From: [redacted]
Sent: 19 May 2021 08:51
To: [redacted]
Cc: [redacted] Stacey Robins
[redacted]
Subject: RE: Scientific evidence beyond reasonable doubt that SANGs and SAMMs are effective

Dear [redacted]

Thank you for your email and your patience during an incredibly busy time for us. While you address a number of issues arising from Isabel's email to you, in my response I will focus only on the legal assessment, undertaken and confirmed by the Council's legal team, that the Council's approach in using SANGS and SAMMS as mitigation for a Habitats Regulation Assessment is sound.

You and I will respectfully have to agree to disagree on the premise that the Council is able to provide a categorical 'yes/no' response to your question: "Does Wealden have scientific evidence beyond reasonable doubt that SANGs and SAMMs are effective in mitigating damage to the SPA produced by development?". We cannot do so and no other competent authority would be able to do so either. This is because the issue of what constitutes "scientific evidence beyond reasonable doubt" under the Habitats Regulations is the subject of a continued battle in the courts who are yet to provide clarity on what is required to meet this stringent evidential test.

Under the provisions of the Habitats Regulations, the Council as competent authority is required to consider the potential impacts of proposed development (plans and projects) on European-designated nature conservation sites. Before deciding to give consent for a project which is "likely to have a significant effect on a European site … (either alone or in combination with other plans or projects)" the competent authority must make "an appropriate assessment of the implications for that site in view of that site's conservation objectives". It may agree to the plan or project "only after having ascertained that it will not adversely affect the integrity of the European site", having regard to "any conditions or restrictions" subject to which they propose that the consent should be given. The Supreme Court has held that no special procedure is prescribed for an appropriate assessment, and, while a high standard of investigation is required, the issue ultimately rests on the judgement of the authority.

In terms of mitigation measures and as set out in the national planning practice guidance, 'mitigation measures are protective measures forming part of a project and are intended to avoid or reduce any direct adverse effects that may be caused by a plan or project, to ensure that it does not have an adverse effect on the integrity of a habitats site(s). Any measures used to inform the decision about the effects on the integrity need to be sufficiently secured and likely to work in practice'.

It is considered legitimate for the Council to take into account mitigation in the form of SANG and SAMM and the robustness of such measures have been assessed as part of the Habitats Regulation Assessment (HRA) which underpinned the Core Strategy and policy WCS12, more recently the HRA which underpinned the Submission Plan 2019, but also including the Ashdown Forest Special Protection

Area (SPA) Strategic Access Management and Monitoring Strategy (SAMM) Tariff Guidance, Ashdown Forest SPA Mitigation Zone Background Paper – January 2019, the Ashdown Forest visitor Survey 2016, the Footprint Ecology – Visitor Surveys at Potential SANGs Sites in Wealden – April 2015, the Ashdown Forest Visitor Survey Data Analysis – September 2010 and the UE Associates Visitor Access Patterns on the Ashdown Forest Report for Mid Sussex District Council and Wealden District Council – September 2009. These can be seen on the website https://www.wealden.gov.uk/planning-and-building-control/planning-policy/planning-policy-evidence-base/habitat-regulations-assessment/ .

The complementary use of SANG and a SAMM strategy has also been recommended by Natural England (NE). In accordance with basic principles, the advice of NE on matters specifically within its areas of expertise should be accorded considerable weight. Indeed, a competent authority is required under the Habitats Regulations to consult with NE as the appropriate nature conservation body.

In exercising its function as a competent authority and in formulating policy the Council at all times has regard to the relevant legislation, case-law, the NPPF and guidance, as well as its requirement to consult with NE as the appropriate body under the Habitats Regulations. We are confident that our assessment and approach in relation to the use of SANGs and SAMMs as mitigation measures is sound and, as you will no doubt be aware, it is an approach that has withstood scrutiny and been upheld in both the High Court and Court of Appeal. I am also confident that the legal risks you refer to are mitigated by the robustness of our measures and approach.

Regards,

[redacted]

From: [redacted]
Sent: 04 May 2021 11:37
To: [redacted]
Subject: Scientific evidence beyond reasonable doubt that SANGs and SAMMs are effective

Does Wealden have scientific evidence beyond reasonable doubt that SANGs and SAMMs are effective in mitigating damage to the SPA produced by development?

Good morning Kristina,

I am addressing you, ... my intention is to keep this matter at the legal level. This is important because I wish to clarify that my questions are not personal. They are about the quality of

decisions that the council is taking. I am asking to have factual responses from officers - so I can make a judgement on factual information. I am guided at all times by the seven principles of public life, and in particular for this issue, selflessness, accountability, leadership and openness. We are dealing with a serious legal matter and I need your opinion.

I will extract sentences from ... reply so that we can keep track of the conversation. Isabel's sentences are in bold.

You repeatedly asked for a "yes or no" answer of Stacey, but the matter is not that simple.

The matter can be simplified:

1. The European Court has ruled on several occasions that where mitigation is needed to avoid an adverse effect to a protected site, that the "appropriate assessment must contain complete, precise and definitive findings and conclusions to ensure that there is no reasonable scientific doubt as to the effects of the proposed plan or project." The Habitat Regulations requires "scientific evidence beyond reasonable doubt" that a proposed development will not harm the SPA. My question is a yes/no question. If the answer is *yes*, it means Wealden has some evidence. I would like to know what it is – whether it is beyond reasonable doubt is the next assessment to make. If the answer is *no*, Wealden is making illegal decisions.

2. Responsibility falls on Wealden

The legal duty to undertake an assessment under the Habitats Regulations falls on Wealden as the competent authority. It is Wealden's job to form its own opinion and it is Wealden, (not Natural England nor any inspector) which would be challenged in court. It remains my concern that, if the answer to my question were to be 'no', it would be Wealden that would end up suffering both reputational and financial damage. As mentioned

above, this is the reason why I am asking to have factual responses from officers - so I can make a judgement on factual information.

You implied that officers could have put forward a recommendation that was breaking the law, a serious accusation. This was <u>refuted</u> by the Deputy Chairman (in the Chair at that point) and, of course, denied by Stacey. *(Clarification: underlined word aimed at focusing attention)*

I did not imply or accuse. I asked a straightforward question based on the CPRE letter that officers included in the preparatory reading material designed to inform my decision-making process for PCN.

The definition of the word 'refute' is "to rebut on the basis of evidence". Hence, the Chairman did not 'refute' my question, as there was no provision of evidence.

Stacey explained to you that Natural England, who are the government's advisors on environmental issues are <u>satisfied</u> that their approach in using SANGS and SAMMS as mitigation for a Habitats Regulation Assessment is sound.

Isabel's answer provides no scientific evidence beyond reasonable doubt.

Being 'satisfied' does not mean there is scientific evidence beyond reasonable doubt. The answer leads to the question, what is the evidence on which Natural England bases its satisfaction? If Wealden doesn't know what NE's evidence is, then Wealden should not be following that advice because 'the buck stops' with Wealden. We know that Wealden has successfully challenged Natural England's advice in the past.

It forms a core to policy WCS12 which is part of the adopted Core Strategy.
This point does not provide scientific evidence beyond reasonable doubt. Does Wealden have the scientific evidence beyond reasonable doubt?

The adoption of that policy was subject to legal challenge in the High Court and then Court of Appeal, yet the SANGS and SAMMS element survived.
As Wealden knows, the legal system of England & Wales is adversarial, not inquisitorial which means that the courts adjudicate on issues raised by the parties and do not raise issues themselves. There was no challenge in the cases you mention to the principle of how effective the SANGs and SAMMs are. Neither the claimant nor the council raised the issue. So this is a false argument that would not stand in law. The court decision has no bearing at all on my question, and Isabel's point does not provide scientific evidence beyond reasonable doubt.

As Stacey also said at the meeting, this has been accepted by numerous Planning Inspectors at appeals, which is a further legal test.
Planning inspectors operate in the same way as the courts by adjudicating on the issues raised by the appeal. No developer is going to challenge the legality of SAMMs and SANGs because that would result in a negative HRA assessment that would lose them their appeal. Isabel's point is therefore entirely misconceived.

Natural England's advice was also preferred to the WDC approach by the Planning Inspector at the recent WLP examination in public, which was one of the reasons the Council (have taken counsel's opinion) was obliged to withdraw

the Plan. The evidence that you seek was obviously good enough for these Inspectors.
The decision of a court or a planning inspector does not provide evidence beyond reasonable scientific doubt. Furthermore, as I understand it, the NE advice at the WLP was about emissions and the protection of the SAC, not about visitor numbers and pressure on the land, which is about protecting the SPA. Therefore, Isabel's point is misconceived.

In view of the above, I see no need for further legal advice.
I am afraid that this matter does not fall to Isabel's view or my view but to the legal responsibility that Wealden District Council holds. In the light of Isabel's reply, my concern levels have increased and it seems clear to me that we councillors need further legal advice. I hope that I am wrong in thinking that there is a serious risk that we could be taking decisions that might turn out to be unlawful. After all, we are in the same team. May I kindly, and with determination, suggest that I am not satisfied with Isabel's response.

I am very much looking forward to your thoughts on this (increasingly) urgent matter. After all, if it were to be demonstrated that Wealden has granted permission unlawfully, then there would be the potential for those permissions to be revoked. This is serious.

Many thanks for your time.
Best wishes

[redacted]

PS. I include some of the relevant case law (not all) that I am aware of:

- Judgement of Jay J in the Wealden v Natural England and Lewes DC
- Commision v Germany (C- 142/16 dated 26 April 2017), CJEU
- Judgement of 26 October 2006, Commission v Portugal, C239/04, EU:C:2006:665, paragraph 24

RFI 4995 - Request for Information - Response

S

SM-NE-FOI (NE) <foi@naturalengland.org.uk>
Fri 01/05/2020 14:44

To:

- You

Cc:

- SM-NE-FOI (NE)

Dear [redacted]

Access to information request –Response Request no RFI 4995

Thank you for your request the information detailed below which we received on 15 March 2020 and we extended on 16 April 2020.

Your request has been considered under the Environmental Information Regulations 2004 .

The evidence that demonstrates that the mitigation proposed in Policy EA 2 will be effective in preventing an adverse effect to Ashdown Forest SPA as a result of recreational pressure was supplied to Natural England by Wealden District Council (WDC) as part of their Habitats Regulations Assessment for the Local Plan. . Whilst the Local Plan has been withdrawn, the planning policy evidence base owned by WDC is still available on their website at the following link:

https://www.wealden.gov.uk/planning-and-building-control/planning-policy/planning-policy-evidence-base/habitat-regulations-assessment/

One of the sources of evidence is ***Ashdown Forest visitor survey data analysis*** **(CLARKE, R. T., SHARP, J. & LILEY, D. 2010.).** This one source of evidence was a **Natural England Commissioned Report NECR048**. This document is also available on the WDC website at the link above or can be accessed on the Natural England publications page:

https://www.gov.uk/government/publications/natural-englands-publications-maps-and-data

The **Natural England Commissioned Report NECR048** refers to a broader evidence base from Thames Basin Heaths (TBH) that was gathered by those planning authorities within the TBH zone of influence. This evidence is not owned by Natural England. Some wider reports (unconnected to Ashdown Forest specifically) are referenced in the same commissioned report; where these have been commissioned by Natural England or the legacy body English Nature, these can be accessed on the Natural England publications page.

If you have any queries about this email, please contact me. As you may be aware, under the legislation should you have any concerns with the service you have received in relation to your

request and wish to make a complaint or request a review of our decision, please email me at foi@naturalengland.org.uk
and I will arrange for a review to take place. Under Regulation 11(2) this needs to be done no later than 40 working days after the date of this email.

If you are not content with the outcome of that complaint, or the review of our decision, you may apply directly to the Information Commissioner for a decision. Generally, the Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by Natural England. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 0303 123 1113 (local rate), www.ico.org.uk

Regards,

Sarah

[redacted]
[redacted]
Legal Services
Legal and Governance

GDPR: Protecting our Customers' and our People's Information

From: [redacted]k]
Sent: 15 March 2020 21:47
To: SM-NE-FOI (NE) <foi@naturalengland.org.uk>
Subject: Ashdown Forerst SPA EIR request

In your Regulation 19 response dated 5 October 2108 ref. 255168 to the Wealden Local Plan, you state on page 2:

"Natural England is satisfied that it **can** be ascertained that the plan or project will not adversely affect the integrity of Ashdown Forest SAC and Special Protection Area (SPA), from recreational pressure subject to appropriate mitigation measures as identified in Policy EA 2."

Please provide the evidence that demonstrates that the mitigation proposed in Policy EA 2 will be effective in preventing an adverse effect to the SPA from recreation pressure arising from the plan or project.

Regards,

[redacted]
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OUR REF: **7475 - EIR**
ASK FOR: **Information Governance**
DATE: 6 March 2019
YOUR REF:

Wealden District Council

Sent by email to:
[redacted]
[redacted]k

Information Governance

[redacted]

Environmental Information Regulations 2004
Reference Number: 7475
OUTCOME

We are writing in response to your request for information received on 13 February 2019 which was logged, and acknowledged under reference number 7475. Your request has been dealt with under the Environmental Information Regulations 2004.

Request:

"Please provide the information that shows beyond reasonable scientific doubt that the growth detailed in the submitted Wealden Local Plan will not have an adverse effect on the integrity of the Ashdown Forest SPA."

Response:

Thank you for your request for information. We have processed your request and our response is as follows:

We can confirm that we hold this information however, the information is exempt from disclosure under Section 21 of the Freedom of Information Act 2000.

This is because the information is accessible to you as it already in the public domain.

The Council has already made all environmental information that it holds in relation to Ashdown Forest SPA publicly available. The information requested is provided within the Wealden Local Plan Habitats Regulations Assessment (January 2019) and its associated evidence base. The Habitats Regulations assessment can be accessed here. Please see document A35:
http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Wealden_Local_Plan/Wealden_Local_Plan_Submission_Library.aspx

The evidence bases relating to Habitats Regulations Assessment can be accessed here:
http://www.wealden.gov.uk/Wealden/Residents/Planning_and_Building_Control/Planning_Policy/Evidence_Base/Planning_Evidence_Base_Habitat_Regulations_Assessment.aspx

We hope that this answers your enquiry but if not, you should first contact Wealden Information Governance to see if they can resolve any concerns you may have with the response.

If you believe that the Council has not complied with the Regulations in responding to your request, you may ask for an internal review. All

requests for an internal review will be dealt with in accordance with the Council's published internal review procedure.

This can be found on the Council's website at:
http://www.wealden.gov.uk/Wealden/Council/Website_Tools/LegalInformation/Web_FOI.aspx

If you wish to do so, please set out the grounds of your request for an internal review by email to informationgovernance@wealden.gov.uk

If you do not have access to email, please make your request in writing to:
Information Governance,
Wealden District Council,
Vicarage Lane,
Hailsham.
BN27 2AX

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Email: registration@ico.org.uk

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Yours sincerely

Information Governance Team
Wealden District Council

For: Planning Committee North
Date: 21 July 2022

WD/2021/1895/MAO - LAND AT COOPERS ROW, FIVE ASH DOWN, TN22 3AN

Summary of Proposal

Major Application - Outline application for:-
OUTLINE APPLICATION FOR THE ERECTION OF UP TO 40 DWELLINGS

Received date: 21 October 2021
8/13 week date: 20 January 2022

Parish: Buxted
Ward: Buxted
Grid Ref: 547884 123887

Link to website:
https://planning.wealden.gov.uk/plandisp.aspx?recno=154864
https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=661

Recommendation

(1) Subject to completion of Section 106 Agreement

- 35% affordable housing provision;
- 5% serviced plots for custom and self-build units;
- A financial contribution toward off-site youth and adult recreation space in Buxted in accordance with the requirements of the Council's draft SPG Outdoor Playing Space and saved policies LR3 and LR5 of the Wealden Local Plan;
- Onsite open space and play space to be retained in perpetuity;
- A financial contribution towards SANGS and SAMMS;
- Highways works to include:
    - for footway widening towards Uckfield and crossing facilities at the southern end of Five Ash Down Rd with A272 (accepting that these works might be delivered by other schemes being promoted for development close by).
    - improvements at the signalised junction to enhance pedestrian crossing facilities (footway widening and tactile paving), removal of vegetation (accepting that these works might be delivered by other schemes being promoted for development close by).
    - pedestrian crossing provision just north of Court lane, on UC7118 Five Ash Down Road (accepting that these works might be delivered by other schemes being promoted for development close by).
    - Footway clearance of vegetation on A272 between the signalised junction Five Ash Down and Hurstwood Lane; surface treatment to footpath BUX 42 (accepting that these works might be delivered by other schemes being promoted for development close by).

- Bus stop improvements on Five Ash Down Road – RTPI, shelter seating and kerbing at 2 stops.
- DYLs at the access to prevent obstruction of highway to accommodate turning vehicles and ensure driver sightlines are available, fulfilled by a TRO (requiring separate public consultation) and £5000 fee.

Officer note: DYLs means double yellow lines

Outline planning permission BE GRANTED, subject to the following 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, the means of access thereto 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 one year beginning with the date of the grant of this outline permission; and

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

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

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

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

4. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [Arch 1] to the written satisfaction of the Local Planning Authority. AR03(M)

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction (including temporary access arrangement),
- 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.
- a scheme for the control of noise and dust,
- measures to manage flood risk, both on and off the site, during the construction phase,
- a scheme for the control of noise and dust

Note: All works shall ensure compliance with guidance found in British Standard ' BS5228-1: 2009 +A1:2014- Code of practice for noise and vibration control on construction and open sites.

REASON: In the interests of highway safety and the amenities of the area, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

6. Before preparation of ground levels of the development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved in writing by the Local Planning Authority. The scheme shall detail measures to be taken to protect the public foul sewer within the site (to be agreed with Southern Water). Such works shall be implemented to the reasonable satisfaction of the Local Planning Authority before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage. DF02(M)

REASON: To protect water quality and to secure a satisfactory standard of development, having regard to SPO12, SPO13 and WCS14 to the Wealden Core

Strategy Local Plan 2013, Saved Policy CS2 of the adopted Wealden Local Plan 1998.

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

   The surface water drainage system shall incorporate the following:

   1. Surface water discharge rates not exceeding Qbar for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% 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 details of the outfall of the proposed attenuation pond and how it connects into the ditch should be provided as part of the detailed design. This should include cross sections and invert levels.

   3. The detailed design of the attenuation pond 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.

   The drainage shall be provided in accordance with the approved details before first occupation of the related dwellings.

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

8. 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.

   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 of the Wealden Core Strategy Local Plan 2013 and Saved Policy CS2 of the adopted Wealden Local Plan 1998.

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

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

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

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

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

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

12. The development shall not commence until technical details of the highway works package has been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development not be occupied until the access and associated highway works have been completed.

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

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

REASON: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to SPO12, SPO13 and

WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

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

REASON: In the interest of highway safety and for this benefit and convenience of the public at large, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

15. No development shall take place on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

REASON: In the interests of highway safety and the amenities of the area, having regard to SPO12, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policy TR3 of the adopted Wealden Local Plan 1998.

16. Before the first operation of the development hereby approved, a Travel Plan, shall be submitted to and approved by the Local Planning Authority. The approved Travel Plan shall detail incentives for encouraging access to the site by modes other than the car and shall be implemented in all respects following the commencement of the operation of the use hereby approved. HW07

REASON: To encourage and promote sustainable transport, having regard to SPO2, SPO7, SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 and Saved Policies EN1 and EN2 of the adopted Wealden Local Plan 1998.

17. Parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on each side where spaces abut walls, fences or hedges). Car parking shall be provided prior to the occupation of the associated dwellings and thereafter retained to the satisfaction of the Local Planning Authority.

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

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

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

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

19. Before preparation of any groundworks or foundations for the development hereby approved, an acoustic report for the installation of heat pumps across the development site shall be submitted in writing to the Local Authority for approval. The report shall outline required noise and vibration insulation schemes for each heat pump, to ensure that when in use, noise from each heat pump will match, or be lower than typical background sound levels, obtained prior to development, at the nearest receptor. Additionally, that any structure borne vibration will be minimised. Neighbouring gardens shall be treated as a receptor if closer to a heat pump than a residential building. The scheme shall also include the provision for post-installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority.

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 148, 150 and 153 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 4.

20. Before preparation of any groundworks or foundations for the development hereby approved, an acoustic report for mechanical ventilation heat recovery installations, shall be submitted in writing to the local authority for approval. The report shall outline any noise and vibration insulation schemes required to ensure that internal noise levels of properties containing mechanical-ventilation-heat-recovery systems, shall match or better those standards outlined in BS8233:2014.

Note: Approved Document F, paragraph 4.6 should be noted with respect to ventilation systems:

To ensure good acoustic conditions, the average A-weighted sound pressure level in noise sensitive rooms, such as bedrooms and living rooms, should not exceed 30 dB LAeq,T (see Note below). In less sensitive rooms, such as kitchens and bathrooms, a higher level would be acceptable, e.g. 35 dB LAeq,T. Noise from a continuously running mechanical ventilation system on its minimum low rate should not normally exceed these levels, and should preferably be lower in order to minimise the impact of the ventilation system. The main issues to be addressed in minimising the noise impact of the ventilation system are the noise from the fan unit entering the ducts, and the attenuation provided by the ducts, bends and junctions and the characteristics of the room grill. The noise breaking out of the fan unit casing may also be significant in adjacent rooms. The

characteristics of the room will also affect the noise level. Methods for measuring the sound power level produced by the fan unit of decentralised extract, centralised extract, and balanced supply and extract with heat recovery systems are under development. When available, they should be read in conjunction with the appropriate parts of BS EN 13141.

Note: The noise index LAeq,T is used in BS 8233:1999, where T is the duration of the measurement. If the noise from the sound source is steady (e.g. fluctuating by up to 3 dB) a measuring time of 1 minute will be adequate and the LAeq,1 min level will be similar to the dB(A) level used elsewhere. If the noise from the sound source fluctuates more than this a longer measuring time (T) will be required.

REASON: To promote sustainable building design, having regard to SPO9 and SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN1 of the adopted Wealden Local Plan 1998, coupled with the requirements of paragraphs 148, 150 and 153 of the National Planning Policy Framework 2019 and the Wealden Design Guide, Chapter 4.

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

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

22. Any construction or demolition works shall take place only between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturday with no works on Sundays, Public Holidays and Bank Holidays.

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.

23. The development shall take place strictly in accordance with the recommendations set out within the Air Quality Assessment Final Report 2404W-SEC-00002-02 October 2021 (date stamped 21.10.21) authored by Southdowns Environmental Consultants.

REASON: To ensure that risks from air contamination to the future users of the land and the wider area are minimised and to ensure that the development is delivered in a comprehensive manner to a high quality, minimising use of the car, and promoting other modes of transport while meeting the needs of the potential occupiers of the development and to promote sustainable building design having regard to Saved Policy EN1 of the Wealden Local Plan 1998 and Spatial

Planning Objectives SPO1, SPO7, SPO9, SPO12, SPO13 and Policies WCS12 and WCS14 of the Wealden Core Strategy Local Plan 2013.

24. The development shall take place strictly in accordance with the recommendations set out within the Preliminary Ecological Appraisal, Roman Snail Survey Report, Bat Survey Report (dated stamped 13 October 2021), Reptile Survey Report and Great Crested Newt Report (date stamped 19 July 2021 all authored by Phlorum Ltd. The development shall be carried out in accordance with the approved details and thereafter retained.

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

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

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

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

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

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

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

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

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

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

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

27. 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 show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform to requirements for Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note GN01/21 The Reduction of Obtrusive Light and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.

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

REASON: To preserve the rural and residential amenities of the locality having regard to Saved Policies EN8, EN27 and EN29 of the adopted Wealden Local Plan, coupled with the requirements of the Wealden Design Guide, Chapter 3, Section 18; Chapter 8, Section 7.

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

Ref. Date Stamped. STN4
To be added after committee.

REASON: For the avoidance of doubt.

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

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

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

NOTE 2: The existing public right(s) of way across the site must remain undisturbed and unobstructed unless or until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way should be protected throughout the course of development by being clearly demarcated, signed, surfaced or fenced as may be necessary. STN10

NOTE 3: 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 4: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

NOTE 5: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

Reason for Referral

This application is referred to this Committee as the scale of residential development proposed exceeds the number specified within the Council's adopted scheme of delegation.

Executive Summary

The application site lies to the east of the village and benefits from an existing vehicle access arrangement onto Five Ashdown within the redline site area.

The site is an open field with mature vegetation around the north east and south boundaries. The rear elevations of residential development along Five Ash Down Road are visible given the low level boundary treatment at the rear of their gardens. A

public footpath is adjacent to the northern boundary. The site is not subject to long range views given the topography of the area. The site is within the Low Weald Landscape Character Area.

This planning application seeks outline planning permission for the erection of up to 40 dwellings together with a vehicular access onto Five Ash Down Road. With the exception of the site access, all other matters are reserved. The submissions detail that 35% of the dwellings on the site would be affordable housing. 5% (two) serviced plots for self-build would also be required.

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 development is in conflict with Policies GD2 and DC17 which restricts development in the countryside, material considerations which weigh heavily in favour of the development are the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

It is considered that the site is suitable for residential development and having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject a S106 Agreement and planning conditions.

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary – one comment (received 11 November 2021)

NO OBJECTION subject to conditions and highway improvements:

Executive Summary

This application can be supported by highways subject to a series of highway improvements and conditions.

Response

This application seeks outline planning consent for 40 dwellings (17no. 2 bed, 12no. 3 bed, 8no.4 bed, 3no. 5 bed) all identified as houses.

Being an outline application, the submission seeks approval for the access only. The remainder of matters would be addressed at reserved matters stage (layout,

landscaping, appearance and scale). Highway guidance was provided for up to 40 dwellings at pre-application stage by this authority.
The main issues relating to access for this application are:

- Site and location
- Site access/Accessibility for non-car users
- Impact of development traffic on the highway network

Site and Location

The site is a greenfield area of land within Five Ash Down settlement. It has a site area of ~3.8ha and boundaries with Five Ash Down Road (UC7118) and PRoW (footpath BUX/42). Vehicle flows on this road are approximately 800 vehicles per day in each direction (taken from data from a speed/volume survey provided for application WD/21/1419 at Walled Garden). The speed limit in this location is posted as 30 mph.

Access to the site currently serves 2 dwellings from a formal arrangement akin to a minor junction, constructed in ~ 2012.

The application site is currently vacant land, with no historic use. The character and appearance of this local area is rural; the road has good forward visibility and carriageway width 5.5-5.8m. Five Ash Down has a regular hourly bus service between Tunbridge Wells and Brighton and passes through main towns such as Crowborough, Uckfield and Lewes.

Pedestrian infrastructure is available within the immediate vicinity of the site, but towards Uckfield travelling south from the site the footway provision is below standard and in previous applications in Coopers Green/Five Ash Down, scope for improvements has been highlighted. These would apply to this site application also. On the basis that the other applications were refused, the weaknesses on the network that have been previously identified are:

- Uckfield Town Centre – improvements to the footway and pedestrian facilities at the signalised crossing are requested to enhance facilities for pedestrians. This journey takes approximately 40 mins on foot to Uckfield College, also 2.6km. Footway improvements between the signalised crossing and London Rd junction to include tactile paving and dropped kerbs to highlight a suitable crossing point across this junction towards Uckfield Town.

- Buxted Village (school, rail and medical services) – 3 routes are available. One is predominantly trafficked (A272), another is through Buxted park, using PROW, some sections being unsurfaced. A further route is using the PRoW BUX 42. Choices are available for either directness, surface suitability, though Buxted Park and BUX42 are more suited to drier conditions. Along the A272 there is presence of a footway. Where the footway is narrow it has grassed separation between traffic and pedestrians and becomes wider approaching the farm shop/cafe at Oast Farm. The clearance of the footways of encroaching moss/vegetation to improve the surface width is sought. This can be secured through an

agreement with East Sussex Highways for footway clearance. The distance to Buxted Primary school is 1.8km, does not require crossing a road and takes an adult 21 minutes, though for younger people this journey would take longer and for most of the journey is along the A272 which during peak periods can be busy. Rail services and The White Hart PH can be reached in 34 mins on foot, a distance of 2.8km. The unmade section of BUX42 can be provided with a suitable surface to encourage walking. This route is shortest at 1.2km to the primary school in Buxted.

- Bonners Primary School, Maresfield – this route is unsuited to unaccompanied pupils travelling to primary school and is not likely to be used in poor weather or during the darker months as it is not street lit, nor are there footways. It is assumed to carry low levels of traffic due to the low levels of development along Millwood Lane. I do not consider this route to be a safe route for reaching the school and distance is 1.5km, which would take younger people approximately 40 mins to walk. It is likely that with access to a private car, walking would not be favourable as a mode.

- Five Ash Down amenities (PO/shop, PH, village hall, bus stops) – a crossing point would benefit the village road to assist pedestrians form the site to the west side of the road towards the village hall and PO/shop. This should be where there are fewest parked cars and it is recommended that a crossing point with tactile paving is provided just north of Court Lane.

Although routes to key destinations for daily requirements are available, walking this distances are beyond the distance set out in “Providing for Journeys on Foot” 2000 IHT:

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

As the site is within a settlement, it is some distance from destinations required daily such as schools and employment.

Cycling can be undertaken by more confident cyclists as routes require access onto major routes with sections where speeds are derestricted. This option is not available for everyone.

Bus services are however, regular and reliable, providing minimum hourly services on routes to Uckfield, Tunbridge Wells and Brighton between 0630 and 2320hrs. Closest bus stops are simple poles and flags and are within walking distance (at Pig and Butcher PH and Village Hall). This would benefit from upgrades to encourage public transport use.

For: Planning Committee North
Date: 21 July 2022

Access

This is an existing arrangement and has width approximately 4.8m and radii 6m. The width of the unadopted access road is sufficient to accommodate 2 way flow of traffic. This links to the site which is to the rear of 2 detached houses currently served by the access. Footways are present to a good standard on both sides of the access road. Visibility for drivers is available to an appropriate standard. In accordance with Manual for Streets the required sightline should be 2.4m x 43m in both directions. The road safety audit has highlighted that on street parking takes place and potentially obstructs the sightlines. The applicant has presented the access proposal with parking restrictions by way of double yellow lines to prevent such obstructions either side and opposite the access. This is deemed to be an acceptable proposition to safeguard the access and users of the highway. A swept path plan has been provided and demonstrates access for a 12m long refuse truck.

Accessibility

Sustainable travel options are limited from this site, and although bus services are available, walking and cycling routes involve distances and timeframes that are unlikely to be supportive of these becoming regular modes, thus reducing the sustainable credentials of this site.

If this application is supported from a planning perspective, the following improvements would be sought as part of a s278/s106 agreement:

- for footway widening towards Uckfield and crossing facilities at the southern of Five Ash Down Rd with A272 (may be delivered by WD/20/1088 – currently appealed)
- improvements at the signalised junction to enhance pedestrian crossing facilities (footway widening and tactile paving), removal of vegetation (may be delivered by WD/20/1088 – currently appealed)
- pedestrian crossing provision just north of Court lane, on UC7118 Five Ash Down Road.
- Footway clearance of vegetation on A272 between the signalised junction Five Ash Down and Hurstwood Lane; surface treatment to footpath BUX 42.
- Bus stop improvements on Five Ash Down Road – RTPI, shelter seating and kerbing at 2 stops.
- DYLs at the access to prevent obstruction of highway to accommodate turning vehicles and ensure driver sightlines are available, fulfilled by a TRO (requiring separate public consultation)

These are required to support sustainable transport choices and improve walking infrastructure and safety at the access. Given the scale of improvements required for this proposal to be supported by this authority, this demonstrates that the infrastructural improvements are necessary at a scale that may not be commensurate for this size of development. It is noted that other proposals in the peripheral areas of Uckfield which are in fact closer to the town, have seen consent declined, with WD/20/1088 challenged at appeal. These applications

were requested to provide highway improvements to infrastructure to improve sustainable travel options. This site does not benefit from donor obligations and as such is expected to provide the cumulative highway improvements sought, on the basis that it is furthest in distance from Uckfield centre.

Highway impact

The level of impact from 40 dwellings is set out in the transport document. This is agree in terms of trip rates of 21 trips in each peak period. This level of vehicular movement across each peak hour in not likely to impact on the operation on the highway network.

On the basis that the previous applications at Walled Garden and land west of Coopers Green Road have not received highway related objections provided that the infrastructural improvements were agreed, this proposal would be difficult to resist, as it is located within a settlement with bus services and a footway/footpath network that has scope for improvement. A farm shop, post office and public house are located nearby, though schools are more challenging in distance. Without the agreement of improvements sought, a highway objection is likely on grounds that the pedestrian infrastructure is substandard and would likely encourage motorised modes of travel.

Internal layout

The application is outline for access only and the site layout and parking provision is a matter reserved. Parking and turning provision cannot be secured at this stage, though the broad indication within the transport document is accepted.

The following conditions are recommended:

1) The development shall not commence until technical details of the highway works package has been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development not be occupied until the access and associated highway works have been completed.

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

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

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

3) The development shall not be occupied until car and cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority at reserved matters stage and the areas shall thereafter be retained for those the respective vehicles.

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

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 their subsequent adoption as a publicly maintained highway

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

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction (including temporary access arrangement),
- 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.

6) No development shall take place on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

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

Reason: To encourage and promote sustainable transport.
S106 requirements:

- for footway widening towards Uckfield and crossing facilities at the southern end of Five Ash Down Rd with A272 (may be delivered by WD/20/1088 – currently appealed)
- improvements at the signalised junction to enhance pedestrian crossing facilities (footway widening and tactile paving), removal of vegetation (may be delivered by WD/20/1088 – currently appealed)
- pedestrian crossing provision just north of Court lane, on UC7118 Five Ash Down Road.
- Footway clearance of vegetation on A272 between the signalised junction Five Ash Down and Hurstwood Lane; surface treatment to footpath BUX 42.
- Bus stop improvements on Five Ash Down Road – RTPI, shelter seating and kerbing at 2 stops.
- DYLs at the access to prevent obstruction of highway to accommodate turning vehicles and ensure driver sightlines are available, fulfilled by a TRO (requiring separate public consultation) and £5000 fee.

Southern Water Services

Summary – one comment (received 11 November 2021)

NO OBJECTION subject to conditions:

Please see the attached extract from Southern Water records showing the approximate position of our public foul sewers in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 150 mm public foul sewers require a clearance of 3 metres on either side of the public foul sewers to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewers without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewers.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: www.southernwater.co.uk/media/3011/stand-off-distances.pdf

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication “A Guide to Tree Planting near water Mains and Sewers” (southernwater.co.uk/media/3027/ds-tree-planting-guide.pdf) and the Sewerage

Sector Guidance (www.water.org.uk/sewerage-sector-guidance-approved-documents/) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.

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

To make an application visit Southern Water's Get Connected service:

www.developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: www.southernwater.co.uk/developing-building/connection-charging-arrangements

The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here: www.water.org.uk/sewerage-sector-guidance-approved-documentsciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.

- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

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

LLFA

Summary – two consultee responses (received 23 June 2021 and 5 May 2022)

Recommend for approval in principle subject to the imposition of conditions

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

Having reviewed the submitted information we consider that the applicant has provided sufficient information with respect to surface water management. 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 Qbar for the developable area of the site for all rainfall events, including those with 1 in 100 (+40% 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 details of the outfall of the proposed attenuation pond and how it connects into the ditch should be provided as part of the detailed design. This should include cross sections and invert levels.

3. The detailed design of the attenuation pond 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.

4. 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.

5. 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.

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

First response summary

Objection due to Insufficient Information. Comments can be viewed via https://planning.wealden.gov.uk/plandisp.aspx?recno=154864

Environment Agency

Summary - No Consultation response received.

County Archaeologist

Summary – one comment (received 11 November 2021)

NO OBJECTION subject to conditions:

If the Local Planning Authority is minded to grant planning permission, then we ask that the following condition be applied:

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

[3] 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

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework**.**

Relevant National Planning Policy

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Detailed Comments

The proposed major development is not currently located within an Archaeological Notification Area, but evidence of past human activity from the Mesolithic period onwards is recorded in the surrounding area.

The application is supported by two well-researched and presented heritage reports: an *Archaeological Desk-Based Assessment* (DBA) (Archaeology South-East report No. 2021177 dated September 2021) and a *Heritage Statement (Setting)* (Archaeology South-East report No. 2021054 dated June 2021). The latter report primarily focuses on the impact of the proposals on adjacent Listed Buildings. We will defer to the Local Planning Authority Conservation Officer's expertise in all matters in this regard and recommend that they are consulted.

The DBA identifies isolated findspots Mesolithic and Neolithic flint implements within 1km of the site and evidence of Bronze Age and earlier activity in the wider area. Some limited Iron Age and Roman activity is also recorded within approximately 1km of the site. A deserted medieval village is recorded within Buxted Park. The listed buildings within the hamlet date from the mid-17th century to 19th century although the frontage of Coopers Green House (18thcentury) may obscure an earlier building. Evidence for early post-medieval

ironworking activity exists in the wider area. A former farmstead and associated road/trackway of at least 18thcentury origin lies within or just beyond the northern and eastern limits of the site.

The DBA concludes that the application site has '*low theoretical potential for prehistoric and Romano-British archaeological activity, a low to moderate theoretical potential for the medieval and post-medieval periods and a low/unknown theoretical potential for early-medieval activity, when it is likely that the Site would have been woodland. There is also the possibility of undated remains being encountered, given the currently available local evidence around the Site*. *The available evidence from the wider Study Area would suggest that any assets present are most likely to be of local to perhaps regional significance*.' We are in agreement with these conclusions.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a ***programme of archaeological works***. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be identified and either preserved *in situ* or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the **NPPF** (the Government's planning policies for England):

In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfill any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.

The ***written scheme of investigation***, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards: https://www.eastsussex.gov.uk/environment/archaeology/planning/.

<u>Natural England</u>

Summary – one comment (received 22 April 2022)

NO OBJECTION subject to securing appropriate mitigation

This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below.

Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) from increased

recreational pressure should be applied to this proposed development at appropriate assessment.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

If your authority's appropriate assessment has identified any other adverse impacts from the proposed development in addition to those that may be caused by increased recreational pressure and which have not been addressed by your Authority, you must consult Natural England for further advice on this appropriate assessment. Permission should not be granted until such time as Natural England has been able to consider these additional impacts and respond.

Police (Crime Prevention)

Summary – one comment (received 10 November 2021)

NO OBJECTION

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

With the level of crime and anti-social behaviour in the Wealden district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against

any identified local crime trends and site specific requirements should always be considered.

I was pleased to note that the design and layout shows outward facing dwellings, back to back gardens that have eliminated vulnerable rear gardens, with parking being provided with on-curtilage, overlooked and on-street visitor parking. This design and layout create good active frontage over the street layout and should keep it free and unobstructed.

The development has a buffer zone around it consisting of trees, hedgerows, and ground foliage. I ask that consideration is to be given to providing a boundary treatment for the actual development's boundary to indicate the presence of private space within. This will be especially important where the existing PROW BUX/421 runs along the norther elevation of the development.

It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, or timber picket fence. Whereas vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

Where gates provide access to rear gardens, they must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwellings boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.

I note that some dwellings have vehicle and pedestrian gates shown at their front boundary. I direct the applicant or their agent to SBD Homes 2019 V2 chapter 10.6.8 – 10.6.10 for pertinent information about the requirements for this type of gating.

In order to maintain as much natural surveillance as possible throughout the development, ground planting should not be higher than 1 metre with tree canopies no lower than 2 metres. This arrangement provides a window of observation across the development.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

For: Planning Committee North
Date: 21 July 2022

Parish Council

Summary – one comment (received 15 December 2021)

OBJECTION

Cllr Roberts declared an interest in this application as he owns land adjoining the site and did not take part in the consideration of this application.

During a public meeting parishioners raised their serious concerns over this proposal, some of which centred around sewage, drainage and highways issues, loss of green space, urban sprawl, not in accordance with ribbon development of the village, addition of street lighting when there is currently none and so would affect the Dark Skies, the village had already seen significant development in recent year without any improvements to the sewerage systems, lack of capacity at the doctor's surgery and school. Concerns were also raised over the design with a buffer of trees planned to be placed directly on top of the line of the main sewer which could cause even more issues with sewerage. Southern waters own consultation on this recommends no tree planting within 3 meters of either side of the main sewer. If no trees are going to be there to provide a buffer this is going to seriously impact on the privacy of the properties that back on to the proposed new development.

Members of the parish council advised that they were not experts in matters such as drainage, highways and sewerage, and so generally need to leave it to the experts in these fields, however we would voice these concerns to WDC.

The site is outside of any development boundary and is currently a greenfield site. A recent application (WD/2021/1419/MAO) for a large development in Five Ash Down was also refused at the WDC Planning Committee north meeting, with these grounds being stated. The parish council are concerned about over development and expansion of what is essential a small hamlet or a very tiny village. Such a development at this distance from the nearest train station would inevitably lead to more pressure on parking in Buxted and could also increase the number of car journeys on the A272, which is already heavily congested, particularly at school pick up/drop off times and rush hours. There are concerns that the crossroads at Coopers Green cannot stand for additional traffic, particularly when the corner of the junction floods regularly. The parish council urge for WDC to give serious consideration to the issues raised in all of the objection letters raised by parishioners.

Buxted Parish Council object to this application as it is outside of the development boundary, as well as all of the concerns of residents, expressed to the parish council directly, and WDC by email and letter.

Response to Parish Council

Officers have considered the comments of the Parish Council. The LLFA and Southern Water have been consulted and do not raise objections to the proposed development. There is capacity for foul connection and the surface water drainage scheme would not increase flood risk. The proposed development. The

quantum of development proposed would enable a development that would be landscape dominant with a suitable layout for the location and which not be prominent within the wider landscape. A suitable sensitive lighting scheme can be secured by way of planning condition. The development would contribute to CIL that can contribute to health care and education. The District is not able to substantiate a five year housing land supply and needs to deliver housing. Policy WCS6 of the Core Strategy Local Plan identified that rural areas can take growth. The village profits from local series that would be supported by the proposed development. The village has the benefit of a good bus service that operates 7 days a week. The development would lead to improved footpath connections to schools, Buxted and Uckfield.

Other third party responses (including local residents)

48 letters of objection summarised as follows:-

- Concern that permission itself does not allow houses to be counted in the 5 year supply figures
- Overdevelopment of a greenfield site, density and design of houses with small gardens not in keeping with the area and concern that the density could increase to 30 dwelling hectare, leading to a loss of privacy
- No development should be allowed in Five Ash Down without it being part of a local plan that has been properly consulted on
- Impact on an old and historically valuable village, Five Ash Down is already overdeveloped
- Current proposals amount to 150 houses, doubling the size of the village, all sites are outside of the old development boundary, all should be refused until wider issue of location and services for additional housing is considered
- Environment should not be decided by ad hoc development in open space
- Houses in the Ridgewood development are not selling, a proper plan of housing need in area is needed and concerns over affordability
- Proposal is similar to application WD/2020/1088/MAO which was refused and the reasons for refusal apply to this application
- Does not adhere to Wealden's Local Plan, National Planning Policy Framework or National Design Guide
- Five Ash Down is small village community and should be restricted to ribbon development and avoid backland development, and that it continues to be seen as a village location separate from Uckfield
- Is there any evidence of local demand or need for additional housing for the developments around Five Ash Down
- Development will detract from the rural nature of the village and will impact on the open, rural aspect of adjacent houses and glimpsed rural views will be lost
- Environmental Impact Assessment do not appear to take account of cumulative impacts with other planned development at Land to Rear of Walled Gardens
- Outside development boundaries for Buxted and Maresfield designed to stop incursion into open countryside and protect existing layout of village –

neither regarded as infill and will change boundary of village, affecting character, countryside and wildlife habitat
- Setting a precedent for future developments that could potentially merge Five Ash Down and Coopers Green with Ringles Cross and Uckfield
- Concern over the outcome for the appeal for Land to West of Five Ash Down Road, WD/2020/1088/MAO, and reasons for the refusal equally apply to this application
- Concern whether sufficient parking will be provided
- No social housing proposed to help with housing need

Traffic

- Increase in traffic congestion on already main road through Five Ash Down and the impact on the safety of the access into Five Ash Down village
- Site has one narrow access between two existing houses onto the already busy Five Ash Down thoroughfare road, 3 foot ransom strip around the houses at the entrance
- 30mph is not adhered to and road is congested due to parking on the road
- Concerns over safety for all road users including pedestrians and children walking to school and increase in vehicle emissions and noise pollution
- Nearest shopping centre of Uckfield is already overdeveloped and becomes gridlocked
- Speed restriction already in place due to already proven dangerous road, used as a cut through and by large lorries plus constant repairs needed and flooding on the road
- Traffic surveys carried out during lockdown, there is a continuous heavy flow of traffic particularly during morning and evening peak hours
- Impact of increased traffic on Court Lane used to avoid traffic lights where there is no pavement
- Reliance on car journeys to access amenities in Buxted and Uckfield

Infrastrucure/Amenity

- Very few facilities and services on Five Ash Down, new houses should be build where infrastructure is already in place
- Already difficult to see a doctor and dentist in the area with doctors surgery oversubscribed
- Local schools do not have capacity for many more pupils and residents would be reliant on cars journeys to school as walking routes user-unfriendly and potentially dangerous
- No direct footpath to Maresfield School and is too far to walk anyway
- No street lighting on any of the three school routes
- Narrow footpaths in the area and proposed yellow lines will have an urbanising effect
- Concern over the type and location for the recommended crossing point
- Bus services are limited and there are none to the railway station at Buxted or for commuters trying to head south
- Employment opportunities are limited so will result in a rise in commuting often by unsustainable transport

- Capacity of existing utilities infrastructure including telephone and internet services, road network and water supply and pressure
- Increase in noise levels in a quiet village setting
- Loss of privacy for existing residents
- Loss of easily accessible green open space
- Increase in litter and rubbish strewn around the village
- Visual and physical impact on the Wealdway adjacent to the north-east site boundary

Flooding

- The existing sewerage drainage system is subject to severe problems including sewerage spills
- Concern over Southern Water's comments regarding 3 metre buffer for the public foul sewer and the impact this will have on residents privacy
- Increase of flooding on main road by the junction with Coopers Green Road and Five Ash Down, and also the dip in the A272 opposite the Oast Farm entrance

Ecology

- Negative impact on biodiversity, loss of habitat and impact on flora and fauna
- Increase in light pollution having a detrimental effect on rural setting of village and wildlife – currently no street lighting
- Proposed sensitive use of green spaces and tree planting does not take into account the negative impact of the development
- Negative impact on Ashdown Forest and neighbouring Buxted Park SSSI and green corridors to north of Uckfield
- Concern over the impact on Hazel Dormice and the timing/method of the survey carried out
- Greenfield site and contrary to Government stated intentions that these should be protected and for addressing climate change

2. Other Relevant Responses/Issues

East Sussex Fire and Rescue

Summary – one comment (received 27 October 2021)

NO OBJECTION

If this application receives approval the Developer will need to ensure there is sufficient water for firefighting. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early discussions with the Fire Service is recommended.

WDC Footpaths

Summary – one comment (received 29 October 2021)

NO OBJECTION subject to condition:

As shown on the map below, the legal line of public footpath Buxted 42 abuts the north-eastern boundary of the application site.

From the plans submitted with this application, it appears that this public footpath will remain unobstructed by the development. However, in view of the proximity of this public right of way, I would wish the following **condition** to be applied to any planning permission which may be granted:-

a). "that the public right of way shall remain clear and unobstructed at all times, both during and after the construction period."
b). "that all public rights of way waymarking and furniture shall be retained both during and after the construction period."
c). "that no materials or plant shall be stored on the land forming the public right of way."

Reason "Protection of public amenity".

WDC Drainage

Summary – one comment (received 29 October 2021)

NO OBJECTION subject to conditions:

Flood Risk

The site lies wholly within EA Flood Zone 1 so the sequential test is met and the exception test is not required for this site. The site does not appear to be at risk from tidal, sea or fluvial flooding or from failure of a drainage asset such as a canal or reservoir. The site is at very low risk of flooding from surface water. Groundwater was located at 1.2 metres below ground level during the on-site testing.

There are no watercourses or ponds within the application site shown on the EA Flood Map. There is a spring approximately 60 metres east of the site which rises and feeds an ordinary watercourse running away to the south-east. There are no ponds within the vicinity of the site.

There are no records of flooding at or near this location within this Council's land drainage database.

The Geological Map states that the site is on the Lower Tunbridge Wells Sand Formation of sandstones, siltstones and mudstones.

For: Planning Committee North
Date: 21 July 2022

Surface Water Drainage

Infiltration is the first recommended drainage method in the SUDS hierarchy and the underlying mapped geology suggests that this a possible solution for this site. However, the infiltration rates obtained from the on-site testing were not encouraging and, combined with the level of groundwater located, the applicant has, quite properly, discarded this method of draining the site.

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

The proposed drainage plan shows road and roof water being drained by a pipe and manhole system to storage in the form of the base of the sections of permeable paving and an attenuation pond adjacent to the north-eastern boundary of the application site. Given the groundwater levels experienced in the test pits, these feature will need to be lined and the permeable paving base can only be considered as a storage and cleansing device, not as a means of disposing of the water.

The final outlet from the site is via a hydrobrake to a pipe leading offsite to a nearby watercourse to the east of the site. The applicant has been in contact with the relevant landowner and an agreement in principle to this connection is attached to the Flood Risk Assessment. The existing pipework is partially blocked and will require jetting or relaying. I would also wish to see evidence that the watercourse into which the system discharges is of a size and condition fit to receive the flows from the site.

In considering the drainage principles proposed for the site, the Lead Local Flood Authority, ESCC, will require full detail in the drainage calculations used to design the system and Wealden, as the planning authority, would support this request. The calculations should prove that the final design can accommodate the site runoff rates for the standard 1 in 100 year rainfall event plus 40% climate change allowance plus urban creep. For the point of view of these calculations, the permeable paving base can only be considered as a storage and cleansing device, not as a means of disposing of the water.

No information on responsibility for maintenance activities for the surface water drainage system is provided. Confirmation will be required as to whether the system is to be adopted or maintained by a site management company. As much as possible of the drainage system should be sited within public open spaces with adequate space for maintenance access. The Council would expect to see details of a site specific maintenance plan in due course when a surface water drainage scheme is finalised and before first occupation.

Notes

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

Provision of the foul sewage arrangements is for Southern Water to comment on.

Conclusion

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

"No development shall take place until full details of the surface water drainage scheme, have been submitted to and approved in writing by the local planning authority. The surface water drainage scheme should be confirmed as deliverable by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. The submitted details shall include the following:

i. Supply detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features.

ii. Provide a full management and maintenance plan for the development which shall include the setting up of any necessary company to secure the operation of the scheme throughout its lifetime.

iii. Supply full hydraulic calculations to the correct level of climate change (40%), to the satisfaction of the Lead Local Flood Authority.

iv. Provide proof of agreement from the adjacent landowner to accept the surface water discharge from the site into the ditch.

v. Provide evidence that the receiving ditch is of sufficient size and condition to receive the flows from the site.

NOTE: Attention should be given to non-statutory technical standards for sustainable drainage systems, the ESCC "Guide to Sustainable Drainage Systems in East Sussex" and the total costs of implementing the drainage scheme, that is design, construction and maintenance costs.

REASON: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to the guidance set out in the National Planning Practice Guidance and at paragraphs 163 and 165 of the NPPF and any local plan policies where appropriate according to the local planning authority, for example WCS14 of CSLP, saved policy CS2 of the Wealden Local Plan."

<u>WDC Housing</u>

Summary – two comments (received 5 November 2021 and 7 July 2021)

Support moving from no objection:

Further to our previous comments on the outline application and the affordable housing mix we are pleased to see that these have been taken on board and we are supportive of the proposed mix of affordable housing units which includes both smaller accommodation as well as larger family homes. We particularly

welcome the inclusion of 4 x 1 bed units as the main need in the district is for 1 bed units and that these units are being provided as houses as opposed to flats. We are also pleased to see the provision of a 4-bedroom property. We would recommend that the 3 intermediate units are provided through 2 x 2 bed houses and 1 x 3 bed house.

WDC Conservation and Design

Summary – one comment (received 22 November 2021)

NO OBJECTION:

Please accept this email as my formal consultation response on the above major application for outline planning permission.

My considerations revolve around whether the setting of any heritage assets would be unacceptably harmed by any future development within the application site.

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 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 and EN27; Core Strategy Policy SP02; as well as Chapter 12 of the Wealden Design Guide.

Considerations of proposals

The NPPF at paragraph 199 states that great weight should be given to the conservation of designated heritage assets through an understanding of the impact of a proposed development on their significance and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

A robust and comprehensive heritage statement has been submitted with the application that has considered the potential for impact on the setting of listed buildings and has followed guidance set out within the Historic England Guidance on assessing 'Setting' within GPA3.

I can confirm that there are no objections to the development of the site are offered from a heritage perspective in light of the detailed submissions.

WDC/Rother Pollution Control

Summary – one comment (received 9 May 2022)

NO OBJECTION subject to planning conditions.

Potentially Contaminated Land

This development is proposed to occur on land which is currently an open field. On the Council's GIS, this field hasn't been identified as potentially contaminated land due to past commercial uses. Therefore, significant levels of contamination should not be expected.

However, as this land has been an agricultural field for decades, some localised land contamination might still have occurred. For example, waste could have been fly tipped on site, or burnt or buried. Therefore, a contaminated land discovery condition is recommended for this development.

Air Quality

The Air Quality Assessment undertaken by Southdowns Environmental, dated October 2021, reference 2404W-SEC-00002-02 has been considered for this plan.

An air quality mitigation cost calculation has been undertaken and a value of £3848 has been obtained. This is the minimum which should be spent on air quality mitigation measures for the operational stage of this development. It is noted from the report that the developers are proposing to install ground source or air source heat pumps and solar voltaic panels. Additionally, it is stated that all 80 allocated parking spaces will be fitted to be EV charging active. Finally, all properties will be provided with a shed with space to store 2 bicycles.

Such measures are acceptable measures to help mitigate air quality impacts from this development and their introduction would exceed the mitigation cost calculation.

A condition has been recommended below to cover the points above and to ensure that the value derived from the mitigation cost calculation is incorporated into air quality mitigation measures.

CEMP (Noise and dust)

It is noted that there could be up to 10 HGV movements to and from the site per day. This may not be excessive compared to some construction sites but it still has the potential to have an impact on the two properties either side of the access road in terms of additional noise and dust.

The site also borders many properties so if the site is constructed under very dry conditions, then dust may also become an issue to such residents.

Therefore, a Construction Environment Management Plan is recommended for this plan. This should outline methods that the contractors will employ to manage noise and dust on site and during traffic movements immediately on and off the site.

Noise and vibration

General acceptability of the site for housing on noise grounds.

The Noise and Vibration Assessment, undertaken by Southdowns Environmental Consultants, dated 06/07/2021, ref 2404W-SEC-00001-04 has been considered.

This document outlines a noise and vibration assessment for the site and overall, under the planning system, the assessment can be deemed acceptable for the development.

Air source and ground source heat pumps

The air quality assessment states that air source and ground source heat pumps will be installed on site. While Environmental Health is in favour of sustainable heating options, if not correctly installed, 40 heat pumps installed in a relatively quiet area could result in noise problems to all residents.

It is noted that these pumps can also be installed under permitted development rights, but the MCS noise assessment for that is basic and doesn't change with environment. For example, the MCS noise assessment assumes a background sound level of 40dB(A) yet the acoustic report highlights that consistently, background sound levels on this site are lower than 40dB(A) between the hours of 18:00 and 06:00. Additionally, they can drop to as low as 20dB(A) during night-time hours, when the pumps will still operate.

Finally, if poorly installed against properties or structures, there may also be some structure borne noise and vibration effects.

Therefore, a bespoke condition has been recommended below, designed to help protect amenity, ensure that residents can sleep undisturbed and enjoy their outside amenity spaces. However, this condition will not guarantee that a

neighbouring heat pump will always be inaudible. Due to fluctuations in sound levels and very low sound levels at night, expecting 100% inaudibility at the boundary of a property, might be impossible to achieve.

The proposed condition requires that an acoustic report and sound and vibration scheme is produced, showing that each heat pump will match typical background sound levels measured prior to the installation of the pumps at the nearest receptor, including neighbouring gardens.

Mechanical ventilation with heat recovery

It is noted that it is also proposed that any property should be capable of incorporating mechanical ventilation with heat recovery. Mechanical ventilation has the potential to cause internal noise issues and should be installed so that internal noise levels then comply with BS8233:2014. A condition has been recommended below.

Overall Recommendation - Approval with conditions

Contaminated Land Discovery Condition

If during development, contamination not previously identified or expected to be found on site is discovered, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to the Local Planning Authority for approval, a method statement to identify, risk assess and mitigate the suspected contamination.

CEMP

Prior to commencement, a Construction Environment Management Plan (CEMP) shall be submitted in writing to the local planning authority for approval. This CEMP shall clearly outline best practice methods, with reference to BS5228:2014+A1:2019 and any other relevant guidance, which shall be used on site to protect nearby residential premises from noise and dust generated during development.

Air Quality

Prior to occupation, an air quality mitigation cost statement shall be provided. This statement shall outline in writing, a summary of the costs for all air quality emissions mitigation schemes installed on site. The statement shall show that the total value equals or exceeds £3848, the value calculated by Southdowns Environmental in their mitigation cost calculation, report ref 2404W-SEC-00002-02, dated October 2021.

Heat Pumps

Prior to commencement, an acoustic report for the installation of heat pumps across the development site shall be submitted in writing to the Local Authority for approval. The report shall outline required noise and vibration insulation schemes for each heat pump, to ensure that when in use, noise from each heat

pump will match, or be lower than typical background sound levels, obtained prior to development, at the nearest receptor. Additionally, that any structure borne vibration will be minimised. Neighbouring gardens shall be treated as a receptor if closer to a heat pump than a residential building. The scheme shall also include the provision for post-installation noise monitoring to be undertaken by the applicant at the reasonable request of the Local Planning Authority.

Mechanical ventilation with heat recovery

Prior to commencement, an acoustic report for mechanical ventilation heat recovery installations, shall be submitted in writing to the local authority for approval. The report shall outline any noise and vibration insulation schemes required to ensure that internal noise levels of properties containing mechanical-ventilation-heat-recovery systems, shall match or better those standards outlined in BS8233:2014.

Informative

Approved Document F, paragraph 4.6 should be noted with respect to ventilation systems:

To ensure good acoustic conditions, the average A-weighted sound pressure level in noise sensitive rooms, such as bedrooms and living rooms, should not exceed 30 dB LAeq,T (see Note below). In less sensitive rooms, such as kitchens and bathrooms, a higher level would be acceptable, e.g. 35 dB LAeq,T. Noise from a continuously running mechanical ventilation system on its minimum low rate should not normally exceed these levels, and should preferably be lower in order to minimise the impact of the ventilation system. The main issues to be addressed in minimising the noise impact of the ventilation system are the noise from the fan unit entering the ducts, and the attenuation provided by the ducts, bends and junctions and the characteristics of the room grill. The noise breaking out of the fan unit casing may also be significant in adjacent rooms. The characteristics of the room will also affect the noise level. Methods for measuring the sound power level produced by the fan unit of decentralised extract, centralised extract, and balanced supply and extract with heat recovery systems are under development. When available, they should be read in conjunction with the appropriate parts of BS EN 13141.

Note: The noise index LAeq,T is used in BS 8233:1999, where T is the duration of the measurement. If the noise from the sound source is steady (e.g. fluctuating by up to 3 dB) a measuring time of 1 minute will be adequate and the LAeq,1 min level will be similar to the dB(A) level used elsewhere. If the noise from the sound source fluctuates more than this a longer measuring time (T) will be required.

Pre-Application Matters

Pre application advice was sought prior to the submission of this planning application. The submitted Design Statement details that advice has been considered during the formulation of the planning application.

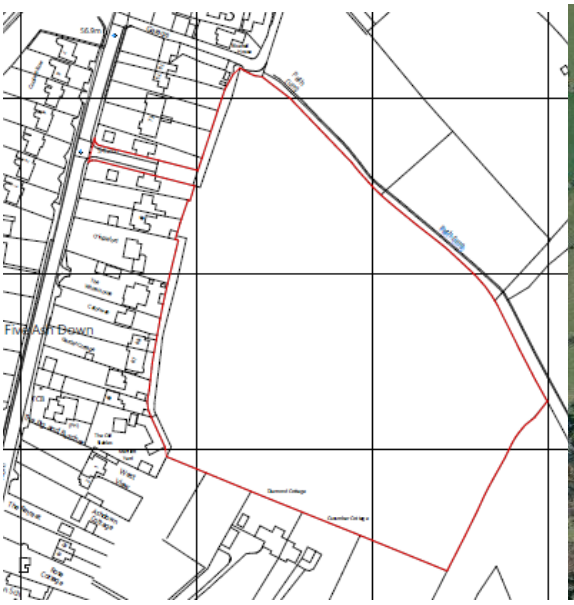
3. Relevant Planning History

Application No.	Description	Decision and Date
WD/2015/0892/FA	MINOR MATERIAL AMENDMENT TO WD/2012/2362/F (DEMOLITION OF EXISTING SEMI-DETACHED COTTAGES AND ERECTION OF TWO NEW DETACHED DWELLINGS).	APPROVAL 17 June 2015
WD/2012/2362/F	DEMOLITION OF EXISTING SEMI-DETACHED COTTAGES AND ERECTION OF 2 NEW DETACHED DWELLINGS	APPROVAL 16 January 2013
T/1960/807T/O	ERECTION OF 38 DWELLINGS	REFUSED 8 September 1960
T/1960/987/O	ERECTION OF TWO DWELLINGS AND ONE GARAGE	REFUSED 13 October 1960

4. Details of Case

The Application Site

The application site has an existing vehicle access arrangement onto Five Ashdown within the redline site area.



Site Location Plan



Aerial Photo

The site has an access onto Five Ash Down Road between the two modern properties that were granted planning permission along with the access. The access is 4.8m wider and has 2m footpaths either side.

The site is an open field with mature vegetation around the north east and south boundaries. The rear elevations of residential development along Five Ash Down Road are visible from the site given the low level boundary treatment at the rear of their gardens. Electricity transmission wires run along the southern and eastern site boundaries. A public footpath is adjacent to the northern boundary. The site is not subject to long range views given the

topography of the area. Vegetation within the locality further screens the site from the wider landscape. The site is outside of any adopted development boundary and within the Low Weald Landscape Character Area.

The Development Proposals

This planning application seeks outline planning permission for the erection of up to 40 dwellings together with a vehicular access onto Five Ash Down Road. With the exception of the site access, all other matters are reserved.

The application submissions detail that the proposed development would use heat pumps. Gas boilers are not proposed. The housing Mix has been amended to accord with the suggested housing mix detailed at section 10 within the Wealden Housing Need Assessment 2021.

The submissions detail that 35% of the dwellings on the site would be affordable housing in line with Policy AFH 1. If approved, the development would also be required to provide 5% (two) serviced plots for self-build in accordance with Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). A s106 legal agreement would be utilised to secure these provisions if outline planning permission is granted.

The application submission was accompanied by the following documents:

- Flood Risk Assessment
- Design Statement Rev 04
- Affordable Housing Statement
- Waste Minimisation Statement
- Arboricultural impact assessment, method statement and tree protection plan
- Bat Survey Report
- Preliminary Ecological Appraisal
- Roman Snail Survey Report
- Roman Snail Survey Report
- Reptile Survey Report
- Great Crested Newt Report
- Heritage Statement (Setting)
- Archaeological Desk-Based Assessment
- Air Quality Assessment

Policy Framework

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

- The Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan (adopted 19 February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).

- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)
- Hailsham Neighbourhood Plan July 2021
- Hellingly Neighbourhood Plan July 2021
- Herstmonceux Parish Neighbourhood Plan Adopted July 2019

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

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

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

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

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

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

The Council had proposed a new Local Plan. This was submitted for independent examination on the 18 January 2019. Following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that

the Plan was unsound, could not proceed and should be withdrawn. On 19 February 2020 Wealden District Council formally withdrew the Submission Wealden Local Plan 2019 following its Stage One examination process.

Relevant Policies

The National Planning Policy Framework (NPPF) in force from February 2021 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 3, 7, 8, 11, 12, 38, 48, 49, 60, 61, 62, 63, 65, 67, 68, 73, 74, 76, 92, 93, 100, 104, 106, 107, 111, 112, 114, 119, 124, 126, 130, 131, 152, 153, 154, 166, 164, 179, 175, 180, 182, 184, 185, 189, 194, 195, 197, 199, 200 and 202 of the NPPF

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

- Saved Policies GD2, EN1, EN2, EN6, EN8, EN11, EN12, EN14, EN27, EN29 DC17, TR3, TR16, LR1, LR3, LR5, CS1 and CS2 of the adopted Wealden Local Plan 1998.
- Policies SPO1, SPO9, SPO10, SPO11, SPO13, SPO14, WCS2, WCS4, WCS12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Policy AFH1 of the adopted Affordable Housing Delivery Local Plan 2016
- Wealden Design Guide 2008 (adopted Supplementary Planning Document), Chapter 2 (Sections 1, 6 & 8), Chapter 3 (Sections 1, 2, 6, 15, and 19) and Chapter 7

EIA and HRA

With regard to the Environmental Impact Assessment Regulations 2017, the development proposed falls within Schedule 2 category, 10(b) - urban development project. Although the thresholds are clearly not met, as the site is under 5 hectares and the development is under 150 units, therefore the scheme is not considered to be EIA development

The Council has engaged with the Habitats Regulations 2018, noting the proximity of the site to the Ashdown Forest SPA and the local planning authority's role as competent authority under regulation 63 (Likely significant effect upon the designated areas). Considerations under the HRA are set out later in the report.

Main Issues/Policy Issues

<u>Listed Buildings</u>

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 12, 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 Development Plan

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

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

Housing Land Supply

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

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

The government has recently published its HDT results for 2021 and this confirms that Wealden District Council had a result of 82% against its housing requirement. The implications of this result means that the local planning

authority is required to use a 20% buffer for its five year housing land supply position. As set out in the Five Year Housing Land Supply Statement as of 1st April 2021, published December 2021, the Council confirmed there are 5,362 (net) dwellings on identified sites that are considered available, suitable and available now for the five year period, which is some 1,964 (net) dwellings less than the 7,326 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to 3.66 years (or 73%) of housing land supply

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

Principle of Development

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

Section 70(2) of the Town and Country Planning Act states 'In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'

Development should therefore be determined in accordance with the Local Plan unless material considerations indicate otherwise.

Currently for the purposes of Section 38(6) of the PCPA 2004, the current development plan for the area in which the application site is located comprises the Policies of the Wealden Local Plan 1998 which were saved in 2007 and the Core Strategy Local Plan which was formally adopted on 19 February 2013.

The site is outside the development boundary for Five Ash Down within the Wealden Local Plan (1998) (revoked in the Core Strategy 2013). Policies within the 1998 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. Outside of the

development boundaries, residential development is generally resisted in accordance with Policy GD2. The proposed application does not comply with any of the exception polices in the 1998 Local Plan.

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

The adopted Core Strategy Local Plan 2013 accepts that the development boundaries contained within the 1998 Local Plan will have to be breached to deliver the level of housing required. Policy WCS6 sets out the rural areas strategy within the District and included villages to take growth.

Policy WCS6 includes a table indicating the proposed scale of additional housing development for the Strategy (455 dwellings). It is noted that Five Ash Down is not on that list, however, WCS6 only indicated a 'proposed scale of growth' which did not represent full objectively assessed housing need. Policy WCS6 postdates the 1998 Local Plan and is part of a spatial strategy which recognised the need to breach the 1998 settlement boundaries in order to deliver an adequate number of homes. Thus, the scheme's location outside of any settlement boundary would not be at odds with the spatial strategy in the development plan when read as a whole. The other significant consideration here is the NPPF 2021.

Prematurity

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

a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan: and

b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Paragraph 50 goes on to state:

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

Taking these points in turn:

(a) The scale of the development proposed for up to 40 dwellings is not large in this context it is not considered to be significant having regard to the fact the Core Strategy Local Plan 2013 has already considered rural areas

as being capable of accommodating additional development outside of development boundaries.

Having regard to the above, it is considered that the development would comply with the spatial strategy of the Core Strategy in principle as referred to above in the report under Principle of Development. It is also noted that the new local plan will have to contemplate significantly higher housing requirements than those within the withdrawn local plan. The strategic options as to where development should be accommodated within the district will be considered as the new local plan progresses, however whether or not the site is proposed as an allocation in the new local plan, having regard to the overall quantum of housing development that will be required across the district, it is considered that having regard to test (a) under paragraph 49 of the Framework, a grant of planning permission for up to 40 dwellings would not undermine the plan making process for the new Local Plan by predetermining decisions about the scale, location or phasing of development that are central to it.

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

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

Discussion

Traffic Impact and Access

Paragraph 104 of the NPPF is clear that transport issues should be considered at the earliest stages of development proposals, in order to gauge the potential impacts on transport networks, have regard to opportunities from existing infrastructure and opportunities to promote walking, cycling and public transport are identified and perused. Paragraph 110 relate to the assessment of applications and seeks to ensure that appropriate opportunities to promote sustainable transport modes can be taken up (given the type of development and its location) The submissions include Transport Assessment inclusive of a Stage 1 Road Safety Audit and Designers Response.

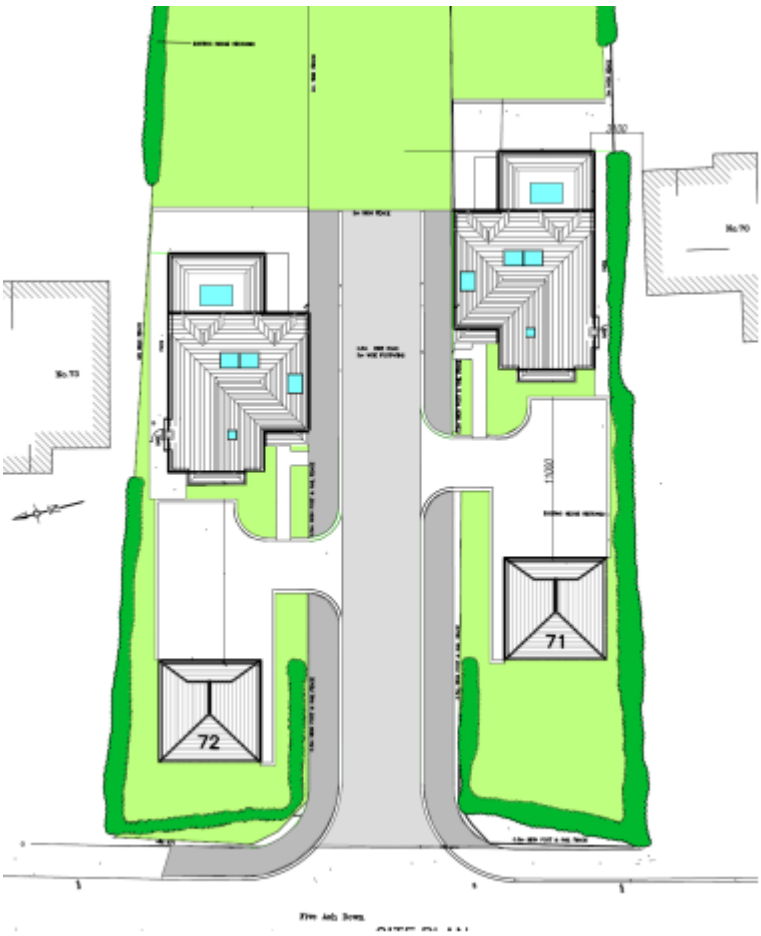
The Highway Authority have been consulted and support the current proposal, subject to the imposition of conditions that have been recommended where pursuant to outline planning permission.

<u>Access</u>

The proposed development would utilise an existing vehicular access (included within the redline site area) onto Five Ash Down where the speed limit is 30 mph.

The vehicle access was consented under application WD/2012/2362/F approved on the 16 January 2013. A minor material amendment was approved on the 17 June 2015 under reference WD/2015/0892/FA which further extended the approved internal access drive back into the site by approximately 8.4m (total

length as constructed is 38.8m) and provided a revised layout providing a 2m wide footpath on either side of the 4.8m wide carriageway.



WD/2015/0892/FA Approved Block Plan



Google Street View Imagery of the Existing Access to Site from Five Ash Down, Image date March 2021 (use subject to Government User Agreement, 31 January 2018)

The Highway Authority comment that this access arrangement is ‘a formal arrangement akin to a minor junction’. It is the view of the Highway Authority that the road has good forward visibility.

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Access

The Highway Authority comment that *'visibility for drivers is available to an appropriate standard. In accordance with Manual for Streets the required sightline should be 2.4m x 43m in both directions'.* The submitted safety audit highlights that on street parking in the vicinity of the access at present may potentially obstructs the sightlines. The applicant has presented the access proposal with parking restrictions by way of double yellow lines to prevent such obstructions either side and opposite the access. The Highway Authority have deemed this to be an acceptable proposition to safeguard the access and users of the highway. The Highway Authority consultation response details that the provision of double yellow lines would form part of the s106 (by way of a s278 agreement).

The Highway Authority agree with the level of impact of up to 40 dwellings set out in the transport document which species there would be 21 trips in each peak period. The Highway Authorities view is that *'This level of vehicular movement across each peak hour in not likely to impact on the operation on the highway network'.*

Paragraph 110 (b) requires that safe suitable access can be achieved for all users. The physical access arrangements are considered acceptable to the highway authority, the provision of double yellow lines in the vicinity of the access would ensure that acceptable visibility can be achieved

The development would not have significant impacts on the highway network (NPPF paragraph 110(d)) so mitigation in this regard has not been considered necessary by the Highway Authority.

Accessibility

The Highway Authority comment that *'the proposed development is located within a settlement with bus services and a footway/footpath network that has scope for improvement. A farm shop, post office and public house are located nearby, though schools are more challenging in distance. Without the agreement of improvements sought, a highway objection is likely on grounds that the pedestrian infrastructure is substandard and would likely encourage motorised modes of travel'*.

In the village there is a public house, village shop/post office, 5Ashdown Garage car sales and Clarks Motorist Centre as well as the village hall. Buxted C of E Primary School on Hurstwood Road is 1.6km and is also served by a footpaths along the Highway network. Buxted with its train station shop and public houses is 2.6 km from the site (along the highway network) and again there is an existing footpath. The public footpath along the northern boundary would shorten the journey to the school and Buxted (1.1km and 2.1km respectively) but would not be viable at all times of the year. Five Ashdown has pavements linking the village with Uckfield, although there is a need to cross Five Ash Down (in the vicinity of Coopers Cottage) to access the footpath crossing over the A272 near the signalised junction.

The closest bus stops are within walking distance, located in the vicinity of the public house within the village around 145m south of the site access. Five Ash Down is served by the Brighton nan Hove Busses Regency Route linking Tunbridge Wells, Eridge, Crowborough, Uckfield, Ringmer, Lewes and Brighton The route provides a good level of AM PM services for commuting and regular buses throughout the day. The bus service through the village runs 7 days a week.

Within their consultation response the Highway Authority are seeking improvements which include footway widening towards Uckfield and crossing facilities at the southern end of Five Ash Down Rd with A272 (accepting that these works might be delivered by other schemes being promoted for development close by), improvements at the signalised junction to enhance pedestrian crossing facilities (footway widening and tactile paving), removal of vegetation (accepting that these works might be delivered by other schemes being promoted for development close by), pedestrian crossing provision just north of Court lane, on UC7118 Five Ash Down Road (accepting that these works might be delivered by other schemes being promoted for development close by), Footway clearance of vegetation on A272 between the signalised junction Five Ash Down and Hurstwood Lane (accepting that these works might be delivered by other schemes being promoted for development close by) and surface treatment to footpath BUX 42. In addition bus stop improvements on Five Ash Down Road are sought to provide real time passenger information, shelters with seating and revised kerbing within the highway at 2 stops.

Paragraph 112 of the NPPF states that applications should give priority to pedestrian and cycle movements both within the scheme and within neighbouring area and second (so far as possible) facilitating access to high quality public transport (including appropriate facilities that encourage public transport use). Paragraph 105 of the NPPF recognises that opportunities to maximise sustainable transport options will vary between urban and rural areas, and this should be taken into account in design making. The existing bus service would provide a viable alternative to the car for the occupants of the proposed scheme to access services and employment, and the improvements to the local bus stops sought would be a further enhancement encouraging use by occupants of the development as well as existing occupants of Five Ash Down.

The site does have existing footpath connections to Buxted and Uckfield and the proposed enhancements would improve this exiting facility increasing the potential journeys on foot to other services (in accordance with paragraph 110 of the NPPF). The above enhancements would support the existing good bus service and would promote walking (where possible) to other local services to the site. It is recognised that the road infrastructure would not be supportive of cycling for all, however the improvements identified would build upon and enhance the exiting sustainable transport opportunities at the site in accordance with paragraphs 105, 110 and 112 of the NPPF, Saved Policy TR3 of the Wealden Local Plan 1998, Spatial Planning Objective SPO7 (concentrating development near public transport opportunities and making it easier to travel by more suitable modes of transport), so have been recommended by officers should planning permission be granted by members of the planning committee.

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Flood Risk and Drainage

The application has been submitted with a Flood Risk Assessment (FRA) Southern Water (SW), the County Council as the Lead Local Flood Authority (LLFA) and the Council's Engineer have all been consulted on the application and do not raise objections. The Environment Agency were consulted, but did not submit comments. The LLFA and WDC Drainage Engineer and Southern Water have requested planning conditions be imposed to ensure satisfactory drainage systems for foul and surface water are provided for any development proposed. The Conditions of the LLFA and WDC drainage Engineer seek details of any proposed surface water drainage system, its construction and ongoing maintenance.

Flood Risk

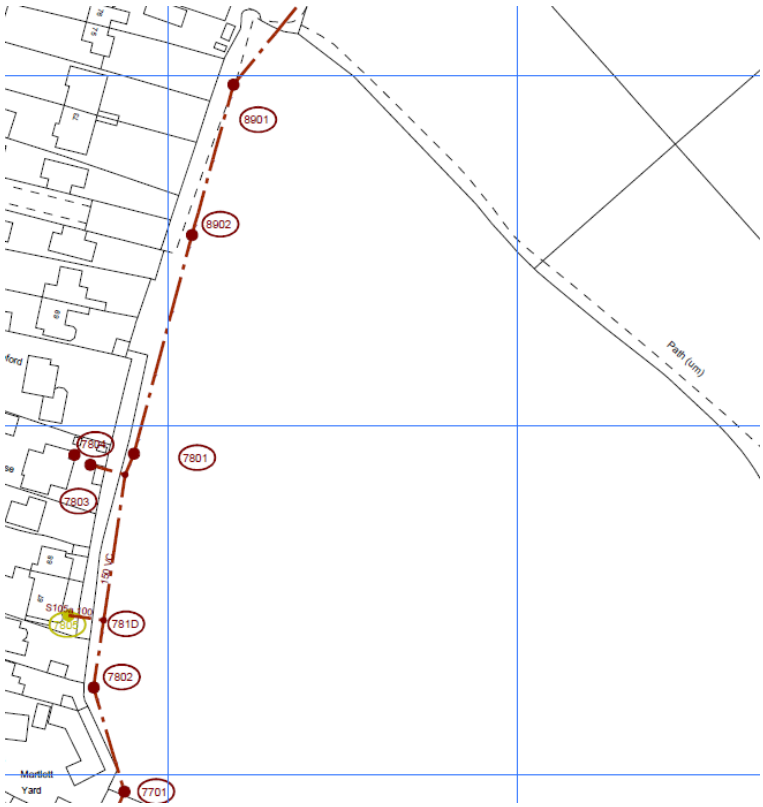
Due to the site, having an area over 1 hectare in area a flood risk assessment (FRA) is a validation requirement. The submitted FRA at page three, paragraph 2.6 confirms that for fluvial flooding, the site lies in fluvial Flood Zone 1 within the Environment Agency's Flood Map. Officers have checked with the data from the Council's Strategic Flood Risk Assessment which includes climate change (as required by the NPPF) data and the site is within Flood Zone 1. There are no overland flow routes within the site. Surface water flooding occurs when excess rainwater does not infiltrate into the ground, The EA's surface water flood map in a 'Low Risk' scenario ('1 in 1000 years' storm event) has been interrogated and shows the vast majority of the site is not at risk.

Foul Drainage

Southern Water has undertaken a desk study of the impact of the additional development upon the network. They state *'Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer'*.

Southern Water included a plan showing the approximate location of existing infrastructure that runs along the rear of the dwellings along Five Ash Down, and within the development site. Southern Water comment that *'The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised'.*

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Extract from Southern Water Records

Southern Water specify that

- *The 150 mm public foul sewers require a clearance of 3 metres on either side of the public foul sewers to protect it from construction works and to allow for future maintenance access.*
- *No development or tree planting should be carried out within 3 metres of the external edge of the*
- *public foul sewers without consent from Southern Water.*
- *No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying*
- *features should be located within 5 metres of a public foul sewers.*
- *All existing infrastructure should be protected during the course of construction works.*

This application seeks outline planning permission with details of layout and landscaping being reserved. The indicative layout details planting within the area of the public foul sewer. Any landscaping submissions should not include trees within 3m of the public foul sewer, once its exact location has been identified. The indicative layout shows a swathe of landscaping to the rear of properties fronting Five Ash Down which is around 10m wide. Even though this is indicative it is useful to demonstrate that the requirement to protect the public foul sewer can be met without effecting the proposed quantum of development.

Southern Water have requested a condition to ensure that the developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers. Officers consider that the

below ground level trigger on the suggested planning condition would enable protection measures for the public foul sewer to be agreed.

Sustainable Drainage: SuDS

The surface water strategy detailed within the submitted FRA can achieve existing greenfield run off rates (inclusive of climate change and urban creep allowances) which have been calculated as per the recommendations of the LLFA (pre-application advice with the LLFA was sought). The required amount of storage will be achieved through the use of permeable subbase and an attenuation pond. The proposed system would have two stages of SuDS treatment greater that the identified pollution indices within the CIRIA SuDS manual, to ensure quality of the outflow. The drainage strategy proposes to discharge the site surface water runoff to an existing outfall located northeast of the site in adjacent land. The existing outfall has been surveyed to confirm its downstream connectivity. Written confirmation from the affected landowner has been secured and has enabled the LLFA to remove their objection.

The FRA includes drainage layout plans for surface water that include open water storage solutions for attenuation. The mix of dwellings has been amended since the drainage plans were drafted to include a higher amount of smaller units and given the quantum of growth proposed officers consider that it will be possible to include open storage solutions for the proposed development. The suggested planning conditions would allow for such features, which would improve ongoing management and quality of the system and enable further biodiversity enhancements. Paragraph 167 of the NPPF states when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. A suitable sustainable drainage system is key to meeting this aim. A detailed technical assessment of the submitted details has been undertaken by the LLFA and the Council's Drainage Engineer. The suggested planning conditions from the LLFA have been recommended by officers, with the exception of their advised condition 5. This is because measures to manage flood risk, both on and off the site, during the construction phase have been included within the suggested Construction Management Plan condition.

Impact on Neighbours/Local Area/Landscape

The representations made against the application have been carefully considered. The comments about other developments in the vicinity of the site are noted, however, this application has been assessed on its individual merits. The comments submitted speak to a number of concerns with the proposed development. This report sets out the consideration of matters raised within relevant sections, for example Ecology. Comments relating to the effect of the proposed development upon neighbouring properties have been made and the following section of the report relates to this matter.

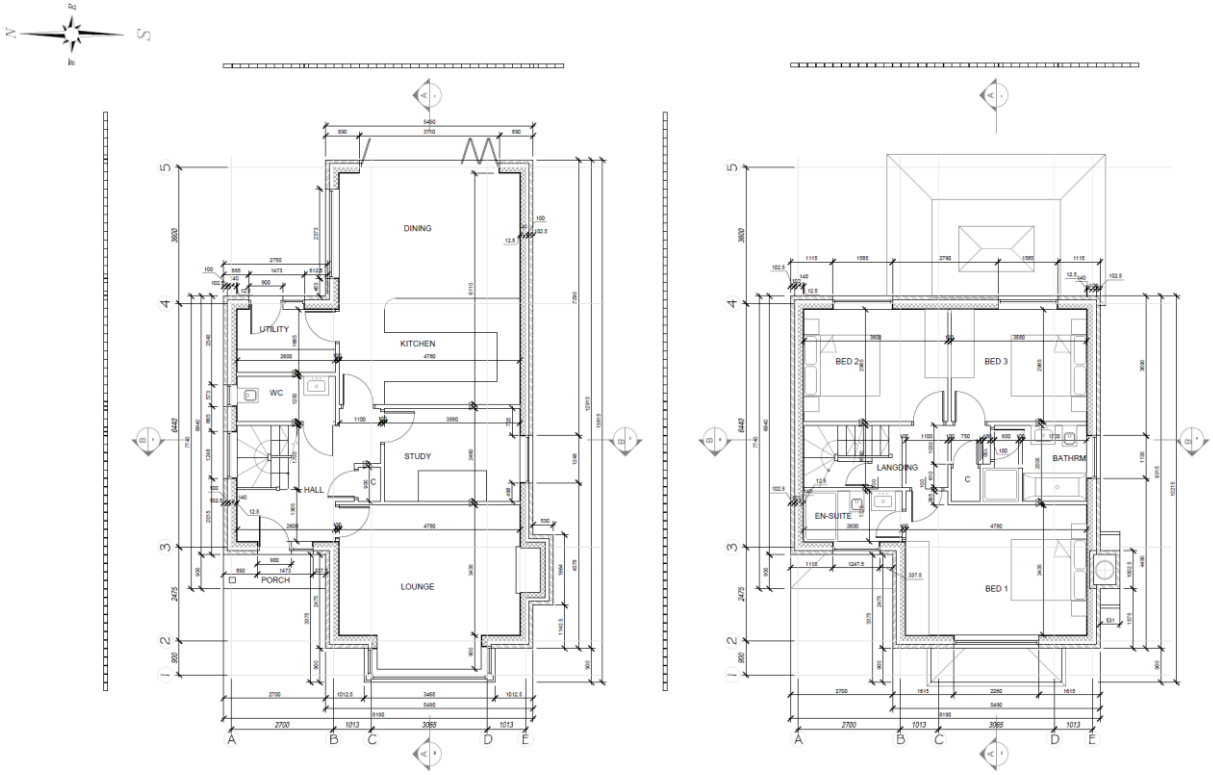
The proposed site access was approved at the same time as plots 71 and 72 that sit north and south the below site plan details the amended access layout.

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Approved Block Plan WD/2015/0892/FA

Both dwellings are set 2m from the access road adjacent to the footpaths.



Approved Floor Plans WD/2012/2362/F

The above drawing shows the floor plan for Unit 71 (and notes that Unit 72 is the same but handed). Unit 71 is south of the proposed access and Unit 72 is north.

From the floor plans it can be seen that at ground floor in the vicinity of the access the dwellings have a porch, hall, stairwell and utility closest to the access and at first floor they have the en-suite for the master bedroom, landing area and rear bedroom. With both properties the master bedroom (first floor) and Lounge (ground floor) are located furthest away from the access (plot 71 at 7.2m and plot 72 3.9m). The rear garden of unit 71 is 189 square meters and unit 72 is 239 square meters. The above approved block plan shows the side boundary to the road (on each unit) is 2m high fence and the rear boundary is a 1m high fence.



Plot 71 (left) and Plot 72 side boundary treatments (at time of site visit)

On site the side boundaries are comprised of 2m fencing and sections of post and rail fencing.

The application has been supplemented with a noise and vibration assessment. The report details that noise levels measured on the site have been used to assess the potential impacts of environmental noise on the proposed development using noise criteria contained within the Planning Noise Advice Document: Sussex and detailed in British Standard (BS) 8233:2014 and other noise guidelines including Professional Practice Guidance on Planning & Noise (ProPG) [3] and the World Health Organisation (WHO) Guidelines for community noise. The report considers the existing and proposed noise levels.

Noise

The report details that continuous noise measurements were made on site over a period of 9 days to measure daytime noise levels over weekday and weekend periods (1 to 10 March 2021). The report details the survey methods. Attended short term noise measurements were made at 4 locations on site to obtain noise sources at the site (15 March 2021 10.10 am-14.50 pm), again survey methods

are detailed. Offsite measurements were also taken to sample to road traffic on the A26.

The attended noise survey four locations within the site and one near the junction of Five Ash Down and the A26 (ST5) found that the A26 and traffic along Five Ash Down affected ambient noise levels.

At ST5 the A26 the A26 dominated noise levels. The report notes that noise associated with the A26 and Clarks Motorist Centre was present during the attended monitoring. The unattended noise monitoring showed that during the daytime ambient noise levels range between 43 and 48dB with an average of 45dB. During the night time noise levels range between 28 and 43dB with an average of 40dB.

BS 8233 guidance on suitable outdoor noise levels states that a desirable level for steady continuous noise should not exceed 50 dB with an upper guideline value of 55 dB for internal spaces BS 8233 recommends desirable daytime guideline levels of 40 dB in dining areas, 35 dB for resting inside bedrooms and living rooms, and 30 dB for sleeping inside bedrooms at night. Annex G of BS 8233 indicates that a typical free-field road traffic noise reduction for a dwelling with insulating (6-12-6) glass unit windows set in a brick/block wall is 33 dB(A). For a façade with a partially open window, BS 8233 indicates that the free-field sound façade reduction is approximately 15 dB(A). The report has used these indicative façade reductions to estimate internal noise levels across the development site.

The report at page 23 considers the effects of the proposed development on the existing residential properties adjacent to the proposed access. To estimate the noise levels at the existing residential properties adjacent to the proposed access road, the proposed development access road has been modelled using the road noise module contained within CadnaA which implements the CRTN calculation procedure. The assessment for daytime and night-time traffic movements is based on the information provided within the transport assessment. Table 7.2 details the calculated and predicated daytime noise levels and table 7.3 provides the night time. Within the tables Plot 71 is property ID 32 and plot 72 is 31.

Property ID	Floor [2]	Assumed Average Number of Vehicle Passes Per Hour	Assumed Speed of Vehicle (mph)	Calculated Existing Daytime External Free-field Noise Level $L_{Aeq,16hr[1]}$	Predicted Daytime External Free-field Noise Level $L_{Aeq,16hr}$	Noise Change, dB
31	GND	12	30	53.3	54.7	+1.4
32	GND	12	30	51.2	53.4	+2.2

TABLE 7.2: SUMMARY OF CALCULATED DAYTIME $L_{Aeq,T}$ AMBIENT NOISE LEVELS AT EXISTING RECEPTORS ADJACENT TO THE PROPOSED DEVELOPMENT ACCESS ROAD

Notes: [1] existing $L_{Aeq,16hr}$ noise levels extracted from calibrated noise model; and
[2] highest floor presented to provide a worse case assessment.

Property ID	Floor [2]	Assumed Average Number of Vehicle Passes Per Hour	Assumed Speed of Vehicle (mph)	Calculated Existing Daytime External Free-field Noise Level $L_{Aeq,8hr[1]}$	Predicted Daytime External Free-field Noise Level $L_{Aeq,8hr}$	Noise Change , dB
31	GND	5	30	52.8	53.6	+0.8
32	GND	5	30	49.5	51.1	+1.6

TABLE 7.3: SUMMARY OF CALCULATED NIGHT-TIME $L_{Aeq,8hr}$ AMBIENT NOISE LEVELS AT EXISTING RECEPTORS ADJACENT TO THE PROPOSED DEVELOPMENT ACCESS ROAD

Notes: [1] existing $L_{Aeq,8hr}$ noise levels extracted from calibrated noise model; and
[2] highest floor presented to provide a worse case assessment.

A summary of the calculated daytime and night-time noise levels along with a comparison against the existing daytime night-time noise levels have been provided and determine that total ambient noise level during the daytime and night-time periods are estimated to increase by up to +2.2 dB (day) and +1.6 dB (night) respectively for plot 71 and +1.4 dB (day) and +0.8 dB (night) for plot 72 as a result of the use of the access road by the proposed development.

The report notes that with an attenuation of 33 dB (for the scenario with closed windows the reports calculations indicate that predicted internal noise levels at the existing properties adjacent to the proposed development access road are calculated to meet the BS 8233 (Guidance on sound insulation and noise reduction for buildings) desirable daytime criteria of, for living rooms and bedrooms and dining rooms as well as the night time level for bedrooms. With an attenuation of 15 dB for the scenario with open windows, only the BS 8233 desirable daytime for dining areas is met. The report goes on to note that the existing noise levels also only meet the BS 8233 desirable daytime criteria.

The assessments presented within the report demonstrate that total ambient noise level during the daytime and night-time periods are estimated to increase by up to +2.2 dB and +1.6 dB respectively. Paragraph 7.3.8 of the report states *'According to the IEMA Guidelines, an ambient noise change of +2.9 dB LAeq,T or less could be considered a 'negligible' effect'.*

<u>Vibration</u>

Vibration magnitudes measured on site have been used to assess human exposure to vibration following the principles of the assessment methodology described in BS 6472-1:2008 Guide to evaluation of human exposure to vibration in buildings, within the submitted report. Samples from the site attended

measurements of vibration dose values (VDV) were obtained at one location on Five Ashdown Road (between 12.21 -12.42pm 15 March 2021) to obtain sample measures of vehicle movements at a distance to be considered representative of the distance between the existing residential properties (plots 71 and 72) and the access road that would serve the proposed development (said to be 2m). BS 6472-1 states '*The vibration dose value is used to estimate the probability of adverse comment which might be expected from human beings experiencing vibration in buildings'*.

The report details that the vibration from vehicle passes were subjectively not perceivable to the consultant (page 17). The VDV measurements obtained were used to estimate a worst case total vibration exposure if the event occurs 189 times dung the fay and 42 times during the night. The formula used for the calculation is provided on page 25 of the report with the results presented in table 8.1. Table 8.1 sets out that for ground and first floor. Based on the criteria of table 1 *'Vibration dose value ranges which might result in various probabilities of adverse comment within residential buildings'* on page 12 of BS 6472-1 the predicated levels would have *'Low probability of adverse comment'*

Saved Policy EN27 (2) of the Wealden Local Plan 1998 is clear that proposed development should not create an unacceptable adverse impact on the privacy and amenity of adjoining developments by reason of noise and traffic movements. Paragraph 126 of the NPPF notes that the creation of sustainable places helps make development acceptable communities. Paragraph 130 of the NPPF notes that decisions should ensure that development will function well for the lifetime of the development with a high standard of amenity for existing users. Paragraph 185 set out that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution (inclusive of noise) on health and living conditions.

The proposed development would lead to traffic and pedestrian movements along the exiting access road and beyond into the site. This change from the current situation would affect the amenity of units 71 and 72 (that were approved under the same planning permission and abut the existing site access). The submitted noise and vibration assessment has assessed the proposed development against the relevant guidance for noise and vibration and has concluded that the prosed development would not have unacceptable adverse effects upon the amenity of plots 71 and 72 Five Ash Down.

With the exception of the access the layout of the site is not fixed. The quantum of development proposed would enable perspective layouts to consider the amenity of properties along Five Ash Down for example meeting minimum back to back distances as specified within paragraph 11.20, Chapter 7 of the Adopted Wealden Design Guide.

In conclusion on this issue the changes to the amenity of neighbouring residential properties have been carefully considered and have been given the appropriate weight within the planning balance. The development would not create an unsustainable relationship with existing residential properties and the degree of harm that would result from the construction and use of the proposed development would not be to a degree that would warrant a recommendation for

refusal when assessed against the criteria of saved policy EN27 (2) and the NPPF.

Landscape

The southern extent of the High Weald AONB lies approximately 1.1km north of the site, and given the topography of area and vegetation around field boundaries at the site and further north there is very limited (if any) intervisibility between the site and AONB (inclusive of any potential public views from the AONB toward the site). The site is not considered to be within the setting of the AONB.

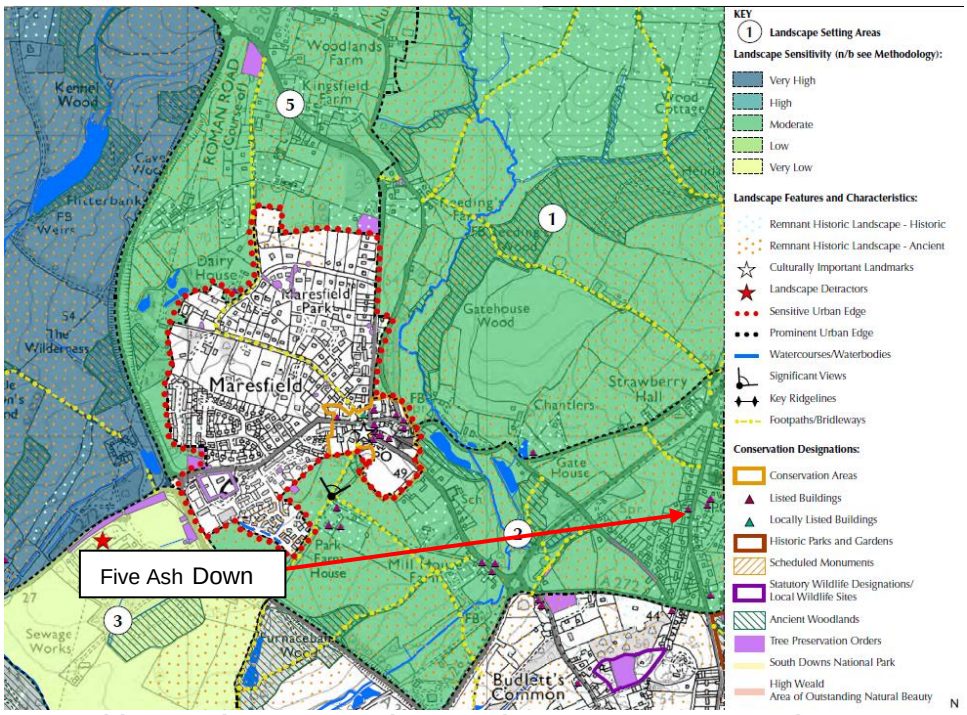
Within the Chris Blandford Associates: "Wealden Landscape & Character Assessment" (WLCA) 2014 the site lies within a Local Landscape Character Area (LLCA) A2: Budlett's Common and Five Ash Down which has key characteristic described as:

A2: Budlett's Common and Five Ash Down 4.4.8 The south-western part of this LLCA is dominated by large areas of woodland (including Park Wood and Thirty Acre Wood), which provide a strong sense of enclosure. The strongly undulating topography of the LLCA, as a result of a narrow stream corridor which cuts through the area, dominates landscape pattern. The south-eastern edge of the area abuts the large town of Uckfield. Views to the edge of the town are generally limited by woodland at the settlement edge.

However glimpsed views are characteristic in places. The main A26 road corridor runs north-south across the area, introducing a source of noise and movement and reducing overall sense of tranquillity. In the north of the area, the small linear settlement of Five Ash Down is a key feature. The village is situated on a ridge of higher land, which facilitates views across adjacent fields. Woodland is a key feature of this area, however, outside the patches of woodland, fields tend to be lined with mature hedgerows.

The assessment notes at paragraph *4.4.5 that Overall, the Ridges and Valleys LLCT is assessed as having Very High Landscape Sensitivity.* However, Five Ash Down is shown on figure 4.23 in part 4.28 Landscape Setting of Maresfield section of the report and is identified as having a moderate sensitivity to change.

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Wealden Landscape & Settlement Character Assessment Figure 4.23

The Table at part 4.28.7 of the Landscape Setting of Maresfield section of the report identifies that Landscape Setting area 2 (as identified on Figure 4.23 above) has Moderate Landscape Sensitivity, leading to a Landscape Capacity of Moderate in the table in part 4.28.9. Part 4.28.11 sets out that '*Landscape Setting Area 2 is considered to have Moderate Capacity as a result of its Moderate Landscape Sensitivity and Moderate Landscape Value. The area has Moderate strength of place, with some recognisable landscape features, such as the linear settlement pattern, adjacent to road corridors. Landscape structure is strong in places resulting from a network of mature hedgerows'.*

The application has been supplemented with a Landscape and Visual Appraisal that has assessed the sensitivity of the site and discusses the potential effects of the proposed development on the wider landscape. The Appraisal sets out that the main visual receptors to the site are the adjoining public footpath (before the levels change together with thickening of the wooded edge to the east inhibits views) and the neighbouring residential properties to the west and south. The Appraisal goes on to comment that due to the enclosed nature of the site a distance of 400m at all point of the compass is adequate to capture relevant visual receptors. The landscape sensitivity has been assessed and is considered to be moderate where the landscape would be able to partly accommodate the change proposed. The use of landscaping buffers would further mitigate effects over time.

The site boundaries are formed of mature vegetation to the north (along a public footpath) east and south, with the rear gardens of residential development along Five Ash Down abutting the western boundary.

In views from the public footpath and land to the east of the site exiting built form is present in views. This existing residential development does not follow the pattern of development along Five Ash Down but is set on an east west axis

projecting into the countryside and is not screened by vegetation in views from the footpath. The character of the existing development is modern and it is prominent from the footpath.



Built Form to the North of the Footpath

The proposed development would be opposite exiting built form in part and the proposed development would be closer to the footpath. However the site is higher than the footpath and set behind vegetation so development would not be overly prominent or dominant. In addition there is scope to enhance the existing mature vegetation screen given the quantum of growth proposed for the site.



View of site from footpath north east corner showing Levels Change and Vegetation along Footpath

Saved policy in the Local Plan and Core Strategy requires that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district. It also requires an appreciation of the natural context, including views, scenery, hedges and trees. SPO13 in the Core Strategy guards against development that would, individually or cumulatively, significantly degrade the quality of the local landscape.

The LVIA determines that the visual effects of the development are limited to the site and the immediate surrounding area (400m). The proposal is to build up to 40 new dwellings on green field land comprising a single field to the east of Five Ash Down. The access, to the west is already formed, such that it would not need to be altered (within the street scene) to serve the proposed development being previously consented as part of a development that fronts Five Ash Down Road.

As the proposed residential development would result in dwellings, accesses, open space and drainage features on the undeveloped site, there would be a significant change in the character of the site. There is an intrinsic beauty to the countryside, which would be eroded to some extent with the proposed development.

In this case, the urbanisation of this site could not be said to contribute positively to the landscape and would result in some erosion of the local landscape quality. As such, the proposal does not fully accord with the aforementioned policies. However, there is some mitigation and other circumstances which limit the degree of harm, given that the site abuts existing residential development that is already visible within the field meaning the development would relate to the existing settlement in close term views.

The site would project further east than the existing incursions but it would be well screened by housing to west and vegetation around the north east and south) so the effects of the development would mainly be limited to the immediate environ of the site where existing housing to the north is prominent in views.

The proposed quantum of growth would enable the existing boundary treatments be retained and further mitigation would afforded by landscaping proposals that would from part of reserved matters submissions

If outline planning permission is granted the housing would change the character of the site and there would be some loss of tranquillity, but this would be confined to the site area itself and not the wider countryside, especially as the site is already adjacent to existing housing.

The indicative layout show that the site could provide a good level of landscaping, external SuDS features and areas of open space that would enable a landscape dominated scheme that would not be at odds with the character of the exiting settlement. In addition the mix has been amended to provide a higher degree of smaller properties meaning the built from would not dominate the site. Officers do not regard a development of up to 40 dwellings as being excessive.

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Local Area



Existing Vehicle and Pedestrian Access on to Five Ash Down



Built Form North of the Access



Built Form South of the Access

The site has an existing access onto Five Ash Down meaning the proposed development would not significantly change the character of the street scene. The properties on the east side of Five Ash Down are tightknit limiting views from the road to the open space beyond. The exiting built form would provide effective screening of the development from the street. In addition the existing built form in the vicinity of the site on Five Ash Down comprises housing with a predominantly modern vernacular, so where views of the development are possible (near the access) it would not be at odds with the existing built form in the vicinity of the site.



Properties to the West of Five Ash Down

The harm to the landscape and the intrinsic beauty of the countryside and the existing settlement of Five Ash Down is limited for the reasons set out above. This harm will be weighed against the benefits of the proposals in the latter 'Planning Balance'.

Heritage

Submitted with the application was a heritage statement that has assessed heritage assets in the vicinity of the site. The heritage Statement identifies three listed buildings that would have a low impact upon their significance as result of the pored development (Kiona) which is intervisible with the site (located near the south west Corner behind the public house). Together with Coopers Green Farm and Lephams Bridge Farm which lie c.250m from the proposed development site and have no visual relationship with it, but both have an important relationship with their surrounding agricultural landscapes, including fields which lie adjacent to the proposed development site.

The NPPF at paragraph 199 states that great weight should be given to the conservation of designated heritage assets through an understanding of the impact of a proposed development on their significance and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Senior Conservation Officer has been consulted and confirms *'A robust and comprehensive heritage statement has been submitted with the application that has considered the potential for impact on the setting of listed buildings and has followed guidance set out within the Historic England Guidance on assessing 'Setting' within GPA3. I can confirm that there are no objections to the development of the site are offered from a heritage perspective in light of the detailed submissions'*.

The NPPF is clear any that loss of significance to a designated heritage asset from development within its setting should require clear and convincing justification. Paragraph 202 goes on to comment that where proposed development will lead to less than substantial harm, this harm should be weighed against the public benefit of the proposal.

Officers have had regard to the comments of the Senior Conservation Officer and it is the view of offers that the proposed development would lead to less than substantial harm as the submitted heritage statement established low impacts upon the significance of Kiona, Coopers Green Farm and Lephams Bridge Farm.

The site would provide a significant number of much needed homes, inclusive of affordable housing and self build plots within a sustainable location with good access to the existing services of Five Ash Down and its public transport options. These benefits of the proposed development carry significant weight in the planning balance. In addition the development would contribute to CIL to help deliver local services. The development would provide public open space and provide pedestrian links to Five Ash Down. The package of highway works would increase permeability with the exiting footpath network and enhancement of bus stops will improve sustainable transport options for the site and wider area, this is given moderate weight. In the context of paragraph 202 of the NPPF taking account of the significant weight attached to the public benefits identified, officers consider that taken as a whole they outweigh the less than substantial harm identified within the submitted heritage statement at Kiona, Coopers Green Farm and Lephams Bridge Farm.

Housing Mix

On the submitted application form the specified mix was 17 x two bedroom dwellings, 12 three bedroom houses 8 four+ bedroom houses and 3 unknown (all within the market housing section of part 15). Officers approached the agent in relation to the proposed housing mix. Although the Council does not have an adopted policy for market housing mix. The evidence base 'Wealden Local Housing Needs Assessment' August 2021 is considered to provide a clear direction of travel. Page 132 includes a table entitled 'Suggested Mix of Housing by Size and Tenure'. The table includes both market and affordable mixes.

Officers have provided a recommended mix based on the table to the agent based on the suggested housing mix within the table. The agents have responded by providing an amended application form that specifies a mix for both market (2 x one bedroom dwellings, 8 x two bedroom dwellings 10 x three bedroom dwellings and 6 x four+ bedroom dwellings) and affordable housing (4 x one bedroom houses 6 x two bed houses 3 x three bed houses and 1 x four+ bedroom house) together with an amended design statement. The revised mix accords with the Suggested Mix of Housing by Size and Tenure table within the 'Wealden Local Housing Needs Assessment'

The amended affordable mix would provide the 1 bedroom accommodation sought by the Housing Service in their consultation response. The development would provide this in the form of dwellings and not flats. The proposed two bedroom affordable housing units would also be houses meaning families would

have private outdoor amenity space. Reserved matters submissions can ensure that the floor plans prove the required septate living/kitchen space. The housing service have been provided with the amended mix and comment that *'we are pleased to see that these have been taken on board and we are supportive of the proposed mix of affordable housing'*.

Albeit at outline stage, this early commitment to provide both affordable housing and market housing mix that accords with the Council's most up to date evidence base is a considerable benefit of this proposal. A planning condition securing the housing mix to accord with the submitted details has been recommended.

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)).

As at June 2022, there are 175 individuals on the Council's Self-Build and Custom Housebuilding Register. It is necessary to breakdown this figure having regard to the annual base period, which falls at the end of October each year after production of a legally compliant Register after 31 March 2016. For Wealden Two of these individuals were registered in the 31 March 2016 – 30 October 2016 base period, 24 of these were registered in the 31st October 2016 – 30 October 2017 base period, 24 of these were registered in the 31 October 2017 – 30 October 2018 base period, 21 applicants were registered in the 31 October 2018 – 30 October 2019 base period, 33 applicants were registered in the 31 October 2019 – 30 October 2020 base period, and 44 applicants were registered in the 31 October 2020 – 30 October 2021 and 27 applicants have been registered so far in the 31 October 2021 – 30 October 2022 One association is currently enrolled on the self build and custom housebuilding register with three members.

In the period since 31 October 2016, numerous planning permissions have been granted wherein landowners have sought (and obtained) a CIL self-build exemption. In line with practice adopted by very many other LPAs, these permissions with CIL self-build exemption have been counted against the requirement of the self-build register. It would address the relevant need and as such, we have not sought to secure need on other recent planning permissions considered by the committee.

However, appeal decisions around the Country on this specific topic demonstrate that the general thrust of decisions issued is that reliance on a CIL self-build exemption does not necessarily ensure dwellings would be developed in a manner that accords with the legal definition of self-build and custom housebuilding in the Self-Build and Custom Housebuilding 2015 (as amended). These are seen as test cases on the subject matter and it appears many LPAs are reacting accordingly.

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. The Council would therefore seek to secure 5% of the number of dwellings proposed. This 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 weighty consideration given that there is evidence of need for serviced plots in the District and some doubt regarding deliverability of sufficient plots across the relevant base periods since 2016.

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. Having regard to this a condition has been recommended that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

Contamination/Pollution Air Quality/Sustainability

Potentially Contaminated Land

In their consultation response Pollution Control identified that the site has been an agricultural field for decades, some localised land contamination might still have occurred. For example, waste could have been fly tipped on site, or burnt or buried. Therefore, a contaminated land discovery condition is recommended for this development. Officers have recommended a condition to ensure a satisfaction from of development for future occupiers of the proposed development. Their recommendation for am Construction Environment Management Plan to enable a scheme for the control of noise and dust has been incorporated into the recommended code of construction practice condition.

Noise and Vibration

In regards to noise and vibration Pollution Control comment that 'The Noise and Vibration Assessment, undertaken by Southdowns Environmental Consultants, dated 6 July 2021, ref 2404W-SEC-00001-04 has been considered. This document outlines a noise and vibration assessment for the site and overall, under the planning system, the assessment can be deemed acceptable for the development. It is the view of Pollution Control that with regards to noise and vibration 'General acceptability of the site for housing on noise grounds'. Officers have assessed the submitted report and concur that the proposed development would not have an adverse impact upon neighbouring development by way of noise or vibration effects

Air Quality

The Air Quality Assessment undertaken by Southdowns Environmental, dated October 2021, reference 2404W-SEC-00002-02 has been assessed by pollution control. The report includes an air quality mitigation cost calculation in line with Sussex Air Quality Partnership's guidance the value is calculated to be £3848 has been obtained. This is the minimum which should be spent on air quality mitigation measures for the operational stage of this development. The submissions detail that the proposed scheme would provide EV charging, ground/air source heat pumps and the provision of these measures would exceed the mitigation calculation cost. The Air Quality report also details good practice measures for the construction phase of the proposed development. A condition has been recommended that would ensure that the proposed development accords with the recommendations within the Air Quality Assessment. In addition pollution Control have recommended a condition seeking details of an air quality mitigation cost statement which shall outline in writing, a summary of the costs for all air quality emissions mitigation schemes

installed on site. The statement shall show that the total value equals or exceeds £3848, the value calculated by Southdowns Environmental in their mitigation cost calculation, report ref 2404W-SEC-00002-02, dated October 2021.

Air Source and Ground Source Heat Pumps

The NPPF at section 14 refers to meeting the challenge of climate change. Paragraph 152 sets out that the planning system should support the transition to a low carbon future and contribute to radical reductions in greenhouse gas emissions. Paragraph 154 comments that new development should be planned to reduce greenhouse gas emissions through design. The air quality assessment states that air source and ground source heat pumps will be installed on site. This is a significant step towards sustainable development and is welcomed as the development would not require the use of gas boilers.

Pollution Control have recommended a condition that would enable the development of up to 40 houses to use sustainable heating options whist ensuring that the potential noise generation from the units would not have an adverse impact upon amenity. It is noted that permitted development rights can be used to install heat pumps, but as noted by Pollution Control in their consultation response, the standards specified (MCS noise assessment) within the permitted development order is basic and doesn't change with environment, and if poorly installed against properties or structures, there may also be some structure borne noise and vibration effects.

Therefore, a bespoke planning condition has been recommended by Pollution Control which is, designed to help protect amenity. Officers have provided details of the proposed condition to the agent who has confirmed their client is willing to accept the condition to enable the use off heat pumps to avoid the need for gas boilers within the proposed development. The suggested planning condition from Pollution Control has been recommended by Officers.

In addition to the use of heat pumps Pollution Control consider that any property should be capable of incorporating mechanical ventilation with heat recovery. Mechanical ventilation has the potential to cause internal noise issues and should be installed so that internal noise levels then comply with BS8233:2014. A planning condition that would secure details of any systems employed for mechanical ventilation with heat recovery within the proposed development has been recommended.

SPO9 of the Core Strategy Local Plan seeks to ensure development takes full account (by mitigation and adaptation) of the impacts of climate change including the minimisation of emissions of greenhouse gasses, the use of non-renewable energy and by encouragement of sustainable construction, Saved Policy EN1 of the Wealden Local Plan 1998 sets out that the Council will pursue sustainable development, having regard to the principles contained in Government guidance as detailed within section 14 of the NPPF. The use of sustainable heating for the proposed development is welcomed and would help the provision of a low carbon future for Wealden District. Officers have worked closely both with the agent and pollution control to ensure that the development would be capable of utilising

sustainable heating methods whist providing suitable amenity at the operational phase of the development.

Tree and Landscaping Proposals

The site boundaries have of mature vegetation with the exception of the western boundary. The submitted 'Arboricultural impact assessment, method statement and tree protection plan' has identified that the proposals provide adequate space for the retention of all of the boundary trees apart from a small section where a drainage outflow is proposed to be constructed. The section of vegetation to be removed includes both a section of a group of trees and a section of a hedge, but neither are of more than 9m in height and removal of a small section within each would have a negligible impact on the character and appearance of the site in the short term.

The report identifies the presence of a veteran and ancient oak growing within the north-eastern boundary hedgerow confirming that are no proposed incursions into the root protection area. Veteran trees are afforded protection within the NPPF (paragraph 180 (c). Any reserved matters submissions should ensure that the required root protection areas are provided. The report details that the trees within the site can be protected during the construction period and successfully integrated into the site post development.

Hard and soft landscaping would be considered at reserved matters stage if outline planning permission is approved.

The scale of development proposed would enable the provision of tree lined streets in accordance with paragraph 131 of the NPPF 2021. Planted street trees would need to be set within the public realm to allow ongoing management for the lifetime of the development.

Ecology

The application was submitted with Preliminary Ecological Appraisal, Roman Snail Survey Report, Reptile Survey Report, Bat Survey Report and Great Crested Newt Report.

The Bat Survey Report details that overall, there was a low level of bat activity observed at the site and no bats were seen to emerge from any of the features monitored on site. However, there remains potential for bats to roost in the trees surveyed and therefore a precautionary approach to the start of works is recommended to minimise disturbance to any potential roost. The report concludes that providing a precautionary approach is followed, a European Protected Species Mitigation licence in will not be required.

The submitted Reptile Survey Report confirms that overall, it is considered that reptiles will not pose a constraint to development. However, a precautionary approach, including an ecological watching brief is recommended during the vegetation clearance works which should conducted under the supervision of a suitably qualified ecologist who will guide the works.

The Great Crested Newt Report details that a total of six ponds within 500m of the site were included in the survey. The pond surveys were led by the holder of a great crested newt survey licence. The survey used the Habitat Suitability Index calculation. Ponds 2 and 6 were assessed as being below average in their potential to support great crested newts, whilst ponds 1, 3, 4 and 5 were assessed to be poor. The report concludes that no great crested newts were found during the pond surveys. Recommendations for vegetation and scrub clearance are specified to be supervised by a suitably qualified ecologist

The Roman Snail Survey Report comments that empty operculum belonging to Roman snails have previously been found on the site, However, during the surveys no signs of Roman snails were identified. The report recommends a precautionary approach to vegetation clearance is recommended.

The submitted ecological survey work has been useful in the officers understanding of the site constraints. The key areas of sensitivity have been highlighted and suitable mitigation has been identified. The development would enable the enhancement of existing planting around the site, which would provide the opportunity for biodiversity gain.

In conclusion on this element, the proposals would develop a site with existing boundary vegetation and this will be retained and enhanced. The scheme would have the benefit of providing strategic level growth for the district. The development of this site has the capacity to allow for ecological enhancements in line with the NPPF at paragraphs 20 and 174. A planning condition ensuring that the development proceeds in accordance with the recommendations and mitigation measures set out within the ecological reports is recommended, should members be minded to grant planning permission.

Archaeology

Officer's note the detailed comments set out within the consultation response from ESCC Archaeology. Officer's note that the site is not within an Archaeological Notification Area, however, the ESCC County Archaeologist has commented that Archaeological Desk-Based Assessment identifies isolated findspots Mesolithic and Neolithic flint implements within 1km of the site and evidence of Bronze Age and earlier activity in the wider area. Some limited Iron Age and Roman activity is also recorded within approximately 1km of the site. A deserted medieval village is recorded within Buxted Park. It is the opinion of the ESCC County Archaeologist that In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be identified and either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. The proposed conditions would ensure that any planning permission granted would proceed in accordance the NPPF.

Developer's Contributions

The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP and Regulation 123 List, in particular demands placed on local 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. Regulation 70 is key and does make clear that CIL is relevant to this application and therefore, material to the consideration of this application by members of the planning committee. A planning condition is recommended, which would ensure the CIL amount provided by the 65% market housing would be secured by any grant of planning permission by the members of the planning committee. This CIL funding will also help meet the demands placed on health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development.

Reduced time limit for Planning Permission

At the time of writhing this report the Council has a significant shortfall in the five year housing land supply, notwithstanding the grant of acceptable planning permissions for housing development by planning committee, the need to deliver housing is critical. The Council is working toward the submission of a Local Plan but it is not possible to delay applications that would boost housing land supply until the Local Plan is adopted.

Paragraph 77 of the NPPF sets out that local planning authorities should consider imposing a planning condition with shorter timescale for the commencement of development to help ensure that proposals of housing are delivered in a timely manner. A condition has been recommended that reduces the timescale for the commencement of development within two years from the final approval of reserved matters. This is a reduction on the standard 3 years but longer than the usual suggestion of one year acknowledging the work that will need to be done in terms of surface water drainage should permission be granted.

Sustainability and Planning Balance

The first section of the NPPF deals with "Achieving Sustainable Development", which it identifies as the purpose of the planning system. Paragraph 7 sets out the three dimensions to sustainable development as being the economic, social and environmental roles which should not be taken in isolation as they are

mutually dependent and that they should be sought jointly and simultaneously through the planning system.

In terms of the wider economic role, the development would contribute towards economic growth during the construction phase. SPO8 through the encouragement of sustainable growth seeks to enhance villages to support day to day needs of rural communities. Prospective occupiers would help to support the range of local facilities and services in Five Ashdown (village shop/post office, public house, 5Ashdown Garage car sales and Clarks Motorist Centre including public transport, would contribute to the vitality of the locality and social cohesion. It would also provide short term construction jobs – economic benefits. There would also be benefits from CIL contributions that should be acknowledged in the planning balance.

In terms of the social dimension of sustainable development, the scheme would increase the supply and choice of housing providing a mix of housing sizes and types, including affordable homes that would accord with the evidence of the Wealden Local Housing Needs Assessment (August 2021), in an area where the evidence indicates there is a significant need for both market and affordable housing. The development is related to the village and in walking distance its facilities.

In meeting the environmental role the loss of the existing small field to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be significantly harmful to the landscape character, given that the effects would be very short term in the landscape and the proposed development would retain boundary vegetation further buffer planting could be incorporated into the scheme design. Subject to the provision of a satisfactory drainage system which would be controlled by conditions, the developable area, which is located within Flood Zone 1 will not be at risk from flooding nor would it increase flood risk elsewhere. The separation distances between the existing and proposed dwellings, combined with the proposed landscaping, would be determined through the subsequent submission of reserved matters to protect the living conditions of neighbouring residents. Development would cause less than substantial harm to the setting of the identified heritage assets and that harm must be balanced against wide public benefits. It is considered that the level of development can be satisfactorily accommodated without harm to the wider rural environment, neighbouring residential properties, heritage, and will provide both landscape and biodiversity enhancements to the locality. The current application would conserve and enhance biodiversity interests (paragraph 170 of the NPPF and policies WCS12 and WCS13 of the Core Strategy Local Plan), and would not increase flood risk elsewhere (paragraph 163 of the NPPF). On its own merits, the application meets the environmental expectations of the NPPF.

The development will prove much needed housing for the district. The scheme proposes one two and three bedroom properties which are recognised within in base ‘Wealden Local Housing Needs Assessment’ August 2021 as being in demand within the district the development would also provide affordable housing units and self build opportunity.

As discussed in the preceding paragraphs, it is considered that the site is acceptable, in principle, for residential development. The development proposal clearly meets three dimensions of sustainable development as set out in paragraph 7 of the NPPF, an economic role, a social role and an environmental role.

It is acknowledged that that the Council is not, at present, able to demonstrate a five year supply of housing. The NPPF seeks to boost the supply setting out that a key test which is a Councils' ability to demonstrate a five year supply of deliverable housing sites. Without this supply, paragraph 11 of the framework provides that policies for the supply of housing should not be considered up to date and the considerations of Paragraph 11 regarding presumption in favour of sustainable development will apply. This is a material consideration of this application. Saved policies GD2 and DC17 of the Wealden Local Plan (1998) have been afforded less weight in the planning balance as a result, as they regulate housing supply.

Policy WCS14 of the adopted Wealden Core Strategy gives a presumption in favour of sustainable development. Officer's note that page 12 of the Wealden District Council Climate Emergency Plan (20 December 2019) states 'In addition to the spatial planning objectives, the Core Strategy provides policies relevant to the Climate Emergency Plan, including policies on sustainable development, climate change and sustainable construction. The development would therefore be in accordance with the Wealden District Council Climate Emergency Plan.

The above details set out in preceding paragraphs to this section, outline that the location of the site would broadly accord with the strategy of the development plan, insofar as it can be argued the location has access to public services and public transport and would not adversely affect neighbouring property or visual amenity. As well as the acceptable 'sustainable' location, it is also acknowledged that the development would provide a relevant and valuable contribution to the Council's housing supply inclusive of affordable housing units and a self build plots.

Habitat Regulations Assessment

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

Assessment of likely significant effects on the SPA

The qualifying feature underpinning the SPA designation is the concentration of Dartford warbler and European nightjar. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or

restored as appropriate so that it continues to support the population and distribution of its qualifying features.

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

The application proposal would facilitate a permanent increase in the number of people living within a short drive of the SPA. The Ashdown Forest is an attractive semi-natural area which is close to the application site. It is somewhere future residents of the home(s) proposed would likely wish to visit for recreation. Evidence in the form of visitor surveys carried out for the Council demonstrates that residents living within 7km of the Ashdown Forest are likely to visit it. This would provide a pathway of effect for recreational disturbance.

Given the above analysis, an Appropriate Assessment, in accordance with Regulation 63 of the Habitats and Species Regulations, is required to consider the implications of the proposal for the integrity of the SPA in view of the conservation objectives.

Due to the small scale of the proposed development there is no scope to provide on-site mitigation for the impacts on the SPA. Thus, it is necessary to secure a financial contribution towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. This is an approach supported by Natural England (NE).

The contributions would be used to improve the visitor experience at the nearby strategic SANG in order to displace recreational trips away from the SPA. There is capacity at the strategic SANG to accommodate the recreational trips that would arise from the application scheme. The contribution towards SAMM would be used to monitor and limit recreational disturbance at the SPA.

The mitigation would help support an alternative recreational destination for residents of the scheme and assist in managing the SPA in a favourable condition as a habitat for Dartford warbler and European nightjar. The mitigation would ensure the proposal would not adversely affect the integrity of the SPA, as its condition need not deteriorate as a result of the application.

The contributions would be directly related to the impacts of the proposal on the SPA and necessary to make the development acceptable. Moreover, the contributions would be fairly and reasonably related in scale and kind to the development, as they follow the methodology for calculating them in the Council's strategy. Accordingly, the contributions towards SANG and SAMM are obligations that can be taken into account.

In conclusion, subject to the mitigation discussed above and secured through the planning obligation, the scheme would not adversely affect the integrity of the SPA in view of the site's conservation objectives. Accordingly, the proposal would not be at odds with Policy WCS12 of the Wealden District Council's Core Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

Assessment of likely significant effects on the SAC

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

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

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

The Council had proposed a new Local Plan in 2019 which sought to deliver 14,228 homes and 22,500 square metres of business floorspace (now withdrawn). At that stage the Council concluded that under its Scenario A (no improvement in car emissions) that an adverse effect on the integrity of the SAC from residential development in its area could not be ruled out. That conclusion was robustly challenged by other authorities, developers and most importantly NE at the examination in public. In March 2019, NE published its European Site Conservation Objectives: Supplementary Advice on Conserving and restoring site features ("the NE Advice") following consultation and based on extensive scientific work which reached unambiguous conclusions at p13 on Air Quality (AQ) and Nitrogen Deposition (ND) even without improvements in car emissions over time that "nitrogen levels from additional transport [as a result of the expected housing development in the surrounding areas] would fall below the level that would reduce species richness on the site even if the expected declining trend in Nitrogen failed to materialise". There was clear advice from NE, the national adviser on these matters, that the housing development in the wider area in combination would not adversely impact integrity because it would not infringe the relevant conservation objectives. NE also referred to

improvements in AQ/ND as a result of existing rules under which all new vehicles were being manufactured – not relying on the long term future uncertain forecasting that was criticised in the Dutch Nitrogen cases (C-293/17 and C-294/17).

The issue as to whether NE or the Council's approach to integrity was correct was thus a key focus of the first stage of the examination – and multiple parties made detailed submissions on the correct approach on the law and the facts.

The Council sought to justify Scenario A though the Inspector reached clear and unambiguous conclusions that the Council had adopted the wrong approach and that NE's approach was correct. First she dismissed scenario A on the basis that "this is contrary to what is already known" namely that "improvements arising from previous emissions will continue to work through the fleet and further improvements will occur" through existing legislative and policy requirements. This was not based on forecasts but was a conclusion based on what will not what might or should happen. That approach accords with the Dutch Nitrogen test if it applies fully here. Second, at para 9 she distinguished Dutch Nitrogen on the basis that the assessment of the correct baseline was not "mitigation" such as to trigger Dutch Nitrogen and thus consideration of improvements in the baseline was not precluded.

The Council accepted her conclusion after detailed consideration and withdrew the local plan. There was no challenge to the Inspectors approach. All other relevant authorities have followed NE advice – in preparing and promoting their Local Plans and that approach has been endorsed including by the inspector examining the South Downs National Park Authority who have now adopted their plan. No challenge was lodged to adoption. Given the issue is the same for all these authorities, (the same designated site, the same road network and the same requirement to an combination assessment) it is highly relevant that all have adopted NE's advice and judgments and have robustly rejected the conclusion set out in the HRA of the Draft Submission Wealden Local Plan and supporting evidence base (including by making representations at Wealden's local plan).

In light of the above, it is evident that:

a) the assertion that housing might have an adverse effect on the SAC by virtue of AQ/ND from increased cars has been robustly rejected by an independent inspector and has been found to be supported by no credible evidence base. No other authority has adopted it;
b) NE has advised robustly that there is no issue when the matter is assessed on a correct basis;
c) When it refers to the "evidence provided within the local plan regulation 19 consultation" it is plainly not adopting scenario A or the conclusions of the Council at that time;
d) NE's advice is to be accorded significant weight and is not to be departed from without good reason – here that requires a good scientific reason as to why its scientific conclusions are unsound;
e) all attempts by the Council to put forward such a scientific reason historically have failed;

f) nobody else has put forward such a good scientific reason (indeed any scientific reason);
g) nobody has sought to explain why the Inspector was wrong in concluding that the improvements in the baseline "will" occur. Those relied on are already built in to the future fleet by existing legislation

Considering the effects of that quantum of growth, NE is satisfied that this will not adversely affect the integrity of Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC from air quality impacts. NE's advice regarding air quality is that this conclusion can be reached without mitigation measures being needed under the specific requirements of the Habitats Regulations. The advice is based on the evidence provided, their expert knowledge of the particular characteristics, interest features and management of the designated sites in question and professional judgement.

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

Natural England have been consulted with the Appropriate Assessment and advise that they have no objection subject to securing appropriate mitigation.

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 development is in conflict with Policies GD2 and DC17 which restricts development in the countryside, material considerations which weigh heavily in favour of the development are the housing need and that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and meet the need for affordable housing. This is a highly significant material consideration and carries substantial weight in the context of the NPPF.

The agents have worked in a positive way with officers to provide a housing mix that would respond to the needs of the district, informed by the Councils most up to date evidence base, in addition the proposed development would not require the use of fossil fuel heating systems.

It is noted that the site is suitable for residential development and having regard to the planning balance and the considerations set out in the main body of the report, it is recommended that the application is APPROVED subject a S106 Agreement and planning conditions.

For: Planning Committee North
Date: 21 July 2022

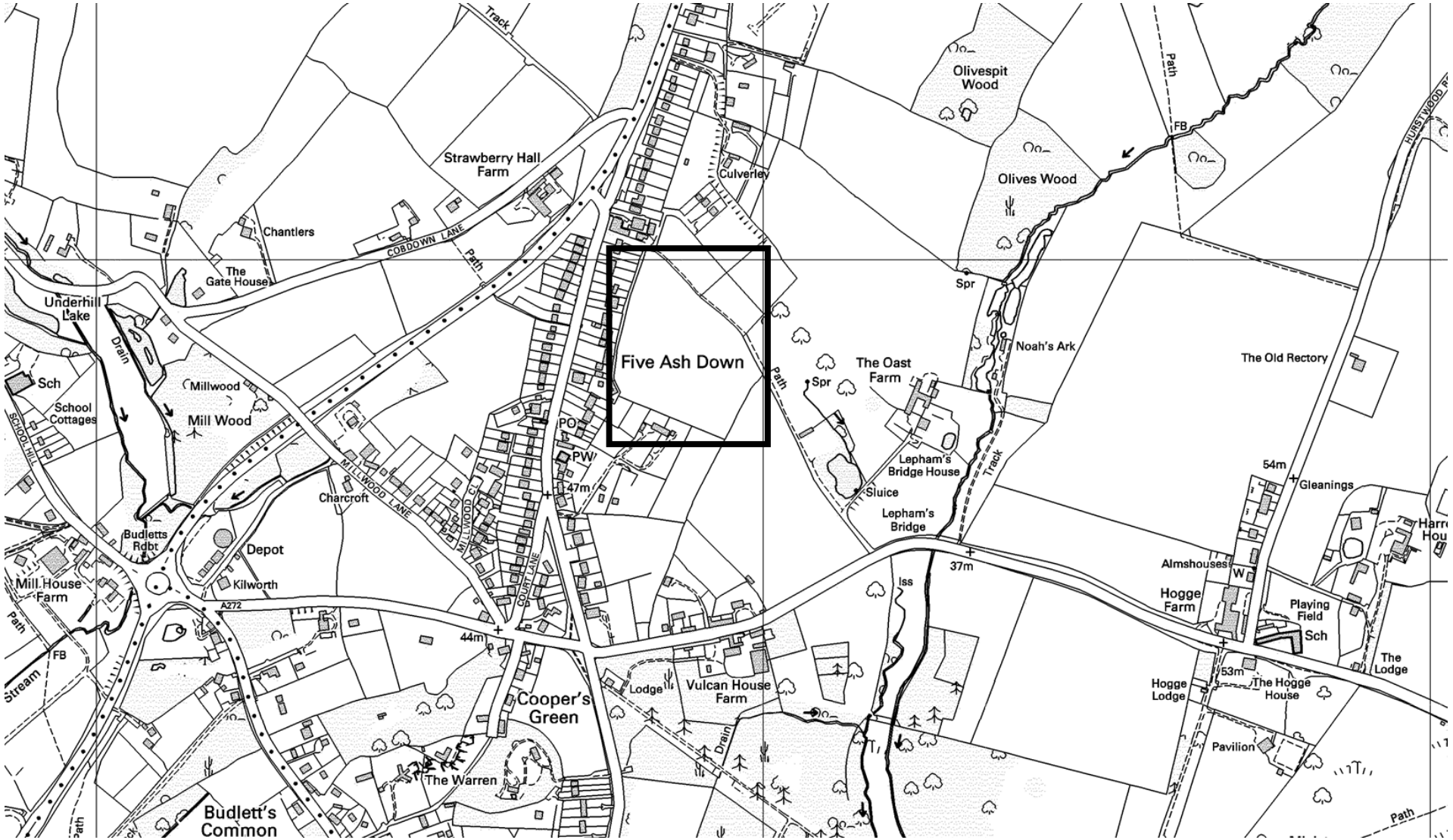
6. Contact points and references

Team Leader (M)	Claire Turner - Tel: 01892 602541
Case Officer:	Mr M Taylor, Senior Planning Officer – Tel: 01892 602560
Ward Member:	Cllr T Illingworth

For: Planning Committee North
Date: 21 July 2022

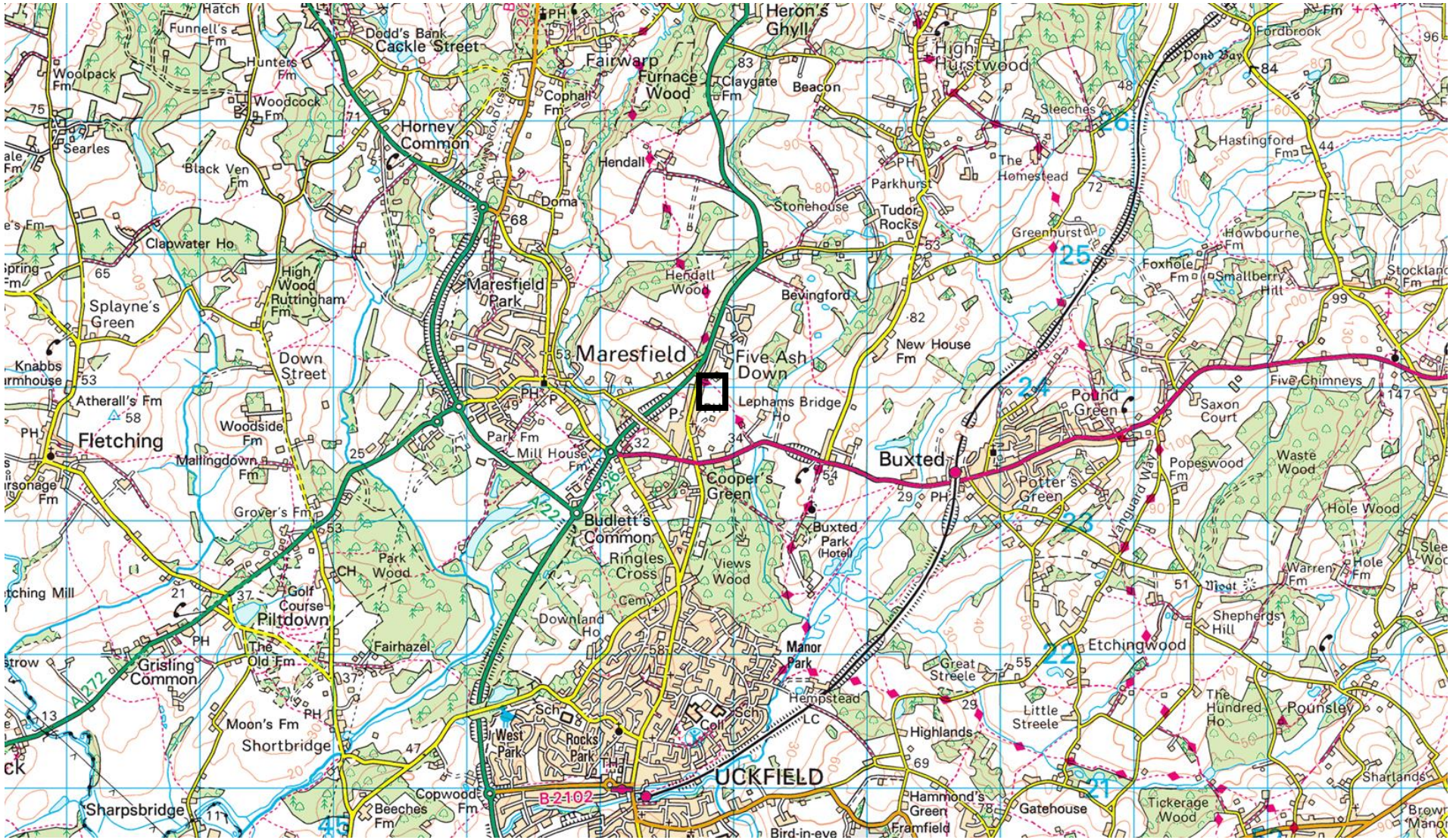


For: Planning Committee North
Date: 21 July 2022



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Date: 21 July 2022



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CPRE Sussex
Brownings Farm
Blackboys
East Sussex TN22 5HG
Telephone 01825 890975
info@cpresussex.org.uk
www.cpresussex.org.uk

The countryside charity
Sussex

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Date 12 July 2023

Dear Mr Salter,

Appeal Ref. APP/C1435/W/23/3321978
Gleeson Land and John Alison Land and Research Ltd.
Land at Downlands Farm, Uckfield

Below is our representation for the Downlands Farm appeal and we would appreciate if you would forward it to the Inspector.

We consider that this appeal should not be allowed as the appellant has not provided sufficient information to demonstrate that their proposal will not have an adverse effect on the conservation objectives of Ashdown Forest SPA.

Our reasons are as follows:

1. The Council has indicated that one of the reasons for refusal of the application is the appellant's reliance on a SANG that could impact the irreplaceable habitat (ancient woodland) on the site. CPRE (Sussex) is in full agreement with this reason, but would like to draw the Inspector's attention to a further reason not cited by the Council whereby the proposal is contrary to the requirements of the Habitats Regulations.

2. As it is inevitable that any development will lead to an increase in population and potentially an increase in visitors to the nearby SPA, to avoid any harm from trampling or erosion of the habitat or disturbance during the breeding season, mitigation or avoidance measures will have to be in place.

3. Considerable case law from the CJEU has established that before permission is granted for a development that could cause harm to a protected site, that any necessary mitigation shall both be certain in its provision and to be

effective. Certainty has been defined as being beyond reasonable scientific doubt.

4. The appellant is proposing to provide an on-site suitable alternative natural green space (SANG) as part of the development to mitigate the increase in population from increasing visitor pressure to the SPA, and to contribute towards the Council's SAMM strategy. The appellant considers that the SANG complies with Natural England's Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) – August 2021, a document that details the attributes a Thames Basin Heaths SANG (not Ashdown Forest) should contain. These attributes, split into "must have", "should have" and "desirable" have largely been derived from feedback from visitor surveys.

5. The appellant has compiled a shadow HRA (Report to inform a Habitats Regulations Assessment (HRA), Aspect Ecology, June 2022). This report predominantly relies on the content of the Council's August 2018 HRA produced to support its Reg. 19 consultation on its emerging local plan (now withdrawn). The shadow HRA is basically a summary of that part of the Council's HRA dealing with the SPA. Unsurprisingly, the conclusion of the Council's HRA with regard to the SPA and the appellant's shadow HRA are similar,

6. CPRE (Sussex) is surprised that the appellant has based their shadow HRA on the Council's August 2018 HRA as in January 2019, the Council published a revised version (the submission HRA[1]) which superseded the August 2018 document. Therefore, basing the shadow HRA on a superseded document must cast doubt on any conclusions remaining valid.

7. In their shadow HRA, the appellant has drawn the competent authority's attention to the following requirements:

   - The legal protection afforded by the Conservation of Habitats and Species Regulations 2017 (the Regulations). to the SPA (on page 1)
   - The need for a competent authority to undertake a HRA before any grant of permission can be made (on page 4).
   - That the precautionary principle should be applied, and the focus should be on objectively demonstrating, with supporting evidence, that there will be no adverse effects on the integrity of the European site. Where this is not the case, adverse effects must be assumed (on page 3).
   - That a grant of permission can only be made where no reasonable scientific doubt remains regarding the absence of harm to the conservation objectives of the site (on page 4).
   - That a HRA cannot have lacunae and must contain complete, precise definitive findings and conclusions as to the effects of the proposed works to the SPA (on page 4).
   - That a HRA must unequivocally demonstrate why the protected habitat types and species are not adversely affected. (on page 5).

[1] wealden.gov.uk/UploadedFiles/A35.-Habitats-Regulations-Assessment-January-2019-1.pdf

8. That any mitigation measures shall be sufficiently certain i.e. it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out.

9. Clearly, a positive appropriate assessment requires a very high degree of evidential proof.

10. But whilst this shadow HRA is very strong on recoding the requirements of an HRA, it fails to provide any evidence that the provision of the SANG and a contribution to the Council's SAMM will then avoid harm to the SPA. The shadow HRA appears simply to assume that SANG/SAMM will provide effective mitigation but it does not provide any supporting evidence.

11. The appellant is not alone in not providing evidence within an appropriate assessment. The Council has previously undertaken numerous appropriate assessments when it has granted permission for development within the 7km zone. None of these assessments contain any evidence that demonstrate that the strategic SANG on which the proposed development seeks support, and SAMM, will be effective. These appropriate assessments clearly do not meet the threshold required by the Regulations.

12. In these appropriate assessments[2], it appears that the Council has simply assumed that SANG/SAMM provides effective mitigation. But without any evidence of the required standard to demonstrate this effect, the assessment fails to reach the required standard.

13. A FOI request[3] was submitted to the Council in February 2019 requesting the evidence that SANG/SAMM provide effective mitigation. The Council refused the request on the basis that the information was in the public domain and specifically referenced the January 2019 HRA. This HRA (like it's predecessors), does not contain evidence for the effectiveness of SANG/SAMM).

14. Before an appropriate assessment can be deemed complete, the competent authority has to consult Natural England. Generally, Natural England accepts the findings of the SPA assessments presented to them by the Council. At times, Natural England states that as long as the Council ensures that contributions are received from the developer in line with the SANG/SAMM tariff, then the Council can conclude no adverse effect in their appropriate assessment.

15. A FOI request was submitted to Natural England in March 2020 asking them to provide the evidence that enabled them to confirm in their 5 October 2018 response to the Council's Reg. 19 consultation that the measures contained in Policy EA2 would prevent an adverse effect to the SPA.

[2] See Appendix 1

[3] See Appendix 2

16. In their response[4], Natural England stated that the evidence that the mitigation will be effective is included within the HRA produced for the local plan.

17. The August 2018 HRA does not contain evidence that SANG/SAMM will be effective (nor does the January 2019 version). A conclusion was drawn from the two FOI responses that neither the Council, nor Natural England can provide evidence that SANG/SAMM is effective. For the SPA

18. In May 2021, the Council's Head of Legal confirmed in an e-mail[5] to a Councillor, that the Council was unable to confirm that they have scientific evidence beyond reasonable scientific doubt that SANGs and SAMM are effective in mitigating damage to the SPA arising from development. The reason was that "the issue of what constitutes "scientific evidence beyond reasonable doubt" under the Habitats Regulations is the subject of a continued battle in the courts who are yet to provide clarity on what is required to meet this stringent evidential test.

19. A case search has not provided any reported instances seeking to clarify what constitutes scientific evidence beyond reasonable scientific doubt.

20. Undoubtedly, the shadow HRA contains considerable lacunae and completely fails to provide any complete, precise and definitive findings concerning the impact the provision of SANG/SAMM would have on the SPA in terms of visitor numbers.

21. With this lack of evidence, the evidential threshold of being beyond reasonable scientific doubt obviously cannot met.

22. Under the precautionary principle, which requires evidence of the absence of harm, there is insufficient information provided to enable a competent authority to reach a positive conclusion from an appropriate assessment.

23. Accordingly, the proposal would be at odds with Policy WCS12 of the Wealden District Council's Core Strategy and saved Policies EN1, EN7 and EN15 of the Wealden Local Plan (1998).

24. Therefore, we do not consider that the appeal should be allowed.

Yours sincerely,

[redacted]

[4] See Appendix 3

[5] See Appendix 4

Appendices

Appendix 1

Officer report to committee on 21 July 2022 for application WD/2021/1895/MAO Land at Coopers Row, Five Ash Down, TN22 3AN.

The text for the appropriate assessment for the SPA is highlighted on pages 71 - 73.

Appendix 2

Council response to FOI request February 2019

Appendix 3

Natural England response to FOI request March 2020

Appendix 4

E-mail from the Council's Head of Legal

For official use only (date received): 12/07/2023 14:53:56

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

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

DETAILS OF THE CASE

Appeal Reference	APP/C1435/W/23/3321978
Appeal By	GLEESON LAND AND JOHN ALISON LAND AND RESEARCH LTD
Site Address	Land at Downlands Farm Uckfield TN22 3PU Grid Ref Easting: 546619 Grid Ref Northing: 122026

SENDER DETAILS

Name	[redacted]
Address	CPRE Sussex Unit B4c, Brownings Farm Lewes Road, Blackboys UCKFIELD TN22 5HG
Company/Group/Organisation Name	CPRE Sussex

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence

☐ Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	12.07.23 Representation to PINS for 3321798.pdf
File name:	Appendix 3.pdf
File name:	Appendix 2.pdf
File name:	Appendix 4.pdf
File name:	Appendix 1.pdf

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