

For: Planning Committee South
Date: 24 March 2022

WD/2021/0594/MEA - HINDSLAND, EASTBOURNE ROAD, LOWER WILLINGDON, BN20 9NU

Summary of Proposal

Major Application with Environmental Assessment application for:-

OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS (EXCLUDING INTERNAL ESTATE ROADS BEYOND THE ACCESS TO SERVE THE MEDICAL CENTRE PLOT) FOR DEMOLITION OF EXISTING VACANT DWELLING AND ERECTION OF UP TO 180 NO. DWELLINGS AND MEDICAL CENTRE TOGETHER WITH ALL PARKING, SERVICING AND ON-SITE OPEN SPACE.

Received date: 18 March 2021
8/13 week date: 12 January 2022

Parish: Willingdon & Jevington
Ward: Lower Willingdon
Grid Ref: 558474 104110

Link to website:

<https://planning.wealden.gov.uk/plandisp.aspx?recno=153207>

<https://council.wealden.gov.uk/ieListMeetings.aspx?CommitteeId=660>

Recommendation

(1) Subject to the completion of a legal agreement to secure:

- 35% affordable housing provision;
- 5% serviced plots for custom and self-build units;
- Provision of serviced site for medical centre;
- Financial contribution towards any off-site sports pitches and changing rooms
- Travel plan with £200 flexible voucher for sustainable travel measures; residents information pack, £6000 audit fee and £36,000 financial bond.
- Bus service contribution of £600 per dwelling - total £108,000; RTPI and bus stop infrastructure for 2 bus stops closest the site; RTPI board for medical centre foyer.
- Off-site highway works including:
 - S278 for site access and HPEMAC cycle/footway extension along part frontage of site; tie in details, uncontrolled crossing point with refuge; right turn ghost lane.
 - Traffic calming scheme to mitigate cut-through traffic using the residential streets in Wannock area.

That the Council do not defend the appeal at Public Inquiry.

Reason for Referral

This application was originally being referred to Planning Committee South March Committee with a recommendation for approval subject to the completion of a legal agreement and conditions. The applicant however lodged an appeal on the 28 February 2022 with the Planning Inspectorate. The determination of the application is

no longer with the Council. However, having regard to the fact that the recommendation was for approval subject to the completion of a legal agreement and conditions, the application is being reported to Committee to seek agreement that the Council does not defend the appeal subject to the applicant completing a legal agreement to secure the items set out under the Heads of Terms as set out in the Recommendation. Conditions are not set out in this report as these would be agreed as part of the Statement of Common Ground.

Executive Summary

This application seeks outline planning permission for the demolition of the existing vacant dwelling and construction of a development comprising up to 180 dwellings and a medical centre together with parking, servicing and on-site open space. All matters are reserved for future consideration with the exception of access (excluding internal estate roads beyond the access to serve the medical centre plot). This application therefore deals solely with the principle of development and the means of access.

In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations 2017) an Environmental Statement has been prepared and the application has been assessed in relation to the Environmental Statement, which forms the basis of this decision.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that determination must be made in accordance with the plan unless material considerations indicate otherwise. The adopted development plan documents relevant to the application site are the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan, which was formally adopted on 19 February 2013, and the Affordable Housing Delivery Local Plan adopted in May 2016.

The application site formed part of a previous planning application, which also included the land at Mornings Mill Farm, (WD/2017/1942MEA) for 1100 dwellings with commercial, employment, leisure, education, and medical centre uses. The planning application was amended in November 2018 to reduce the number of dwellings to 700 dwellings during its consideration period. An appeal was made on grounds of non-determination and was subsequently dismissed in December 2019 (APP/C/1435/19/3230484). The proposal was dismissed solely on highway grounds relating to the fact that the applicant had not demonstrated that the proposed access arrangements would not compromise the safety of all road users. A copy of the appeal decision is appended to this report.

The proposed development would provide up to 180 dwellings, 35% of which would be affordable meeting the policy requirements of AFH1 and 5% self-build units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. In view of the Government's objective of significantly boosting the supply of homes, this would clearly be a benefit of the scheme. Moreover, the Council can currently demonstrate only 3.66 years (or 73%) supply of specific deliverable sites for housing, falling short of the five year requirement expected by the National Planning Policy Framework under Paragraph 74. In this context, the proposed housing, which would be in accordance with the growth strategy of the adopted Core Strategy, constitutes a

significant benefit that weighs heavily in favour of the development in the planning balance.

Furthermore, the absence of a five year housing land supply triggers the operation of Paragraph 11d of Framework. Paragraph 11d (ii) of the National Planning Policy Framework (2019) (the Framework) applies for the reasons set out in the main body of the report (having regard to a positively concluded Appropriate Assessment). This sets out that that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is known as the 'tilted balance' in consideration towards housing supply.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the two policies GD2 and DC17, which for the reasons set out in the report are given very limited weight. The site lies within the Strategic Growth Area SD4 identified in the adopted Core Strategy 2013 and the dismissed appeal was not on the grounds of the acceptability of the principle of development. Indeed the Inspector considered the appeal proposals in both the context of the adopted Core Strategy where she found the scheme complied with Policy WCS4, and the strategy of the emerging SWLP (now withdrawn) where she also found the development to be consistent with the growth strategy of the SWLP in principle. There are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development proposal. Therefore the presumption in favour of sustainable development is applicable.

In light of that and whilst duly noting the comments from all consultees and those who have lodged representations, there are no justifiable reasons against the development that could be sustained at the forthcoming appeal.

1. Statutory Bodies and Residents - Responses

Highway Authority

Summary: Two responses (received 7 January 2022 and 26 April 2021)

Second Consultation Response

NO OBJECTION

The highway response for Hindsland was written mindful of its separation from Mornings Mill (MM) farm site and on the basis that the MM site remains part of an allocated site for development, endorsed by PINS as being suitable for development whether development has been approved or not. On the basis that the highway mitigation measures are commensurate for this site, the S106 requirements and recommended conditions are unaltered. Should MM receive support anytime in the future, it would have to fulfil the obligations that have been agreed already.

My response to Hindsland development proposals has therefore made reference to MM Farm, but has highway related obligations that are specific to its scale and 90 trip peak generation for residential use.

The trips relating to the medical centre are partly already on the local network from the smaller surgeries that exist but will amalgamate to this site. Accessibility would be improved through the HPEMAC and crossing facilities, and there is a catchment area that is able to walk to this more efficiently than driving (health dependent)

On this basis the content within the summary remains as originally provided and no changes are recommended.

First Consultation Response

NO OBJECTION

This application is considered to be acceptable and can be accommodated on the highway network on the basis that there are a number of highway interventions that have been secured on the network for this area. This proposed development has taken account of the Mornings Mill Farm proposed development on the basis that it has been accepted as a development site in principle by the Planning Inspectorate, though was dismissed on grounds relating to multi modal access details and their relationship with the committed ESCC HPEMAC scheme.

The application is contingent upon the ESCC highway scheme at Wannock Road/Polegate High Street signalised junction* being delivered, traffic calming on key routes in Wannock residential area and access provisions onto A2270 to tie in with the HPEMAC**. It should be noted that the HPEMAC can be delivered independently of this development proposal. Bus service and infrastructural improvements are also sought alongside a robust travel plan.

This application does not raise highway objection subject to s106 obligations and highway conditions.

*ESCC Highway scheme – Wannock Road/Polegate High Street signals capacity improvements and removal of left turn slip lane is currently in the infrastructure delivery programme for early 2022.

** ESCC Highway scheme HPEMAC bus lane works and toucan crossing point is currently programmed for late spring/early summer 2022

Response

This application seeks outline consent for development of 180 dwellings and a medical centre of 2170 sqm with all matters reserved except for access. The proposal includes the removal of the existing single dwelling within the site and proposes a single point of access.

The site comprises a proportion of the Strategic Development Location for circa 700 no. dwellings as set out in the adopted Core Strategy (Policy WCS4 – Strategic Development Location 4 – SD4) along with a mix of other uses such as employment and education. The Hindsland site formed part of a wider outline planning application (with all matters reserved apart from access - WD/ 2017 1942 /MEA) for the development of a mixed-use urban extension of

Polegate/Willingdon comprising up to 700 dwellings plus employment, community and amenity uses. An appeal was made on grounds of non-determination and was subsequently dismissed in December 2019 (APP/C 1435 / 19 3230484). The proposal was dismissed solely on highway grounds relating to the failure to provide appropriate access details.

The local plan allocation for this site confirms the suitability for development. The Planning Inspector considered the appeal at the time when the Wealden Draft Local Plan 2019 (WDLP2019) was within its inspection period and the land allocation at this site had been proposed to be excluded. As the draft WDLP2019 was rejected, the allocation status as set out in the adopted Core Strategy was reaffirmed which effectively supports development in this location and reliant upon the delivery of highway mitigation measures on both the Strategic and Local Highway networks.

Existing conditions

The site has an existing use as a single dwelling, playing fields and demolished area that formerly accommodated pavilion buildings, though the area has been redundant for some years.

A2270 Eastbourne Road is a strategic route connecting the A27 part trunk road between Brighton and Pevensey; A22 between Eastbourne town and the M25 motorway, passing through a number of Wealden district settlements. Eastbourne Road currently carries an average of 23,820 vehicles on a daily basis (Annual Average Daily Trips-AADT) in 2019. Speeds are restricted to 40mph in the vicinity of the site. The character and appearance of this section of Eastbourne Road is suburban; there is frontage development on the western side of the A2270 with wide verges; the road has good forward visibility and carriageway width 9-9.5m, with indicative cycleway in both carriageways. Vehicle speeds/volumes have not been measured by the applicant's transport consultant close to the proposed access points. From ESCC survey data, recent speeds are recorded as reaching 85th %ile speed of 40 mph. These speeds were derived from a permanent counter at Willingdon Triangle from May 2019. This evidence demonstrates that the existing speeds are appropriate for the signed speed limit.

Polegate centre is approximately 1km from a central position of the site and provides a limited selection of local shops and amenities that can be reached easily on foot or cycle from the site. Willingdon primary and secondary schools are approximately 0.8km walk away through residential streets on the opposite side of Eastbourne Road. Tesco Metro is 0.5km away.

Eastbourne is located to the south of the site and provides a more comprehensive town/commercial centre and can be reached by rail, bus, cycle and private car.

The A2270 provides the main 'A' road in the area Willingdon/Polegate area south of the A22 and A27 and provides one of the main routes into and out of Eastbourne. This road suffers from significant congestion, particularly during

peak times. As a result of this congestion 'rat running' is a recognised issue particularly through Willingdon residential roads.

Car ownership in the Jevington, Willingdon, and Wannock area (middle layer super output area WD 021) has been calculated as an average of 1.3 vehicles per household (17% car free and 47% own 1 car) based on Census 2011.

Modal split for journeys to work based on census 2011 data reveals that 75% of those in employment travel by car or van, and 14% use sustainable modes such as walking, cycling or public transport; 5% are passengers in a car or van and 1% use a powered 2 wheeled vehicle.

Road safety data has been interrogated from Sussex Police and a period of 5 years has been looked at by the applicant and have been reviewed by this authority, March 2016 – Feb 2021.

- 2 slight injury crashes took place outside the site, on A2270 – both were driver error, and one involved a pedestrian crossing Eastbourne Road.
- 3 slight injury crashes took place on A2270 in vicinity of The Thatchings – these took place during peak periods – one involved a cyclist, 2 were rear shunts. All were driver error.
- 2 slight injury crashes took place in vicinity of the Petrol Filling Station – both rear shunt crashes, driver error; during peak periods.
- 3 slight injury crashes took place in vicinity of Church Road – one shunt, one involved a motorcyclist and one driver failed to see approaching vehicle – all driver error, one took place in peak period.
- 3 slight injury crashes took place in vicinity of Willows Farm access. All were driver error (fatigue, poor manoeuvre, and shunt)
- 7 crashes in the vicinity of The Triangle – 5 slight injury and 2 serious injury - 6 driver error, 1 related to illness

A number of the crashes are related to cyclists on the marked cycle lane and the shunt related crashes relate to peak periods when traffic is slow moving. The introduction of off-line formal cycle lanes as part of the HPEMAC scheme is likely to improve the cycling environment and reduce conflict between these vulnerable users.

The Proposal

This application seeks to secure a development of 180 dwellings and medical centre on land that formed part of the former Mornings Mill Farm application. Details of access and accessibility are being considered as part of this submission. To some degree, being an allocated site, and development having been considered by the Planning Inspectorate, the principle of development has been accepted.

The site forms part of the University of Brighton land, to the northwest of Mornings Mill Farm. The access proposals are shown as a new vehicular access ~ 90m north of Broad Road junction, a ghost right-turn priority junction, uncontrolled crossing point, and integral works to tie in with the HPEMAC to

include realigned kerb line, uncontrolled crossing point with pedestrian refuge, 3m wide cycleway/footway on site side. These access proposals were discussed with East Sussex County Highway Authority at pre-app stage and most recent HPEMAC drawings were shared with the applicant. The emerging proposal, although would tie into the HPEMAC, can be deliverable independently.

Vehicular Access

The submitted drawings have been subject to 2 road safety audits undertaken in February 2021– one without the HPEMAC scheme and the other with. These documents have been reviewed and the following comments are made by Highway Officer in italics:

Without HPEMAC:

- 1) 3.1.1 - Swale position within the site adjacent to proposed access road – this is within the site and would be subject to a reserved matters application in terms of layout. *I would recommend that within forthcoming details at RM stage, measures such as a boundary feature be considered to safeguard road users.*
- 2) 3.1.2 - Proposed access with Eastbourne Road – the problem highlighted relates to the approach from Eastbourne Road which is currently 40 mph limit which may enter the site at high approach speeds. *It is noted that the internal design speed and sign-posted speed limit is intended to be 20 mph.*
- 3) 3.1.3 Proposed shared use cycleway/footway– the issue relates to the surface details primarily, which should be provided with suitable polished stone value to prevent loss of control collisions and overshooting the junction. *This is a surface material related issue that can be overcome at detailed S278 stage.*
- 4) 3.1.4 - Eastbourne Road in vicinity of the scheme – high approach speeds could lead to side impact collisions or rear end shunts; Eastbourne Road is currently 40 mph speed limit. It is recommended that with the additional features such as right turn stack lane and pedestrian/cycle infrastructure, the built form will become urbanised and a 30 mph speed limit would be more appropriate. *The future of Eastbourne Road intends to be a 30 mph speed limit as part of the HPEMAC installation.*
- 5) 3.3.1 - Proposed access – lack of visibility could lead to side impact collision and rear shunts. There is a brow of the hill looking north which restricts visibility and pedestrian and vehicle intervisibility at the proposed refuge could be compromised. *A 120m driver sightline has been demonstrated on plan 15734-GA-009 (vertical visibility) which is appropriate for a 40 mph speed limit. HPEMAC proposes a 30 mph limit and would therefore require a shorter sightline.*
- 6) 3.4.1 - Shared use cycleway/footway – lack of buffer zone could lead to cyclist collisions, and there is concern that the lack of buffer between the road and cycle/pedestrian route could lead to cyclists being struck by vehicles. Recommend that a buffer is included. *A revised plan has been provided showing a buffer 0.5m between the carriageway and pedestrian/cycle route.*

- 7) 3.4.2 – South-eastern end of proposed cycleway/footway – lack of connectivity could lead to cyclist/pedestrian collision. *A revised plan has been updated to show connections with dropped kerb for cyclists, corduroy surface across the footway, tie in detail and tactile paving on refuge island and crossing.*
- 8) 3.5.1 - Proposed pedestrian refuge – absence of high mounted ‘keep left’ sign and illuminated bollards could lead to loss of control collisions. Recommend ‘keep left’ bollards and high mast signs to diagram 610 (TSRGD) which should be illuminated. *This can be provided as part of the s278 agreement as these are features within the proposed design.*

An auditor update has been requested following the revisions that have been provided to overcome the auditor’s comments where there is a problem identified.

Audit for highway works including the HPEMAC most recent scheme drawings:

- 1) 3.1.1 as above
- 2) 3.1.2 as above
- 3) 3.1.3 as above
- 4) 3.1.4 as above
- 5) 3.1.5 Approaches to the signalised crossing point. Inappropriate surfacing could lead to vehicle to pedestrian collisions or rear end shunts. Problem relates to approach surfaces being skid resistant. *This is part of the East Sussex HPEMAC scheme.*
- 6) 3.1.6 Approaches to the signalised crossing point. Inappropriate speeds could lead to vehicle to pedestrian collisions or rear end shunts. Problem relates to approach surfaces being skid resistant. *This is part of the East Sussex HPEMAC scheme which includes a 30 mph speed limit.*
- 7) 3.1.7 lack of maintenance provision could lead to swipe collisions, rear end shunt or vehicle to pedestrian/cycle collisions (no maintenance bay provision, which may lead to operatives parking in unsafe locations). Recommended that a vehicle maintenance bay be provided. *This is part of the East Sussex HPEMAC scheme which includes a 30 mph speed limit.*
- 8) 3.1.8 Eastbourne Road where it is being widened – proposed tie ins could lead to loss of control if different surface types result in differential braking, leading to loss of control collisions. Recommend consistent surface. *This can be provided as part of the s278 agreement as these are features within the proposed design.*
- 9) 3.1.9 – Eastbourne Road, ponding of surface water could lead to loss of control collisions. Recommended that drainage details to ensure surface water is appropriately managed. *This can be provided as part of the s278 agreement as these are features within the proposed design.*
- 10) 3.3.1 as above
- 11) 3.4.1 as above
- 12) 3.4.2 as above
- 13) 3.5.1 as above

The road safety audits have highlighted problems that are consistent across the proposed scheme with and without the HPEMAC County highway scheme. It should be noted that with the HPEMAC the proposed speed limit will be 30 mph

and Eastbourne will be provided with urbanising features which will promote and influence speed reduction. A number of the problems relate to the either the HPEMAC related design details or features within the design of the proposed development related highway works which can be provided at s278 (detailed design stage) There has been sufficient detail provided relating to access for this site to enable a suitable audit outcome of this application to consider in safety terms. From a highway authority perspective, the proposed development would benefit from the overhanging vegetation on the highway verge adjacent and north of the access to be cut back to allow clear sightline in that direction; and that the installation of the HPEMAC with the 30 mph speed limit would provide benefit to the local environment by having a signalised crossing point (toucan is part of the scheme), bus lane, pedestrian and cycling facilities.

In terms of the access, this is considered to be acceptable in terms of the geometry, swept path provision for service vehicles, and non-motorised user provision. RSA review of the scheme promoter's response has been provided and accepted on all matters (provided by email directly to applicant and forwarded to ESCC highway Authority).

The existing access is shown to be retained, though no details are provided. It is assumed that the access would be retained for purposes of servicing the attenuation pond proposed in the south east corner of the site and be available to pedestrians accessing the site.

Access by sustainable modes

Public transport – Following consultation with the ESCC Passenger Transport Team, the following comments have been provided (in blue) which also propose that contributions are sought from this applicant, should consent be granted.

Bus travel

All proposed dwellings would be within 400 metres of the existing bus stop positions on Eastbourne Road, located adjacent and opposite to the Broad Road junction. Both bus stops require infrastructure improvements, funded through this development and/or the Mornings Mill application. These improvements will also need to be considered in the context of the proposed new bus and cycle lanes. There will need to be safe and accessible pedestrian access to both the northbound and southbound bus stops from the proposed development.

The current northbound bus stop is awkwardly positioned in a 'layby' adjoining the Broad Road junction, with a bus stop flag attached to a lamp post to the north. The length and profile of the layby is unsatisfactory. This needs to be altered to align with ESCC's bus lane proposal (see attached 'Panel 6'), which could additionally include the proposed works on the southern side of the northbound junction, including the widening of the traffic island to accommodate cyclists. This also may require, as noted in Panel 6, the relocation of the postbox and telephone wire (the telephone box has already been removed). This bus stop itself will require a raised kerb, bus stop clearway (or bus lane markings), bus shelter, real time information sign and socket type bus stop pole (to ESCC's design).

The current southbound bus stop may be changed as a result of the Mornings Mill southbound bus lane proposals. The necessary bus stop improvements here should therefore try to take account of these works. The bus stop, either in its current or new position, will require contributions for a raised kerb, bus stop clearway (or bus lane markings), bus shelter, real time information sign and socket type bus stop pole (to ESCC's design).

Bus Service Contribution

Currently this location is served by routes 54 and 98, providing two buses an hour, Mondays to Saturdays daytime. An hourly Sunday service is currently provided (route 54A), which is reliant on Section 106 contributions from developments in the Polegate area. There is no evening service.

The Mornings Mill development, if it proceeds, is expected to provide a total bus service contribution of £420,000. This is wholly insufficient to provide the expected improvement of bus service, i.e. to increase the Monday to Saturday daytime service to four buses an hour (by providing two additional buses an hour), to provide an hourly evening service, and ensure a minimum of an hourly Sunday service (though preferably two buses an hour). The Mornings Mill development is expected to be 700 homes, so the contribution equivalent to just £600 per home. This contribution will be pooled with the £420,000 from the Mornings Mill development so as deliver overall frequency improvements to bus services directly serving these developments.

Footway/cycleways

Access on foot and cycle are being provided as supplementary highway works to effectively extend the HPEMAC provision by providing a footway/cycleway of 3m in width to link to the proposed provision. Routes are available to Polegate Street and rail services using the existing footway network. There are no direct connections to footpaths 5 and 6 that link through Mornings Mill Farm to the north to reach Black path and Poly Arch/Lynholm Road, though these can be reached using Eastbourne Road along the footway or proposed HPEMAC footway/cycleway when constructed. It is noted from the indicative masterplan for the site that openings to allow scope to connect west, north and east are shown to permit permeability to access Mornings Mill site and ESCC land in the event that these land parcels are developed in the future. As this site provides a medical centre, the need to allow permeability from adjoining land areas is appropriate. As the access provisions for these links can only be indicative at this stage, as there are no committed developments on surrounding land, these connections can be secured as part of any reserved matters relating to layout. A condition relating to accessibility should be included to ensure non-motorised connectivity, to adjoining land that becomes developed in the future, is secured.

Proposed development

The site proposes a medical centre and 180 dwellings within the site area. The application form states 117 market and 63 affordable dwellings; and the illustrative masterplan proposal shows a mix of housing sizes, dwelling and medical facility of 2170sqm over three storeys.

The housing breakdown is not definitive at this stage and is a consideration for reserved matters stage though shown on the indicative site layout, of the 180 dwellings, 67 of the units are flats and 8 are bungalows. The TA suggests that both garages and open parking spaces are being proposed. It should be noted that garage spaces can only be counted as 0.3 of a space and for these to be counted as a full space, there is preference for car ports with no means of closure. Tandem spaces should be avoided where possible. The quantum of parking based on the flats and houses indicated is considered to be acceptable.

The medical centre is within a dedicated plot of 5951sqm with 111 parking spaces including 7 blue badge/accessible spaces. It has its own separate access provision and is located close to the site frontage. It is shown to have footway provision at 3 points from Eastbourne Road – the proposed site access, the existing access which links to a path around the attenuation pond, and a footway reaching Eastbourne Road between these two points.

The layout of the medical centre shows 111 parking spaces and ambulance space within the plot. The building has been advised by a local medical centre operator and seeks potential for 19 consulting rooms, 6 treatment rooms, 5 multi-purpose rooms, 1 phlebotomy room; to accommodate 60 staff.

ESCC parking standards suggest that for health centres, 4 spaces per consulting room plus 1 space per 2 auxiliary staff are required. It is considered that the level of parking shown is adequate for the scale of the medical facility. It is noted that a similar sized medical facility with pharmacy was approved in Reef Way Hailsham with 68 parking spaces.

Being outline, parking/layout would be subject to reserved matters application to consider. The indicative layout of the medical centre demonstrates that it can provide the building and a suitable level of parking, circulation space and links to proposed footway network. The level of EV charging and cycle parking has been indicated to also be included.

The indicative layout demonstrates that both elements of this application can be accommodated within the site, with the required accessibility, parking provision and circulation in principle.

Highway Impact on the existing network.

The site has been part of previous planning proposal and was combined with Mornings Mill Farm (WD/2017/1942/MEA), originally submitted for 1100 dwellings with commercial, employment, leisure, education, and medical centre uses. The residential element was reduced in scale to 700 dwellings during its consideration period. After an appeal was lodged for non-determination, and dismissed by the Planning Inspectorate on grounds relating to inadequate highway related details to support the scale of the development (December 13 2019); the principle of development at the scale and associated impact was accepted subject to a variety of highway related interventions which were to be delivered by the applicant prior to and over stages of development progress.

Since the appeal decision, the Hindsland part of the application site has been separated and submitted as part of this application, and being part of the original WD/2017/1942/MEA application it has at Inspectorate level been provided with a planning decision which supports development at this site.

The trip rates used for this application had been agreed at pre-application stage for the residential use. As part of the 700 dwelling at all, the modelling scope was requested to include the proposed development on the adjoining site which has been submitted simultaneously (for 700 dwellings) as this level of development had been accepted by the Inspector for Mornings Mill Farm. As such, the applicant, for this application at Hindsland has provided modelling for 180 dwellings and a medical centre to include the current Mornings Mill proposal with housing quantum of 700 dwellings as well as a modelling exercise for 520, if it is considered that a total overall quantum of 700 dwellings over both sites is the ceiling quantum to accord with the Core Strategy local plan. Because a medical centre is proposed at both sites but will only be delivered at one, there is a level of double counting for that element of the proposal.

A total quantum of 700 dwellings was been modelled as part of the Mornings Mill dismissed proposal and was presented to the Inspectorate at Public Inquiry. This was from 2 proposed signalised access points separate from the access point proposed as part of this application.

For purposes of assessing this application, the modelling for 180 dwellings and medical centre + current Mornings Mill application proposal (700 dwellings, medical centre, employment, education, and community uses) will be considered.

The applicant's TA has drawn from Annual Average Daily Traffic (AADT) flow data held by the Department for Transport between 2004 and 2018. This states that this section of the highway network reached its peak flows in 2007 when ~24800 vehicles were recorded. Its lowest recorded year in that period was ~23000 in 2018. As referred to earlier, the 2019 flow figure is 23820. For reference and is in no way representative for assessing this application, the 2020 AADT flow was 20070 when the County was under Covid restriction for just over 9 months of that year.

Proposed trip rate for residential use for 12 hour period is 4.8 per unit, regardless of unit size. The emerging peak trips have been calculated to be – AM 0.517; PM 0.522 – 93 and 94 trips respectively. This is considered to be a robust estimate of the housing impact on the basis that flats and bungalows tend not to be family homes and will have a trip rate for 12 hour period of around 3 vehicle movements. However, as this is an outline application with unit size unconfirmed at this stage, the more robust estimate will be used but consideration given to the indicative housing breakdown as developments of this scale require an element of affordable housing and a mix of sizes.

The site's travel choices are regular rail and bus services, and proximity to dedicated cycle routes, all which have scope to reduce single occupancy car travel. The applicant has allowed as part of the impact assessment an assumption for a marginal growth in walking, cycling and bus use as an alternative to the private car, which would contribute to an approximate 10%

reduction in trips generated by private motor vehicle. Given that this is what the HPEMAC is expected to deliver, not just for this site but on a much wider scale, this is a reasonable assumption for car borne trips that originate in the locality. Furthermore, the wider site allocation also requires employment uses. For the residential proposal, a travel plan has also been submitted and will be discussed later.

Proposed trips for the medical centre have been assessed to be 61 trips per 100 sqm of floor space per day. It is noted that this facility will amalgamate other surgeries in the local area and provide a larger centre with a wider provision of services available. The size of the centre is 2170 sqm which would generate a total of ~1300 vehicle movements over the course of a weekday. As surgeries are generally open between 8 am and 6pm there are usually appointments throughout the day that follow a flat profile. There may be a slight peak at times that a specialist clinic is scheduled, but as the operation is appointment based there is a steady flow of arrivals and departures throughout the day. Looking at peak times, this use is likely to generate 118 AM trips and 94 PM trips based on the applicant's transport assessment and would mainly comprise staff arrivals and departures combined with patient appointments. This was verified using TRICS database and slightly less trips were the result (115 AM; 83 PM). Person trips have been calculated to be approximately 210 AM and 167 PM.

The applicant has considered in its review of the medical centre impact on the network the change in the way medical practices have operated and a future potential occupier has confirmed that of the 19 consulting rooms, 3 would be dedicated to virtual appointments. This is how many GP surgeries have been providing services during Covid restrictions and although not all appointments are anticipated to continue this way, there is scope that some medical consultations can be provided this way. The future potential occupier anticipates approximately 30% of appointments may be undertaken virtually according to the TA, though being anecdotal at this stage, a 20% assumption has been made in term of a reduction in private trips to reflect this. This would see a small reduction in vehicle and person trips.

Vehicle Trips with virtual appointment reduction – 94 trips AM; 75 trips PM
Person trips 168 AM; 134 PM

In combination, the residential and medical centre is likely to generate:

AM - 85 vehicles in; 90 vehicles out [175 total]
PM – 89 vehicles in; 68 vehicles out [156 total]

It is important to mention that the medical centre trips onto the network are already accepted to be part of the development as accepted for the original Mornings Mill application. So, although, this is a proposal on both sites, medical centre traffic will be double counted in terms of impact on the A2270, and consequently the impact from this site proposal would only be from the housing. It is also important to add that any proposed medical centre will be transferred patients from other nearby surgeries who are already potentially on the network but dispersed.

The HPEMAC improvements will have direct benefit to this site and provide more efficient bus services and cycle lanes to increase attraction to these modes as a regular way to travel as well as a toucan crossing point just south of Broad Road junction. The aspiration of this highway scheme is to reduce car travel by offering good quality alternatives which are to be complemented by this proposal (extending the cycle/footway) and the Mornings Mill site (providing tangible transit links to the north and west away from A2270), and having a signalised crossing point to provide a safe means of assisting pedestrians and cyclists across Eastbourne Road. Other highway improvements such as the HE A27 east of Lewes scheme which is committed, also intends to improve safety, capacity and efficiency of flows on the HE network.

Looking at this application in isolation, this level of traffic impact is not likely to result in a significant impact on the network, on the basis that the medical centre would attract traffic that would be on the network to reach other local surgeries.

The impact of 180 dwellings is unlikely to impact on the network in peak hour periods. If these are all houses, then the growth from the site would be 81 trips; if the level of smaller dwellings in form of flats and bungalows are taken into account (75 units indicated) then this level of traffic will be lower ~70 trips, or just over 1 vehicle per minute.

The TA considers the impact on nearby junctions as 41 additional two-way vehicles at High Street junction; and 46 additional two-way vehicles at Broad Road and Huggetts Lane in the AM; this is reflected as the same in the PM peak. In terms of how this will affect flows and junctions, and with this level of traffic distributed on the network, the impact is not likely to be discernible but will add to the existing busy nature of the A270.

When considered against the impact where Mornings Mill proposal is included, the TA sets out the operation assessments for junctions looking at scenarios 2021 baseline (2019 growthed with TEMPRO), 2030 with Mornings Mill 520, 2030 with Mornings Mill 700, and 2030 with Mornings Mill 700 and development 180.

- 1) Site access – this will operate well within capacity in year 2030 with Mornings Mill Farm 700 units proposed development
- 2) A2270 High Street/Wannock Road signalised crossroads – this junction operates within capacity with the exception of PM peak on Eastbourne Rd north arm; and with development as per the Mornings Mill appeal, the increase of flows that puts this junction at capacity which the Inspector considered not to be severe. When the flows for this proposal are added to Mornings Mill 700, there is shown to be growth in the PM peak period more so than the AM, with queues being 7 cars longer on the Eastbourne Rd north arm and 8 cars longer than on Wannock Road arm in 2030.
- 3) A2270 Eastbourne Rd/Broad Rd – this junction is shown to operate well within capacity in all scenarios with queues measured as one vehicle with both Mornings Mill 700 plus Hindsland 180 2030. This junction is not affected.
- 4) A2270 Eastbourne Road/Huggetts Lane signalised junction – the scenarios suggest that baseline PM peak Eastbourne Rd north arm is at capacity, and by adding Mornings Mill 700, by 2030 the Eastbourne Rd north arm

and Huggetts Lane arms are at capacity in both AM and PM periods. Queues on Eastbourne Rd north arm are ~ 180 vehicles in 2030 and adding on Hindsland 180, a further 20 vehicles are added to the queues in this period.

- 5) A27 /A22 – sensitivity testing has been carried out on the Highway England routes with Polegate junction and Cophall Roundabout. The additional vehicle count is expected to be 36 in each peak hour which is approximately 1 vehicle every 2 mins at Polegate junction and 1 vehicle every 3 minutes at Cophall Roundabout.

The Mornings Mill Farm modelling exercise was based on SWETS model which was specially devised to assess the distribution of traffic, including the diverted movements away from congested routes. This model is now outdated and cannot be used for current application. The applicant has in its place considered the actual flows on the network and added the Mornings Mill Farm as proposed, and the Brodricklands development to consider the overall impact with this proposal of 180 dwellings using growth factors up to 2030. Essentially, what cannot be modelled but expected to improve vehicle flows at critical junctions and increase patronage of bus mode and cycling are the proposals within HPEMAC which is a committed scheme scheduled in the next 12 months; and the package of measures that were endorsed at the planning inquiry for Mornings Mill proposal which will be required for the current development proposal at that site (WD/21/0174).

- 1) Huggetts Lane signals improvement (upgrade to signal box) £50,000 financial contribution
- 2) High Street, Polegate – Public Realm financial contribution of £1,383,000 in two instalments
- 3) Financial contributions towards HPEMAC
- 4) £420,000 bus service contribution, plus bus infrastructure such as stops, shelters, Real Time Passenger information for the relocated bus stops
- 5) Travel plan and audit fee – for all phases and uses in each phase
- 6) Polegate High Street signals ESCC scheme being implemented prior to occupation

Traffic on the A2270 is at a level that is recognised as busy during peak periods and are a result of a combination of demands at the Highways England section of the network where the A27 meets the A22 at the approach to the Cophall Roundabout, and queues at High Street and Huggetts Lane signalised junctions. This causes diversion of some traffic to route around the residential roads Wannock Road/Avenue to essentially by-pass the queues. As part of the Mornings Mill decisions and discussions, an ESCC highway scheme at the Polegate High Street junction, planned to provide improvements and to remove the left turn slip as a preventative measure of the rat running, so that journeys made this way have reduced benefit of this diversion. Any development associated with the SD4 site is contingent on this improvement. For this particular proposal, as a further mitigation measure to reinforce this, it is requested that a traffic calming scheme with speed limit reduction to 30 mph is secured as part of this proposed development to disincentivise further the use of residential streets to by-pass the A2270.

Travel plan

This is required to be secured through a s106 agreement. It is essential that this site and its proposed uses are supplemented with a suitable travel plan which covers a 5 year period for each phase and use in those phases. The applicant has provided with the application a framework travel plan which is welcomed. The Passenger Transport team has suggested that bus service improvements are required as part of this development and it must be calculated consistently with the Mornings Mill appeal decision. For that scheme, 700 dwellings et al required a contribution of £420,000 which is £600 per unit. For the uplift on the LP allocation being 180 dwellings, the financial contribution required for the bus services is £108,000. In addition, bus stop infrastructure improvements will be required for the nearest bus stops on Broad Road to include improvements such as bus stop clearways, shelter, seating and real time bus information boards. These hard measures are required to be secured as off-site highway works within a s106.

Measures that have been included in the submitted travel plan framework are:

- 1) Car club (EV) with allocated space and charging provision. Enterprise Car Club have expressed support in providing in this location.
- 2) Residents' information pack – to include local walking and cycle routes, cycle journey planning resources, promotion of cycle training, public transport information on routes and timetables, locations of nearby destinations and mapping with cycle/walking times and distances, car club details, home deliveries for shopping, setting up a local group on a social network site set up by the travel plan coordinator which should also promote car sharing, walking and cycle groups.

It is expected that measures should also include direct promotion of public transport and trip reducing features. A voucher per household for £200 should be provided for flexible use for bus/train tickets, cycle equipment, cycle training courses, online grocery shopping deliveries. For each household, Car club membership for a 2 year period with 50 miles drive time should also be provided and a twice annual Dr Bike visit to the development ensure that resident's cycle equipment is maintained to a good standard during the travel plan period.

Monitoring of the travel plan – baseline surveys should be provided at 50th occupation and not 50% and future surveys are required annually at this site, on the basis that sustainable travel modes should be reinforced on a much more regular basis to minimise where possible, the potential impact on the A2270 from single occupancy vehicles from the site.

A travel plan should also be provided for the medical centre staff, to encourage walking and cycle as a mode of travel to and from work. This should include cycle training, secure cycle parking, equipment on site such as a pump, repair kits, spare lights, and high vis jackets. Within the reception area/entrance, a real time bus passenger board is requested for staff/patient information.

It is also required to secure a financial bond up to the sum of £36,000 [£200 x 180 dwellings] secured within the s106 should the Travel Plan not achieve the

agreed objectives to fund additional measures to be agreed and include, though not exclusively, bus/train tickets, cycle training/maintenance, resident meetings, shopping delivery vouchers. This would be dependent on the outcome of surveys and TP monitoring which would be expected to be carried out annually from 50th occupation for a 5 year period.

The Travel Plan will attract an auditing fee of £6,000.

Summary

With the ESCC HPEMAC scheme and proposed Mornings Mill Farm obligations as set out in the Planning Inspector's report, this scheme can be accommodated on the network if further supplementary highway provisions and a robust travel plan which actively promotes alternative travel modes than the private car.

The HPEMAC intends to provide highway infrastructure which supports a more efficient bus service that would operate in its own lane and direct route for cyclists to reach Eastbourne town and its employment and education establishments. Furthermore, the adjacent site Mornings Mill Farm, has been confirmed by the Planning Inspectorate to be a suitable site for its proposal which includes employment, community uses and education which has scope to generate internal and short journey opportunities for both the proposed development sites and surrounding area,

It is on this basis, that with the expected increase in trips as stated and a strong travel plan, that it would be difficult to object on highway grounds.

The provisions required for this application, to be secured in a s106 agreement are:

- i) Travel plan with £200 flexible voucher for sustainable travel measures; residents information pack, £6000 audit fee and £36,000 financial bond.
- ii) Bus service contribution of £600 per dwelling - total £108,000; RTPI and bus stop infrastructure for 2 bus stops closest the site; RTPI board for medical centre foyer.
- iii) S278 for site access and HPEMAC cycle/footway extension along part frontage of site; tie in details, uncontrolled crossing point with refuge; right turn ghost lane.
- iv) Traffic calming scheme to mitigate cut-through traffic using the residential streets in Wannock area.

Proposed conditions:

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

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

- 2) The access shall not be used until visibility splays of 2.4m by 100m are provided in both directions and maintained thereafter. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

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

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

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

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

- 4) Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

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

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

- Temporary access provision
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access, turning, egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,

- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

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

- 6) Any signs relating to the development shall be erected clear of the highway verge and not obstruct visibility of drivers using the access where it joins the public highway

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

- 7) No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

- 8) The development shall not be occupied until the necessary strategic highway mitigation works for East Sussex Highway networks have been fully completed:

- A2270 and Polegate High Street signalised junction (ESCC scheme);
- HPEMAC (stage 1)

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

- 9) The development shall not commence until technical details of a traffic calming scheme for key routes in Lower Willingdon/Wannock has been submitted to and approved in writing by the Highway Authority and the development not be occupied until the construction of the traffic calming has been completed in accordance with the agreed specification.

Reason: To ensure the impact caused by traffic generated by this development is minimised on local residential streets

- 10) Prior to submission of reserved matters details for layout, non-motorised vehicular accesses from the site shall be provided in positions for approval by the Local Planning Authority in consultation with the Highway Authority

and laid out and constructed with purpose to provide formal inter-connectivity with adjacent sites.

Reason: To encourage and promote sustainable transport.

Please note:

- a) This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and 278 Legal Agreements between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- b) The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges/footways. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development, the applicant should contact East Sussex County Council's Transport Development Control team on 01273 482254 to arrange a photographic survey and joint inspection of the local highway network.
- c) The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.
- d) The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
- e) The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

Highways England

Summary: Four responses (received, 29 April 2021, 17 June 2021, 22 November 2021 and 16 February 2022). Moved from Holding Objection to No objection subject to conditions

Fourth Consultation Response (received 16 February 2022)

In view of the Council's position on the Mornings Mill Farm application and comments returned by colleagues at East Sussex County Council in relation to the operation of the Local Road Network we have revised our previous position and now require the Council to apply condition to the application to make the development acceptable in strategic highways terms if the Council are minded to grant consent.

Condition: Strategic Road Network Mitigation:

1. Prior to 91 occupancies within the development hereby permitted, the highway improvements to the A27 Cophall roundabout shall be constructed and opened to traffic in accordance with Intermodal Transportation Ltd.'s drawing No. IT432/SK/13 "POSSIBLE CAPACITY IMPROVEMENT ON COPHALL RBT" or other such scheme of works to substantially similar effect as approved by the Local Planning Authority (who shall consult National Highways).

Reason: To ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition: Construction Management Plan:

2. No works (including site clearance and/or preparation) shall commence on the development hereby permitted until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). The construction of the development shall be carried out in accordance with the approved Construction Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with National Highways). In particular, but not limited to, we would wish to see the following information contained within the plan:
 - the anticipated number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the network peak hours of 0800-0900 and 1700-1800 where practicable)
 - the parking of vehicles by site operatives and visitors (which must not be within the highway boundary)
 - the loading, unloading and storage of plant, materials and waste (which must not be within the highway boundary)
 - the erection and maintenance of security hoarding or other appropriate security barriers

- measures to reduce dust, dirt and any other airborne contaminants and to reduce as far as reasonably possible these passing beyond the site boundaries, which shall include sheeted loads and dampening stockpiles
- measures to reduce dust and dirt being deposited on the highway, including wheel washing and sheeted loads

Reason: To ensure that construction of the development does not result in avoidable congestion and disruption on the A27 Trunk Road, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Condition: Travel Plan

3. No part of the development hereby permitted shall be occupied until Travel Plan(s) or Framework Travel Plan(s) covering the relevant parts of the development have been submitted to and agreed in writing by the local planning authority (who shall consult National Highways). Thereafter the approved Travel Plans/Framework Travel Plans shall be implemented unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

First, Second and Third consultation responses: details can be viewed on the Council's web site www.wealden.gov.uk under the application reference

Southern Water Services

Summary: One comment (received 9 April 2021)

NO OBJECTION

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for large developments our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

- Initial feasibility, detail modelling and preliminary estimates.
- Flow monitoring (If required).
- Detailed design, including land negotiations.
- Construction.

Southern Water hence requests the following condition to be applied: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Environment Agency

NO COMMENTS RECEIVED

County Archaeologist

Summary: One comment (received 23 March 2021)

NO OBJECTION SUBJECT TO CONDITIONS

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

Detailed Comments

The proposed development is within an Archaeological Notification Area defining an area of wetlands containing a buried waterlogged prehistoric landsurface and associated organic structures and remains. The proposal site itself is considered unlikely to contain peat deposits due to its elevated position in relation to the surrounding topography, and its archaeological interest is considered in a recently prepared Heritage Desk Based Assessment to be limited to background potential for prehistoric and/or medieval activity relate to the exploitation of the Willington Levels for agricultural use.

However, by analogy with ongoing archaeological investigations at the nearby site of Brodrickslands and Hamlands Farm site (WD/2016/0986/MAO), the site may be considered to have a rather higher potential to contain hitherto unidentified evidence for prehistoric and later activity. Specifically, it should be noted that the significant and complex multiperiod activity now being revealed at this latter site was not detected in the results of a prior geophysical survey. In

view of this, the results of a geophysical survey carried out on the present application site (which identified little more than evidence for medieval cultivation, should be treated with caution and it is possible that extensive and complex archaeological evidence remains undetected on the proposal site.

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 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):

ESCC LLFA

Summary: One comment (received 8 April 2021)

NO OBJECTION

The information provided is satisfactory and enables the PCWLMB and 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.

Detailed Comments

Although the application site is currently shown to be in Flood Zone 1, this could be because the watercourses on site have not been modelled. The planning policy teams at Wealden District Council and Eastbourne Borough Council are currently undertaking hydraulic modelling to update the flood map. This includes the watercourses bordering the application site. The findings of this updated hydraulic modelling should be used to inform the development layout should planning permission be granted. The findings of the hydraulic modelling could impact the developable area and development quantum if parts of the application site are found to be within a fluvial flood plain. The later stages should demonstrate that there is no loss of flood plain as a result of the development and all surface water management structures such as swales and ponds should be located outside the fluvial flood plain extent.

The application site discharges surface water runoff into the Eastbourne Lakes, which includes Shinewater. Eastbourne Borough Council carried out an assessment into the capacity of these lakes, which was finalised earlier last year. The study indicates that there is likelihood of capacity issues within the lakes when conveyance between the lakes and climate change is taken into account. Therefore we recommend that the applicant consult with Eastbourne Borough Council regarding the availability of capacity within the lakes to accommodate the surface water volumes from the application site.

The greenfield runoff calculations presented in the drainage strategy report is based on the entire site. However, the proposals are not for covering the entire

site with impermeable surfaces. Taking this approach is likely to increase runoff from the application site as surfaces which are not served by the drainage design will continue to contribute surface water runoff into the watercourses at greenfield rates. Hydraulic calculations supporting the storage volumes quoted in the report have not been submitted, we could not find the assessed performance of the storage structures during a 1 in 100 plus climate change event. As a result it is not possible to make a judgement of whether enough storage volume has been provided. Nevertheless, it is our understanding from the wording of the proposals that the quantum of development sought could be reduced in the future if additional surface water storage is required. However, if our understanding is wrong please let us know, and provide us an opportunity to reconsider our response.

The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore the applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byelaw 3, which is the process by which the Board agrees the proposed discharge rates. This should be done at the stage the applicant seeks to fix the development layout.

East Sussex County Council has been monitoring groundwater levels in two boreholes adjacent to the site as part of its groundwater flooding project. The two boreholes recorded groundwater levels on the ground surface on several occasions between April 2018 and March 2020. Therefore the impacts of high ground water on the proposed surface water management system will need to be taken into account when the detailed design of this system is prepared.

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

1. Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the proposed **18.5 l/s** for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b. The details of the outfalls of the proposed attenuation ponds and how they connect into the watercourses shall be submitted as part of a detailed design including cross sections and invert levels.
 - c. The detailed design of the attenuation ponds shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base

- of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d. Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.
 - e. Evidence that the existing watercourses on site have been retained shall be provided.
2. Prior to the construction of the outfall, a survey of the condition of the watercourses which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.
3. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development
- These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.
4. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
5. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Natural England

Summary: One comment (received 7 April 2021)

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES.

As submitted, the application is likely to have a significant effect on Pevensy Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site. Natural England requires further information in order to determine the scope for mitigation.

The following information is required:

- Demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. provide a Habitats Regulations Assessment (HRA).
- Confirmation of a hydrological connection (or lack thereof) between the development site and the Pevensy Levels site.
- Further detail on the Sustainable Drainage System (SuDS) design, its suitability for the site and its management and maintenance, for the lifetime of the development.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Additional Information required

HRA

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Furthermore, Natural England notes that the applicant's 'Shadow Habitats Regulations Assessment: Stage 1 Screening' (March 2021) has screened the proposal to check for the likelihood of significant effects. The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts.

On the basis of information provided, Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on a European site(s) which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an Appropriate Assessment (following the People Over Wind ruling by the Court of Justice of the European Union).

For this reason, we advise that on the basis of the information supplied that the application may have a likely significant effect on the site(s). These measures therefore need to be formally checked and confirmed by your authority, as the competent authority, via an Appropriate Assessment, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). These measures, and any additional measures that can avoid or reduce any likely harmful effects, can be considered as part of the Appropriate Assessment, to determine whether a plan or project will have an adverse effect on the integrity of the European site.

SuDS

Natural England acknowledge and welcome that the applicant's 'Flood Risk Assessment and Drainage Strategy' (March 2021) includes at least two stages of treatment, that possible SuDS components have been considered following guidance in the CIRIA SuDS Manual, and that a drainage management and maintenance schedule has been proposed.

However, upon reviewing the information presented in this report, it is unclear as to whether there is an established hydrological connection between the development site and the Pevensey Levels designated sites. Although there is a brief mention of the development sites location being within the Impact Risk Zone of the Pevensey Levels, there is no further explanation as to whether this proximity has been taken into consideration during the SuDS design. For context, a recent application was submitted to Natural England (Ref: WD/2021/0174/MEA) for a development situated immediately adjacent to this development, where the associated Drainage Strategy (January 2021) suggests a possible hydrological connection with the Pevensey Levels and states that "The proposed drainage would be designed to safeguard the integrity of Pevensey Levels" (p.27). Given the neighbouring proximity of the two developments, it can likely be assumed that this hydrological connection applies to both sites.

As you are aware, where there is a likelihood of significant effects (excluding any measures intended to avoid or reduce harmful effects on the European site), or there are uncertainties, a competent authority should fully assess (by way of an Appropriate Assessment) the implications of the proposal in view of the conservation objectives for the European site(s) in question. Appropriate Assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites.

In order to consider the associated SuDS strategy at Appropriate Assessment, the following information is required:

- Hydrological connection – Evidence that the development site is not hydrologically connected to the Pevensey Levels to justify screening out surface water impacts at HRA, or, if likely significant effects cannot be ruled out, consideration of this potential impact pathway and proposed mitigation at Appropriate Assessment.

- Design – Certainty of the specific SuDS components and how these will form a treatment train to ensure all surface water goes through at least two stages of treatment.
- Suitability – Certainty of how the specific design will work within the context of the development site, due to aspects such as topography and groundwater conditions.
- Management and Maintenance – A commitment to a maintenance schedule (as outlined in the ‘Flood Risk Assessment and Drainage Strategy’, Appendix K) with a named management body, who will retain overall responsibility for the SuDS and ensure its efficacy in perpetuity.

Other advice

Standard advice was also set out regarding Protected Landscapes and impact on South Downs National Park

Crime Prevention Officer

Summary: One response (received 8 April 2021)

NO OBJECTION

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. 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.

Various design guidance and advice set out relating to detailed design and layout of the development.

South Downs National Park

Summary: One response (received 13 May 2021)

OBJECTION

In commenting on nearby applications for major development proposals, including WD/2021/0174/ME (Mornings Mill Farm) and WD/2020/2379/MAJ (Brodricklands and Hamlands Farm) the SDNPA raised concerns regarding cumulative impacts (including visual coalescence) of the proposals. The current application relates to land included within earlier proposals for Mornings Mill Farm, but excluded from the most recent application. That exclusion, along with other revisions, was influential in alleviating some of the SDNPA’s concerns. The proposal to develop this site therefore reinstates those previous concerns regarding cumulative impacts. It is acknowledged that the site does form part of the Strategic Development Location SD4 in the Wealden Core Strategy 2013, but given the windfall development at Brodricklands and Hamlands Farm, the current

application plus that for Hindsland Farm is considered to be excessive and harmful and will effectively result in settlement coalescence.

The South Downs National Park is also an International Dark Night Skies Reserve. Lighting accord with ILP guidance for reduction of obtrusive light secured by condition to limit light pollution and disturbance to wildlife.

Sport England

Summary: *Three responses (received 27 April 2021, 23 June 2021 and 19 January 2022) Moving from objection to no objection subject to mitigation in the form of a financial contribution.*

Third Consultation Response: NO OBJECTION subject to financial contribution.

The refusal of adjoining Morning Mills application does not alter Sport England's position on this application. Sport England is of the opinion that the loss of the former playing field on the Hindsland site that has not been previously developed should be mitigated for by way of a financial contribution towards the provision of new pitch(es) or the improvement of existing pitches and/or ancillary facilities in the locality. I have attached my correspondence of 23 June 2021 in which this is said.

Therefore, in the event that the Mornings Mill development doesn't come forward, then the financial contribution related to the loss of the former playing field at the application site should be directed towards priority projects in the locality as identified within the Council's current Playing Pitch Strategy or as otherwise identified in the PPS review currently underway.

First and Second Consultation responses can be viewed on the Council's web site under the application reference.

Willingdon and Jevington Parish Council

Summary: One response (received 14 April 2021)

OBJECTION

The Applicant has presented a plan for 180 dwellings and a medical centre based alongside the A2270. The medical centre was in both the Core Strategy 2013 and the Wealden District Council's failed Local Plan of 2019 (SD4) but not the housing.

In 2013, "The Core Strategy 2013" for the Polegate and Willingdon Development Boundary included the medical centre, community buildings, a school and 700 dwellings on Hindsland and Mornings Mill Farm. It had a 'green space' between Mornings Mill Farm and the Seven Sister's Road/Hamlands estate: Brodricklands Farm. Since 2013, a development has been approved on the 'green space' (Brodricklands Farm) for 390 dwellings providing over half the indicated number of 700 and taking a large 'green space' which was to provide a division between

the Eastbourne urban sprawl and Willingdon. It is noted Brodricklands developer has applied for 50 more residential units to total 440.

Currently applications are made for Hindsland: 180 dwellings, Mornings Mill Farm: 700 and Brodricklands Farm: 50, total 930; to be added to the 390 already approved or 1320 in total. To understand the magnitude of this increase, as there are currently some 3600 dwellings in Willingdon this will be an addition of over 35 % in dwellings. The associated increase in population will probably reflect more than the Wealden average of 2.3 per dwelling, or over 3000, itself a significant increase on the 2011 Census population of 7440: over 40 per cent –but checking the numbers of bedrooms and the likely shift to a younger demographic than current and the population increase may be some 4000 or over 55%. This is not sustainable.

Does Willingdon need this extra housing?

To put this in a better perspective, according to the documents submitted by Danescroft the housing need in Willingdon was 12 people and in the neighbouring civic parishes Polegate 66, Long Man 2 and Westham 25 This need will be adequately met by the Brodricklands development with its 136 'affordable homes' (35% of the 390 approved). The balance and the 254 'free market' dwellings should meet the housing needs of Willingdon for many years to come.

In the Hindsland submission, it is understood that this housing need is not specifically to be met by Hindsland but any of the developments underway in Polegate, Stone Cross and Willingdon. As there seem to be an additional 2800 homes to be built in the South Weald: Hailsham Polegate, Westham etc. our local 'housing need' seems be easily met for the foreseeable future so no more required.

Infrastructure

The local transport infrastructure was conceived almost a century ago when the population and vehicle ownership and use in Willingdon and the Eastbourne area was significantly lower than today. The then new main thoroughfare, the A22 now A2270, was a three lane highway and allowed turns across the much lower traffic flows to be accomplished safely; now it is only two lane, vehicles are notably wider, it is more difficult to cross and far less safe. The Inspector in Appeal Decision APP/C1435/W/19/3230484 (WD/2017/1942/MEA) describes the A2270 in para 14 as a "busy and important road".

The A2270 bisects Willingdon and is the main thoroughfare between Hailsham, Polegate and Eastbourne, configured as single carriageways running north and south. Under the HPEMAC scheme, dedicated bus lanes are planned along sections of the road through Willingdon with a new shared pedestrian/cycle pathway predominately on the east of the road. This priority for buses will further slow and congest traffic. This will be the more so if signalled junctions proliferate with WD/2021/0174/MEA. The A2270 is very congested. The traffic flow and the congestion will be increased by the Highways England road widening of the A27 between Cophall Roundabout and its junction with the A2270 attracting traffic

from Hailsham and further north to use the A2270 rather than A22/Jubilee Way access to Eastbourne.

A2270 Access

Even though the Jubilee Way (A22) was constructed over 20 years ago to the east of Willingdon to accommodate extra traffic, pre-Covid the A2270 was very congested and difficult to negotiate by local residents seeking access. At peak times traffic would take half an hour to travel from Willingdon Roundabout to Polegate Cross Roads. Without extra lanes no extra residential building with vehicles should be countenanced, particularly given the quantum of new and approved housing development in the neighbouring areas and locally the changing demographics with conversions of bungalows to houses accommodating families with children rather than retirees and associated extra vehicles and trips.

The refusal for the previous application was upheld by the Inspector primarily because the plans did not accommodate the planned HPEMAC scheme at proposed signalled junctions. This scheme has no signalled junction and, significantly smaller, will generate notably fewer trips than the Application WD/2017/1942/MEA. The Refusal also considered the effect of traffic on the SRN which Highways England believes could be accommodated by measures along the A27 and A22.

The proposed access is to the south bound carriageway and onto the intended HPEMAC bus corridor. Though there is no indication of the bus lane on the map provided it is believed to begin to the south of the planned access point. Traffic on the Southbound carriageway will be no less than before but will be more continuous because of the intended filter at Polegate crossroads. Without breaks in the traffic or a signalled junction, access to the A2270 southbound will be more difficult than today and to the northbound carriageway even more so.

With the planned layout the Council perceives difficulties for vehicles northbound turning right into the estate and likewise difficulties for vehicles intending to exit particularly onto the northbound lane. This will be compounded by vehicles exiting the housing on the west side of the A2270. Accidents on the A27 (as on many roads) are due to driver exasperation and taking extra risk. Given the quantum of traffic, it seems likely that this and any additional access onto the A2270 may well compromise the safety of all road users in conflict with Policy TR3 of the WLP 1998 and the provisions of para 108 (b) of the NPPF as well as para 109 in a consideration of the residual cumulative impacts on the local road network which would be severe, most especially if WD/2021/0174/MEA were to be approved.

In considering the planning applications the Statutory Authority, ESCC Highways confirmed that their sole focus is on the junctions from the A2270 to the developments. The access point for this development is seen as problematic by Council members being too close to the brow of the hill to its north. Though their preferred better access point would be opposite Broad Road and served by traffic lights, the Applicant does not own a crucial strip of land.

As the access point is not signalled, a Toucan crossing is proposed for pedestrians to access the medical centre. This will create stationary queues of traffic preventing traffic from the dwellings on the west side turning south or north.

Impact on Local Road and Existing Residents (NPPF 102(a) (d) 109):

ESCC Highways stated it does not have to consider the impact on the rest of the village and the existing residents from the extra traffic as this is for the LPA: Wealden District Council. The Parish Council is very concerned that the extra traffic flowing on to the A2270 from this development combined with the traffic likely from new developments in Hailsham, Hellingly, Polegate, Stone Cross etc. will make using the A2270 for Willingdon residents far more difficult and especially accessing the southbound carriageway from established housing on the west from Park Croft, Broad Road, Thurrock Close, The Triangle, Gorrington Valley Road, Cooper's Hill, the multiple access points on Foulridge Green and all the private accesses to dwellings in Eastbourne Road. Prior to the Covid Pandemic lockdown traffic on the A2270 was often stationary, with half an hour (30 minutes) the time to travel north in the evenings from Church Street, Willingdon to the Polegate Traffic Lights Junction. This prompted drivers to try to use Coppice Avenue from the Triangle to Wannock Road and re-join at Polegate crossroads where the wait has also been between 10 and 30 minutes.

Green Spaces (NPPF Sections 13 & 15):*

There are two LPA's for Willingdon and Jevington Parish: Wealden District Council and SDNP. Broadly WDC is the LPA for the flat land below the northern escarpment of the South Downs. Willingdon has a massive shortfall of public accessible 'green space' within Wealden. Due to predecessor LPAs allowing residential development without any provision of 'green space' or recreational land, to bring Willingdon up to the standards laid out in the Wealden Evidence based Open Space report of 2017, about 15 - 20 hectares of level land for playing fields and allotments is required. Between the Downs and the railway line the only remaining open space are the land subject to this and another current application WD/2021/0174/MEA. The land required to bring Willingdon in line with better practice is twice the size of the development under consideration which was previously recreation land with playing fields.

Playing Fields

The proposal for 180 homes would suggest between 360 and 450 occupants which on the NPFA recommendation of 2.4 hectares per 1000 people requires at least 0.86 hectares if not 1.08 hectares be planned as playing fields. As there is a deficit in playing field space in Willingdon it is disappointing that the application sets aside no land for recreation or playing fields and one hectare would seem the minimal area required. The Council understands from the applicant that WDC requires a section 106 payment in lieu of land provision, as the number of dwellings proposed is below the number triggering an automatic requirement for land provision. However, unless Wealden is planning that the new residents share the existing extremely limited recreational land, where is the extra

recreational land to be acquired as the only remaining usable level land is on Mornings Mill Farm?

The Council needs Wealden to address this issue satisfactorily with Willingdon and Jevington Parish Council before determining this and the Mornings Mill Farm application.

Further is our consideration of the changes following Brexit and Covid in residents' working patterns, which may possibly include more working from home and less commuting? Those commuting to London, Brighton etc. may have up to four or more extra hours each weekday at home. For a LPA there may need to be a greater consideration in planning for how residents will utilise this time and socialise, more especially if the opportunities to meeting others at their place of work or commute are reduced or removed so more community facilities are needed to provide a platform for informal socialising. This is obviously a mental health issue which should be a top concern.

One area to promote socialising and exercise would be community facilities, including allotments. There are none in Willingdon, so incoming residents will require space set aside for allotments, again a point not prominent in the Danescroft application. There may not be a requirement in local planning to provide a specific number of allotments for each development. An allotment is traditionally measured in rods, poles, or perches and 10 poles is the accepted size of an allotment, the equivalent of 250 square metres. If given the small average size of amenity area with each dwelling perhaps 20% of the properties would seek an allotment, or 36. Using this traditional measure an area of about a hectare would be required to make reasonable provision for 180 dwellings.

The allotments should be appropriately positioned and drained. Again it seems there is no planning requirement for their provision but the Council seeks some consultation on this matter with Wealden prior, to any decision being contemplated.

Land levels at Hindsland were re-engineered to provide the playing fields when Chelsea College were using the site. It is not known how the levels were raised and whether contaminated material was used and that needs to be investigated. There is a concern that with the current higher rainfall and impermeable clay soils, water run-off will need careful management or will cause issues in what is already an area which has the propensity for flooding, once the green spaces are no longer able to absorb water.

It seems also appropriate to mention that The Parish Owned cemetery will be full in the next few years and there is nothing in this plan that would meet that need. If built, the residents occupying these new homes will all, at some time, need somewhere for them and their loved ones to be buried, or ashes interred. Despite the new Wealden Crematorium, the Cemetery remains a popular resting place overlooking our Parish.

Conclusion

While the Council welcomes the opportunity, and acknowledges the urgent need to have a new medical centre, it is concerned about the extra traffic from the housing together with HPEMAC further congesting the A2270 and exacerbating already difficult road transport problems for the village. It would also be remiss not to raise the question of local pollution and possible problems in the Ashdown Forest.

The Council is extremely concerned over the loss of more “green space” and the possible complete urbanisation of the area particularly in a period of change in working practice and concerns over mental health of many living in densely built areas.

The applicant (Danescroft) has been very willing to communicate and work with the Council. In their outline plans the provision for bungalows is much appreciated as was their organising a very constructive meeting with Assura plc the intended developer for the Medical facility. But the Council has grave concerns about the future lack of accessible and usable ‘green space’ in the Parish and following the loss of the green buffer of Brodricklands Farm (WD/2016/0986/MAO) and current planning applications WD/2021/0174/MEA and WD/2021/0594/MEA seeks an urgent meeting with Wealden Planning to determine what the LPA’s plans are to retain the rural character of Willingdon as required in the NPPF in section 13 and how the provision of recreational space will be achieved?

Taking account of all our concerns the Council have no option but to OBJECT to the application.

Note: * NPPF Section 13 Protecting Green Belt Land: While Willingdon has no “Green Belt” land it is nevertheless a rural green area and the Council and the residents see what the NPPF applies to designated “Green Belt” as applicable also in Willingdon.

Response to Parish Council

The site lies within the Strategic Growth Area SD4 identified in the adopted Core Strategy 2013 and the dismissed appeal was not on the grounds of the acceptability of the principle of development. Indeed the Inspector considered the appeal proposals in both the context of the adopted Core Strategy where she found the scheme complied with Policy WCS4, and the strategy of the emerging SWLP (now withdrawn) where she also found the development to be consistent with the growth strategy of the SWLP in principle. There are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development proposal. Therefore the presumption in favour of sustainable development is applicable.

For specific issues refer to consultation responses of ESCC Highways, National Highways and ESCC LLFA and the topics within the main body of the report.

Polegate Town Council

Summary: One response (received 28 April 2021)

OBJECTION

Objections based upon issues of over development, loss of green space between Willingdon and Eastbourne, major traffic congestion on the A2270, lack of employment in our part of Wealden, too close to the Southdown National Park, over-flow of education facilities and, importantly, increased pollution levels. No public had sent in comments or asked to speak at the meeting.

- Traffic – the roads can't cope with traffic as it is and its being used more by larger vehicles.
- Pollution– extra traffic movements will adversely affect health and emergency vehicles might struggle to get through.
- SDNP – the adverse effect on the views from South Downs national Park and dark skies. It would also leave no greenspace between Eastbourne and Polegate, giving an urban sprawl.
- Habitats and wildlife–effect on the flood plains on Pevensey Levels (SSSI). Natural England should be consulted over potential flooding and affects to Pevensey Levels.
- Loss of Green Space
- Infrastructure: No new school on this site and no mention of how these would be accommodated in already oversubscribed schools.
- a three-storey building on this site would be too high and out of keeping . This could set a precedent for further housing locally.
- A medical centre was needed but not if it meant having 180 (or more) houses as there was no guarantee that once approved the 180 wouldn't increase to higher numbers.
- petty crime is likely to go up with that number of houses and there were huge numbers of empty properties in Eastbourne and Wealden and these should be brought into use first instead of building more houses.
- Application is for 180 dwellings and a medical centre upon an area of land whose previous owners passed on ownership of their land with an express intention and agreement that the land was to be used for recreational purposes. This was done up until recently whereupon local people were able to utilise the area for recreation and health exercise.
- Noise and Vibration
- Landscape and Visual Impact
- Impact upon the Pevensey Levels through increased water pollution via surface water runoff and foul water discharge.
- Impact upon quality features of Lewes Downs and Ashdown Forest by increased atmospheric pollution due to increased vehicle emissions.
- Air Quality will be diminished by added emissions from many extra vehicles.
- Foul Drainage and capacity for additional development

Response to Town Council

The site lies within the Strategic Growth Area SD4 identified in the adopted Core Strategy 2013 and the dismissed appeal was not on the grounds of the acceptability of the principle of development. Indeed the Inspector considered the appeal proposals in both the context of the adopted Core Strategy where she found the scheme complied with Policy WCS4, and the strategy of the emerging SWLP (now withdrawn) where she also found the development to be consistent with the growth strategy of the SWLP in principle. There are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development proposal. Therefore the presumption in favour of sustainable development is applicable.

For specific issues refer to consultation responses of ESCC Highways, National Highways and ESCC LLFA and the topics within the main body of the report.

Other third party responses (including local residents)

434 Responses received from 353 separate households including 4 letters of support for the Medical Centre. As summary of responses is below:

- Area is already congested with heavy traffic with journeys taking 2-3 times longer, situation will be exacerbated with additional 180 houses on this site and 700 on Mornings Mill, plus will already be affected by the Brodricklands development
- Cumulative and detrimental effect of increased traffic on strategic road network including A27 and junctions without necessary road improvements including bus corridor (HPEMAC scheme) which will support sufficient sustainable transport, also Highways England concerns
- Projected increase in vehicle numbers from development in the wider area cannot be sustained on current road infrastructure
- Traffic congestion already affects the direct route of emergency services to local hospitals
- Previous applications and appeal rejected due to traffic congestion, new proposal does not address concerns
- Inaccurate to say Eastbourne Road is free flowing, road is at a standstill during rush hour and school run
- Increase in stationary traffic will affect air quality, increase in air pollution will affect health of existing residents
- Limited routes to enter and exit Eastbourne leading to road congestion with road unable to cope during peak times
- Querying frequency of train journeys in Transport Assessment and non-peak times used for average speeds information.
- Road photographs and traffic surveys undertaken during lockdown with reduced traffic
- Impact on safety of children crossing road to access schools. Pedestrian route is required from Polegate High Street to the Willingdon schools
- Insufficient access roads/layout for volume of traffic. Additional 360 cars plus 1500+ from Mornings Mill

For: Planning Committee South

Date: 24 March 2022

- Concern over road safety due to another junction opposite Broad Road and visibility reduced on the hill
- Increase traffic to unsustainable levels and potential accidents
- Traffic lights will add to congestion
- Impact of additional traffic on wider local road network and in Polegate with local narrow roads used as short cuts or rat runs to avoid traffic on the main road, leading to degraded road surfaces. Traffic diverted through Gorrington Valley Road when there are accidents at the Triangle area causing congestion.
- Increase in school traffic
- Impact of construction on Eastbourne Road from digging to install electric, water, gas etc., and impact of construction traffic
- Planned bus lanes will increase private traffic congestion
- Increase in noise, dust and air pollution from additional traffic including construction traffic
- Public transport (buses and trains) is unreliable and at full capacity during peak times (outside lockdown), regular bus services are not the same as usable
- Commuters will use A22 or A27 as public transport is expensive
- Additional vehicles from Hindslands and Mornings Mill developments have not been taken into account for the A27/A22 improvements
- Increase in traffic will affect tourism in Eastbourne and affect jobs
- Impact on road network already needing repairs
- Insufficient local infrastructure including shops, leisure facilities, sports facilities, library and health services including dentists, with already lengthy waiting lists at DGH, infrastructure improvements should be made before any more housing
- Local schools cannot accommodate the number of children
- Other sites could be used to house the medical centre without additional housing including next to ESSO garage and Dittons Road industrial estate
- Local infrastructure needs should not be used by developers to influence planning decisions
- No guarantee that Medical Centre will be built on this site, a neighbouring site is believed to be preferred, also funding may run out, use compulsory purchase to secure a site
- Why not improve existing doctors surgeries
- Unlikely to get two medical centres as one also proposed on Mornings Mill site
- Medical Centre is insufficient size to accommodate existing local population from the current two surgeries as well as new additional residents and has insufficient parking
- Why wasn't the Medical Centre built when previous estates were built
- Impact on facilities used by elderly residents and difficulty in accessing the new Medical centre due to poor bus service, and impact of increased traffic
- Insufficient parking in Polegate to accommodate additional vehicles for commuters leading to an increase in blocked driveways. Parking is already a problem in Polegate and is not policed

For: Planning Committee South
Date: 24 March 2022

- More doctors, schools and other public places and spaces needed not more houses
- Lack of jobs in the area leading to an increase in commuting by car, and mainly poorly paid jobs in the area making housing unaffordable
- Increase of foul water run-off
- Pressure on water, electricity and gas supplies and sewerage
- Land originally gifted to University of Brighton and should be returned to the community to be retained as a recreational area, local clubs are in need of more playing fields and there is a lack of places for teenagers
- Objection from Sport England
- Just build the doctors surgery and use surrounding field for a park
- Loss of greenbelt between Willingdon/Eastbourne and Polegate, leading to urban sprawl, a loss of settlement identity and change in character of the area
- Loss of green space used by residents and green spaces have become even more important for well-being during pandemic, loss of ancient footpaths and non-designated heritage asset
- Loss of agricultural land
- Build on brown field sites first and refurbish vacant properties
- Climate emergency needs to be considered and area could be planted with trees if no longer needed for agriculture, also would help improve air quality
- Does not align with Government 'greener future' pledge and encouraging the planting of trees
- Lack of solar panels, lack of best standards of insulation and green housing
- Full use of electric vehicles is a long way off
- Air quality exacerbated by tree felling programmes on nearby South Downs
- Impact on the South Downs needs to be considered including light pollution affecting the Dark Sky Reserve designation
- Loss of visual amenity and Impact on landscape views towards the South Downs National Park and loss of views to the Windmill
- Loss of buffer zone for Pevensey Levels
- Impact of water run off on Pevensey and Willingdon Levels
- Risk of harm to ecology was stated in WDC's SWGA Landscape Ecological Assessment 2017
- Threat to protected wildlife species on the green belt including eels
- Concern ecological surveys were carried out at wrong time of year
- Impact on environment and biodiversity of the area with loss of trees, hedgerows, habitats and wildlife which support a variety of species
- Will same number of trees be planted as those felled
- Increased risk of flooding in the area and to gardens surrounding the site that already have drainage issues, and sewage smells noticed in recent bad weather
- Inadequate drainage capacity, flooding on the land is already an issue
- Water table already affected by the Brodricklands development
- Potentially contaminated land
- Not supported by local communities, local concerns not heard

For: Planning Committee South
Date: 24 March 2022

- Developers have not met with local residents to discuss plans, have relied on surveys, with not much time for objections to be lodged and the previous application has now been submitted as two separate applications
- Will adversely affect the quality of life in general for Willingdon residents
- Negative impact on locality and nearby properties – noise, disturbance, light pollution and an increase in traffic fumes, loss of daylight and loss of privacy
- Does not fulfil social objective of sustainable development
- Developer expected to sell on site
- Security concerns for surrounding properties and increase in crime and vandalism in the area, lack of policing in the area
- Concern over access from existing adjacent residential roads
- Risk of damage and subsidence to surrounding properties
- Not in keeping with the area – context, scale, layout or density, lack of green space on plans
- Contrary to planning policies EN27, PPS9, PPS1 and pre-empt local plan
- Overdevelopment in a rural area, Polegate, Stone Cross, Westham and Hailsham have already had extensive development over the past 10 years with an increase in housing stock by a third and resulting in a huge increase of traffic and has impacted the wider area
- As two applications the development will be higher than 700 under SDA4
- Set a precedent for additional large applications including Mornings Mill and for development on other nearby agricultural areas
- Cumulative impact with other developments in area including Polegate
- Light and noise pollution have not been adequately met despite EIA
- Impact on Willingdon Conservation Area
- Impact on character of the area leading to eventual merging with Eastbourne
- Area already overdeveloped, more housing not needed in Polegate, already enough for sale or rent, social housing need in Willingdon is low based on council list
- Disproportionate allocation of housing in South Wealden over North Wealden
- Eastbourne already at borderline for unsafe Air pollution
- Impact of increased air pollution on high numbers of elderly residents

Comments

- Suggested Passivhaus or higher insulation
- Accommodation for the elderly near to the health centre with close provision of a bus stop

Support

- Medical Centre supported but houses are not as there has already been significant development in the area

2 Letters of Support for the Medical Centre from Manor Park Surgery, Manor Park Patient Participation Group and Downlands Medical Centre.

For: Planning Committee South
Date: 24 March 2022

- Limited land options within the geographical centre of Polegate
- Site is only approximately 250m away from current site which is accessible by transport links, both buses and trains
- Current facilities are unsuitable for both patients and staff and do not comply with current regulations, with difficult wheelchair and pushchair/pram access and have been unable to offer Covid vaccinations
- Current facilities have affected ability to recruit new GPs and there is insufficient space to recruit additional admin or clerical staff to meet the growing demand, and site has very limited parking
- Land has been sought for a new Medical Centre for over 15 years to provide the area with services now and for the next generation
- Querying frequency of train journeys in Transport Assessment and non-peak times used for average speeds information

Ward Members

Comments below from the local ward member and three neighbouring ward members

Cllr S Shing:

This original use for this site is recreation, therefore the continued use of this land for recreation would be a resource worth saving for our residents especially as the Polegate and Willingdon areas are below the national standard in requirements for public recreation space.

This part of the Wealden District also lacks any local indoor and outdoor sports and recreational facilities, as well as more commercial units for small businesses and employment, these uses would be more beneficial than more dwellings.

Willingdon and Polegate has had over 1,000 new homes being built locally over the recent years, this appears to be more than sufficient for the local housing need, particularly as local housing authorities appear to be assisting neighbouring authorities.

Furthermore, the local road infrastructure has not been improved and suffers frequently from congestion which is also bad for air quality and the health of local residents, particularly children who walk to the neighbouring secondary and primary schools. A further 180 dwellings and its associated extra traffic movements would not be conducive to the existing situation.

This planning application does however include a proposal for a new medical facility which is urgently required and has been requested by a large majority of residents, this part of the application is at least welcome in recognising that the local infrastructure is struggling to accommodate the current level of demand.

For the reasons set out above, I would therefore suggest that the planning application should be refused.

Cllr D Shing:

Use of Site

The existing use of the land is listed on the application form as former playing fields, and as a playing field recreational, the continued use of this land for recreation and sporting purposes would be a resource worth saving for our residents especially as the Polegate and Willingdon areas are below the national standard in requirements for public recreation space.

Our part of Wealden severely lacks any local sports and recreational facilities, the area needs commercial units for small local businesses and employment, these uses would be more beneficial than more dwellings being proposed in the area.

Willingdon and Polegate has had over 1,000 new homes being built locally over the recent years, this number, including those in the neighbouring wards of Hailsham, Westham and Hellingly, appears to be more than sufficient for the local housing need, particularly as local housing authorities appear to be assisting neighbouring authorities in meeting demand across districts and boroughs.

The application proposes that there will be 312sqm of play area for the site, almost in the middle of the development, which is inaccessible to the existing population of Willingdon and Polegate and would be exclusive to the development and not the wider community.

Access and transport

The local road infrastructure for the Eastbourne and Willingdon area has not been improved despite a substantial increase in traffic as a result of neighbouring developments which suffers frequently from congestion, which is also bad for air quality and the health of local residents, particularly the children and parents who walk to the neighbouring secondary and primary schools. A further 180 dwellings and its associated extra traffic movements of 353 (as proposed spaces on the application form) would not be conducive to the existing situation.

Eastbourne Road is already currently suffering from congestion with the existing levels of congestion at peak times, an access point along Eastbourne Road via a ghost island between the Thatchings and Broad Road on the opposite side is simply unfeasible and impractical without affecting traffic flow which will cause tailbacks in both directions.

As the site is accessed by one access point, consideration should also be given to the traffic accessing the proposed medical centre on site.

The purpose of the works that are currently taking place to alleviate local traffic to and from Lewes was to reduce and manage the current level of traffic and therefore would make little difference to any increased future traffic, particularly given the anticipated numbers based on the amount of dwellings proposed and traffic accessing the medical centre.

Air Quality

The proposed access for this application is on the A2270 Eastbourne Road, which already suffers from severe traffic congestion and poor air quality for the residents living in the vicinity and the parents and children who walk along those routes to the neighbouring schools.

The extra hundreds of traffic movements from these current and proposed developments would only worsen the air quality and would be irresponsible to our local residents, particularly as there is some way to go until vehicular traffic can be carbon neutral. The health and well-being of residents is an important factor and should be given great consideration. This planning application does however include a proposal for a new medical facility which is urgently required and has been requested by a large majority of residents, this part of the application is at least welcome in recognising that the local infrastructure is struggling to accommodate the current level of demand..

Part 2 of the Design and Access Statement states that the medical centre will have the potential to provide:

- 19 consulting rooms, six treatment rooms, five multi-purpose rooms, one phlebotomy room = 31 clinical rooms in total; and
- Up to 60 members of staff (including GPs, nurses and admin staff). It is noted that not all staff will be present on-site at any one time.

In relation to the medical facility, Danescroft's website states:

"As part of the proposals, there is a new medical centre at the front of the site. This was a key part of the allocation of the site and we are happy to confirm that we will be delivering this. The medical centre is estimated to accommodate 9 GPs, 13 nurses and 37 other staff. It will have sufficient parking, to ensure that the patients and medical staff will be able to easily visit and work at the centre. It will be well landscaped, providing an attractive setting for this new community asset."

Whilst the proposals are currently an outline application for the 1.47 hectares for both the centre and parking, residents are concerned that there appears to be currently minimal information on the proposals for the medical centre or a firm commitment to the numbers it will cater for. There are concerns that the proposed medical centre will be only be able to meet some additional demand for the new residents at the site as opposed to the existing wider community in Polegate and Willingdon.

For the reasons set out above, there appear to be strong reasons for the planning application to be refused.

Cllr OL Shing:

Hindsland playing fields were used for sports and recreations and as such, should be preserved as an open space particularly as the Polegate and

Willingdon areas are below the national standard in requirements for public recreation space.

This part of the district faces a shortage of local sporting and recreational facilities, with many businesses on the decline due to lack of business and employment opportunities. The area is in need of investment in the form of commercial units for small local businesses and employment for local trade, these uses would be far more beneficial than residential dwellings being proposed in the area.

In the recent years, Willingdon and Polegate have had a number of major developments taking place with over 1,000 new homes being built locally, this number, including those in the neighbouring wards of Hailsham, Westham and Hellingly, appears to be more than sufficient for the local housing need for Wealden, particularly as local housing authorities appear to be assisting neighbouring authorities in meeting demand across districts and boroughs.

This application does little to provide any amenity space for the community, the proposed play area for this site is likely to be exclusive for this development and not the existing residents in the area.

In relation to the road network, the local road infrastructure for the Eastbourne and Willingdon area has seen little improvement despite a substantial increase in traffic as a result of neighbouring developments which suffers frequently from congestion. Congestion on Eastbourne Road take place on a daily basis and with the volume of traffic and emissions, the air quality would be poor and will impact the health of local residents, particularly the children and parents who walk to the neighbouring secondary and primary schools.

The extra hundreds of traffic movements from these current and proposed developments would only worsen the air quality and would be irresponsible to our local residents, particularly as there is some way to go until vehicular traffic can be carbon neutral. The health and well-being of residents is an important factor and should be given great consideration

Residents welcome the proposal for a new medical facility which is urgently required and considered long overdue, however there are concerns that there appears to be currently minimal information on the proposals for the medical centre or a firm commitment to the numbers it will cater for.

There are concerns that the proposed medical centre will be only be able to meet some additional demand for the new residents at the site as opposed to the existing wider community in Polegate and Willingdon.

The application does little to address the concerns in relation to the local infrastructure, effect on local amenities, further information and a firm commitment from the applicant in relation to the medical centre should be made available and confirmed before considering any development at the site. For the reasons set out above, this planning application should be refused.

Cllr R Shing:

USE OF THE SITE

The Hindsland playing fields were used for sports and recreation. The Polegate and Willingdon areas are below the national standard in requirements for public recreation space. Should the application be granted, Polegate and Willingdon will face an even greater shortage of local sporting and recreational facilities.

The application places an emphasis on the provision of a medical centre, however, there is almost no provision of any other amenity or suitable recreation for the existing residents in the area other than the proposed 312sqm of play area for the site, which will almost become exclusive to the new residents at this development.

The recreation area proposed will be inaccessible to the existing population of Willingdon and Polegate and would cause the site to become isolated from the rest of the area.

There are also concerns that the availability of green spaces in the area are being eroding, not so long ago, permission was granted at Brodricklands for 390 with an application for 50 more being made which would bring the total to 440 dwellings. This also presents a risk in that where permission is granted, an applicant may apply for further permission to increase the number of dwellings and thus a proposal for 180 dwellings could open the doors for substantially more dwellings yet little to no provision for the local infrastructure.

Applications in the vicinity have revealed concerns in relation to the potential for flooding, like highways, the predictions are determined by how the information is modelled at the time. There are concerns with previously granted applications and properties nearby by which are affected by flooding. This site is likely to be affected by the Pevensey Levels Site of Special Scientific Interest (SSSI).

INFRASTRUCTURE

This part of the district faces a shortage of infrastructure and amenities, many of the banks previously in the area moved due to a decline in the high street. With many businesses suffering due to lack of trade and employment opportunities and the impact of Brexit and Covid-19, there is a risk that the local business will not survive without adequate support.

The area is in need of investment in the form of affordable commercial units for small local businesses and employment for local trade, these uses would be far more beneficial than further residential dwellings being proposed in the area.

The number of proposed dwellings is likely to have an impact on the provision of school places in the area. Currently the local schools are already nearing maximum capacity based on the residents already in the area. 180 or more dwellings should factor in sufficient school places and the impact this is likely to have.

IMPACT ON LOCAL ROADS AND EXISTING RESIDENTS

In relation to the road network, the local road infrastructure for the Eastbourne and Willingdon area has seen little improvement despite a substantial increase in traffic as a result of neighbouring developments which suffers frequently from congestion. Congestion on Eastbourne Road take place on a daily basis and with the volume of traffic and emissions, the air quality would be poor and will impact the health of local residents, particularly the children and parents who walk to the neighbouring secondary and primary schools.

The extra hundreds of traffic movements (353 estimated on the application) from these current and proposed developments would only worsen the air quality and would be irresponsible to our local residents, particularly as there is some way to go until vehicular traffic can be carbon neutral. The health and well-being of residents is an important factor and should be given great consideration.

Eastbourne Road is already currently suffering from congestion with the existing levels of congestion at peak times, an access point along Eastbourne Road via a ghost island between the Thatchings and Broad Road on the opposite side is simply unfeasible and impractical without affecting traffic flow which will cause tailbacks in both directions.

As a result of the congestion, it is very likely that the overflow of traffic will increase use local roads such as Coppice Avenue and Farmlands Avenue/ Farmlands Way and Park Croft to join the carriageway at Eastbourne Road. The routes are well used by young children and parents walking to the local school and the additional traffic is likely to increase the risk of an accident.

The current works that are taking place to alleviate pressures mainly to and from Lewes was undertaken to reduce and manage the current level of traffic as it was at the time of proposed. No consideration was given for the potential level of future traffic and thus would make little difference to increase, particularly given the anticipated numbers based on the amount of dwellings proposed and traffic accessing the medical centre.

It does not appear that the application contains sufficient information to address highways concerns, particularly those that were cited as reasons for previously refusing permission.

Recently, the City of London has announced that it would be looking to re-use vacant office space for residential use. As many businesses operating on the high street or large premises are on the decline with a focus on warehouses and distribution through online sales, there should be a greater emphasis on reusing empty properties rather than the existing green spaces.

MEDICAL CENTRE

Residents welcome the fact that there is a proposal for a new medical facility which is urgently required and long overdue, however, there are equal concerns that there appears to be minimal information on the proposals for the medical

centre or a firm commitment to the numbers it will cater for and those within the existing community that would benefit from it.

There are additional concerns that the proposed medical centre may only be capable of meeting some additional demand for the new residents at the site as opposed to the existing wider community in Polegate and Willingdon.

The application does little to address the concerns in relation to the local infrastructure, effect on local amenities, further information and a firm commitment from the applicant in relation to the medical centre should be made available and confirmed before considering any development at the site.

For the reasons set out above, this planning application should be refused.

2. Other Relevant Responses/Issues

WDC Drainage Officer

Summary: One response (received 7 April 2021)

NO OBJECTION

The site lies within EA Flood Zone 1 the sequential test is met and no exception test will be required for the proposed development. The site does not appear to be at risk from general tidal, sea or fluvial flooding. There is a very low risk of flooding from failure of a drainage asset such as a canal or reservoir. Whilst the majority of the site is at very low risk of surface water flooding, there are low risk areas along the watercourses described below and in the southern corner of the site. The on-site monitoring recorded groundwater in six wells at between 0.81m and 3.95m below ground level. Assessment of the readings indicates groundwater is generally dipping from north to south across the site, with localised perched groundwater within the made ground across the central portion of the site.

There is an ordinary watercourse running along the entire south-eastern boundary of the application site. Close to the southern corner of the site, this meets a second ordinary watercourse running along part of the south-western boundary of the site and the system flows away towards the south-east parallel to Eastbourne Road. There are no ponds within or close to the application site.

There is no record of surface water flooding at this location within the Council's land drainage database of such incidents but several problems are recorded in adjacent properties of Brightling Road.

The Geological Map states that the south-western end of the site is on the Gault Formation of mudstones and the north-eastern end of the site is on the Lower Greensand Formation of sandstones, siltstones and mudstones.

There are existing, adopted, surface water sewers within the Spurway Park development to the north of the application site.

As infiltration is the first recommended drainage method in the SUDS hierarchy, this method requires consideration. However, given the mapped nature of the geology and the proximity of watercourses on the surface, it is unlikely that this would work on the majority of the site. This was borne out by the on-site testing which returned poor infiltration rates in the parts of the site underlain by clay with only a slight improvement in the parts under the Lower Greensand Formation. The applicant has rejected this as a drainage solution and I would agree with this decision.

The proposed drainage arrangement is to drain water to an attenuation pond in the southern corner of the site and from here into the adjacent ordinary watercourse. Additional storage is provided in the base of areas of permeable paving and in swales. Given the poor infiltration rate, these feature must be considered as storage devices not a means of disposal and the hydraulic calculations should reflect this. Indeed, with the groundwater levels in some parts of the site, I would recommend tanking the storage devices to prevent groundwater infiltrating them.

The site is designed to accommodate exceedance flows along the new estate roads. The watercourses into which the site outflow is eventually discharged will have a very slack gradient and may well be close to capacity already. I would wish to be certain that it is sufficient condition and capacity to receive the proposed 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. The calculations should also show that the watercourse downstream of the application site into which it is proposed to discharge is capable of taking the proposed flows.

A basic maintenance schedule for SUDS features is included at Appendix K of the Flood Risk Assessment and Drainage Strategy, which will need to be worked up to a site-specific plan at a later stage of the planning process. I am uncertain as to whether the system is to be adopted in full or in part or whether it will be managed by a residents' association/site management company to be set up by the site owner. I would request further clarification on this point.

Conclusion

In my opinion, the information provided within this application is adequate for this stage of the planning process. 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. Provide full information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving surface water and to deal with exceedance flows.
- ii. Supply detailed plans, layouts and sections of the proposed drainage system and pollution/silt control devices and construction details of any non-standard features.
- iii. Provide a full management and maintenance plan for the development, which shall include the arrangements for adoption of the system or the setting up of any necessary company/association to secure the operation of the scheme throughout its lifetime.
- iv. Provide evidence that the receiving watercourse has sufficient capacity and is in sufficiently good condition to accept the off-site flows.
- v. Supply hydraulic calculations to the correct level of climate change (40%) to the satisfaction of the Lead Local Flood Authority.

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.”

East Sussex Fire and Rescue

Summary: One response (received 24 March 2021)

NO OBJECTION

Developer will need to ensure there is sufficient water for firefighting. This is usually achieved by the provision of fire hydrants attached to a suitable water mains. Early discussions with Fire Service is recommended

WDC Housing

Summary: One response (received 26 March 2021)

NO OBJECTION

This response is provided having regard to the Wealden Local Plan 1998, Core Strategy 2013, Affordable Housing Delivery Local Plan 2016 and National Planning Policy Framework (NPPF) 2019. Policy AFH1 of the Affordable Housing Delivery Local Plan 2016 requires a 35% affordable housing contribution. The

Application acknowledges this and proposes a policy compliant 63 units of affordable housing.

An indicative affordable housing mix has been included with the Outline Application and is outlined below alongside a recent breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants require.

Although the detailed mix and tenure will not be determined until Reserved Matters stage, the Housing Service is pleased to see that the indicative affordable housing mix reflects the needs of the Housing Register. The inclusion of 35 x 1 bedroom flats is particularly welcomed.

Due to the fact that 2 bedroom properties are often let to families with young children for whom flatted accommodation can be less suitable, we would normally request that 2 bedroom houses rather than flats are provided wherever possible. We would also typically request that 1 bedroom flats are dispersed throughout the development in blocks of no more than 4. This is because Registered Provider partners have advised that too many flats in one area/block can raise concerns on management grounds.

Current NPPF 2019 policy states that 10% of the homes on major development sites should be made available for affordable home ownership. On a site of 180 dwellings, this would equate to 18 units rather than the 19 that has been suggested. The remaining 45 (rather than 44) affordable units should be made available to rent. Willingdon and Jevington, like many areas of Wealden District has an acute shortage of affordable housing. In addition to this, the rate of turnover of affordable homes there is very low which results in long waiting times for people that need affordable accommodation.

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

Parish	Number of Applicants with a Local
Connection.	
Willingdon and Jevington	12
Polegate	66
Westham	25
Longman	2
Cuckmere Valley	..1
East Dean and Friston	4

It would be expected that any Affordable Units would be protected by way of a England or the Registered Provider.

WDC Conservation and Design

Summary: One response (received 14 May 2021)

No observations to make

WDC Waste Management

Summary: One response (received 11 June 2021)

NO OBJECTION

Comments made regarding layout, but this is an outline application with all matters reserved except for access.

Pre-Application Matters

The applicant has undertaken extensive pre-application advice through a series of meetings with officers and addressed all of the concerns raised by officers during this process.

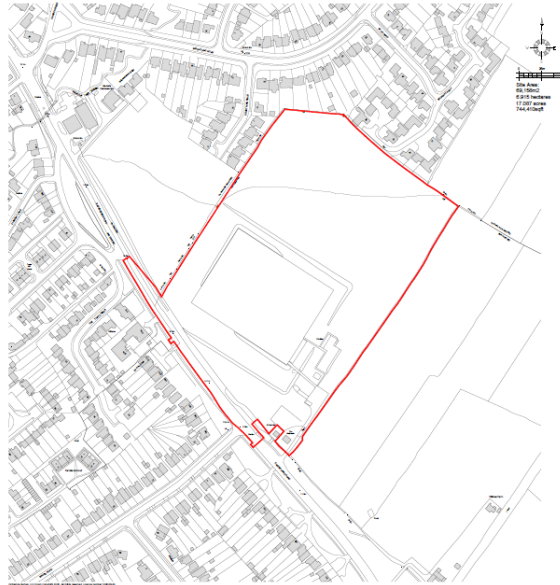
3. Relevant Planning History

Application No.	Description	Decision and Date
WD/2016/6518/SCO	Request for scoping opinion for residential development	15 February 2017
WD/2017/1942/MEA	Outline application with all matters reserved, except for the means of access from Eastbourne Road, for the comprehensive development of a mixed use urban extension comprising up to 1,100 dwellings including affordable housing, 8,600sqm of employment	Appeal dismissed 13 December 2019

4. Details of Case

The Application Site

The application site of 6.5 hectares comprises a redundant sports ground (known as Hindsland) last used by the University of Brighton in 2002/2003 when it became surplus to their requirements following the enhancement of sports facilities at their campus in Eastbourne. It is understood that when previously in use, the playing fields were for private organized sporting fixtures and not open to the public. The site has not been maintained as playing fields being overgrown and consisting of scrub and open grassland. There are areas of hardstanding associated with a former pavilion building, a single detached dwelling, which is vacant, and associated outbuildings. Although there is no right of public access (as there are no public footpaths or rights of way crossing the site), there is evidence of dog-walkers accessing the site.

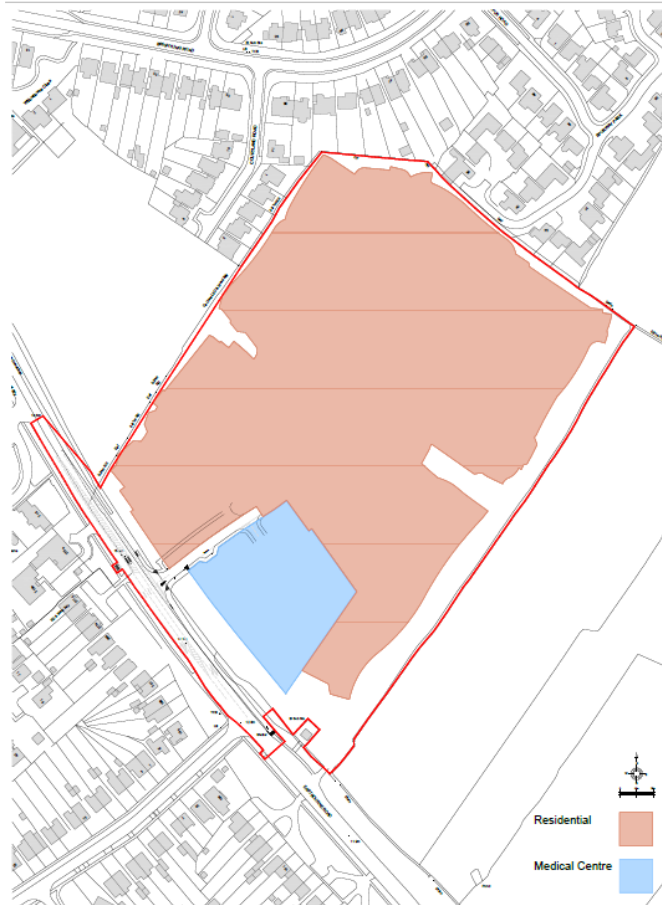


The site is generally level with the exception of the southern boundary where there is a slope as a result of historical earthwork remodelling to provide a usable playing field.

The site is accessed off the A2270 Eastbourne Road which defines the south western boundary. Mornings Mill Farm abuts the south-eastern boundary. Residential properties lie to the north east of the site and abut part of the north western boundary. The remainder of the north western boundary abuts open green space.

The Development Proposals

This application seeks outline planning permission for the demolition of the vacant dwelling and outbuildings and construction of a development comprising up to 180 dwellings and a medical centre together with parking, servicing and on-site open space. All matters are reserved for future consideration with the exception of access. This application therefore deals solely with the principle of development and the means of access. Full details for the means of access include the first part of the spine road into the site from the A2270 Eastbourne Road to serve the medical centre in order to facilitate the early delivery of the medical centre site.



In addition to the application form, certificates and plans the application is accompanied by a suite of reports:

- Environmental Statement and Non Technical Summary;
- Statement of Community Involvement;
- Shadow Habitat Regulation Assessment Stage 1 Screening;
- Arboricultural Impact Assessment and Method Statement;
- Framework Travel Plan;
- Transport Assessment;
- Landscape and Visual Impact Appraisal;
- Flood Risk Assessment and Drainage Strategy;
- Utilities Statement;
- Noise Assessment;
- Air Quality Assessment;
- Historic Environment Desk Based Assessment;
- Design and Access Statement;
- Energy Statement;
- Planning Statement;
- Desk Study and Preliminary Risk Assessment;
- Ground Investigation Report;
- Ecological Assessment; and
- Ecological Impact Assessment.

The Environmental Statement has been prepared in accordance with the requirements of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), and the application has been assessed in relation to the Environmental Statement, which forms the basis of this decision.

Further information has been submitted in the form of various Technical Notes in response to National Highways concerns.

A Sports Planning Assessment was also submitted on 9 February 2022.

The Environmental Information

The application is accompanied by an Environmental Statement (ES) which provides a detailed explanation of the background, site, surroundings and proposed development as well as the anticipated environmental impact covering transport, air quality, noise and vibration, landscape and visual impact and socio-economics.

A parameter plan submitted for approval establishes the access and the land uses of the proposed development. The EIA has been assessed against the Parameter Plan.

The ES adequately identifies and describes the likely main effects of the proposed development. It also adequately addresses the measures that need to be taken to mitigate the various impacts.

It is considered that the total environmental information submitted by the applicant is satisfactory and meets the requirements of the relevant regulations.

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 Final Version 21 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 its Submission Wealden Local Plan 2019 following its Stage One examination process.

Relevant Policies

The National Planning Policy Framework (NPPF) July 2021 is a material planning consideration when assessing and determining planning applications. Due regard has been had to any relevant national policy guidance, in particular paragraphs 2, 8, 10, 11, 12, 38, 47, 55, 56, 57, 60, 63, 65, 73, 74, 77, 90, 92, 93,

95, 97, 98, 100, 104, 106, 110, 111, 112, 119, 120, 124, 130, 131, 134, 153, 154, 159, 165, 166, 168, 174, 176, 179, 180, 182, 183, 185, 194, 195, 218 and 219 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, EN8, EN12, EN14, EN15, EN18, EN27, EN29, DC17, HG5, HG6, HG7, TR3, TR13, TR16, LR1, LR3, LR5, CS1, CS2, CS3, CS4 of the adopted Wealden Local Plan 1998.
- Policies WCS1, WCS2, WCS3, WCS4, WCS5, WCS7, WCS12, WCS13 and WCS14 of the adopted Wealden Core Strategy Local Plan 2013.
- Policy AFH1 Affordable Housing Delivery Local Plan 2016.

The Development Plan

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the current development plan for the area in which the application site is located comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016. In addition, the Waste and Minerals Local Plan ((February 2013) and the Waste and Minerals Sites Plan (February 2017) were adopted by East Sussex County Council and form part of the statutory development plan, although not relevant to this particular application. Neighbourhood development plans when adopted by Wealden District Council, also form part of the statutory development plan and at the time of writing this includes the Herstmonceux Neighbourhood Plan (July 2019), Hailsham Neighbourhood Plan Final Version 21 July 2021 and the Hellingly Neighbourhood Plan July 2021 none of which are relevant to the application site.

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 taken as a whole. The presumption in favour of granting planning permission under Paragraph 11 of the NPPF does not automatically apply where Footnote 7 of the NPPF applies, and policies of the NPPF provide a clear reason for refusal. However, the shortfall in the supply of housing land is a material consideration that weighs heavily in favour of allowing the proposed development.

Principle of Development

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

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

The adopted development plan documents relevant to the application site are the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan, which was formally adopted on 19 February 2013, and the Affordable Housing Delivery Local Plan adopted in May 2016.

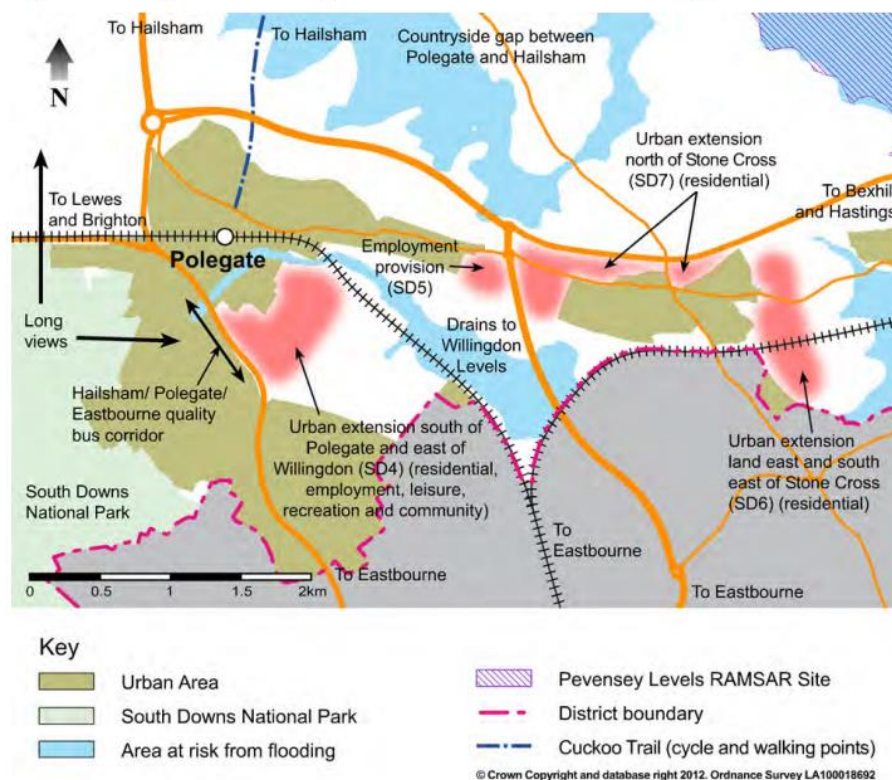
The application site is outside the development boundary for Polegate and Willingdon as shown on the 1998 Wealden Local Plan, Proposals Map 47 where development is resisted in accordance with saved policies GD2 and DC17. However, policies GD2 and DC17, are “out of date” in the context of the 2013 Core Strategy Local Plan which is the more up to date plan, aimed at guiding development up to 2027 as opposed to 2004 in the 1998 Plan. The CSLP in Paragraph 1.1 states that it “is the key policy document which sets out how the places and communities within Wealden will change up until 2027”.

Policy WCS2 allocates land to meet housing provision and for Polegate and Willingdon allocates land for a further 700 dwellings. The policy states that broad locations for housing development under this policy are indicated on the Key Diagram and that individual sites to deliver the housing provisions will be allocated in the Site Allocations DPDs.

Policy WCS4 identifies Strategic Development Areas considered critical to the delivery of the Core Strategy and provides for new housing, employment and community facilities. Strategic Development Area SD4 relates to Land at South Polegate and East Willingdon which makes provision for around 700 dwellings, 8,600 sq.m. net employment floor space, leisure, recreation and community facilities.

The application site lies within the Strategic Growth Area SD4 as indicated on the Key Diagram. The Strategic Sites DPD referred to in Policy WCS4 (and Policy WCS2) was withdrawn by the Council following Examination.

Figure 8 Polegate and Willingdon and Stone Cross Area Strategy



The application site formed part of the outline planning application WD/2017/1942/MEA for the development of a mixed-use urban extension comprising up to 700 dwellings plus employment, community and amenity uses. An appeal on grounds of non-determination was dismissed in December 2019 under appeal reference App/C/1435/19/3230484. The appeal proposal was dismissed solely on transport grounds.

In the absence of a five year housing land supply, policies of the 1998 plan which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. The issue of housing delivery is a significant material consideration in favour of the application that outweighs the policy conflict with GD2 and DC17. The Core Strategy policies as they apply to the application site, namely WCS4 and the identification of strategic growth areas, therefore supersede the saved policies of the 1998 Wealden Local Plan with regard to the restrictive policies that apply outside the development boundary in those locations identified for growth.

To conclude, the development accords with all the relevant planning policies in the adopted development plan with the exception of the two policies GD2 and DC17, which for the reasons set out in the report are given very limited weight. The site lies within the Strategic Growth Area SD4 identified in the adopted Core Strategy 2013 and the dismissed appeal was not on the grounds of the acceptability of the principle of development. Indeed the Inspector considered the appeal proposals in both the context of the adopted Core Strategy where she found the scheme complied with Policy WCS4, and the strategy of the emerging SWLP (now withdrawn) where she also found the development to be consistent with the growth strategy of the SWLP in principle. There are no adverse impacts of the development that would significantly and demonstrably outweigh the benefits of the development proposal. Therefore the presumption in favour of sustainable development is applicable, having regard to the positively concluded Appropriate Assessment which has been undertaken for the site.

Quantum of Development

As an outline application with all matters reserved other than access to the site (i.e. appearance, landscaping, layout and scale), the detailed position of particular buildings, internal roadways, parking, amenity space or proposed planting are all matters for later consideration. In terms of these aspects, this application simply has demonstrate whether the quantum of development proposed, accessed from the location detailed can be adequately accommodated within the constraints of the site.

The proposed medical centre is located at the southern part of the site contiguous to Eastbourne road.

The applicant has submitted an illustrative masterplan to demonstrate one way the site could be developed and reflects the maximum quantum of development being applied for. The illustrative layout demonstrates the site can accommodate the quantum of development proposed.



Traffic Impact and Access

Impact on Highway Network

Following the submission of the application in March and National Highways objection highway impact modelling has been undertaken on the A27 (Cophall Roundabout, Polegate Signals, and the High Street signals) as requested by National Highways.

Scenarios modelled are for 2037 Do Minimum and Do Something. The Do Something includes mitigation at each of the junctions. The mitigation at the A27 Polegate is currently under construction, and the mitigation at the High Street signals is to be delivered by ESCC as part of the HPEMAC plans in 2022/23. The mitigation at the Cophall roundabout (widening on the eastern and southern arms on land within the highway) is to be developer funded.

National Highways have requested a condition that restricts occupation of the development at 91 units until improvements works have been carried out to Cophall Roundabout.

Access

The development will be accessed from Eastbourne Road via a ghost island T-Junction arrangement 90m north of Broad Road junction. Integral works to tie in with the HPEMAC to include realigned kerb line, uncontrolled crossing point with pedestrian refuge and 3m wide cycleway/footway on site side are also proposed.

The proposed access is shown in detail up to and including the internal junction to serve the Medical Centre to facilitate early commencement of the new Medical Centre Building which will be delivered by a third party. ESCC Highways have no objections subject the completion of a legal agreement and conditions – full details of which are set out in their consultation response.

Affordable Housing

The application proposes 35% affordable housing units (or up to 63 units if the total development is 180 units) which is compliant with Policy AFH1 of the Affordable Housing Delivery Local Plan (AHDLP). The Housing Service supports this application.

As the application is in outline form the exact location of the affordable units is not known at this stage, though if approved all this detail will be secured through the legal agreement and the reserved matters submission(s).

The provision of additional affordable housing, delivered as part of a mixed scheme with 65% open market units, is afforded significant weight in favour of the grant of consent. WDC Housing support the application. They have confirmed that as of the 15 November 2021 there are currently 503 households on the Housing Register in total. With regard to the need in the Parish and adjoining parishes there are 15 with a connection to Willingdon and Jevington, 22 to Westham, 78 to Polegate; 1 to Longman and 4 to East Dean and Friston.

Open Space

The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policies LR1, LR3 and LR5 of the Wealden's Local Plan and Policy WCS13 of the Core Strategy set out the requirements for open space. Policies LR3 and LR5 set specific policy expectations for open space provision in new developments. In summary, these policies require:

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

Policy WCS13 of the Core Strategy Local Plan requires:

- All new residential development where appropriate to make provision for new or enhancement of existing open space.

All residential development of 30 or more homes are expected to make a contribution towards open space either on-site, off-site or through a financial contribution.

The figure of 24sqm per occupier is broken down into 17sqm for youth and adult, 4.5sqm informal children's play and 2.5sqm for equipped children's play space. The site clearly cannot accommodate the on-site provision for youth and adult recreation space, however having regard to the requirement for the off-site contribution required by Sports England as mitigation for the loss of the sports pitch, this contribution will also address the youth and adult off-site contribution that would be required under the local plan policies. The informal children's play space and equipped children's play space would be provided on-site.

Custom and Self Build

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

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

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

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

To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement. In this current case 5% of the number of dwellings secured would be 9 (though it might change if the reserved matters application is for fewer units). 9 custom or self build plots would, in part, enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended).

This is a consideration given that there is evidence of unmet need for serviced plots in the District.

Tree and Landscaping Proposals

The majority of the trees are on or adjacent to the site's boundaries. The application is accompanied by an Arboricultural Impact Assessment and Method Statement which states that the trees on and adjacent to the site vary considerably in terms of condition and the amenity value that they provide to the wider landscape. The report indicates the removal of one large tree (T48) and part of the hedgerow (H1) to enable the construction of the site access. Two complete groups (G4 and G6) and part of groups (G5 and G7) are proposed for removal to accommodate the development. With the exception of T48 an oak tree classified as A2, the hedgerow and groups of trees are classified as C1

Four trees are proposed for crown lifting (T33, T42, T43 and T45). There are also a number of trees that will be affected by construction of hard surfaces within their RPAs. It is proposed that the hard surfaces will be constructed in accordance with no dig principles and a cellular confinement system as a sub-base.

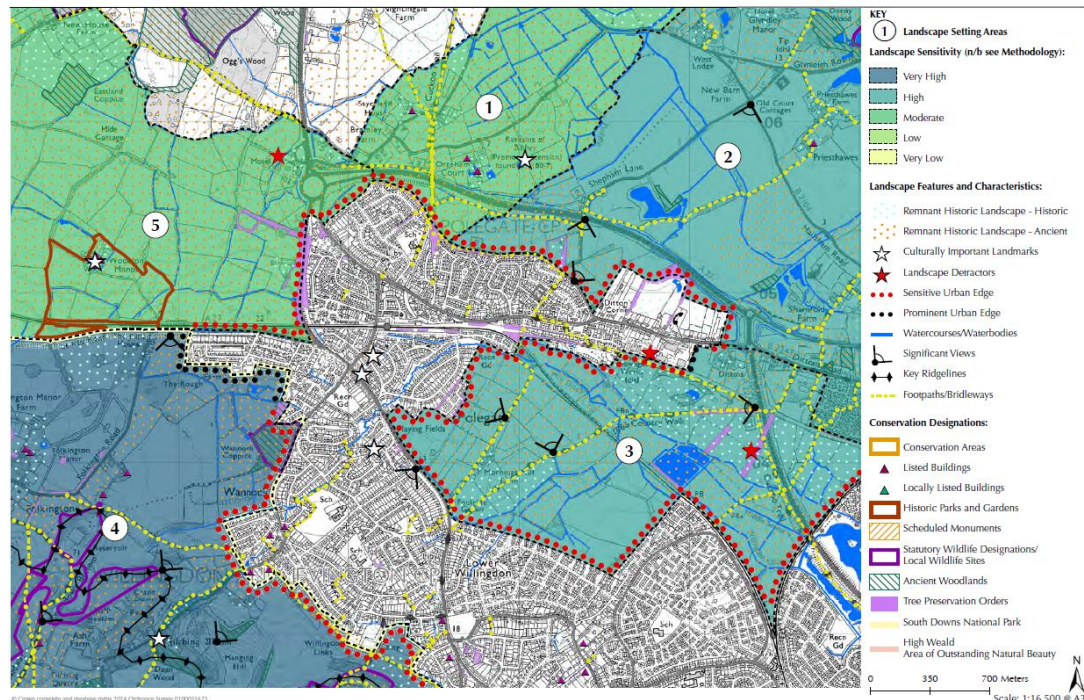
This is an outline application therefore detailed landscaping proposals will be considered at the reserved matters stage. An indicative Landscape Masterplan has been submitted to demonstrate one possible approach to the landscaping within the site.

For: Planning Committee South
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Significant new tree planting will be required as part of any landscaping, which will seek to secure native species of local provenance to enhance biodiversity and have regard to the landscape and visual impact on the wider setting including from the South Downs National Park

Landscape and Visual Impact



The Wealden Landscape and Settlement Character Assessment shows the landscape sensitivity surrounding Willingdon, Jevington and Polegate with five landscape settings being identified. The application site lies within “Landscape Setting Area 3”. With the exception of Landscape Setting Area 4 covering the South Downs National Park, which is classified as Very Low Landscape Capacity for obvious reasons, all other areas are classed as having Moderate Landscape Capacity. Whilst it is acknowledged that Landscaping Setting Areas 2 and 3 are identified as having a High Landscape Sensitivity compared to Landscape Setting 1 and 5 with Moderate Sensitivity their overall Landscape Capacity of Moderate is the same.

The character of the application site would change from disused sports pitches to a suburban residential development clearly having an urbanising impact. The area currently provides an open transition (in conjunction with the adjoining farmland of Mornings Mill) between the edge of Eastbourne borough boundary and Polegate and Willingdon parishes, therefore the development would clearly change the landscape and visual character of the site.

The National Park carries the highest level of landscape protection in planning policy and whilst the application lies some distance outside the National Park, great weight is given to any impact the development may have on the objective of conserving and enhancing landscape and scenic beauty of the National Park as set out in Paragraph 176 of the NPPF. The South Downs National Park provides long ranging panoramic views in all directions providing a very extensive sweep of the landscape which encompasses much of the Low Weald and the urban area of Eastbourne with the abutting urban development in South Wealden that includes Polegate, Willingdon and Stone Cross taking in rural, urban and ocean views, with built development dominating short range views to the north, east and

south. From the high ground of Combe Hill the application site is highly visible, appearing as open space closely abutting the built up area of Polegate and Willingdon. The site is seen in the context of the surrounding urban development of Eastbourne and Willingdon which spreads out close to the foot of the chalk escarpment and towards Polegate.

There is strong intervisibility with the chalk escarpment of the National Park from within the site, however in views from the National Park, the development of the application site would be seen in the context of the existing established urban development of Willingdon and Polegate. The proximity of the development to the existing extensive urban area in the same scene and the scale of development relative to the many square kilometres of visible landscape would all serve to diminish any visual impact. The landscape in the vicinity of the application site is already a mixture of countryside and urban and therefore the shift in balance between the two characteristics within the overall scene would be minimal. Whilst the proposed development would change views in both directions, it is considered that the extension of development on this site would not have a detrimental effect on the landscape character and scenic beauty of the National Park and subject to careful design would accord with Paragraph 176 of the NPPF that development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated area.

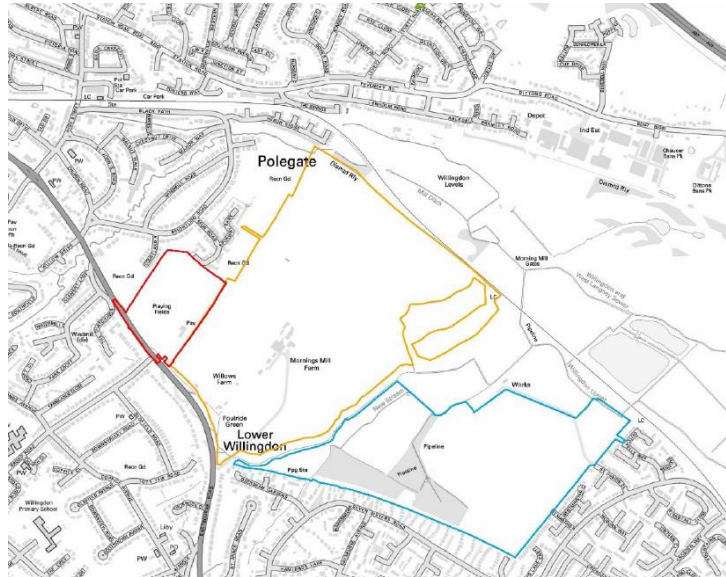
The comments from the South Downs National Park are noted, however the application is submitted in outline form with all matters reserved other than access. As such detailed layout and landscaping proposals for the site are reserved for later consideration but can be used to reduce the visual impact of the development. The site was identified for development as part of the Strategic Growth Area 4 in the adopted Core Strategy.

The installation of artificial lighting could have a potential adverse impact, however, the approval of an appropriate lighting scheme determined through the condition discharge process, can ensure that the development will avoid unacceptable impacts arising from over lighting, sky glow and glare.

To conclude, any extension into the countryside around Willingdon/Polegate borders would have a transforming effect on the present landscape character of that land. Apart from the elevated views from the South Downs National Park, the flat lowland topography and mature landscape features generally limits visibility within the wider landscape. Views from along Eastbourne Road, Spurway Park and adjoining residential properties of Brightling Road and Courtland Road will be visually prominent however, this is only to be expected having regard to the immediate proximity to the site. Detailed design and landscaping will help reduce visual impact from Eastbourne Road, Spurway Park and other sensitive receptors bordering the site. The development will also have an impact on views from part of the PROW Willingdon and Jevington 5. Additional boundary planting will help mitigate impact in the longer term as landscaping matures.

In distant views from the SDNP, the site clearly is seen as part of the open countryside however this is equally seen in the context of existing urban development with the site lying immediately adjacent to the built up area. It is

considered that the proposed development would not have a detrimental effect on the special character and appearance of the SDNP having regard to the intervening development between the foot of the Downs and the application site. It is acknowledged that the development would have an urbanising effect on the character of the site, however the principle support offered by Paragraph 11 of the NPPF (due to the lack of 5 year land supply) is considered sufficient to outweigh this impact.



Ecology

Paragraph 180 of the NPPF states that *“When determining planning applications, local authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

There are no ecological statutory or non-statutory designations located within the site. The site however lies within 2.8km of the Pevensey Levels Ramsar Site and Site of Special Scientific Interest.

The application is supported by an Ecological Appraisal which confirms that on site habitats are common and widespread. The site offers low potential for foraging and commuting bats. The habitats within the site provide suitable nesting and foraging habitats for birds. With regard to wintering bird surveys of the six notable bird species found, these were utilising the site boundaries such as scrub, trees and hedgerow. Terrestrial habitat has the potential to support Great Crested Newts but at the time of survey the waterbody in the site was dry. No evidence was found of Hazel Dormouse and a low population of reptiles was found.

The submitted documentation sets out a range of measures recommended by the ecologist to ensure that no protected species are harmed and to minimise ecological impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures it is considered that the development will not result in significant adverse effects to biodiversity and indeed with the

opportunities for ecological enhancements as recommended in ES could achieve net gains to biodiversity. The findings of the ecological reports are accepted and it is considered that a planning condition can ensure the necessary mitigation and enhancement works are undertaken at the appropriate time. The development would accord with planning policies with regard to nature conservation and biodiversity enhancement.

Flood Risk and Drainage

The site is located entirely within Flood Zone 1 therefore the risk of fluvial flooding is considered low. According to the EA mapping there is a low risk of surface water flooding along the route of the existing ditch on the south eastern boundary and around the hard standing areas of the changing rooms and existing dwelling in the southern corner of the site. Site levels indicate that the majority of the site falls towards the southern corner. Surface water run-off drains towards existing ditches along the southern western and south eastern boundaries which discharge into the Main River Mornings Mill Stream. A short section of the south eastern boundary ditch is culverted through a 450mm diameter pipe adjacent to the site access.

The development proposes SuDS to attenuate and filter surface water using a combination of porous paving for parking areas, retention basin for primary attenuation storage and tertiary water treatment and swales adjacent to the access roads for conveyance, treatment and storage of water.

With regard to water quality issues and given the high sensitivity of the receiving water it is important to be certain that the SuDS proposed is capable of treating the surface water run-off to a high enough standard. Mitigation of the potential resultant pollution from the development has been assessed in line with the CIRIA document C753. Using the site pollution index analyses for water quality assessment the Flood Risk Assessment and Drainage Strategy demonstrates that the SUDS mitigation indices are far higher than the combined pollution hazard indices.

In order to be certain that adverse effects on the SAC/Ramsar are avoided, the long term operation and management of SUDs features will be managed in perpetuity in line with the requirements set out within the SUDs Manual (CIRIA C753) and shall be undertaken by the developers appointed contractor/management company. Details of the management and maintenance plan and in perpetuity provision can be secured by way of planning condition.

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

Consideration of Statement of Heritage Significance

The application does not contain any nationally designated heritage assets including scheduled monuments, listed buildings or lie within a registered park and garden. The site is not located within a conservation area.

The County Archaeologist has advised that the site lies within an Archaeological Notification Area defining an area of wetlands containing a buried waterlogged prehistoric land surface and associated organic structures and remains. Whilst the site itself is considered unlikely to contain peat deposits due to its elevated position in relation to the surrounding topography and the conclusions of the Heritage Desk Based Assessment that supports the application, the site may have a higher potential having regard to the results from recent archaeological investigations at the development of Brodricklands and Hamlands Farm. Accordingly, the County Archaeologist has recommended conditions to require a programme of archaeological works.

The assessment also considered the impact of development upon the setting of the Grade II* Listed Building Polegate Windmill; and concluded that there would be no harm to the setting or significance of the listed windmill. Officer's concur with this assessment.

Impact on Neighbours

Clearly residents living in the locality and adjoining the development have understandable concerns regarding the impact of the development adjacent to their properties. Whilst a parameters plan and illustrative masterplan have been submitted in support of the application, this only establishes the broad principles of development, not precise locations and detail. These matters will be addressed when the detailed design is developed through the submission of Reserved Matters applications.

Mitigation measures such as provision and/or reinforcement of landscaped buffer zones, provision of appropriate back to back privacy distances and careful regard to ridge heights will be sought in the development of the detailed layout and design of the development, to protect the amenity of the existing residents with regard to issues of privacy, overshadowing and the character of the locality.

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

Noise

The dominant noise source will be from road traffic on the Eastbourne Road. The Noise Assessment which accompanied the application confirmed that the impact from construction although temporary, will result in minor adverse impacts at 15m during the earthworks and construction phase and negligible adverse impact at 35m and 55m from the development. With regard to the operational phase the cumulative effects were assessed in conjunction with the Mornings Mill development. The assessment concluded that the magnitude of the impact to

the south of the development is predicted to be negligible, therefore significance of cumulative impacts was considered slight adverse. The significance of noise effects to the north of the development is predicted to range from slight beneficial to large beneficial.

Conditions can be used to reduce impacts of noise during construction. Layout and design can ensure any issues of noise for dwellings accord with best practice guidance.

Air Quality

The site is not located in or near an Air Quality Management Area. The application is accompanied by an Air Quality Assessment (AQA). THE AQA concludes that with appropriate mitigation, air quality concentrations are acceptable for future residents and that impact on existing residents are predicted to be negligible during construction and operational phases. Mitigation measures can be conditioned.

Lighting

Having regard to the location of the development, lighting will need to be carefully controlled and will need to be conditioned to restrict lighting to levels appropriate to Environmental Zone E2. This is having regard to the South Down National Park and the bats utilising the site.

Sustainable Construction

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

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

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

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

Saved Policy EN1 of the Wealden Local Plan states that the Council will pursue sustainable development with regard to the location, layout and design of development including renewable energy and the effects on the environment including air and water quality. A condition would be sought that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

Other Issues

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

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.

Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications. It sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that "local finance consideration" includes sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. This detail is key and does make clear that CIL is relevant to this application as the improvements to meet highway capacity improvements will need to be secured by CIL. CIL is therefore, material to the consideration of this application by members of the planning committee and the delivery of the 65% market housing proposed in the application, which would be CIL liable. This CIL funding will also help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development if planning permission is granted.

Planning Balance

Having regard to the NPPF and the objective of significantly boosting the supply of homes, the provision of up to 180 dwellings coupled with open space and a

serviced site for a medical centre infrastructure is clearly a significant benefit of the scheme.

The Council acknowledges that it can only demonstrate 3.66 years supply of specific deliverable sites for housing. Whilst the proposal seeks permission for development in a location beyond the development boundary in the Wealden Local Plan 1998, the application site lies within the area identified for strategic growth (SD4) under Policy WCS4 of the adopted Core Strategy Local Plan 2013. The proposal is therefore in accordance with the growth strategy for the District as set out in the Core Strategy, which recognised that the 1998 development boundaries would have to be breached to deliver the necessary growth, and therefore constitutes a significant benefit, which weighs heavily in favour of the application.

The delivery of housing is a material consideration in the context of the very significant current housing land shortfall. It would provide 35% affordable housing meeting the policy requirements of AFH1 and 5% self-build units meeting an existing demand for such accommodation on the Council's self-build register helping the Council fulfil its statutory duties in this respect. 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, in an area where the evidence indicates there is a significant need for both market and affordable housing.

In terms of the wider economic role, the development would contribute towards economic growth during the construction phase. The additional population would assist the local economy and help support the sustainability of local services and facilities in the Polegate and Willingdon area.

In meeting the environmental role the loss of the former sports pitches to development will have a permanent impact on the character of the immediate locality, but the change is not considered to be harmful to the setting of the South Downs National Park. Provided the development is set back from the boundaries and appropriate structural planting and buffer planting are incorporated into the scheme design this should help reduce the visual impact of the development from the immediate highway network. Through the landscape and environmental enhancements including creation of new habitat features and the ecological mitigation proposed, these factors would positively contribute to the overall environmental sustainability of the application site.

Subject to the provision of a satisfactory drainage system, which is 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.

Satisfactory highway access can be achieved without detriment to highway safety and the site is located in close proximity and easy walking distance to the public transport which connects to the facilities of Eastbourne, Polegate and Hailsham. Having regard to Paragraph 111 of the NPPF it is not considered that the development would have an unacceptable impact on highway safety or that the likely residual cumulative impact of development would be 'severe', and therefore there are no reasons in transport terms to justify a refusal.

Concerns about impacts on existing infrastructure and services are not considered to weigh against the proposal having regard to the fact that the proposed 65% market housing will be CIL liable and the payments from these receipts will provide revenue to assist in providing additional services for the area.

Having regard to the above, the proposed development will bring significant economic and social benefits and adverse environmental effects can be mitigated. In conclusion, based on the three stranded definition, it is considered that the proposals would represent a sustainable form of development. Therefore the planning balance is in favour of the proposed development and in accordance with the provisions of Paragraph 11 of the NPPF, the presumption is for planning permission to be granted.

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.

The application site is outside the development boundary for Polegate and Willingdon as shown on the 1998 Wealden Local Plan, Proposals Map 47 where development is generally resisted in accordance with saved policies GD2 and DC17. However, policies GD2 and DC17 of the 1998 plan were based on the development required up until 2004, whereas the CSLP covers the growth required up until 2027. Having regard to Paragraph 11 and footnote 7 of the Framework, policies GD2 and DC17 are considered “out of date” in the context of the 2013 Core Strategy Local Plan, which is the more up to date development plan. The Core Strategy policies as they apply to the application site, namely WCS2 and WCS4 and the identification of strategic growth areas, supersede the saved policies of the 1998 Wealden Local Plan with regard to the restrictive policies that apply outside the development boundary in those locations identified for growth. The Core Strategy by virtue of the identification of a Strategic Growth Area therefore gives support in principle for development in this location.

Furthermore, in the absence of a five-year housing land supply, policies of the 1998 plan which seek to restrain new development to land within the settlement boundaries, would be to restrict the supply of housing and prevent local housing needs being met. The issue of housing delivery is considered to be a significant material consideration in favour of the application that outweighs any conflict with policies GD2 and DC17. Having regard to the more recent Policy WCS4 of the Core Strategy, which forms part of the development plan and the Council's five year land supply position, it is the officer's view that limited weight should be given to saved policies GD2 and DC17 in the consideration of this application.

Having regard to the planning balance and the considerations set out in the main body of the report, this application would have been recommended for approval

For: Planning Committee South
Date: 24 March 2022

subject to the completion of a legal agreement and conditions - if the Council had been able to proceed with its determination at the 24 March Planning South Committee. Having regard to the change in circumstances with the applicant having lodged an appeal, the recommendation is that the Council does not defend the appeal subject to the completion of a legal agreement.

6. Contact points and references

Head of Service	Mr S Robins Tel: 01892 602518
Case Officer:	Mrs C Turner, Principal Planning Officer (Majors) – Tel: 01892 602541
Ward Member:	Cllr S S H Shing



Appeal Decision

Inquiry Held between 1-11 October 2019

Site visit made on 9 October 2019

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Appeal Ref: APP/C1435/W/19/3230484

Mornings Mill Farm, Eastbourne Road, Willingdon BN20 9NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by The Vine Family and the University of Brighton against Wealden District Council.
 - The application Ref WD/2017/1942/MEA, is dated 6 September 2017.
 - The development proposed is an outline application with all matters reserved except for the means of access from Eastbourne Road for the comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 square metres of employment floorspace, medical centre, primary school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and footpath routes and associated landscaping and infrastructure.
-

Decision

1. The appeal is dismissed and planning permission for an outline application with all matters reserved except for the means of access from Eastbourne Road for the comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 square metres of employment floorspace, medical centre, primary school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and footpath routes and associated landscaping and infrastructure, is refused.

Application for Costs

2. An application for costs was made by Wealden District Council against The Vine Family and the University of Brighton. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development above relates to a revised planning application submitted to the Council on 30 November 2018. The appropriate notifications have taken place and so my decision is made on this basis. Mid-way through the Inquiry, the appellant introduced further revised plans of the site access arrangements following discussions and negotiations with East Sussex County Council (in its capacity as highway authority) which had been ongoing since early August.

4. The revised plans sought to address the objections of the highway authority but, nevertheless, the changes proposed were significant and my acceptance of them would have deprived both professional/technical consultees and interested parties of their rightful opportunity for comment. The former would not have had time to consider the revised material in any meaningful way; and the latter, some of whom have taken considerable interest in the transport-related aspects of the proposal, would not have been able to consider it at all. I have therefore based my decision on the access plans submitted with the appeal and listed in the Statement of Common Ground, August 2019: drawing nos IT432/TA/03A and 04A. These plans, along with the Site Location Plan ref. 1.109B, are intended for determination now. As the application is made in outline with all other matters reserved, I have treated the remaining submitted plans as illustrative.
5. The development plan for the district comprises of the Wealden Core Strategy Local Plan 2013 (CSLP), the Affordable Housing Delivery Local Plan 2016 (AHDLP), saved policies in the Wealden Local Plan 1998 (WLP) and saved policies in a joint Minerals Local Plan 2013 which are not relevant to this appeal. In its putative reasons for refusal, and in support of its case generally, the Council also refers to policies in the Submission Wealden Local Plan 2019 (SWLP), which is an emerging plan currently subject to independent examination.
6. The fact that the examination has commenced does indicate that the SWLP has reached a relatively advanced stage of preparation, but paragraph 48 of the National Planning Policy Framework (the Framework) also requires that the extent to which there are unresolved objections to relevant policies is taken into account in determining how much weight should be attributed to an emerging plan. In this case, there are significant unresolved objections concerning strategic matters specifically relevant to this appeal. At the time of writing, the examining Inspector's letter concerning the strategic matters considered at Stage 1 of the examination has not been published, and subsequent stages have not been programmed.
7. Consequently, while the relevant policies of the SWLP are a material consideration to which I have had regard, I give them limited weight. This position is consistent with that taken by other Inspectors in the majority of the appeal decisions to which I have been referred¹. Some have given greater weight to specific evidence underpinning the emerging plan in relation to the protection of Ashdown Forest, but this is a matter of judgement which must be based on the totality of the evidence before each individual Inspector.
8. The appeal is made against the Council's failure to determine the application within the statutory period, but its Statement sets out the reasons for which it would have refused planning permission had it retained the power to do so. I have had regard to these reasons, but in finalising the main issues for the appeal below I have taken account of how the various concerns were clarified through the presentation of evidence at the Inquiry.
9. Furthermore, and significantly in respect of the main issues, the effect of the proposed development upon the Ashdown Forest SAC was a key contested issue at the inquiry, taking two full days of inquiry time. The parties agree that the potential for the development to have a significant effect upon the Forest in

¹ Core Documents 6.1 – 6.6 and Inquiry Document 13.

respect of air quality, in combination with other plans and projects, could not be ruled out at the screening stage². Therefore, as the competent authority in this case, I would need to carry out an Appropriate Assessment (AA) as required by the Habitats Directive before I could consider any grant of planning permission³.

10. However, for the reasons explained in my decision, I intend to dismiss the appeal on highway grounds and thereby refuse planning permission for the scheme. The outcome does not therefore turn upon the effect of the proposal on the Forest and I am not required to undertake AA or to conclude upon this matter. Indeed the parties share the view that the examining Inspector's forthcoming report is likely to be determinative for the district as a whole. It would not therefore be helpful for me to reach an unnecessary finding in respect of this particular case. Consequently, the matter does not constitute a main issue of the appeal, notwithstanding the intensity of the dispute.
11. A completed Unilateral Undertaking (UU) pursuant to S106 of the Act⁴ was submitted after the close of the Inquiry (Inquiry Document 20). This followed discussion of a draft version at the event and a subsequent exchange of comments by the parties. I have taken both the completed UU and the comments into account in my decision.

Main Issues

12. The main issues are:

- The effect of the proposed access arrangements upon the safety of all road users;
- The effect of the proposed development upon the operation of the strategic and local road networks, including upon planned bus priority measures, and whether it would provide appropriate opportunities for the use of sustainable transport modes;
- Whether the proposed development would be premature, having regard to the emerging Submission Wealden Local Plan and to national policy on this matter; and
- Whether, if required, the proposed development would make appropriate provision for affordable housing and infrastructure, including open space, play facilities and community infrastructure.

Reasons

Safety of Access Arrangements

13. Vehicular access to the appeal site is proposed in the form of two junctions onto the A2270 Eastbourne Road, which provides a key north/south route between the south Wealden area and Eastbourne. Both proposed junctions would be three-arm, signalised junctions which, taken together, would include slip/flair lanes, advanced cycle stop lines, new footways and staggered toucan crossings. A new dedicated cycle lane and bus lane are also shown along the western carriageway of the A2270 beginning near to the northernmost

² Appellant's Shadow HRA, November 2018, page 5 second paragraph (CD1.18).

³ Habitats Directive (92/43/EEC), Article 6(3).

⁴ Town and Country Planning Act 1990.

proposed access, running through the southernmost one and onward towards Eastbourne.

14. The cycle and bus lanes form part of the highway authority's planned Hailsham, Polegate & Eastbourne Movement and Access Corridor – the HPEMAC – (considered further below) and they have been incorporated into the appeal scheme in the form shown in the latest consultation documents. More recently, the highway authority has decided that it would prefer the cycle lane to be provided on the eastern side of the A2270, and it is likely that this could be accommodated were planning permission to be granted. Consequently, the proposed access junctions would be used by vehicles including buses, and by cyclists and pedestrians. They would represent significant, relatively complex pieces of infrastructure on a busy and important road.
15. Two documents, dated July 2017 and February 2019, comprise the independent Stage 1 Road Safety Audit of the proposed junctions undertaken at the request of the appellant⁵. These reports identify several problems, common to both junctions and specific to each, which essentially amount to there being insufficient information to conclude at this stage that the designs would not compromise road safety.
16. The missing details include the location of various items of ancillary infrastructure, such as street furniture, poles and bus stops; vehicle swept path analysis (showing how different vehicles would move through the junctions); and scheme dimensions/geometry (concerning lane widths and the size of islands etc). No estimate of the likely volume of cycle and pedestrian traffic expected to use the junctions has been provided. In the absence of such details, the Audit identifies the potential for collisions between different types of road user if there is ultimately insufficient room to accommodate them as proposed.
17. The Audit recommends that the missing information should be provided with detailed junction designs which would be subject to a Stage 2 Safety Audit, and Section 5 of guidance document GG119 forming part of the Design Manual for Roads and Bridges clearly outlines a staged audit process. However, the highway authority is not satisfied that the changes to the submitted designs required to respond to the Stage 2 audit would be sufficiently minor to fall within the scope of its own Section 278 approval process. Indeed it is not certain that the form of the junctions proposed could be retained.
18. Therefore, while the level of detail provided in this case might be adequate in some circumstances, it is insufficient to demonstrate that the significant, multi-user junctions proposed to serve a substantial development from a busy road would be safe. Whilst Highways England accepted the appellant's scheme of improvement to nearby Cophall Roundabout on the basis of a Stage 1 Safety Audit, this included detailed junction dimensions and traffic flow estimates for all road users. Thus the evidence is not comparable.
19. For the reasons above, I conclude that it has not been demonstrated that the proposed access arrangements would not compromise the safety of all road users. The proposed development would therefore conflict with Policy TR3 of the WLP 1998 which requires provision of a satisfactory means of access and with Policy TR13 insofar as pedestrian safety would be affected. It would also

⁵ Reproduced in Appendix JB7 to the Proof of Evidence of Mr Justin Bass, September 2019.

conflict with the provisions of paragraph 108 of the Framework concerning safety.

Operation of the Road Network

20. During the course of the appeal, Highways England withdrew its objection to the appeal scheme because it is now satisfied that its impact upon the Strategic Road Network (SRN) - specifically the A27 - could be mitigated⁶. A package of measures is required⁷, and both Highways England and the local highway authority are confident that the elements for which they are responsible could be delivered as necessary. The appellant would be responsible for work to Cophall Roundabout to the north of the site and this could be secured by means of a legal agreement with Highways England along with a S278 agreement.
21. To ensure the efficient and safe operation of the SRN, it would be necessary to impose a condition requiring no more than 150 dwellings to be occupied until the various works are completed. However, to alleviate congestion on the Local Road Network (LRN) to which the proposed development would add, the highway authority's Polegate High Street Signals scheme should be completed prior to any occupation. This is due in 2020/21 and the appellant broadly accepts the necessity of the more stringent condition. Overall, therefore, the effect of the proposed development upon the operation of the SRN is capable of being addressed.
22. In respect of the LRN, it is agreed that further mitigation works would be required in addition to those necessary to safeguard the operation of the SRN. The UU would provide a financial contribution sufficient to enable a signal box to be upgraded at the junction of the A2270 and Huggetts Lane to the south of the site; and it was agreed at the Inquiry that the development should not be occupied until Phase 1 of the HPEMAC is implemented. The proposed development would have a direct impact upon these elements of the road infrastructure. A condition could be imposed to secure the necessary mitigation, although the specific effect of the proposal upon the HPEMAC is considered below.
23. It was further agreed that the development should, to some extent, be contingent upon works to upgrade two roundabouts on the A22 Golden Jubilee Way⁸. This road provides an alternative route specifically intended to divert traffic to and from Eastbourne away from the congested A2270, and the appeal scheme would clearly add traffic on the latter. However, Highways England confirmed that the scheme would have no direct impact on either roundabout, and the improvements to them are required whether or not it is built. Therefore, given that the traffic impact of the proposed development would be gradual as it would be constructed in phases, it would be reasonable to permit the occupation of up to 150 units before the roundabout works are completed as Highways England suggests. This could be secured by condition.
24. The HPEMAC is essentially a proposal for a sustainable transport corridor from Hailsham to Eastbourne which seeks to minimise predicted traffic congestion in the Eastbourne and South Wealden areas as a result of increased development.

⁶ Statement of Common Ground (SOCG) between Highways England and the appellant, 10 September 2019.

⁷ *Ibid*, para. 3.1.

⁸ A27 and A22 Golden Jubilee Way Roundabout; and A22 Golden Jubilee way and Dittons Road roundabout.

Phase 1, which includes the stretch of the A2270 past the appeal site, was consulted upon in October 2017. It is fully funded and due to be implemented in 2020/21. The HPEMAC includes a northbound bus lane past part of the site and, while no southbound bus lane is proposed, bus priority is a key aspect of the HPEMAC overall.

25. The plans of the proposed accesses to the appeal site do not include measures to facilitate southbound bus movements through either the northern or southern signalised junctions. The northern junction is expected to delay southbound vehicles (including buses) by approximately 16.60 seconds in the morning peak period and by approximately 16.88 seconds in the evening peak. The projected southbound time savings resulting from the HPEMAC along this particular stretch of the A2270 are 48 seconds and 74 seconds in the morning and evening peaks respectively and the delays caused by the proposed northern access to the appeal site would be set against these⁹. Northbound buses are also expected to experience delays, but the extent is less clear in the figures and this was of less concern at the Inquiry. The effect of the southern proposed access was similarly of less concern.
26. The delays expected to affect southbound buses are perhaps relatively small in themselves and they are certainly small in the context of an overall journey time from Hailsham to Eastbourne exceeding half an hour. However, not everyone will make the entire journey from Hailsham to Eastbourne and the success of bus priority measures will surely be linked to the experience of passengers in any given locality. In this context, the delays cited above are significant versus the relatively small time savings to be achieved by the HPEMAC. Moreover, they fundamentally conflict with the very purpose of an approved and funded sustainable transport scheme.
27. The emerging SWLP does include a smaller development site allocation in the vicinity of the northern proposed access to the appeal site¹⁰, but I have no detailed information about the nature or position of the access which might be needed to serve it. I cannot therefore conclude with confidence that the appellant's proposed access would be no worse than the one required by the emerging plan. The effect of the latter upon the HPEMAC and LRN generally would itself require assessment in any case. Therefore, the present site access proposals do not demonstrate sufficient consideration for the purpose of the HPEMAC and they do not promote this opportunity available for public transport use as required by paragraphs 102 and 108 of the Framework.
28. Turning to the use of other sustainable transport modes, the Polegate/Willingdon and Jevington Footpath no. 5 runs north/south through the site linking to the A2270 Eastbourne Road and the B2247 Pevensey Road. The nearby settlement of Polegate, with its train station and selection of day to day services lies to the north-west of the site. Footpath no. 5 could be upgraded within the site itself to provide an appropriate facility for both pedestrians and cyclists. The main internal road serving the development would also provide foot and cycleways connecting with Eastbourne Road at both proposed access points.
29. Thus pedestrians and cyclists would be able to travel from the site to Polegate along Eastbourne Road with cyclists making use of the HPEMAC cycleway and

⁹ Supplementary Proof of Justin Bass, September 2019, Appendix JBS6, page 385.

¹⁰ SLWP, Policy SWGA38, Allocation PW1.

existing marked lanes. Pedestrians would need to cross Eastbourne Road and back again to make the journey, but the availability of formal crossing points would make this relatively easy. Moreover, pedestrians would also be able to use existing routes towards Polegate from the north of the site, via Black Path or "Polyarch" without the need for upgrading.

30. Whether the routes via Black Path or "Polyarch" could be upgraded to meet the formal standards for cycle paths or those required by the Disability Discrimination Act is less certain. The former route runs over Polegate Town Council's land, with the appellants benefitting from an easement which permits various vehicles, including motor vehicles, to pass over a particular strip of land to the site. It is not absolutely clear that this confers a right to upgrade the path, but the existence of the easement suggests there is a reasonable prospect of suitable access being achieved.
31. Moreover, a surfaced path runs parallel to the strip of land covered by the easement. It is not wide enough to constitute a formal cycle path and public use in perpetuity cannot be guaranteed. However there is no particular concern that access will be denied and its quality is such that cyclists from the development could use it. Consequently, the Black Path route would provide a suitable, if not perfect, route to Polegate for cyclists from the north of the site.
32. The "Polyarch" route includes unregistered land, making the process for obtaining the necessary consent to upgrade the path potentially difficult for any party. The highway authority presented this as an insurmountable obstacle to it undertaking the work, and no other solution was forthcoming. Thus the existing path, which is narrow and potholed in places, might not be suitable for general cycling, but Black Path would provide alternative access to Polegate. Cyclists would also be able to use Footpath 5 within the site to connect to Eastbourne Road and onward to Polegate in any case.
33. Drawing together my findings above in relation to the operation of the transport network, I conclude that the proposed development would not affect the operation of the SRN because its impact could be suitably mitigated. The development would provide appropriate opportunities for walking and cycling, and both pedestrians and cyclists would have a choice of routes to Polegate. However, the proposed access junctions on the Eastbourne Road would compromise planned bus priority measures forming part of the HPEMAC and this has not been given sufficient consideration. Having regard to the overall purpose of the HPEMAC to minimise congestion, this failure to promote bus use would be detrimental to the operation of the LRN. Thus the proposal would be contrary to Policy TR3 of the WLP 1998, which requires that new development does not perpetuate unacceptable traffic conditions and that it provides appropriate public transport facilities. As stated above, it would also conflict with paragraphs 102 and 108 of the Framework.

Prematurity

34. Paragraph 49 of the Framework requires that two tests are met before a refusal of planning permission could be justified on grounds of prematurity. Considering test a), the proposed development is certainly substantial, and the site's policy status would change if the SWLP were to be adopted. Currently under the Core Strategy, most of the site lies within a strategic development area (SD4) identified in Policy WCS4 at south Polegate/east Willingdon. The area is expected to provide around 700 dwellings, 8,600sqm of employment

floorspace, leisure, recreation and community facilities. Therefore, the appeal scheme complies with this policy in principle. Under the emerging SWLP, the strategic development area designation would be removed, and the appeal site would not be allocated in any form.

35. However, the strategy of the SWLP is to focus the majority of development within the South Wealden Growth Area (SWGA), which includes the area within the development boundary of Polegate and Willingdon (Policy SWGA1). Whilst the appeal site would not be allocated, it would fall entirely within this development boundary (Map 11, page 209) where the principle of development would be acceptable under the terms of Policy WLP3. Paragraph 6.11 of the SWLP further explains that development of any scale would be acceptable in principle, subject to compliance with other policies within the plan. Consequently, the proposed development would be consistent with the growth strategy of the SWLP - in principle.
36. The foremost reason for removing the SD4 development area from the SWLP and for not allocating the appeal site (the allocation of which was proposed in an earlier iteration of the plan) concerns the effect that the quantum of development proposed, in combination with other planned growth, could have upon the integrity of the Ashdown Forest Special Area of Conservation (SAC) via an air quality pathway of impact. Indeed the Council's case on prematurity centres on the scale of the task involved in having to de-allocate 700 dwellings proposed elsewhere in the SWLP in order to accommodate the appeal scheme within the overall "cap" on housing growth it sets at 14,228 dwellings. The reason for the cap is that the plan is predicated upon an air quality mitigation strategy which seeks to deal with the potential effects of 14,228 dwellings precisely.
37. However, the dwelling cap was an input to the Council's air quality evidence supporting this appeal rather than an output of it. Essentially, having been asked to test a figure of 14,228 dwellings, the Council's air quality specialist has concluded that the impacts of the SWLP are mitigable, but that this will be challenging. He further concludes, quite reasonably, that mitigating a higher level of development will be more challenging¹¹, but no evidence was presented to demonstrate that a higher level of growth has been tested from an air quality perspective. Thus it has not been demonstrated that the precise cap of 14,228 dwellings is needed because it would be impossible to mitigate the air quality impacts of more; although there might of course be other reasons for selecting this figure.
38. Consequently, it should not automatically be concluded that the appeal scheme would conflict with Policy AF1 of the SWLP, which would require development in addition to planned growth, in combination with planned and other relevant development, to demonstrate that it would not adversely affect the SAC. I am not required to undertake an AA given my overall conclusion about this appeal, but the development would be likely to generate just 38 vehicles using roads through the forest per day. The additional effects of the scheme itself would therefore be extremely small. Moreover, the measures comprising the Council's intended Air Quality Mitigation Strategy (CD5.2, paragraph 12.27) are not site-specific and would be as applicable to the appeal scheme as to allocated sites.

¹¹ Proof of Evidence of Dr Marner, 10 September 2019, paragraphs 6.3-6.5.

39. Overall, the proposed development would comply with the growth strategy of the SWLP in principle. The 14,228 dwelling cap does not represent an absolute limit on growth from an air quality perspective and, if the SWLP were to be adopted, the appeal scheme would need to comply with Policy AF1 (and there is no fundamental reason to consider that compliance would not be possible). Therefore, having regard to test a) in paragraph 49 of the Framework, a grant of planning permission would not undermine the process for preparing the SWLP by predetermining decisions about the scale, location or phasing of development that are central to it. Having reached this finding, it is not necessary to consider test b) in paragraph 49 and so I conclude that the proposed development would not be premature.

Affordable Housing and Infrastructure Provision

40. The UU includes planning obligations relating to all the requests made by the Council. Nothing is fundamentally missing, and the appellant does not dispute the need to make some sort of provision in each case. However, there remains dispute about the nature, scale and/or effectiveness of certain provisions.
41. The UU would secure 35% affordable housing as required by Policy AFH1 of the Affordable Housing Delivery Local Plan 2016 (CD4.2) with an appropriate tenure mix. This obligation is not disputed, it is necessary to comply with the development plan and it meets the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and in paragraph 56 of the Framework. An obligation is also included to secure on-site provision of various types of public open space as well as a financial contribution towards its maintenance. Open space is required by policies LR1, LR3 and LR5 of the WLP 1998, and the amount of land and money secured by the UU would satisfy the recommendations in the Council's draft Supplementary Planning Guidance. Consequently, the relevant tests are also met in this respect.
42. Community hall facilities would need to be completed upon the occupation of the 280th dwelling. The outstanding requirement for such facilities in the local area justifies the need for obligation in principle. Part of the overall space would be provided in a converted barn, but the UU would nevertheless secure specific facilities to meet Sport England's standards where relevant. In the absence of any alternative information about the size or type of hall required by the Council¹², the facility offered by the appellant seems reasonable. Further obligations concern the provision of land to accommodate a medical centre and a school. Again, these requirements are justified by the unmet need (or, in the case of the school, the probable future need) for such facilities in the local area which would be made worse by the development. Following discussion at the inquiry, it is not disputed that the space proposed would be sufficient.
43. However, the Council has various concerns about the mechanisms proposed for securing the community hall, the medical centre site and the school site at the right time and for transferring them to the appropriate organisations. Certain obligations would be tied to the "phasing assumptions" and the "Design Framework Parameter Plan" embedded within the UU, but both are clearly intended to be indicative and flexibility is provided for other assumptions/locations to be approved by the Council in due course. The

¹² Council's CIL Infrastructure Justification Statement (para. 2.19).

arrangements for the transfer of the facilities/land might ultimately enable the developer to discharge its obligations without the infrastructure having been secured, but only if various public and other responsible bodies fail to accept them within good time. As the facilities are requested by the Council as being in demand and would meet the relevant standards, this would seem to be a small risk. Of course, the risk would be smaller still had it been possible to conclude a legal agreement between the parties, but it has not.

44. Turning lastly to the obligations concerning highways, it is not disputed that the UU secures sufficient financial contributions towards necessary works at the Huggetts Lane Signals (see above) and for auditing the travel plan. It also provides for a "Bus Service Contribution" of £420,000 towards increasing the frequency of buses past the site; a "High Street Contribution" of £1,383,000 towards traffic calming and public transport improvements on Polegate High Street; and a "Links Contribution" of £100,000 towards upgrading Footpath 5 beyond the site boundary.
45. The highway authority has requested a sum of £1.2m to increase bus services past the site from two to four journeys per hour. However, this would appear to represent the total cost of providing the service for five years with no contributions being sought from other developments which would benefit from the HPEMAC scheme, and no allowance being made for funding from passenger fares. The proposed development would certainly contribute to the need for improved bus services but the appellant's evidence¹³ indicates that the Bus Service Contribution in the UU would be more reasonably related to the development.
46. Similarly, given that the traffic impact of the development would be gradual, it would be reasonable for the High Street Contribution to be paid in two instalments. Indeed the contribution would be paid in the relatively early stages of implementation given that planning permission is sought for up to 700 dwellings. The Links Contribution is not necessary because both pedestrian and cycle access to Polegate could be obtained by other routes (see above) and, in any case, the highway authority has confirmed its position that it could not use the money for its intended purpose.
47. Overall therefore, with the exception of the unnecessary Links Contribution, the planning obligations provided for within the UU meet the tests in the CIL Regulations and the Framework and I have had regard to them in reaching my decision. On this basis, I conclude that the proposed development would make appropriate provision for affordable housing and infrastructure, including open space, play facilities and community infrastructure. In this particular respect, there would be no conflict with Policies CS1 or TR3 of the WLP 1998; or with Policies WCS7 or WCS14 of the CSLP 2013.

Other Matters

48. The preliminary matters above explain that the proposed development has the potential to have a significant effect upon the integrity of Ashdown Forest SAC via an air quality pathway of impact. It also has the potential to affect the integrity of the Pevensey Levels SAC via a water quality pathway. Whether there would ultimately be an effect upon the Ashdown Forest is disputed, but

¹³ Justification for S106 Obligations, 9 October 2019.

there is agreement that any effect on the Pevensey Levels could be mitigated by the imposition of conditions.

49. In addition to the matters addressed under the main issues of the appeal, interested parties have raised concerns about the proposed development including the loss of open agricultural space; the effect upon the character and appearance of the area; the effect upon the nearby South Downs National Park and the Dark Night Skies Reserve; wildlife; flood risk and drainage; air pollution; and pressure upon various local infrastructure. However, given my overall conclusions, these matters are not determinative of the appeal.

Planning Balance and Conclusion

50. The proposed development would provide up to 700 dwellings, 35% of which would be affordable. In view of the Government's objective of significantly boosting the supply of homes, this would clearly be a benefit of the scheme. Moreover, the Council can presently demonstrate only 3.67 years supply of specific deliverable sites for housing, falling short of the five-year requirement expected by the Framework (paragraph 73). In this context, the proposed housing, which would be provided in accordance with the growth strategy for the District, constitutes a significant benefit which weighs heavily in favour of the development in the planning balance.
51. The economic benefits of the scheme in the form of the employment and retail floorspace proposed also weigh strongly in its favour and, while the community facility and the land for the medical centre and school are all to some extent required to serve the development itself, they would also help to address existing (or likely future) deficits. Consequently, they are also positive factors in the balance. The development would provide various types of public open space and there is no reason to doubt that it would be constructed to high standards of design and sustainability. However, such commitments are to be expected of a scheme of the scale proposed and they thus represent neutral factors.
52. Turning to the balance directly, the benefits of the proposed development are material considerations to be weighed against the conflict I have found with the development plan in respect of highway safety and the operation of the LRN. In addition, the absence of a five-year housing land supply triggers the operation of paragraph 11d) of the Framework – colloquially known as the "tilted balance". Paragraphs 11d) i) and 177 of the Framework provide for the tilted balance to be disengaged where a proposal is likely to have a significant effect on a habitats site unless an AA has concluded that it will not affect the integrity of that site. The criteria for disengaging the tilted balance therefore apply here, but possibly only because I have not needed to undertake an AA. Consequently, to avoid prejudice to the appellant, I will apply the tilted balance provided by paragraph 11d) ii) of the Framework.
53. Taken together, the benefits which would result from the proposed development, and particularly the housing, would be substantial and I give them very significant weight in my decision. Against this, the scheme would compromise planned bus priority measures forming part of the HPEMAC scheme, causing detriment to the operation of the LRN; and would potentially compromise the safety of all road users. The disruption of the HPEMAC would conflict with the Framework for the reasons given above and would seem wasteful of imminent and fully funded mitigation. It is therefore something to

which I attach a good deal of weight, but whether the specific delays involved would amount to a “severe” impact on the road network (as required by paragraph 109 of the Framework) is perhaps doubtful in the context of the tilted balance. However, the potential impact on highway safety would be “unacceptable” in the terms of paragraph 109, and I give this harm great weight in my decision.

54. Overall, the basic risk to highway safety constitutes an adverse impact of the proposed development which would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. The proposal does not therefore benefit from the presumption in favour of sustainable development set out in paragraph 11d) and it follows that such a presumption does not weigh in favour of the scheme in the balance required by section 38(6) of the Planning and Compulsory Purchase Act. Applying that balance, I conclude that the conflict with the development plan in respect of highway safety is not outweighed by other material considerations in favour of the scheme. The proposal should therefore be determined in accordance with the development plan and so the appeal should be dismissed, and planning permission refused.

Louise Phillips

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

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Instructed by Wealden District Council

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Kal Kamboh

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GTA Civils & Transport

East Sussex County Council

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Wealden District Council

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Intermodal Transportation Ltd.

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Osborne Clarke

Osborne Clarke

FOR HIGHWAYS ENGLAND (Rule 6 Party):

Kevin Bown

Mr Bowie

Highways England

Highways England

INTERESTED PERSONS:

Cllr John Pritchett

Cllr Stephen Shing

Cllr M Cunningham

Willingdon & Jevington Parish Council; and
Willingdon Residents Association

Representing himself and the residents he
serves as a County Councillor and a

Polegate Town Councillor

Representing himself

DOCUMENTS

1. Opening Statement on behalf of the Council.
2. Opening Statement on behalf of the Appellants.
3. Statement made by Cllr Pritchett.
4. Draft Planning Obligation by Agreement (received 1 October 2019).
5. Comments from local residents attending on Day 1.
6. Council's Preliminary Observations on Appellant's Additional Transport Evidence (Mr New, received 7 October 2019).
7. Proposed amended access plans (Revisions 03E and 04F); and plans identifying the amendments.
8. Council's comments on draft Planning Obligation by Agreement (received 8 October 2019).
9. Draft Planning Obligation by Unilateral Undertaking (received 10 October 2019) and Appellant's justification for the scale of the obligations.
10. Relevant title deeds x3.
11. Letter from "Assura" concerning the medical centre proposals dated 9 October 2019.
12. Sport England Guidance on Village and Community Halls.
13. Appeal decisions submitted by the Council x6.
14. Closing Submissions on behalf of the Council.
15. Closing Submissions of the Appellant.
16. Costs Application on Behalf of the Council.
17. Costs Response on behalf of the Appellant.
18. Council's Comments on Unilateral Undertaking, dated 17, 18 and 22 October 2019.
19. Appellant's Response to Council's Comments on Unilateral Undertaking, dated 21 October 2019.
20. Completed Unilateral Undertaking, dated 21 October 2019.



Costs Decision

Inquiry Held between 1-11 October 2019

Site visit made on 9 October 2019

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

Costs application in relation to Appeal Ref: APP/C1435/W/19/3230484 Mornings Mill Farm, Eastbourne Road, Willingdon BN20 9NY

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wealden District Council for a full or partial award of costs against The Vine Family and the University of Brighton.
 - The inquiry was in connection with an appeal against the failure of the Council to issue a notice of their decision within the prescribed period on an outline application for planning permission with all matters reserved except for the means of access from Eastbourne Road for the comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 square metres of employment floorspace, medical centre, primary school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and footpath routes and associated landscaping and infrastructure..
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Decision

1. The application for an award of costs is refused.

Submissions

2. The Council's costs application and the appellant's response were both submitted in writing at the inquiry. The respective submissions are listed as Inquiry Documents 16 and 17 in my appeal decision.

Reasons

3. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The Council seeks a full award of costs alleging that the appeal had no reasonable prospect of succeeding because the appellant had not demonstrated that the scheme would not have an adverse impact upon the integrity of Ashdown Forest. In the alternative, it seeks a partial award on the basis that the appellant's full Habitats Regulations Assessment (HRA) was not provided until the exchange of Proofs of Evidence (PoE), necessitating the preparation of rebuttal proofs by the Council.
4. Starting with the full application, the appellant's completed HRA was available before the inquiry opened - as Appendix 6 to the PoE of Dr Read. Thus specific evidence was presented to counter the Council's putative Reason for Refusal 1. The Council considers this HRA to be flawed and it is certainly true that more recent transport evidence is available now than that which informed it.

However, the appellant's fundamental position throughout the inquiry was that Natural England's advice pertaining to the Council's emerging Local Plan¹ could be relied upon to conclude that the proposed development would not adversely affect the integrity of the Forest. Indeed Natural England does not object to the scheme and has made specific reference to its Local Plan advice in confirming this².

5. The Council strongly disagrees with Natural England's advice, but it is given by the statutory authority for the natural environment having reviewed the Council's own HRA evidence. It therefore carries significant weight in the decision-making process, and it is reasonable for the appellant to have used it to support its case. Some of the appeal decisions to which I have been referred take account of Natural England's advice and nevertheless conclude that an adverse effect upon the Forest cannot be ruled out, even for much smaller schemes than the appeal proposal.
6. However, those decisions followed from the written representations procedure and so the Inspectors did not benefit from the presentation of detailed oral evidence such as that which I heard at the inquiry. As I explain in my appeal decision, the question of how much weight should be attributed to evidence is a matter of judgement to be made with regard to the specific circumstances of the case. Moreover, I heard at the inquiry that HRA issues had been hotly debated at recent Local Plan examination hearings and that the appellant was not alone in favouring Natural England's position. For all these reasons, it cannot be said that the appeal had no prospect of succeeding on HRA grounds.
7. Turning to the partial application, the appellant's Stage 1 HRA³ concludes that potential effects upon the Forest from NOx or nitrogen deposition cannot be screened out when the scheme is modelled in combination with other plans and projects. It consequently recommends that further assessment work should be completed. The Council did not specifically request a Stage 2 assessment, but the appellant ultimately decided to rely upon one at appeal and there is no good reason why it could not have been prepared by the time the appeal was lodged. If the Local Plan Inspector's Report was expected to resolve HRA matters, then the appellant could have waited for it to be published, but did not. With reference to the PPG⁴, the late submission of the Stage 2 HRA therefore constitutes unreasonable behaviour.
8. However, the Stage 2 HRA is a key piece of evidence which should inform the decision-making process and so the Council would have needed to consider it, and comment upon it, whenever it was submitted. Whilst it might well have been inconvenient for the Council to have had to prepare rebuttal proofs, they were neither unnecessary nor wasted.
9. Overall, therefore, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and so the application for an award of costs should be refused.

Louise Phillips

INSPECTOR

¹ The Submission Wealden Local Plan 2019.

² Natural England's response to being notified of the appeal, 1 August 2019.

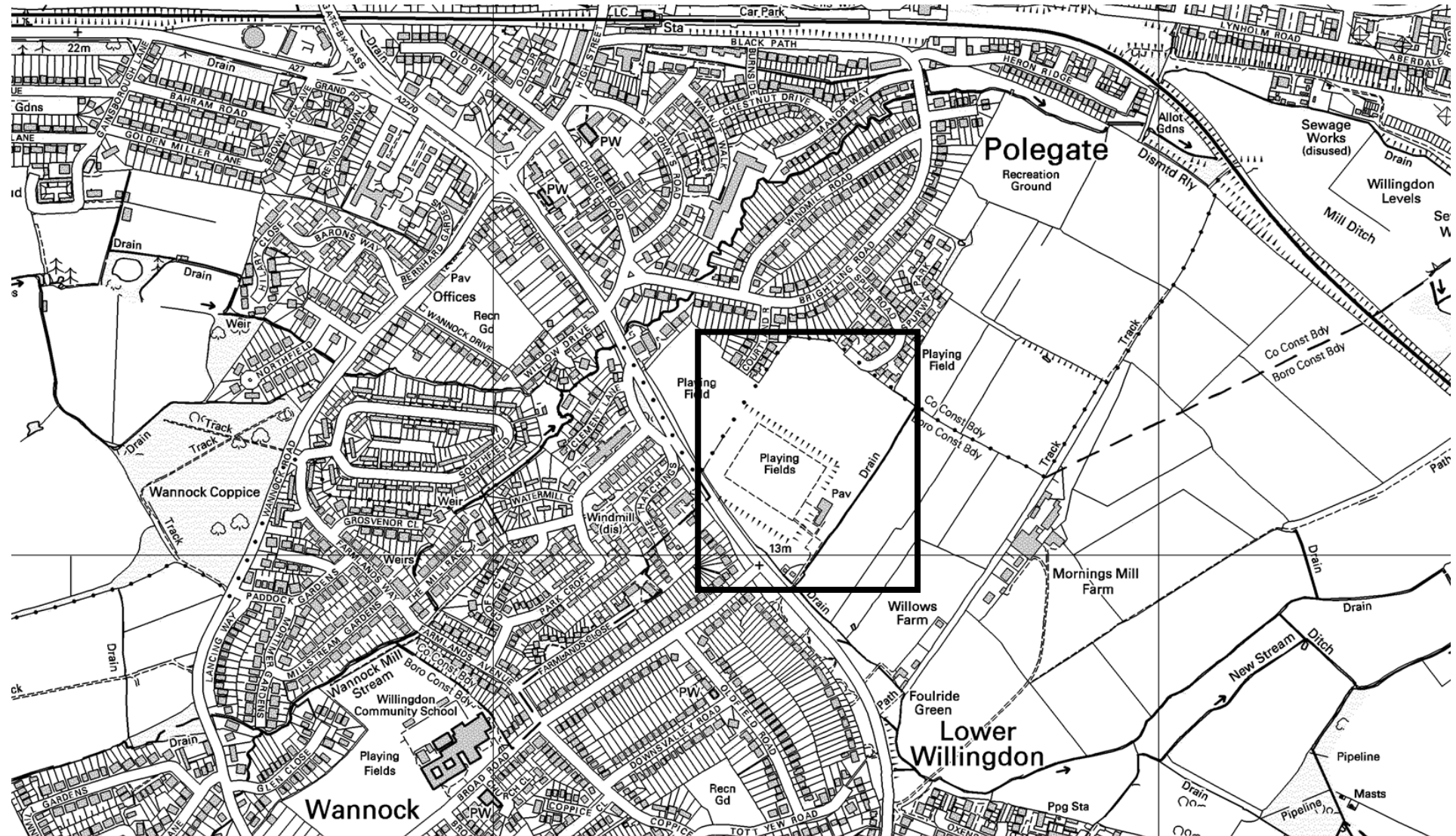
³ Core Document 1.18, para.

⁴ PPG paragraph 052, Ref. ID 16-052-20140306.

For: Planning Committee South
Date: 24 March 2022



For: Planning Committee South
Date: 24 March 2022



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