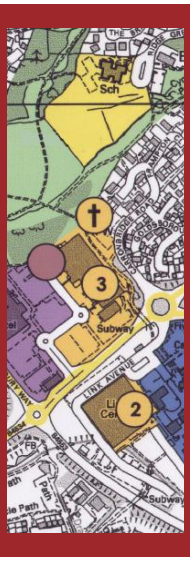
Boyer PLANNING

Gallagher Estates / Heron Land / Persimmon Homes – Matter 6 - 107752







Wealden Core Strategy

Main Matter 6: Uckfield Area Strategy

Submitted on behalf of Gallagher Estates Ltd,
Heron Land Developments and Persimmon Homes South East

December 2011

10.160

Crowthorne House, Nine Mile Ride,
Wokingham, Berkshire RG40 3GZ

T 01344 753 220
F 01344 753 221

enquiries@boyerplanning.co.uk
www.boyerplanning.co.uk

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SECTION ONE – INTRODUCTION

1.1 These representations have been prepared by Boyer Planning Limited on behalf of our clients, Gallagher Estates Ltd, Heron Land Developments and Persimmon Homes South East, in relation to the Matter 6: Uckfield Area Strategy of the Wealden Core Strategy Examination, to be held on 25th January 2012.

1.2 Our clients have submitted representations in respect of the Proposed Submission Core Strategy and have now instructed us to represent them through participation in the Examination process and the submission of representations upon relevant matters.

1.3 Our representations to the Core Strategy are directly relevant to the list of matters to be examined, and this statement specifically addresses the questions that have been raised that are relevant in the context of our representations along with applying these to the tests of soundness as most recently amended within PPS12.

1.4 On behalf of our client we are also submitting representations in respect of Matter 1: Spatial Strategy and Matter 3: Housing.

1.5 In respect of the Tests of Soundness, we consider that, whilst the broad locational strategy of the Core Strategy is sound, some significant amendments should be made in respect of specific policies to improve the soundness and clarity of the document. We expand upon these points in our response to the various questions which have been raised by the Inspector. In particular we consider that SD1 is not a sound proposal. It should only be included as an allocation following further investigations and with a substantial reduction in the number of dwellings to a figure that reflects certainty of the deliverability of that number. In turn we consider that there are alternative sites, and in particular our clients' land at Bird in Eye South, that should be included as a strategic allocation.

1.6 We set out our response to the questions in Section Two. Our comments have regard to national planning guidance and other material considerations.

SECTION TWO – MATTERS TO BE EXAMINED

2.1 Have reasonable alternatives to the strategy been considered?

2.1.1 No. Although the general intentions of the strategy are supported it is considered that certain elements are inappropriate. It is not considered that the Council has fully considered the alternatives to the proposed strategy and this has resulted in them supporting a strategy which we consider, although legally compliant, to be unsound in relation to certain elements.

2.1.2 The Uckfield area strategy contains ten key factors which are to enhance the role of Uckfield as a District Centre serving its local community and surrounding area. These elements are generally considered to be the most appropriate strategy of the possible alternatives. Concern is however raised in relation to element three which states:

> ***'3. continuing to meet the housing and community needs of the District and Uckfield by:***
> - ***Allocating land for housing as part of comprehensive redevelopment of the retail centre; and***
> - ***Allocating land for around 1,000 homes and some 12,650sq. metres net employment floorspace and education provision as an extension to the urban area to the west of New Town (SD1). The allocation of land is subject to the provision of a suitable access and a number of other factors to be addressed in the relevant Site Allocations DPDs which may increase the risk to delivery. If development has not commenced on the site by 2016 a review of the Core Strategy in relation to the Uckfield area will be required.'***

2.1.3 Our concern focuses on the second part of this element, namely the allocation of an extension of the urban area to the west of New Town (SD1). We consider that the allocation of this land demonstrates that the Council have not fully considered all reasonable alternatives to the strategy. Indeed the Council's statement that *'the allocation of land is subject to the provision of a suitable access and a number of other factors to be addressed in the relevant Site Allocations DPDs which may increase the risk to delivery'* in itself suggests a lack of proper assessment of a strategic site which forms a fundamental part of the Council's chosen strategy. We expand on our concerns in relation to the allocation of the site under the Inspector's further sub questions.



2.2 Is there a clear audit trail showing how and why the preferred strategy was arrived at?

2.2.1 Previous Core Strategy consultation documents focused on larger scale aspects of the development strategy for the District. As such the proposed strategic allocation was not included prior to the Proposed Submission Core Strategy. Although the more generalised aspects of the Uckfield Area Strategy have a clear audit trail, including public consultation responses, showing how and why the preferred strategy was arrived at, this is not the case for the proposed strategic allocation SD1.

2.2.2 We do not consider that the Council has followed the advice in PPS 12 concerning Engagement with Delivery Stakeholders. Para 4.27 requires local authorities to undertake timely, effective and conclusive discussion with key stakeholders on what options for a core strategy are deliverable. It states that it is essential that stakeholders key to the plan's delivery are engaged early in the production of the core strategy. Early engagement with stakeholders may enable potential impediments to the plan to be identified and overcome. Para 4.28 goes on to note:-

> ***'There is no point in proceeding with options for the core strategy which cannot be delivered as a result of failure to obtain the agreement of key delivery agencies. Stakeholders also need to be engaged earlier to avoid late and unexpected representations emerging at the end of the process which might render the plan unsound and lead to lengthy delays in the delivery of a robust planning framework for the area. Local authorities are strongly encouraged to seek out major landowners and developers and engage them fully in the generation and consideration of options. This should help ensure that the core strategy is deliverable.'***

2.2.3 Major landowners, housebuilders and other developers are included as relevant delivery agencies. We are not aware of the extent to which the promoters of strategic allocation SD1 were involved in the process, but certainly our clients, who are key stakeholders at Uckfield, were not contacted prior to SD1 appearing in the Proposed Submission Core Strategy.

2.2.4 The Sustainability Appraisal for the Proposed Submission Core Strategy does provide some guidance as to the Council's reasoning behind the chosen strategic allocation. With regards to the broad locations for development at Uckfield the sustainability appraisal makes the following comments:

- *Central, eastern and western locations most likely to be deliverable and positive in relation to proximity and connectivity to central services. Southern location would need to be treated as a major urban extension with new services and facilities. Northern locations potentially least likely to deliver new housing due to deliverability constraints and dislocation from the town.*
- *'The town centre location … should deliver benefits due to its ability to place more people in close proximity to central health facilities… The western location would offer good access to recreational green space and sporting facilities.'*
- *In terms of promoting social inclusion and creating/sustaining vibrant communities the central and western locations provide good potential. The northern and southern communities are assessed as relatively isolated. 'Pockets of isolation in the eastern area and poor transport links along the Framfield Road reduce the ability of the eastern broad area to deliver improved social cohesion and connectivity to the town. A footbridge would be an essential requirement in terms of mitigation for this location.'*
- *The only location to use brownfield land is the town centre location – all others would involve development on greenfield land.*
- *'Opportunities to reduce the likelihood of raising pollution levels can be identified for the town centre and western locations in the delivery of mixed use developments. The proximity of the broad locations to public transport and a number of facilities, which reduces the need to travel by car will help limit the increase in emissions from travel. The congestions in the Framfield Road area could be heightened if the eastern location is developed and this could have an impact on local air quality in this area of the town.'*
- *Central area has least impact on biodiversity. The south eastern area is near to an SNCI which would need to be mitigated, and the southern and western areas contain pockets of ancient woodland that would need to be preserved.*
- *Central, northern and eastern locations have no significant landscape constraints. The southern areas have no major landscape issues and have opportunities for green infrastructure provision. 'The western location does have landscape issues and present opportunities to improve the fringe between countryside and development.'*
- *Central and western locations have the potential to promote alternative methods of development. 'The northern, eastern and southern locations would be likely to encourage car use through their proximity to the road network as well as their means of linking to the town centre.'*

2.2.5 It is not considered that these elements provide sufficient justification to support the Council's approach. Indeed it is considered crucial that potential mitigation measures which will significantly impact on the ability of sites to accommodate

development are given further thought. This lack of clear thought is demonstrated by the caveat included in the proposed Uckfield Area Strategy that:-

> ***'the allocation of land is subject to the provision of a suitable access and a number of other factors to be addressed in the relevant Site Allocations DPDs which may increase the risk to delivery. If development has not commenced on this site by 2016 a review of the Core Strategy in relation to Uckfield area will be required.'***

2.2.6 Given the critical nature of the strategic allocation to the current Uckfield Area Strategy it is considered that such a caveat at this stage of the production of the Core Strategy demonstrates a lack of consideration. We consider that there is a lack of a clear audit trail in relation to the decision to allocate the strategic site west of New Town and that other more appropriate approaches exist. The uncertainty regarding the deliverability of the strategic allocation and the postponement of a thorough assessment of the site to a later DPD is inappropriate as the Core Strategy is the appropriate forum for such decisions to be taken through. The justification behind our concerns in relation to the decision to allocate the strategic site are set out in the following sections.

2.2.7 Until the above factors are addressed there is no justification for the final bullet point of our para 2.2.4 above, as in our opinion the Western location (that is SD1) can also be said to be likely to encourage car use through their proximity to the road network.

2.3 Have the infrastructure implications of the strategy clearly been identified and supported by the evidence base? Is it clear who is going to deliver the required infrastructure and by when?

2.3.1 In respect of strategic infrastructure, the Council notes that there are a number of factors, including waste water treatment, Uckfield Town Centre traffic management, and improvements to bus services and infrastructure connections to Uckfield that would need to be considered as part of the strategy for Uckfield and in particular in relation to SD1. We consider this further at para 2.6.6.

2.4 Is the strategy sufficiently flexible to respond to an unexpected change in circumstances?

2.4.1 The policy identifies twelve strategic development areas as broad locations for future development. In the light of our clients' landholding at Uckfield our comments relate to site SD1: Land at West Uckfield. It is considered that the allocation of the site as a strategic development location is unsound. This element of the Core Strategy is felt to be of unsound as it is not justified or effective.

2.4.2 Paragraph 5.11 of the document states that the Council recognises that it needs to identify a *"deliverable"* supply of housing land for both the short-medium and the longer term. The strategic development areas are of such a scale that they are considered *"critical to delivery of the overall strategy".* Paragraph 5.12 goes on to note that the strategic development areas will be priority for inclusion in the Strategic Sites DPD, in line with the housing trajectory and to ensure *"delivery".* The delivery of housing is recognised by the Council as key, and we agree as this accords with advice in PPS3. However in the case of SD1, as we note below, the evidence does not support an allocation as there appear to be many obstacles to its delivery.

2.4.3 In contrast, through its assessment of sites, the Council has considered that land on the east side of Uckfield, at Bird in Eye South, should not be proposed as a strategic allocation even though it is considered to be suitable. We contest the exclusion of this site which we do not believe sits accurately with the assessment made by the Secretary of State. In the Secretary of State's decision, of 24th February 2009, in respect of the planning appeal at Bird in Eye South, the Inspector considered the site, proposed at that time for 197 dwellings, to be a "natural or logical urban extension".

2.4.4 We consider how the Council has reached a conclusion in support of a strategic allocation SD1 following consideration of the Uckfield area strategy below.

2.5 Is there sufficiently clear guidance on retail floorspace provision in Uckfield?

2.5.1 We have no comments to make in relation to retail floorspace provision in Uckfield.

2.6 Is SD1 justified and deliverable?

2.6.1 It is considered that the allocation of the land at West Uckfield (SD1) is not justified and effective. We consider that it should only be included following further investigations, and with a substantial reduction in the number of dwellings to a figure that reflects certainty of the deliverability of that number. Whilst the level of growth proposed at Uckfield is supported it is considered that alternative locations for development exist which are more appropriate and able to achieve the Council's overall objectives for development. We consider this further below (Sub - Section 2.7). It is considered that our clients' landholding at Bird in Eye South represents one of these alternatives and has the potential to provide approximately 200 dwellings as an effective and logical urban extension to the settlement. The site is adjacent to the Mallards Drive Non-Statutory Local Plan allocation which has received planning consent, demonstrating the suitability of this part of Uckfield for development. In the light of the Council's recognition that the strategic development areas are critical to delivery of the overall strategy, and to ensure housing delivery, the allocation of a strategic development area at Bird in Eye South, for 200 dwellings would meet this objective. Indeed, in terms of scale, it would be in line with a number of the other proposed SDAs (for example land east and south-east of Stone Cross (SD6), land south-east of Crowborough (SD10) and land to the north-west of Heathfield (SD11)).

2.6.2 We consider the appropriateness of proposed SD1. We start with the Council's Strategic Housing Land Availability Assessment (SHLAA). We note that the Council has prepared an update, via an addendum to its evidence base in October 2010. The update includes a number of sites but in respect of Uckfield the principal change affects site reference 346/1410, Ridgewood Farm, Lewes Road, Ridgewood. It would appear that this land holding broadly coincides with the proposed SDA, SD1. Para. 1.5 of the Addendum states that further assessment of site potential in the areas considered for town extensions has been undertaken, including connectivity to local services and facilities, highway network capacities and infrastructure requirements. However Para. 1.4 notes that this addendum report has taken account of the Council's emerging preferred spatial strategy. It is not clear how this specifically sits within the evidence base, alongside the original assessment of sites (in particular those that have not formed part of the eventual

strategy, and have not been reassessed). We comment upon this further below in relation to our clients' land.

2.6.3 In relation to Ridgewood Farm, a substantial number of constraints are identified in the summary of its suitability. This summary highlights the following constraints : -

a. This is a substantial undulating site, a significant part of which (in the south), is prominent in the wider landscape and exposed to views from the Uckfield bypass (A22);

b. It appears that only parts of the northern and central parts of this large site, together with some of the low lying land within the southern part of the site, are considered to be suitable for housing and could be considered as a logical extension to the urban area of the town;

c. There will be a need for significant landscape buffer zones throughout the site to strengthen the landscape structure and create a new edge to the countryside;

d. The existing access to the site would not be acceptable to serve further development on the scale envisaged and new vehicular access points will be required on to the A22. A full transport assessment would be necessary, and a caveat is adequate pedestrian, cycle and bus connectivity with the town centre;

e. It is noted that there is potentially contaminated land associated with the sewage treatment works and within the site to the east, and that the extent of this and the implications will need to be the subject of further technical appraisal;

f. The western edge of the site is within the Flood Zone 3, which also crosses the southern part in a fairly narrow band along the stream;

g. It is noted that the western part of the site is affected by traffic noise from the A22, and any scheme designed will need to take this into account, as well as needing to mitigate possible noise issues from the sewage treatment works and the industrial area to the north. It is also noted that there may be an adverse impact from odour from the sewage works which requires more detailed assessment.

2.6.4 Of the above constraints, the issue of transport accessibility and highways represents a fundamental concern, which crosses over between the issues of the suitability and availability, and therefore in turn calls into question the deliverability of the site. Amongst these concerns is the existing traffic congestion at the High Street/B2102 Bell Lane and High Street/Framfield Road signalised junctions. There is significant doubt regarding the deliverability of the site particularly in relation to its accessibility directly to Uckfield town centre. It is our understanding that a suitable

access can only be achieved through the acquisition of land currently not within the control of the landowners. We understand that it would be unlikely to be able to provide access to the site via the Bridge Farm Road or New Park Lane residential areas without the need for third-party land acquisition. Further south on the High Street and on Lewes Road there are a range of highway, environmental and, potentially, third party land issues that would need to be resolved.

2.6.5 The alternative of access from the bypass would not be acceptable as it would not allow direct links to services and would be unsustainable. In addition there is no evidence that transport impact assessment work has been undertaken that would demonstrate that the proposal would be acceptable in advance of the implementation of an improvement scheme for the town centre.

2.6.6 In considering the potential locations for development around Uckfield the Council's Sustainability Appraisal report concludes in relation to the western location that:-

> ***'the option presents good opportunity for connectivity with the town centre and the industrial estate and new and existing employment opportunities. The location is such that a comprehensive mixed use scheme would be achievable, enabling employment uses alongside residential, community and leisure uses. Location offers potential to incorporate green infrastructure links and to assist with the regeneration of Uckfield town centre and wider communities. Mitigation in the form of landscape buffering and in eliminating odour issues may be required.'***

2.6.7 It is not considered that this conclusion takes full account of the SHLAA's assessment of the site. Although mitigation requirements in relation to landscaping and odour issues are highlighted, it is considered that mitigation is also likely to be required in relation to contaminated land, flood risk and traffic noise. Furthermore the conclusion fails to identify the fundamental concern in relation to traffic accessibility and highways. It is considered that these matters when combined with those identified in the sustainability appraisal will have a significant impact on the form and scale of development which is able to come forward and therefore the suitability of the site itself.

2.6.8 In respect of achievability, there are a number of constraints which the Council has itself acknowledged in part. The Council states that proximity to the waste water treatment works and the A22 could have a negative impact upon market demand.



2.6.9 The Council states that, notwithstanding the normal costs arising from noise and odour mitigation measures, the site is assessed as economically viable, given the greenfield nature of the site combined with the high yield of housing potential on this large site. However, we are not aware of any viability evidence that has been undertaken to support this claim.

2.6.10 The Council notes that there is a reasonable prospect, subject to development plan policy, that a proportion of development could be delivered in the short term, with the remainder in the medium to long term. Without a substantial range of assessments being undertaken, there is no basis for this statement. It is unlikely that housing will be delivered in the short term due to the potentially long lead-in to commencement on site, due in part to the significant infrastructure requirements that would need to be put in place. In addition one large site is unlikely to deliver the level of housing that two sites in different locations can achieve, given the ability to provide alternative marketplaces and housing products.

2.6.11 In respect of strategic infrastructure, the Council notes that there are a number of factors, including waste water treatment, Uckfield Town Centre traffic management, and improvements to bus services and infrastructure connections to Uckfield that would need to be considered. It is noted that in addition to residential, employment and potential education provision are anticipated. The above are clearly a range of constraints and uncertainties. In order to satisfy paragraph 54 of PPS3: Housing, local planning authorities should identify sufficient specific “deliverable” sites for the first 10 years of the plan. In our view the tests of deliverability, i.e. the assessments of availability, suitability and achievability are not met at this stage. It would therefore not be justified or effective for the Plan to go forward with a strategic site on this basis. We consider that far greater certainty can be provided if a strategy for Uckfield were adopted that included sites that are deliverable, such as our client’s site at Bird in Eye South, and only if sufficient further evidence was available, should other locations be considered as part of this Core Strategy process (including that at Ridgewood Farm).



2.7 Have reasonable alternatives to SD1 been considered – omission sites?

2.7.1 Whilst the general thrust of the strategy is supported it is considered that certain elements are inappropriate and require amendment. As such although considered to be legally compliant the Core Strategy is considered to be unsound for these elements.

2.7.2 It is considered that our clients' landholding at Bird in Eye South represents a suitable, and deliverable, alternative location for new housing development at Uckfield. It has the potential to provide approximately 200 dwellings as an effective and logical urban extension to the settlement. The site is adjacent to the Mallards Drive Non-Statutory Local Plan allocation which has received planning consent, demonstrating the suitability of this part of Uckfield for development.

2.7.3 In the light of the Council's recognition that the strategic development areas are critical to delivery of the overall strategy, and to ensure housing delivery, the allocation of a strategic development area at Bird in Eye South, for 200 dwellings would meet this objective. Indeed, in terms of scale, it would be in line with a number of the other proposed SDAs (for example land east and south-east of Stone Cross (SD6), land south-east of Crowborough (SD10) and land to the north-west of Heathfield (SD11)).

2.7.4 The site has previously been the subject of a Planning Appeal which resulted in a rigorous assessment of the site by both the Planning Inspector and the Secretary of State (SoS). The assessment included consideration of the potential impact of the development in relation to the following:

- *Landscape* – The SoS agreed with the Inspector that "there are no cogent reasons to resist the BIES proposals purely on landscape grounds".
- *Ecology* – The SoS agreed with the Inspector that there was no sound case for rejecting the BIES scheme "on the grounds of any harm to ecological/nature conservation interests."
- *Transport Sustainability* – The SoS agreed with the Inspector that the BIES site was advantaged in terms of its "intrinsic accessibility and sustainability".
- *Impact on Uckfield Town Centre* – Both parties were required to consider the impact of traffic through the town centre. In respect of this the County

Council determined that there was headroom to develop approximately 300 units within Uckfield prior to the implementation of a town centre improvement scheme being required. In respect of this issue it was therefore considered that the development of the site would in fact provide an early contribution to the proposed town centre improvement scheme.

- *Effect on Listed Buildings* – Like the Inspector, the SoS was satisfied that the setting of the nearby Grade II Listed Oast House would not be materially harmed by the BIES proposal.

2.7.5 Further to the above, it was no surprise that both the SoS and Inspector in their conclusions determined that the Bird in Eye South site was suitable in terms of the development proposed. However, key to the determination of the Appeal was that, at the time of the Inquiry, it was considered that there was no requirement for greenfield releases. The Secretary of State therefore took the stance that in the absence of there being a good case to release greenfield sites at that time, it would be "preferable for housing sites to come forward via the LDF process, and in tandem with a town centre traffic scheme". The Council now considers that there is a need for greenfield releases around the town.

2.7.6 The Council has, therefore, considered that Bird in Eye South (Site Ref. 002A/1410) is suitable. It has referred to the appeal decision and the reference to the site being considered as a "*natural or logical extension to the urban area*". All of the issues that were of a technical or environmental nature were addressed prior to the appeal decision, and the Inspector, and in turn the Secretary of State, were therefore mindful of this information in coming to the above conclusion. This is acknowledged in the SHLAA summary of suitability. There are no major factors of concern, which contrasts substantially with the position relating to Ridgewood Farm.

2.7.7 In terms of availability, it is assessed to be available for housing. Reference is made to the need for a Grampian condition to deal with the pedestrian/cycle link. Other than this, as fully rehearsed through the appeal process, the site is deliverable. It is in the control of a consortium of developers, Gallagher Estates Limited, Heron Land Developments Limited and Persimmon Homes Limited.

2.7.8 In terms of achievability the Council has correctly determined that the site is suitable, available and economically viable with the capacity of a development to

compete and sell the housing in the area considered to be good. However, it states that there is a reasonable prospect that in the short term a proportion of housing could be delivered with the remainder in the medium - long term. We consider that this assessment, which is the same as Ridgewood Farm, is not appropriate. As we have noted above, the constraints relating to Ridgewood Farm would substantially delay the deliverability of the site, in contrast to our clients' land which we believe could be delivered, in large part, in the short term.

2.7.9 We are aware of the strategic infrastructure requirements which are set out in the SHLAA.

2.7.10 In summary, we stress the suitability and availability of our clients' site, which was considered through the Planning Appeal process with a positive outcome in terms of detailed, site related, planning issues. We would also like to indicate our willingness to work with the Council to promote the Bird in Eye South site through the LDF process in particular the Site Allocations DPD, consultation on which is anticipated in late-Summer/early-Autumn 2011.

2.7.11 We therefore consider that land at Bird in Eye South should be a SDA, identified in this Core Strategy for commencement around 2013.

SECTION THREE – RECOMMENDED CHANGES

3.1 In summary we recommend that the following changes be made to the Core Strategy:-

1. *Policy WCS4 :*
   The inclusion of an additional strategic development area – SD…: Land at Bird in Eye South, Uckfield.

2. *Policy WCS4 :*
   The inclusion of strategic development area – SD1: Land at West Uckfield, only following further investigations and with a substantial reduction in the number of dwellings to a figure that reflects certainty of the deliverability of that number.

3. *Figure 5: Phasing of Development:*
   The phasing schedule to be amended to reflect the above, to include Bird in Eye South for 200 dwellings, and assign it to years 2013/14 – 2016/2017 for delivery.

4. *Chapter 6 – Uckfield Area Strategy:*
   This subsection should reflect the above, in particular at para 6.11 to include Bird in Eye South for 200 dwellings, as well as through amendments to Figure 6: Uckfield Area Strategy.

Boyer Planning Limited
December 2011