



The Inquiries and Major Casework Team,
Temple Quay House,
2 The Square, Bristol,
BS1 6PN

FAO: Robert Wordsworth
Copy to: Wealden District Council, Planning Appeals Team

Date: 19/05/2025
Our Ref: WD/2024/1799
District/Borough Ref: WD/2024/1799/MAO

Appeal Ref: APP/C1435/W/24/3356658
Start date: 20/12/2024
Applicant/Appellant : Croudace Homes Ltd

Location: Land at Bird in Eye Farm, South of Bird in Eye Hill, Framfield, Uckfield TN22 5HA

Development: Outline planning application for up to 190 dwellings, associated works, parking, landscaping, publicly accessible open space and SANG provision, with access from the B2102.

Road Name or Number	B2102	Consultation Date	12 May 2025
National Grid Reference	548203120802	Contact Officer Details:	

Recommendation :

No objection		Objection	
No objection subject to the imposition of conditions and legal agreement	X	Objection due to insufficient information	

Executive Summary

This response is to the public consultation dated 12/05/2025 and justifiably retracts highway objection due to the revised access design and speed limit proposals principally. The appeal proposal now attracts highway support and recommends conditions for the decision and obligations to be secured in a legal agreement.

The first formal response from East Sussex County Highway Authority to this appeal was submitted to Wealden District Council and Planning Inspectorate on 03/02/2025 (the document was dated 02/01/2025 in error). Within that response it was indicated that that the content could not be supported for 3 putative reasons:

- 1) The proposed extension of the 30mph limit from the foot of Bird in Eye Hill eastwards to the entrance to Lantern House is contrary to policy for setting local speed limits (PS5-02 Local Speed Limits and 20mph Zones) based on the local characteristics of this part of B2102 Bird in Eye Hill and the existing vehicle speeds, and would not be supported or promoted by ESCC on the grounds that it could not be safely implemented and be self-enforcing.
- 2) The proposed roundabout means of vehicular access from B2102 has been designed to comply with standards applicable to a major road with speeds consistent with a 30mph speed limit. Even so, the design is not fully compliant and has not been demonstrated as being safe for all road users (including cyclists). Further, the design has not been demonstrated to be compliant or acceptable at higher main road speed limits and traffic speeds.
- 3) Sufficient details have not been provided to demonstrate that the proposed roundabout is capable of safely providing for all users during hours of darkness. ESCC consider that lighting of the proposed new roundabout is required as it is a significant junction on a rural road. An unlit roundabout may have implications for highway safety regardless of the speed limit and may need to be a part of a more comprehensive lighting scheme for Bird in Eye Hill. It is unclear whether such a lighting scheme can be delivered within the available highway land.

At that time the county highway authority was engaged in discussions with Milestone, the appellant's transport consultant, who were willing to overcome objections and areas of concern. As a result of these discussions, a revised suite of documents has been produced and submitted to PINS under the Wheatcroft process.

Response

The 3 putative reasons will be addressed in order as listed above with reference to Milestone's submission and the highway authority's response.

- 1) **Proposed Speed Limit:** The appellant accepted that the 30mph speed limit and its extent did not comply with policy 'PS5-02 Setting Local Speed limits and 20 mph Zones' as previously proposed.

As part of the recent suite of drawings submitted, the speed limit proposed includes a short extension of the 30mph speed limit from the existing terminal point close to the hospital junction at Framfield Rd, eastwards for approximately 42m. This includes coverage of a section of the proposed shared footway/cycleway on the south side of Bird In Eye Hill which would benefit from street lighting. It should be noted that it would have been desirable to extend the 30mph limit to cover the entire length of the footway/cycleway, but available verge widths could not support the required road signage. The position of the proposed 30mph terminal is agreed by the Highway Authority on the basis that the 30mph section is more conducive to support pedestrians and cyclists travelling to and from the site along the proposed shared footway/cycleway, including access to the closest bus stops.

A further section of Bird In Eye Hill, between the proposed 30mph terminal point and Lantern House, is proposed as 40mph to include the approaches to the proposed site access. This speed limit would comply with policy noting the actual vehicle speeds recorded along Bird in Eye Hill and the character of the local area, being predominantly rural with some frontage development. These proposed speed limit changes are shown on drawing 23138/006 rev H (Overall Access Strategy) and are accepted amendments.

- 2) **Proposed Roundabout (site access):** the 3-arm roundabout proposal has been reduced in scale from a 36m inscribed circle diameter (ICD) to a 28m ICD compact design. It complies with Design Manual for Roads and Bridges (DMRB) CD116, though is one step below standard for a 40mph speed restriction. Generally, one step below design standard can be accepted in certain circumstances, provided that the scheme can accommodate the site-specific conditions and is demonstrated to function safely. The junction proposal has been subject to technical and road safety discussions with the county highway team before being subjected to an independent road safety audit dated 06/05/2025. There are two areas of the roundabout design which marginally detract from 'one step below' design standard and are minor matters that have been allowed some flexibility and been subjected to professional judgement in road safety terms. These are:
- i) forward visibility on the eastbound approach - the design requirement for one step below DMRB standard for a 40mph design speed is 90m though 82m can be achieved. This is deemed acceptable on the basis that the 8m distance is relatively short and the approach to the roundabout would have conspicuous visual features such as advance warning signage, street lighting, high resistance surfacing on a gradual incline towards the proposed junction and would provide appropriate conditions for drivers to reduce speeds. These factors support the marginal shortfall distance of forward visibility distance indicated on drawing 23138-001-rev J.
 - ii) The south arm is designed to Manual for streets standards whereas the east and west arms are designed to DMRB standards where the proposed speed limit would be 40 mph. The approach from the south would be based on Manual for Streets design and 30 mph speed limit. This arrangement has been accepted on the basis that the proposed roundabout design accommodates visual characteristics that reduce vehicle speeds sufficiently, alongside supporting active travel infrastructure.

A road safety audit has been provided to support the appellant's proposals. The 3 problems highlighted by the auditor are matters that have been addressed in the designer's response and drawings which are in the current suite of 'Wheatcroft application' documents.

Problem 2.1 - collisions and increased casualty severity due to inappropriate driver speeds at south arm of new roundabout, including mini roundabout. Auditor recommends introduction of a 30mph speed limit on site (southern) arm of roundabout. This is accepted by the highway authority as measure to overcome this problem and is shown on drawing 23138-001-rev J. Road signage can be secured as part of the detailed design stage secured through a s278 agreement and street lighting as shown would support this speed limit.

Problem 2.2 - collisions due to headlight dazzle and confusion at westbound exit of roundabout. Westbound drivers during darkness may be faced by vehicles departing from

18/19 Bird In Eye Hill and could be dazzled/confused by oncoming headlights leading to loss of control. Auditor recommends a form of screening to shield headlights from affecting roundabout users. This is an accepted measure to overcome this problem and is shown on drawing 23138-001-rev J as a hedge along the outside edge of the access drive to 18/19 Bird in Eye Hill. However, this authority has indicated that a hedge should not intrude into highway verge being created because of the realignment of the main carriageway as it may affect forward visibility of drivers on the roundabout; and that a hedge may be sparse during early years of establishment or during winter months. Supplementary anti-glare fencing is required until planting is established. This matter can be secured as a planning condition.

Problem 2.3 - collisions due to 'see-through'/junction overshoot at westbound approach to roundabout. Westbound drivers may have clear view ahead despite the visibility screening on the offside (north side of eastbound approach), may lead to junction overshoots and collisions with other users at the roundabout, exacerbated during inclement weather. Auditor recommends (northwards) extend chevron sign on roundabout central island facing westbound approach. This is an accepted measure to overcome this issue and is shown on drawing 23138-001-rev J (RS4).

- 3) A street lighting design has been provided and is shown on the drawing 23138-001-rev J. This complies with the DMRB standards for roundabout design paragraph 2.2 of CD116 and encompasses both the main and mini roundabout. It is noted that a lighting scheme has not been provided along the proposed footway/cycleway, and it is accepted that there is scope to provide a lit provision for active travellers within the proposed extent of the 3m wide path on Bird in Eye Hill. This can be secured within a s278 agreement as part of the package of highway works for access provision.

Summary

Matters that have been satisfactorily addressed are:

- i) The proposed speed limit arrangement accords with the speed limit policy. The highway authority is satisfied that the criteria are met for extending the 30mph and introducing the 40mph limit.

SPEED LIMIT/ CHARACTER OF ENVIRONMENT	CHARACTER OF ROAD	TRAFFIC COMPOSITION
30 mph Speed Limits		
Built up areas, visible properties with frontage access, the road giving a clear indication to drivers of the need to reduce speed	Urban streets Roads through villages and identified rural settlements with 20+ visible properties within a 600m length	Mean vehicle speed below 33mph Significant number of vulnerable road users in conflict with vehicular traffic
40 mph Speed Limits		
Less built up areas, set back properties with frontage access indicating to drivers the need to reduce speed	Urban Suburban distributor roads buildings set back from the road Rural Roads through villages and identified rural settlements over a minimum length of 600m	Mean vehicle speed below 42mph Urban Vulnerable road users segregated from road space Rural A noticeable presence of vulnerable road users

- ii) The design of the access in the form of a compact roundabout satisfactorily complies with DMRB requirements and has successfully been safety audited subject to minor adjustments which can be addressed at detailed design stage.
- iii) Vehicle tracking for the largest vehicles to regularly require access to the proposed development and existing employment units. These are demonstrated at the proposed roundabout, mini-roundabout and within the internal sections of the estate roads.
- iv) Demonstration that a suitable street lighting scheme can be delivered to support the main roundabout design and internal mini roundabout which are shown on drawing 23138-001-rev J and support all users.
- v) Demonstration that road signs and markings can be accommodated appropriately for speed limit, and advance warning for roundabout. Drawings 23138/008/01 rev D and 008/02 rev B (provided to the County Highway Authority during discussions) satisfactorily address this.
- vi) Proposals for active travel users both internal and external are acceptable and provide a good quality links within the site and towards Uckfield town centre. The proposed shared footway/cycleway is required to be lit and have width 3m on the public highway. Within the site, low level lighting would be acceptable to support cyclists and pedestrians during darkness.
- vii) Off-site highway works proposed include active travel improvements. Dropped kerbs and tactile paving at four junctions along Framfield Road - Alexandra Road, Harcourt Road, Selby Road, Keld Avenue.
- viii) Access to SANG - there is the indication of a car park with accommodation for 9 spaces on the east side of the spine road, just south of the mini roundabout. It is acknowledged that although the SANG is not strategic, there is a need for car parking if being made available to the public. The highway authority opinion is that the car park area is adequate but should be closer to the SANG entrance so that blue badge holders can be conveniently accommodated and prevent street parking where it may be obstructive to safe passage of users. As this aspect is not required as part of this outline stage of planning, the layout can be agreed at Reserved Matters stage.
- ix) A suitable alternative access arrangement for properties 18 and 19 Bird in Eye Hill is shown within the site boundary linking onto a proposed estate road.
- x) Travel Plan framework is welcomed but requires certainty to the incentives being provided to new residents and revisions which were sought in the previous response will be required when the draft Travel Plan is submitted for approval.

Proposed Heads of Terms for securing in a s106 should this appeal be allowed:

- 1) Bus service contribution of [REDACTED] per dwelling to support service continuation when the BSIP funding for route 29 concludes in April 2026. This was formerly [REDACTED] per dwelling based on contribution level prior to April 2025.
- 2) Travel Plan and Travel Plan audit fee [REDACTED]; Travel Plan to include E-bike hire provision; flexible travel voucher of [REDACTED] per dwelling on first occupation for use on bus tickets, train tickets, car club mileage, shopping deliveries, cycle hire, cycle equipment.
- 3) Travel Plan secured bond sum for [REDACTED] per dwelling for the delivery of incentives and initiatives if the Travel Plan fails to meet objectives at review periods (years 1,3 and 5).
- 4) Highway works on-site - roundabout and mini roundabout including lighting scheme (joint s278/s38 agreement); shared footway/cycleway; dedication of land as adoptable highway.
- 5) Highway works off-site - shared footway/cycleway on Bird in Eye Hill and crossing provision; street lighting scheme; improvements to 2 bus stops adjacent to the hospital

junction on Framfield Road to include shelters, seating, real time information boards, bus cage markings (s278 agreement), footway crossing enhancements to include dropped kerbs and tactile crossing provisions on 4 junctions on Framfield Road.

- 6) Traffic regulation order (TRO) fee [REDACTED] per order to impose a change to the speed limit.
- 7) Mobility Hub to include Car club car with dedicated space and charging facilities; Last mile delivery lockers; Brompton cycle hire.
- 8) Town centre signals optimisation scheme installation of MOVA system financial contribution of [REDACTED] + annual charge for maintenance (10% of value of equipment), for a 20 year period.

Recommended highway related planning conditions:

- 1) No development shall commence until such time as technically accepted highway schemes on Bird in Eye Hill [layout of the roundabout and mini-roundabout, 30 mph speed limit extension from Framfield Road, 40mph speed limit extent, street lighting scheme, uncontrolled crossing points, footway/cycleway on west side of site, new bus stops with shelters, seating and RTPI]; and Framfield Road [dropped kerbs and tactile paving at four junctions] and details incorporating the recommendations given in a Stage 2 Road Safety Audit and Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway schemes shall be completed prior to first occupation of the development hereby permitted.

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

- 2) No development shall take place until details of a scheme to secure extension of the 30mph and section of 40mph speed limit along Bird In Eye Hill B2102 (secured by way of Traffic Regulation Order under the Highway Act 1980) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timing of works at the site pursuant to the development authorised by this permission, to allow the reduction in speed limit across the section of site frontage.

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

- 3) No development shall take place until a temporary access arrangement has been provided for dwellings Lycroft, 18 & 19 Bird In Eye Hill and Bird in Eye Farm employment units for the period until the new roundabout/s are completed. Details of the temporary access arrangement shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on the existing and proposed public highway within the site.

Reason: In the interests of highway safety and the amenities of the existing properties affected by the development.

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

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction, including temporary access provision
- the area for parking of vehicles by site operatives and visitors clear of the highway,
- the areas for loading and unloading of plant, materials and waste,
- the area for 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.

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

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

- 6) The main access shall not be open for use until a means of shielding headlamp glare is provided on the land immediately east of the access road serving properties 18 and 19 Bird in Eye Hill in accordance with drawing 23138-001-rev J, and retained on private land (not on highway).

Reason: In the interests of highway safety

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 Planning Team ([REDACTED]) 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 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 Planning Team ([REDACTED]) to commence this process. The applicant is advised that any works commenced prior to the Section 38 agreement being in place are undertaken at their own risk.
- c) The developer is advised that if 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 with 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.

END OF REPRESENTATION
