

The Inspector
c/o Robert Wordsworth
The Planning Inspectorate (England)
Temple Quay House,
2 The Square,
Temple Quay, Bristol, BS1 6PN



By email

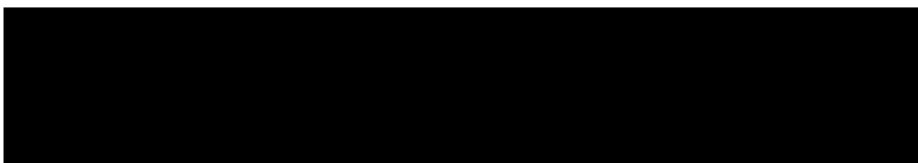
Our ref SMI003/0002/4161-4515-3885/1/MC
23 May 2025

Dear Inspector,

Land at Bird in Eye Farm – Consultation Response to Application WD/2024/1799/MAO and Written Representations to Appeal APP/C1435/W/24/3356658

1. Introduction

- 1.1 This letter has been prepared on behalf of [REDACTED] KC (the “**Client**”) and forms her consultation response in respect of the planning appeal with reference APP/C1435/W/24/3356658, (the “**Appeal**”) lodged by Croudace Homes Ltd (the “**Appellant**”) for their proposed development of Bird In Eye Farm, Uckfield, (the “**Site**”) for residential development.
- 1.2 This letter follows our Client’s initial consultation response to the Appeal submitted to you on 10 February 2025 which raised a series of concerns regarding the proposed development and associated access arrangements put forward in the Appellant’s outline planning application, reference WD/2024/1799/MAO, (the “**Application**”).
- 1.3 It appears that the Appellant has used the time since making their Appeal in December 2024 and early May 2025 to work with East Sussex County Council (the “**County Council**”) to develop a revised access strategy for the proposed development which the Appellant now seeks to submit to the Appeal as a substitute for the original access arrangements. Moreover, the County Council has submitted a consultation response to this Appeal stating that they have accepted the revised access arrangement and overall access strategy and have consequently removed their highway objection to the Appeal scheme.
- 1.4 This letter sets out our review of this revised access strategy and access arrangement. We consider the extent to which the substitute access arrangement and the various additional supporting information submitted by the Appellant to PINS on 9 May 2025, addresses the objections outlined in our Client’s letter of 10 February 2025.
- 1.5 As we understand matters, the new information submitted by the Appellant to PINS on 9 May 2025 comprises:
 - Covering letter to PINS;



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- Illustrative Parameter TOR-SK-104;
- Indicative Storey Heights Plan TOR-SK-103;
- Landscape Strategy and SANG Design 3 Rev F;
- Overall Access Strategy 23138/006 Rev H;
- Proposed Access Arrangement 23138/001 Rev J;
- Shared Footway/ Cycleway Indicative Vertical Design – 23138/004 Rev F;
- Swept Path Analysis Refuse Vehicles 23138/TK03/01 Rev C and 02 Rev B;
- Swept Path Analysis Fire Tender 23138/TK04/01 Rev B and 02 Rev C;
- Swept Path Analysis Tractor and Tractor for Field Access 23138/TK05/01 Rev B;
- Swept Path Analysis 18/19 Bird in Eye Hill 23138/TK06 Rev B;
- Proposed B2102 Active Travel Improvement 23138/ATA/001 Rev E;
- Swept Path Analysis 16.5m Articulated Vehicle 23138/TK01/01 Rev H, 02 Rev H and 03 Rev H;
- Swept Path Analysis Refuse Vehicles 23138/TK02/01 Rev J, 02 Rev J, 03 Rev J and 04 Rev J.
- Schedule of Highway Plans Included within RSA1 Designers Response;
- Road Safety Audit Response for Stage 1 Road Safety Audit (GG 119 Appendix F);
- Arboricultural Note;
- Drainage and Level Strategy Update Summary – May 2025; and
- Stage 1 Road Safety Audit – May 2025.

1.6 The Appellant's covering letter alleges that the information is now submitted to the Appeal under the Wheatcroft principle on the basis that the amendment does not materially change the Appeal scheme. Plainly all those neighbouring the scheme will need to be made aware of these changes in order to have an opportunity to make their views known. We would expect the Appellant or planning authority to have notified all those potentially affected at the very least. Our client accepts she has had the opportunity to assess the new access arrangements but notes that they have not been assessed through the same Transport Assessment process. What is presented is simply a series of drawings and a Road Safety Audit with a Designer Response.

1.7 The Appellant describes the key changes to be introduced under the Wheatcroft principle as:

- 1) *"The Site Access roundabout has been reduced in scale to a 28-metre diameter 'Compact' 3-arm roundabout, designed in accordance with DMRB CD116, sited midway along the Appeal Site frontage to the B2102 Bird in Eye Hill.*
- 2) *A 40mph speed limit is to be introduced on the B2102 Bird in Eye Hill between Lantern Cottage (to the east of the Site Access) that will extend for a distance of 538 metres west towards Uckfield town centre to a relocated termination point for the existing 30mph speed limit, 42 metres east of its current location on the B2102 Framfield Road.*
- 3) *A 3-arm mini roundabout is to be constructed 45 metres south of the Site Access roundabout, facilitating access to the proposed residential units to the north-west of the Appeal Site, the retained commercial uses in Bird in Eye Farm as well as the main body of the residential units to the south and east of the Appeal Site and SANG. This is a slight revision on the initial proposed access arrangements for this internal part of the Appeal Site.*

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- 4) *Vehicular access to Nos. 18/19 Bird in Eye Hill is to be retained off the Site's internal road network, south of the Site Access roundabout. (For the avoidance of doubt, the Appellant has power under relevant land transfers to make this minor adjustment to the relevant access/egress rights through its land, and it materially improves the safety of vehicular access to/from Nos 18/19 as compared with the current situation.)*
- 5) *The alignment of the shared footway / cycleway between the proposed residential development and Framfield Road has been adjusted within the Appeal Site to reduce gradients, where achievable / introduce level platform areas to enhance facilities for active travel users".*

2. Context

- 2.1 Our Client's letter dated 10 February 2025 concluded that the Appeal Scheme (as submitted to PINS and without the most recent scheme amendments) is contrary to the development plan. It confirmed that we agree that National Planning Policy Framework (NPPF) 2024 paragraph 11d) is engaged because of the absence of a 5 year Housing Land Supply (HLS). However, our view on the Appeal scheme prior to the changes of 9 May 2025 is that there are two strong reasons for refusing development as per footnote 7 of the NPPF 2024, namely:
 - (a) Heritage harm is not outweighed by the scheme benefits; and
 - (b) There is an unacceptable impact on irreplaceable Ancient Woodland (AW).
- 2.2 Our Client's letter of 10 February 2025 sets out why the highway proposals that formed part of the Appeal are unsafe and will cause significant permanent harm to the rural setting of Uckfield. Moreover, the representations made conclude that both the site layout and off-site flood risk are likely to lead to a less attractive and less accessible form of development for non-vehicular traffic than previous proposals considered for this Site and subject to a previous Appeal in 2023, also by Croudace Homes Ltd. with reference APP/C1435/W/22/3307820 (the "First Appeal").
- 2.3 We questioned the Appellant's dismissal of so many small sites in a bid to secure compliance with the sequential test. Notwithstanding the fact that the proposed access design is unsafe, we also noted the County Council had identified unregistered land that is required to deliver the access proposals in this location, which cast doubt over the deliverability of the scheme.
- 2.4 In our view, when weighing the harms that would be caused by the Appeal Scheme in the planning balance, against the admitted benefits new housing would bring, we concluded that the adverse impacts significantly and demonstrably outweighed the benefits.
- 2.5 In light of the new information submitted by the Appellant, we have considered how the substitute access strategy and supporting information may overcome the many concerns outlined within our Client's letter of 10 February 2025 and whether this new information alters the conclusions previously drawn.
- 2.6 As explained below, our conclusion is that this new information has not addressed our concerns and does not alter the conclusions previously drawn that the adverse impacts of the Appeal Scheme significantly and demonstrably outweigh the benefits.

3. Highways

Form of Junction

- 3.1 The Appeal Scheme included a new vehicular access with the B2102 in the form of 3-arm roundabout junction with 36m Inscribed Circle Diameter (ICD), providing significant additional capacity (discussed at Section 8 of the Transport Assessment prepared by Milestone Transport Planning). Our conclusion was that this arrangement provided far more capacity than is required to serve both the

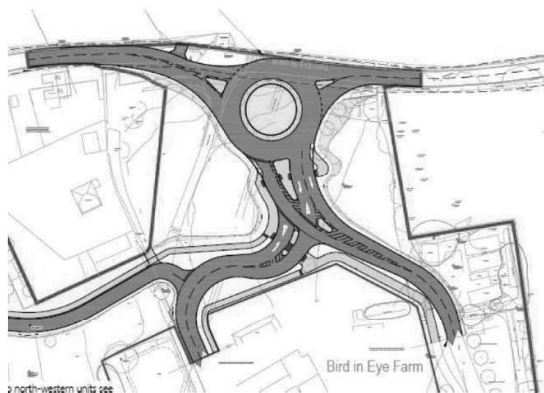
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existing traffic flows, future traffic flows including growth, the existing commercial development, the existing dwellings and a development of 190 new homes.

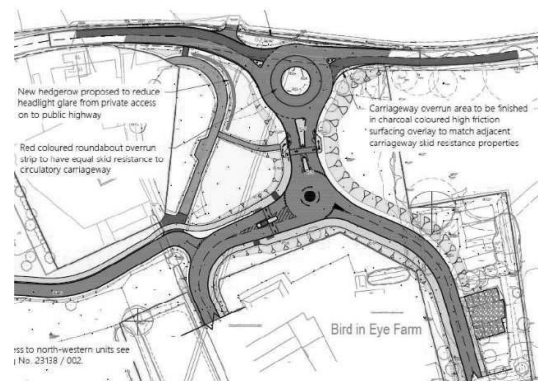
- 3.2 Our concerns were that this both undermines the sustainable travel measures adopted within the Framework Travel Plan for the Appeal Scheme because there was more than sufficient capacity which would lead to little to no queuing and that the capacity of the roundabout considered additional development to the north which does not form part of the Appeal Scheme.
- 3.3 The substitute proposal reduces the size of the roundabout to compact roundabout with an ICD of 28 metres¹ and is detailed in the following two documents submitted by the Appellant on 9 May 2025.
- Overall Access Strategy 23138/006 Rev H; and
 - Proposed Access Arrangement 23138/001 Rev J.
- 3.4 There is no amended Transport Assessment as such. The amended access solution changes the speed limit interventions previously proposed and now indicates that the junction will be subject to a 40mph speed limit, changing to derestricted east of the site and to 30mph west of the site. A 30mph speed is introduced on the southern arm of the proposed access junction.
- 3.5 Figure 1 below provides an extract from the Appellant's covering letter dated 9 May 2025 and shows the Appeal Scheme access arrangement previously considered and the substitute access arrangement now submitted.

Figure 1: Comparison of Access Arrangements

*Extract from the **Originally Submitted Access Strategy Plan (No. 006)***



*Extract from the **Revised Access Strategy Plan agreed with the LPA (No. 006H)***



Stage 1 Road Safety Audit

- 3.6 The Applicant has submitted a Stage 1 Road Safety Audit together with the substitute access drawings (Stage 1 Road Safety Audit – May 2025).
- 3.7 The Stage 1 RSA raises the following concerns:
- Drivers enter the new development from within the proposed 40 mph speed limit but it is unclear what speed limit will be adopted within the development and this may lead to

¹ Road Safety Audit – May 2025, para 1.1

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inappropriate vehicle speeds and a risk of collisions at the internal mini-roundabout or between vehicles and other road users at crossing points. The recommendation is to introduce a 30mph limit on the internal south arm of the junction (the Site access).

- Westbound drivers exiting the new junction may be faced with vehicle headlights from the new access/egress road for No. 18 and 19 Bird in Eye Hill. The recommendation is to extend a landscaping buffer.
- Westbound drivers entering the junction on Framfield Road have a clear view ahead despite the visibility screening on the offside which may lead to junction overshoots and collisions.

3.8 The above mentioned issues have been addressed in the submitted Designer's Response prepared by Milestone Transport Planning in line with the recommendations suggested in the Road Safety Audit. The proposals have introduced:

- 30mph speed limit signs on the southern roundabout arm at the entrance to the Appeal Site;
- Extended the landscaping buffer near to No. 18 and 19 Bird in Eye Hill to prevent headlight glare; and
- Extended hatching to assist with deflection on the westbound entry on Framfield Road.

Junction Design

There remain some elements of the junction design that have not been appropriately considered, including the following:

- (a) First, our Client's letter of 10 February 2025 noted that there was mixed provision for cyclists entering the roundabout from the east in carriageway, before exiting the circulatory carriageway on the eastern side and linking into several convoluted informal crossings points with tactile paving to access the development via a shared footway/cycleway running along the western side of the access road. The reason for raising this concern was that there was no demonstration that cycle provision for the proposed scheme and access junction is compliant with LTN 1/20, which is a Department for Transport (DfT) national guidance document that details standards expected of new cycle infrastructure.
- (b) The substitute access arrangement removes the cycle lane slips from the circulatory carriageway of the roundabout. However, the same on/off slip approach is now provided midway along the 45m southern arm between the main access roundabout and the internal mini roundabout. The layout suggests cyclists will enter the development from the B2102 on carriageway before needing to slow and exit the carriageway via a short off slip to utilise the crossing point westwards across the southern access arm to a cycleway on the western side where a further access point is provided to cross the access road into the industrial site that is being retained.
- (c) Our concern remains that this is a convoluted route that sees cyclists needing to slow as they come into the Site on the southern arm of the main access, and for exit manoeuvres requires cyclists to enter the carriageway on the southern approach to the roundabout. There is no demonstration that this approach is aligned to LTN 1/20. This is unacceptable.
- (d) Moreover, given the convoluted nature of the route there is a real prospect that cyclists will remain on the carriageway with all the obvious but assessed risk that entails. The interaction with cyclists and HGVs is an obvious concern given the continued commercial uses and the

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fact that the swept path submitted as part of this package of new information reveal there is little space for vulnerable road users when larger vehicles are undertaking manoeuvres.

- (e) Second, our Client's letter of 10 February 2025 set out concerns regarding the design of the roundabout from the B2102 relying on the introduction of a new 30mph speed limit. The substitute access arrangement now relies on introduction of a new 40 mph speed limit. It is noted that the County Council has offered support for the change in speed limit although they offer no explanation for their volte face. However, the change in speed limit is outside the control of the planning system and would require separate and formal approval from both the County Council and the Police. No information is included with the Application or Appeal documentation to demonstrate that the proposed junction design works at alternative speed limits i.e. if the proposed speed limit change is not approved.
- (f) Third, our Client's letter of 10 February 2025 noted that significant earthworks are required to deliver the proposed junction design, with embankments shown on some drawings. However, no detailed information on the required earthworks is provided within the Application or Appeal material and no detailed information on the levels/ carriageway gradients is provided. This concern is exacerbated in respect of the substitute arrangement which shows more extensive embankments/ build ups as part of the access arrangement on Drawings **23138/001 Rev J** and **23138/006 Rev H**. However, no further information on the required earthworks and the potential impact of those has been provided by the Appellant. The comparison of the original and substitute access arrangements at Figure 1 demonstrates this increased prominence of earthworks clearly with the areas shaded in green.
- (g) Fourth, the Appeal scheme originally included for a retaining wall structure to the eastern side of the proposed new roundabout with the B2102. Substitute drawing **23138/006 Rev H** shows no retaining structure in this location. However, indicative retaining structures are now indicated along the northern perimeter of the retained Bird in Eye Farm site and the western side of the Bird in Eye Farm access. Without appropriate detail regarding earthworks required to facilitate the access arrangement it is unclear what retaining structures are required or the impact that these will have.
- (h) Fifth, previous concern was raised regarding the swept path manoeuvres of vehicles shown to use the Appeal scheme access arrangement. The substitute access arrangements now submitted are supported by various swept path drawings showing the manoeuvres of larger vehicles. These swept path drawings do not demonstrate that the substitute access arrangement is safe for all users. Drawing **23138/TK02/04** shows the swept path of a refuse vehicle accessing the north-western plot via the internal mini roundabout and then turning right into the north-western plot access road. The manoeuvre shown demonstrates that the refuse vehicle will need to use the full width of the exit lane from the western plot to gain entry i.e. the refuse vehicle drives directly head on across the path of an exiting vehicle on the wrong side of the carriageway. It is noted that such movements may be of lower frequency but the question of highway safety remains.
- (i) Moreover, in the context of access to and from the existing commercial operation at the retained Bird in the Eye commercial estate, it is important to consider how the proposed access arrangement works for the different servicing and delivery vehicles that serve both the commercial uses and the proposed development including the north-western plots. The swept path for a 16.5m articulated vehicle shown in Drawing **23138/TK01/01 Rev H** clearly shows that the entry manoeuvre of an articulated vehicle into Bird in Eye Farm via the new access arrangement is required to use the opposite side of the carriageway when making

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the left turn into the site from the mini roundabout. This clearly offers a risk of vehicle conflict and is not considered a safe solution for all highway users.

- (j) Finally, access to plots 18 and 19 Bird in Eye Hill is taken from within the Appeal Site via a convoluted access route leading north from the Bird in Eye Farm/North west plot access road. This is clear from the comparison of the original and substitute proposals included at Figure 1 of this letter which shows much greater hardstanding in the substitute proposals now being put forward by the Appellant in this location. The route shown as a single track bonder gravel drive is not wide enough for two vehicles to pass and only a single passing place is provided which would not be visible by a driver entering the drive from the internal access road. The arrangement appears constrained and is a further demonstration of how the over-engineered access arrangement has been compressed into the limited area available. In addition, pedestrian access to Plots 18 and 19 is far more constrained in the substitute access arrangement now proposed for any pedestrians seeking to access to or from the north east of the proposed development who are now required to traverse the new access layout.

3.9 It is therefore clear that a number of highway safety concerns remain, and it cannot be concluded on the basis of the substitute information submitted on 9 May 2025 that the proposed junction arrangement is either suitable to serve a development of this quantum in this location or is safe for all road users. In short, our view is that the over engineered sub-optimal solution demonstrates that this Site is not a suitable location for development.

4. Sustainable Location - Accessibility

4.1 As noted in our Client's letter of 10 February 2025, when considering the location of the proposed development the Inspector for the First Appeal concluded that *"the development is in a suitable location in terms of accessibility as it would limit the need to travel and offer a genuine choice of transport modes"*² in line with paragraph 105 of the NPPF (2021). This conclusion was attributable to:

- (a) Good choice of services and facilities within Uckfield which is *"walkable"*³ from the site, albeit not within *"easy"* walking distance;
- (b) Provision of a direct pedestrian/cycle link from the north-west corner of the site onto the B2102 Bird in Eye Hill, which links into Framfield Road and leads to the town centre improving the walk between the site and Uckfield town centre, albeit noting that this walk *"would be particularly difficult, for example, for people laden with shopping, accompanied by children, or with mobility issues"*⁴; and
- (c) The proposed footpath would link to a bus stop proposed to be upgraded as part of the First Appeal Scheme, meaning that whilst the walk to Uckfield would be difficult for many, the bus provided a suitable alternative mode of travel to and from Uckfield town centre and further afield.

4.2 The Appeal Scheme includes similar provision to the First Appeal Scheme for a footpath and cycle link leading west from the proposed development and connecting into Bird In Eye Hill, shown on

² APP/C1435/W/22/3307820 Appeal Decision (12 October 2023), para 52

³ APP/C1435/W/22/3307820 Appeal Decision (12 October 2023), Para 49

⁴ APP/C1435/W/22/3307820 Appeal Decision (12 October 2023), Para 50

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new substitute Drawing **23138-004 Rev F**. The Appeal Scheme also includes the same proposed upgrade to the bus stop on the B2102.

4.3 However, the new information submitted to this Appeal does not change the conclusions set out in our Client's letter of 10 February 2025 because there has been no material change to the nature of the proposed footway/ cycleway link proposed from the west of the Appeal scheme. The conclusions drawn remain that:

- (a) The proposed access arrangement on Drawing **23138-001 Rev J** offers limited facilities for non-motorised users and brings the risk of encouraging car use through provision of additional road capacity; and
- (b) Removal of residential development on the western parcel of land in response to the unacceptable impact on the Grade II Listed Oast House (the "**LB**") means that the location of the Site can no longer be considered suitable and the Site cannot provide safe and suitable access for all users.

Remoteness of Footpath

4.4 Our Client's letter of 10th February 2025 addressed the issue of the proposed western footpath/cycle link to B2102 Bird In Eye Hill and onward to Uckfield town centre via Framfield Road. Unlike the proposal that was subject to appeal in 2023, the footpath/ cycle link no longer passes through a residential area because development of the western parcel has been removed from this Appeal scheme. As a result, the proposed footpath/ cycleway now routes across open green space. Our Client's representations noted that this change in setting is likely to have an impact on desirability of the route, particularly regarding a lack of natural surveillance arising from the loss of overlooking from residential (or other) properties and to personal security. It was noted that this is particularly likely to be the case in hours of darkness, when pedestrians and cyclists would need to traverse a 338m route across open space that, whilst lit, offers no natural surveillance. Nothing in the substitute proposals now submitted to this Appeal alleviates this concern.

4.5 It remains the case that the route through the development which the Inspector of the First Appeal considered provided a much needed connection to the bus stops on the B2102 Bird In Eye Hill has changed significantly in terms of its character and setting. Fundamentally, the route no longer passes through any part of the development. This means that the Appeal scheme provides a single means of access and egress for those on foot that is far from desirable to the majority of users and which joins the B2102 immediately adjacent to an area that regularly experiences surface water flooding. It remains our firm conclusion that this path is unsuitable as the sole means of pedestrian access to and from the Appeal scheme and it remains our conclusion that the proposed path shown on substitute plan **23138/ 004 Rev F** is not safe and suitable for all users (a key transport test of the NPPF) and presents issues in terms of its remoteness and lack of natural surveillance, particularly during hours of darkness. We therefore dispute whether the proposed development is, in fact, in a sustainable location or even a suitable location.

Gradient of Footpath

4.6 Our Client's letter of 10 February 2025 raised concerns regarding the gradients for the proposed western footway/ cycleway link which were shown to vary between 1:20 and 1:12 and with sections offering gradients of 1:12 over lengths of some 50m or more along the route, relaxing to 1:20 and then increasing again.

4.7 We previously noted that guidance on inclusive mobility prepared by the Department for Transport is clear that "*Generally, pedestrian environments should be level, which means that there should be*

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*no gradient in excess of 1 in 60. Effort should be made to ensure that the route is smooth, since even small dips or gaps in paving joints might present a hazard such as to people who use a stick or a crutch. If a level route is not feasible, then gradients should not exceed **1 in 20**"⁵.*

- 4.8 We noted that the guidance does offer some flexibility over short distances, defined as "1000mm or less",⁶ where the absolute maximum gradient advised is 1:12. The Transport Assessment provides no demonstration of how the gradients along the proposed footpath are acceptable, particularly for those with mobility impairments, pushchairs or carrying heavy shopping bags.
- 4.9 It is evident that the Appellant has reviewed the remote shared footway/ cycleway link and gradient information is provided on drawing **23138-004 Rev F**.
- 4.10 Earthworks are shown to be incorporated to "build up" the route along its length reducing the gradients seen in the original Appeal scheme in some sections of the route. However, the route remains a continuous uphill/ downhill route with no level sections, no apparent rest places and with sections exceeding 20m in length where the gradient is approximately 1:12.
- 4.11 Our Client's concerns have not been addressed and our conclusion remains that this is not an appropriate route for the Appellant to rely on for access for all users of the development. The gradients, the remoteness and the lack of overlooking give rise to significant concern regarding the sustainability/ accessibility of the Appeal Scheme and it cannot be said that the transport tests of paragraph 115 of the NPPF 2024 can be satisfied even with the substitute plans submitted.

Suitability of Site

- 4.12 As noted in our Client's letter of 10 February 2025, suitability of the Site at the First Appeal was confined to questions of accessibility and policy conflict because the Site lies outside of the defined settlement boundary. The Appeal scheme and its parameters place a larger percentage of the housing beyond a mile/20-minute walk of the town and services and facilities on offer and fundamentally changes the character of the proposed western footpath/ cycle path route which is no longer overlooked for large sections.
- 4.13 As shown on submitted Drawing **23138-004 Rev F** it is evident the route remains to be a single winding path, surfaced and albeit lit and in the form of a shared footpath & cycleway route, through a sloping landscaped area accommodating various SUDS ponds. The substitute access strategy has largely ignored the concerns raised regarding this route and as we have already made clear, the route is not one that is likely to be suitable for users with mobility impairments or with heavy shopping bags or pushchairs and is not likely to be appealing to all users, particularly in hours of darkness, given its secluded setting. The Appellant cannot simply rely on the conclusion of the First Appeal regarding the Site's suitability when the scheme upon which that conclusion was based has changed entirely. It is not accurate to suggest the same conclusion would be drawn now.

Active Travel England

- 4.14 There remains no reference within the Application or Appeal documentation to the requirements of Active Travel England (ATE) who became a Statutory Consultee to all planning applications exceeding 150 residential units in June 2023. This Application would have been referable to ATE had it been determined and it is unclear how the pedestrian and cycle provision provided meets ATE's requirements. ATE are clear that "*walking and wheeling routes must be accessible to all legitimate*

⁵ Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian Transport Infrastructure (2021), p.29

⁶ Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian Transport Infrastructure (2021), p.29

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users and separated from motor vehicles and cyclists. There should be regular opportunities for sheltering and resting along the route (ideally every 50 metres or less)".

4.15 Furthermore, as noted in our Client's letter of 10 February 2025, ATE state that *"in order to discourage crime and anti-social behaviour, footways and pavements should be well lit, have good visibility and should be overlooked by nearby buildings to create natural surveillance"* ⁷.

4.16 In our view, the proposed path shown on substitute Drawing **23138-004 Rev F** does not satisfy these requirements.

5. Flood Risk - offsite

5.1 No additional information has been submitted by the Appellant regarding flooding or flood risk and the conclusions of our Client's letter dated 10 February 2025 remain.

6. Flood Risk - onsite and the Sequential Test (ST)

6.1 The criticisms of the ST analysis previously set out our Client's letter dated 10 February 2025 remain unaddressed.

7. Impact on Rural Character & Visual Impact on Landscape

7.1 The substitute access proposal shown on Drawing **23138-001 Rev J** includes a reduced ICD for the roundabout compared to the previous arrangement, but we now have a second roundabout on rising ground, complex configurations of cycleway and footpaths, new arrangements for adjoining properties which adds further a carriageway and street lighting. Significant street furniture is being introduced. Consequently, this is a large significant urban intervention in the landscape and significant engineering works are required to accommodate it. Earthworks are clearly labelled on the plan and there is a reference to a retaining structure albeit it is not clear from the plans submitted on 9 May 2025 whether that structure is required and if so, where.

7.2 Our client remains concerned that the wider impacts of this new urban infrastructure on the landscape and entrance into Uckfield are wholly negative and this should be a factor which weighs heavily against the new development in the overall planning balance. Neither the Appellant nor the planning authority offer any objective assessment of the new proposals on the landscape on this rural edge to Uckfield.

7.3 There is no supporting information submitted by the Appellant that considers the impact of the substitute proposals on the Oast House. The likely need to reconfigure commercial parking closer to the commercial buildings and Oast House is unassessed.

7.4 Our Client's letter of 10 February 2025 made clear that the Appeal Scheme would result in the loss of this distinctively rural and relatively tranquil area on the edge of the settlement of Uckfield. That concern remains.

7.5 There are no engineering details available as part of the new information submitted to the Appeal on 9 May 2025, and neither was there previously, which could be used to assess the impact of the proposed access arrangement on existing trees & hedgerows. Plainly these engineering details need to be explained so that a proper assessment of the deliverability of the scheme as well as its impacts can be made. Without this information we fail to see how the Arboricultural Note remains anything other than provisional.

7.6 It was noted previously that the new field gate access into the land north will result in the loss of hedgerow at H8 offsite but this is not quantified. No additional information has been submitted to

⁷ [Pavements and footpaths | Active Travel England](#)

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the Appeal in this regard. There is no room for replacement hedgerow within highway land. Our position on this remains as detailed in our Client's letter of 10 February 2025.

8. Heritage Impacts

- 8.1 Our Client's letter dated 10 February 2025 noted that the inspector of the First Appeal judged the open fields around the listed building enabled it to be appreciated in broadly its historic rural scene. Because of its elevated position, the inspector judged the LB to have a local landmark quality. We confirmed that we support these findings. We concluded that the proposed new homes and their associated infrastructure will intrude into the rural scene and result in a real loss of the rural character and sense of tranquillity to the setting of the LB. Nothing in the substitute information submitted to the Appeal on 9 May 2025 changes this.
- 8.2 Added to this diminution in the rural character, the introduction of significant highway infrastructure remains part of the Appeal scheme as shown on substitute Drawing 23138-006 Rev H. We conclude that this will further harm the setting of the LB.
- 8.3 Overall, we again invite you to conclude that the setting of the Grade II Listed Oast House would not be preserved by this proposal. On the contrary it will clearly be harmed. The introduction of the roundabout on Drawing **23138-001 Rev J** and other associated infrastructure, including the lighting now provided for reasons of highway safety, will continue to result in significant "less than substantial harm" being caused. It remains our conclusion that this would be contrary to local policy SP02 and NPPF paragraph 215.
- 8.4 When weighed against the public benefits of the proposal, which we turn to below, this harm outweighs the benefits. It is a strong reason for refusing the development as per NPPF footnote 7.

9. Ancient Woodland (AW) and Ecology

- 9.1 Our Client's letter of 10 February 2025 made clear that there has been no ecological, arboricultural or soil assessment survey of the Ancient Woodland (AW) which largely borders the south edge of the site and indeed intrudes into the redline as CSA. We noted that Ancient Woodland is about the protection of the trees and soils and the onus is on the Appellant to prove no deterioration and/or loss.
- 9.2 An Arboricultural Technical Note was submitted by the Appellant on 9 May 2025. However, that note solely considers the impact of the substitute access arrangements Drawing **23138-001 Rev J** to the north of the site and does not address the buffer to ancient woodland in the south of the site.
- 9.3 The inspector noted in the First Appeal that there are protected species in the AW. Despite the substitute information submitted on 9 May 2025 it remains our view that the location of the SANG recreational path so close to the AW, the natural tendency of the residents, walkers and their pets to want to explore the AW and the impacts on the protected species are simply unaddressed. However, it is clear that they still exist and their effect will lead to deterioration of the AW.
- 9.4 We invite you to conclude that this proposal will lead to the deterioration of an irreplaceable habitat. There are no wholly exceptional reasons why this should be allowed and so the proposal should be refused in accordance with NPPF paragraph 193 c).

10. Biodiversity Net Gain (BNG)

- 10.1 No additional information has been submitted to this Appeal in respect of Biodiversity Net Gain (BNG). It remains our conclusion that the Application and Appeal information is deficient in respect of BNG.

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11. Overall Planning Assessment

- 11.1 As detailed within our Client's representations of 10 February 2025, we do not dispute the age of the Core Strategy which is more than 5 years old nor the application of the presumption in favour of sustainable development as a result of the HLS shortfall in Wealden District. We accept that settlement boundary policies are out of date and the weight to be given to them can be reduced - that is a matter for the decision maker. Footnote 8 of the NPPF 2024 is engaged.
- 11.2 However, despite the revised access arrangements and the substitute drawings submitted to the Appeal it is not the case that safe and suitable access can be achieved for all road users. It remains the case that NPPF paragraphs 115 c) and 116 are engaged and, even when taking into account the additional information submitted to the Appeal on 9 May 2025, safe and suitable access cannot be achieved for all road users and the proposals are unsafe.
- 11.3 The revised access arrangement shown on Drawing 23138-001 Rev J does not alter our conclusion that the new access creates significant adverse impacts on the rural character on this approach to Uckfield, as well as adding to the urbanisation and so harming further the setting of the Grade II Listed Oast House. In fact, this is worsened by the introduction of street lighting in these revised proposals, as required in respect of highway safety. This further demonstrates the unsuitability of this Site for development as proposed in this Appeal.
- 11.4 In addition, as recorded in our Client's representations of 10 February 2025, the loss of land for commercial parking/storage to the east of the building complex adds to potential pressure for parking outside the redline but within the immediate curtilage of the retained former farm buildings. This risks further harming the setting of the Grade II Listed Oast House so that this Appeal Scheme still causes yet further additional less than substantial harm to the setting of the Designated Heritage Asset.
- 11.5 As previously concluded, that layout places additional recreational opportunities right next to the AW and the impact on the proposals on the AW have not been assessed, even with the additional information now submitted.
- 11.6 The highway authority previously identified that unregistered land is required to deliver the scheme as proposed. The revised access arrangement and additional information submitted to this Appeal does not refer to this unregistered land and neither does it demonstrate that the proposals are achievable in the extent of land ownership or public highway. It is not clear from the substitute drawings whether the proposals can be delivered. Thus, it remains our conclusion that the benefits of the scheme should be given only moderate weight.
- 11.7 Overall footnote 7 of the NPPF 2024 is still engaged for two reasons. Firstly, heritage harm is not outweighed by the scheme benefits. Secondly, footnote 7 is also engaged because of the impacts on AW, an irreplaceable woodland.

12. Conclusion

- 12.1 Additional information has been submitted to the Appeal by the Appellant including revised access arrangements and other supporting information. This has been reviewed against the background of the previous proposals and in the context of our Client's previous representations to this Appeal. Despite the additional information submitted by the Appellant, it remains our firm view that the scheme is contrary to the development plan. NPPF 11 d) is engaged because of the absence of the 5-year HLS and that there are two strong reasons for refusing development as per footnote 7:
- (a) It has not been demonstrated that heritage harm is not outweighed by the scheme benefits;
and

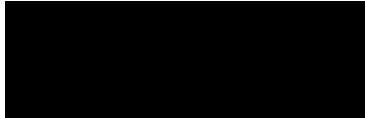
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(b) There is an unacceptable impact on irreplaceable Ancient Woodland.

12.2 In addition, the highway proposals are not safe and suitable for all users and will cause permanent harm to the rural setting of Uckfield. When weighing the harms that would be caused by the Appeal Scheme in the planning balance, against the benefits new housing would bring, we still conclude that the adverse impacts significantly and demonstrably outweigh the benefits.

12.3 For these reasons we maintain our position that the Appeal Scheme should be dismissed.

Yours faithfully

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Town Legal LLP