not necessary.

Planning Balance

The scale and distribution of new housing, and the settlement boundaries designed to deliver the housing needed, are more than five years old and are being reviewed through the draft Wealden Local Plan. With the exception of Policies GD2 and DC17 of the WLP and Policies WCS1 and WCS2 of the WCSLP, all of the other relevant policies listed in this report are considered up to date. However, although the policies that are agreed to be up to date are more numerous, it does not follow that the relevant policies as a whole should be regarded as up to date. The policies that are intended to shape the spatial strategy (GD2, DC17, WCS1 and WCS2) are fundamental to what the plan seeks to achieve. As these policies are out of date it follows that the balancing exercise set out in Policy WCS14 of the WCSLP and Paragraph 11d(ii) of the NPPF are engaged.

Benefits of the scheme are assessed as follows:-

- (i) Housing Land Supply: The proposed development would bring substantial benefits in terms of contributions to housing supply and the provision of market (including custom and self-build units) and affordable housing (subject to the completion of a legally compliant s106 agreement) in the context of the Council's housing need and the Government's imperative to

boost the supply of housing. This provision should be afforded a significant benefit of the scheme;

- (ii) Construction Jobs: There would be some contribution to economic growth through the provision of construction jobs, which can have acknowledged economic benefits along the supply chain. At a national level, the government is committed to securing economic growth through the planning system and confirms that significant weight should be placed on the need to support economic growth through the planning system. However, this is not unique as any similar development site would have associated construction jobs. Furthermore, these would be short-term benefits during the course of construction and there is no evidence to demonstrate that these will necessarily offer local employment opportunities. This is nonetheless a benefit albeit of limited weight.
- (iii) Improved Local Spending: With regard to the weight afforded to the economic benefits of supporting the facilities and services within Uckfield Town Centre, it is agreed that the proposals will increase the population in the area with an associated spending profile. These are positive benefits of the development but this is not unique as any similar development site has the potential to generate an increased workforce/trip generation with associated spend. Furthermore, for an established District Centre these benefits are not likely to make any difference to the viability of the services within the town. This is nonetheless a benefit albeit of limited weight.
- (iv) Creation of Open Amenity Areas and Public Open Space: The provision of open amenity space, play areas and landscaping are positive social and environmental benefits, but they are directly and proportionately related to the quantum of development proposed in order to meet the spatial needs of the actual development, which would in any case be expected on any new major residential development. This is nonetheless a benefit albeit of limited weight.
- (v) SANG: More SANGs are required if the Council is able to support further growth in the emerging Local Plan. The 2024 Habitats Regulation Assessment sets out on a Parish basis the residential sites that are proposed to be allocated in the 7km mitigation zone surrounding the Ashdown Forest SPA/SAC. All dwellings in the 7km zone will require SANG mitigation, either through delivery of bespoke SANG (i.e. integrated in the site fabric) or contribution to a strategic SANG.

The development provides a SANG to mitigate impacts to the Ashdown Forest SPA and SAC which would likely occur from increased recreational disturbance from the proposed housing as set out in Policy WCS12 of the Core Strategy. The mitigation the SANG would provide is a neutral factor in the planning balance. However, the scheme proposes 7.44ha of SANG, which is an over delivery of 4.64ha and therefore allows provision for other visitors to the SANG, which is a public benefit. This additional benefit of the SANG, over and above its primary requirement to mitigate impacts on the Ashdown Forest, is afforded limited weight on the basis it meets no

policy requirement or identified local need but would be of value to local residents.

- (vi) Bio-Diversity and Ecological Enhancements: Biodiversity and ecological enhancements proposed within the development including creation of new habitat features and ecological mitigation, would positively contribute to the overall environmental sustainability of the application site. The overall habitat provision is 29% habitat and 26% hedgerow of onsite BNG. The SANG is proposed to provide wildflower grassland, new tree, hedge, scrub and woodland planting. In BNG terms, this is creation of broadleaf woodland, SUDs, urban trees, mixed scrub, other neutral grassland (ONG) and development features unsealed surface and sealed surface features. Significant areas of what is termed as 'onsite significant' BNG is proposed to be provided through creation and enhancement. This includes medium distinctiveness ONG, broadleaf woodland and mixed scrub. These are significant enhancements and are a significant benefit of the scheme.
- (vii) Off Site highway works: The combination of offsite highway works will benefit existing local residents in terms of improvements to connectivity and bus infrastructure. As these are necessary for this development they are a minor benefit of the scheme.

Harms can be identified as follows:

- (i) Impact on Town Centre: The proposal would impact on the operation of two junctions within the town centre that would need mitigating. There is no current area wide scheme, however the developer has agreed to pay a financial contribution towards mitigation works. Having regard to the level of impact on these two junctions arising from this development, the environmental impact against the proposal is considered a minor negative impact in the planning balance.
- (ii) Landscape Impact: The loss of fields to development will have a permanent impact on the character of the immediate locality, but the change is not harmful to the wider landscape character, having regard to the Fernley Park development approved and constructed to the north-west under the Non Statutory Local Plan and the approval of 90 units (WD/2020/0410/MAO on the development to the west which is currently under construction. Provided the development is set back from the boundaries and appropriate structural planting and buffer planting are incorporated into the scheme design this would reduce the visual impact of the development from local views. These environmental impacts are considered a minor negative impact in the balancing exercise.
- (i) Loss of Agricultural Land: The site comprises a mix of grade 2, 3a and 3b agricultural land and woodland. The majority of the site (68%) is not defined as BMVAL. The site is not, therefore, afforded the same level of protection in planning policy terms as BMVAL. The grade 2 and 3a land is subject to issues that impact on the ability to use machinery at certain times of the year. The environmental impacts are considered a minor negative impact in the balancing exercise.

To be clear, the heritage assessment requires a bespoke balancing exercise, separate from the main planning balance and so is not listed again here. Suffice to say that the appraisal carried out concluded that the public benefits of the scheme outweighed the harm to the heritage assets (identified to be at a less than substantial level).

In summary, the balancing of competing interests is judgement based. Overall the proposed development does achieve the three objectives of sustainable development set out in paragraph 8 of the NPPF. The benefits, which would result from the proposed development, in particular the housing, would be substantial and are given significant weight in the balancing decision. There are no adverse impacts of the proposal that significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes. Therefore, in the context of the NPPF Paragraph 11 and Policy WCS14 of CSLP, planning permission should be granted.

Planning Conditions

The planning conditions recommended by consultees have been assessed against the relevant guidance contained within Planning Practice Guidance and the Framework which requires that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

A condition is necessary setting out the plans subject to approval as part of this permission, to provide certainty. For the avoidance of doubt, this will include the 'Development Framework Plan' which, amongst other things, shows areas of the site for housing and associated infrastructure, and SANG. This is necessary as the recommendation for approval is based on this plan and the disposition of land uses.

Conditions relating to archaeology are necessary based on the findings of the submitted archaeology desk-based assessment, which shows low to moderate archaeological potential.

A construction management plan condition is required in the interests of the amenity of occupants of properties nearby and is required pre-commencement as it would cover the construction phase of the development. It also addresses mitigation necessary to prevent harm to the integrity of the habitats site.

Restriction on occupation of development is required until the foul drainage infrastructure is confirmed as having the capacity necessary to ensure the local network can accommodate the flows from the development and avoid potential issues of foul drainage flooding.

Drainage details are required pre-commencement as the approval of such details could fundamentally affect the layout of the development. These conditions are

necessary in the interests of flood risk management and sustainable drainage. Details of management and maintenance of drainage features is also necessary for the same reasons.

It is not necessary to impose a condition requiring roads to be offered for adoption as this is not reasonable, as it would be determined through separate legislation. Details of car parking spaces and cycle stands are not necessary, as these elements would be assessed as part of the reserved matters. Conditions relating to the timing of the provision and retention have been recommended.

Conditions are necessary to ensure ecological mitigation is provided, and any further survey work recommended in the submitted reports is carried out.

A condition relating to artificial lighting is necessary to ensure biodiversity is not unduly harmed. A condition requiring energy efficiency measures is necessary in accordance with the development plan and Framework.

5. Conclusion

Careful consideration has been given to this application having due regard to the details and plans, supporting documentation and representations made by statutory consultees and other interested parties.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst the proposed development would conflict with saved Policies DC17 and GD2 of the adopted Wealden Local Plan 1998, with regard to the development boundary, these policies are out of date. The site is proposed as a housing allocation site in the Draft Local Plan which has been subject to Regulation 18 consultation between March and May 2024 although little weight can be given to this as the emerging plan is in the very early stages of preparation.

Having regard to Policy WCS14 of the Core Strategy and the guidance contained within paragraph 11 of the NPPF, which advises that an application should be granted planning permission unless significant and demonstrable harm arising from the development can be demonstrated, no significant or demonstrable harm arising from the proposed development has been identified and therefore the application should be approved.

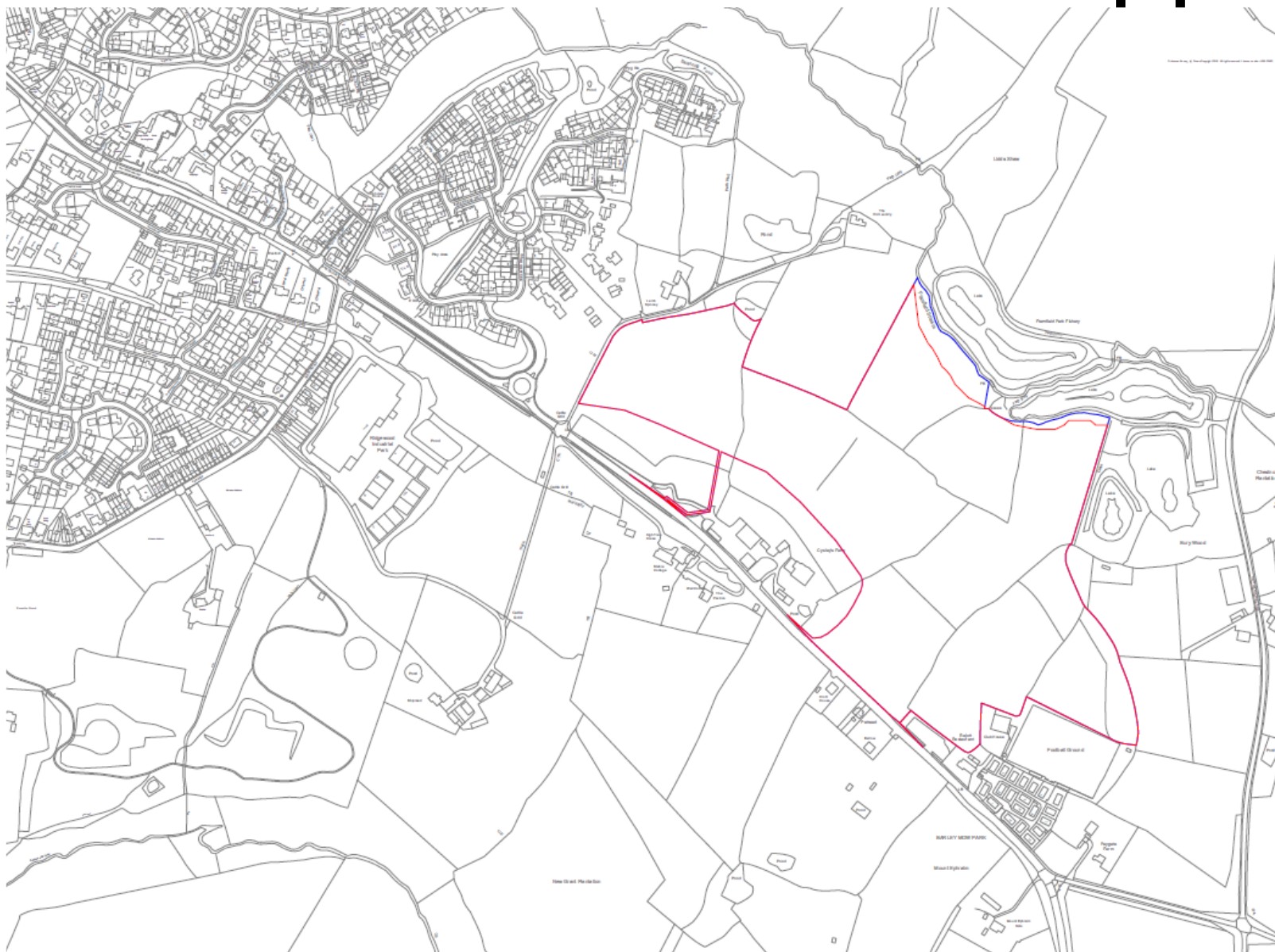
Subject to the imposition of conditions and the completion of a S106 agreement to secure the necessary and justifiable infrastructure works, financial contributions, SANG and affordable housing as recommended at the front of this report the proposal accords with the development plan as a whole and there are no other material considerations that indicate consent should be withheld. APPROVAL of this application is recommended.

6. Contact points and references

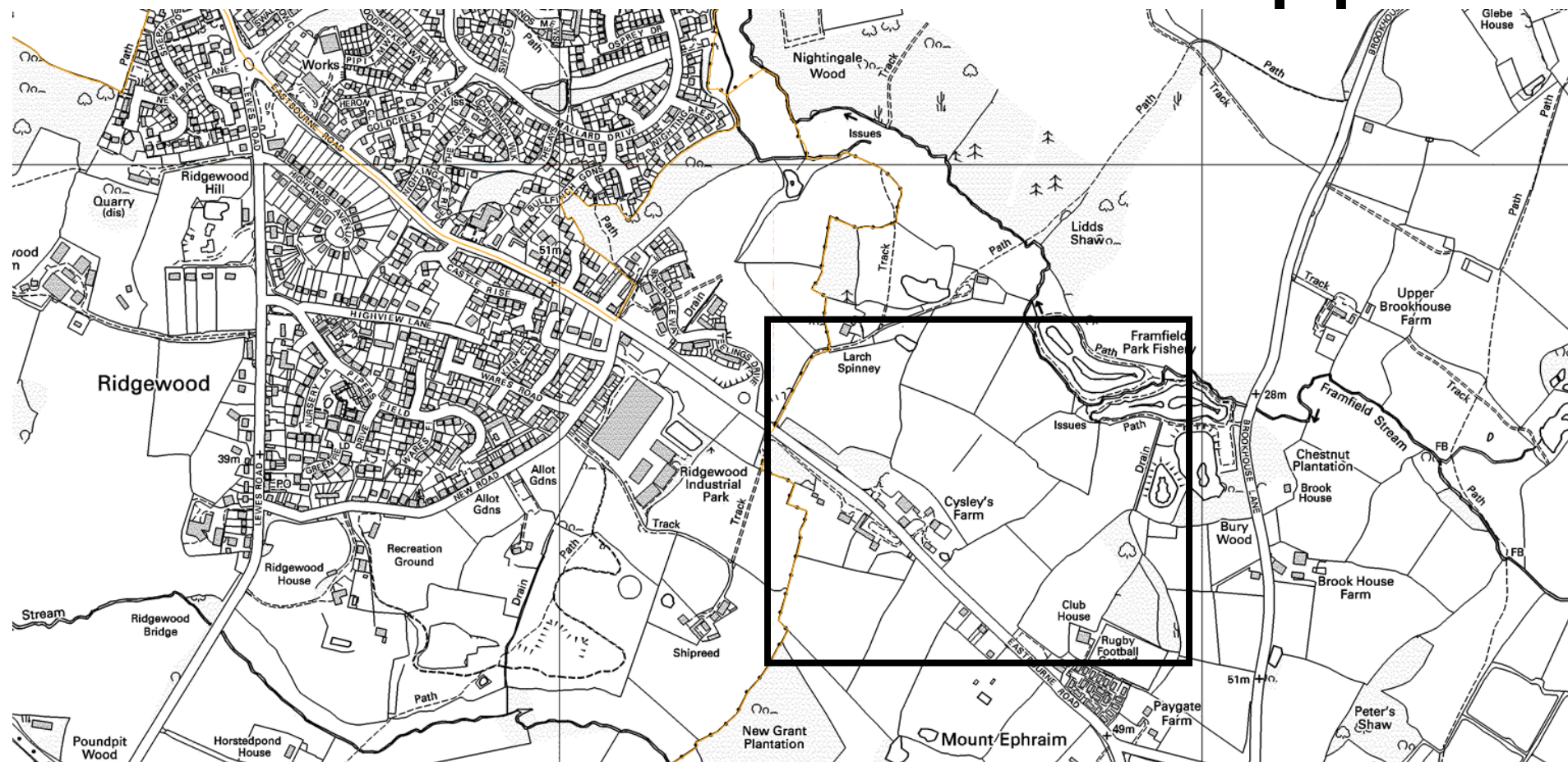
Development Manager	Samuel Batchelor - Tel: -01892 602552
Case Officer:	Mrs C Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr Mrs A E Newton

For: Planning Committee North
Date: 20 February 2025

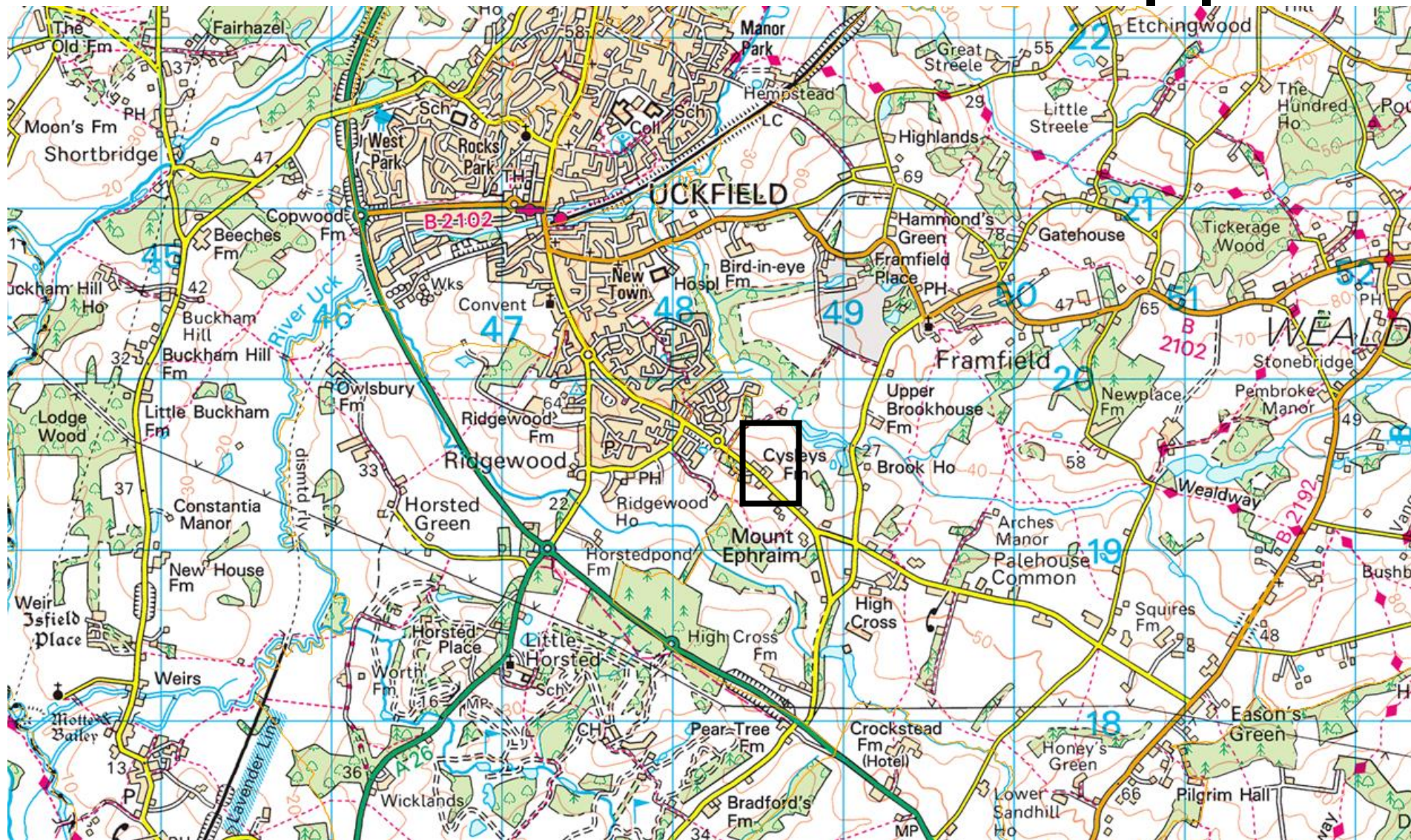
Appendix



Appendix



Appendix



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Planning Committee North

Officer Update Report

20th February 2025

Appendix

Agenda Item 6 - WD/2017/0143/MAJ - Land to the East of Benhall Mill Road, Tunbridge Wells (Pages 11 - 96)

One letter agreeing with the decision to refuse, concluding that the applicant should prepare and submit their own up to date planning application which would comply with WDC conditions and reflect up to date surveys and new housing plans and importantly their waste remediation strategy to ensure the land is free of contamination.as WDC requires.

Agenda Item 7 - WD/2024/2955/MEA - Land off Eastbourne Road, Uckfield (Pages 97 - 178)

Representations:

Southern Water.

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

ESCC Archaeologist

No objection and recommends standard conditions which have already been included in the officer report.

Third Party

Four further letters of objection received from third parties (full responses can be seen on the Council's web site. Additional issues raised include:

- Location outside of development boundary and in countryside;
- No shortage of housing - levels of unimplemented planning consents
- Accuracy of information presented
- Habitat loss and impacts on biodiversity
- Lack of infrastructure
- Lack of compliance with Habitat Regulations. Lack of any information to support the effectiveness of the SANG and SAMM mitigation;
- Impact on Framfield Fishery with extra surface water/flooding and pollution entering fishery lakes and noise.
- Issues regarding viability of sustainable transport modes
- Poor accessibility meaning development will be car reliant

Officer Comment

The applicant has provided an Illustrative Masterplan to demonstrate how the parameters plan could deliver the quantum of development proposed.



One representation raised issues regarding the adequacy of the HRA undertaken by the Council. The Council has undertaken an Appropriate Assessment which consists of a matrix which is used on all major planning applications to screen the developments. The officer report to committee provides a summary of the outcome of the assessment and does not purport to be the full assessment. Natural England has considered the full HRA assessment in their consultation response.

Southern Water response has already been addressed through the recommendation of a Grampian Condition that ensures any necessary upgrade works to local infrastructure are delivered prior to occupation.

Concerns regarding impact on the Framfield Fishery regarding surface water and polluted run-off will be fully addressed through the surface water drainage strategy and will improve issue of flash flooding from greenfield site in extreme rain events as the water will be retained and discharged at a controlled rate.

For clarification regarding Biodiversity Net Gain below is the extract from BNG Metric confirming the Biodiversity Net Gain as 28.82% Habitat Units and 26% Hedgerow Units.

Land North of Eastbourne Road, Uckfield Final with SANG

Detailed Results

Return to results menu

Summary Figures

Net project biodiversity units (Including all on-site & off-site habitat retention / creation)	Habitat units	14.71
	Hedgerow units	4.17
	Watercourse units	0.00

Total project biodiversity % change (Including all on-site & off-site habitat creation + retained habitats)	Habitat units	28.82%
	Hedgerow units	26.00%
	Watercourse units	0.00%