

**Planning Application and Appeal – Tabular Summary of Technical Response Status  
As at 26 March 2024**

**Land to the south of the A271 and east of the A22, Lower Horsebridge, Hailsham**

**WDC Application ref. WD/2022/322/MAO  
Appeal reference APP/C1435/W/23/3335625)**

| Technical Topic / Matter                                                                                                                   | Current Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Five Year Housing Land Supply                                                                                                              | <p>Wealden District Council (WDC) confirms that it does not have a five year / four supply of housing land.</p> <p>This activates the NPPF's requirement that, where development plan policies are out of date, there is a 'presumption in favour of sustainable development' where permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (NPPF paragraph 11dii).</p> <p>This topic is also a Main Issue for the Planning Inquiry with further evidence being put forward by the Appellant and WDC to establish the range of the shortfall.</p> |
| The Effect of the Appeal Scheme on the Provision of Housing to Meet Both Demand and Supply as required by both National and Local Policies | <p>This topic is a Main Issue for the Planning Inquiry with further evidence being put forward by the Appellant and WDC.</p> <p>WDC's Housing Development Officer confirms the affordable housing requirements for a site development in terms of policy, design requirements, preferred mix etc. (CD 3.18)</p> <p>A draft legal agreement / planning obligation is currently in preparation to secure policy compliant affordable housing provision and the provision of plots for self-build/custom-build homes requested by WDC.</p>                                                                                                                                            |

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| <p>Transport and Sustainable Travel:</p> <p>Access, Movement, Highways, Road Safety and Traffic</p> | <p>East Sussex County Council (ESCC) as local highway authority and WDC as local planning authority have withdrawn their objections to the application on non-car accessibility grounds (and the associated reason for refusal is not being pursued), subject to the completion of a legal agreement / planning obligation.</p> <p>ESCC is satisfied with the site access highway access arrangement, which has been subject to a Road Safety Audit. ESCC is satisfied with proposed improvements to pedestrian and cycle movement on the A271 frontage.</p> <p>Impact on the local highway impact is not severe, and the completion of a legal agreement / planning obligation will secure required highway contributions.</p> <p>WDC has proposed planning condition wording in respect of transport matters that is being reviewed by the Appellant.</p> <p>A draft legal agreement / planning obligation is currently in preparation.</p> <p>The development will also contribute to strategic transport infrastructure through payment of the Community Infrastructure Levy (CIL), a charge on new development floorspace which local authorities can introduce to help fund the infrastructure needed to support development.</p> <p>The use of CIL is primarily to support extensive strategic infrastructure, while planning obligations primarily address the site-specific mitigation of a particular development's impact.</p> <p>See also the Transport and Highways Statement of Common Ground (CD 13.7). The Appellant has also prepared a Proof of Evidence in respect of Transportation Matters.</p> |
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| Surface Water Drainage and Flood Risk                                                                                 | <p>The Environment Agency (EA) is content with the findings of the submitted flood risk assessment (FRA), recommending the implementation of a standard planning condition with respect to development being carried out in accordance with the submitted FRA and the mitigation measures it proposes. (CD 3.10)</p> <p>ESCC as lead local flood authority / Pevensey and Cuckmere Water Level Management Board confirms that the proposed development is capable of managing flood risk effectively and requires a standard planning condition to set the specifics of the detail design. (CD 3.8)</p> <p>The response of WDC's Engineer and Countryside Officer (drainage) states that the information provided within the application is adequate for the application. The response recommends a planning condition requiring the submission of the detailed surface water drainage design prior to development commencing. (CD 3.9)</p> <p>WDC is content that the sequential test is not required, subject to planning condition wording to restrict built development and associated infrastructure to Flood Zone 1 (Low Probability).</p> <p>WDC has proposed planning condition wording in respect of surface water drainage and flood risk which is being reviewed by the Appellant.</p> <p>The Appellant has prepared a Technical Note providing a Summary of Flood Risk and the Surface Water Drainage Strategy (attached as a technical note appendix to the Appellant's Planning Proof of Evidence).</p> |
| Landscape Character and Appearance of the Area, Impact                                                                | <p>This topic is a Main Issue for the Planning Inquiry with further evidence being put forward by the Appellant and WDC.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Location: Principle of Development at the Appeal Site with regard to Planning Policy including Development Boundaries | <p>This topic is a Main Issue for the Planning Inquiry with further evidence being put forward by the Appellant and WDC.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Archaeology                                                                                                           | <p>ESCC's Archaeology Officer confirms that the application is satisfactory, subject to planning conditions requiring intrusive archaeological investigations prior to construction. (CD 3.12)</p> <p>The condition requirement is surprising to the Appellant's archaeologist given that the geophysical survey of the site</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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|                                                          | <p>submitted in support of the planning application did not identify any anomalies considered to be potential archaeological remains.</p> <p>WDC has proposed planning condition wording in respect of archaeological investigations that is being reviewed by the Appellant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Built Heritage / Conservation                            | <p>This topic is a Main Issue for the Planning Inquiry with further evidence being put forward by the Appellant and WDC.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Noise, Air Quality and Ground Conditions / Contamination | <p>The Environmental Health Officer consultation response (from Rother District Council's pollution team on behalf of WDC) confirms acceptability of the noise, air quality and ground condition assessment reports submitted in support of the planning application. The officer recommends approval with conditions in relation to construction activities and detailed design elements. (CD 3.2)</p> <p>WDC has proposed planning condition wording in respect of these matters that is being reviewed by the Appellant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Ecology and Biodiversity                                 | <p>The Nature Space Newt Officer responded to the consultation confirming that the ecology survey information is satisfactory and recommends a standard compliance condition to implement the ecological mitigation. (CD 3.7)</p> <p>The WDC Biodiversity and Arboricultural Officer has provided an ecological consultation response. This confirms that the submitted ecological documentation is of a good standard and in line with guidance. The response acknowledges the low existing ecological interest of the site and the Biodiversity Net Gain (BNG) proposals and ecological benefits that the scheme offers. It concludes that there is no ecological objection subject to conditions on external lighting, wildlife management, details on biodiversity enhancement and a landscape and ecological management plan. (CD 3.1)</p> <p>WDC has proposed planning condition wording in respect of these matters that is being reviewed by the Appellant.</p> |
| Foul Drainage                                            | <p>Southern Water advises that additional flows may lead to an increased risk of foul flooding from the sewer network. (CD3.6)</p> <p>Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water endeavour to provide reinforcement within 24</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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|                                                       | <p>months of planning consent being granted (Full or Outline). Southern Water requests that a planning condition be applied.</p> <p>WDC has proposed planning condition wording in respect of details for foul sewers that is being reviewed by the Appellant.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Trees / Hedgerows                                     | <p>WDC's Tree Officer comments that the proposal would result in no direct loss of trees (aside from those identified as requiring removal on safety/health grounds) (CD 3.11). Some hedgerow removal would be required to facilitate the new access. The quality of these hedgerows is poor and the accompanying ecological appraisal does not identify these as important hedgerows under the Hedgerow Regulations. Hedgerows on the eastern and western boundaries are identified as important and will be retained.</p> <p>The officer identifies that all hedgerows on site meet the criteria for UK Biodiversity Action Plan (BAP) Priority Hedgerow habitat (i.e. over 20m long and consisting of at least one woody UK native species) and therefore removal of those sections of hedgerow required for the facilitation of development would need to be considered in the wider planning balance.</p> <p>Landscaping proposals include new tree lined streets in line with NPPF para 131 and new hedgerow planting (set further back into the site to allow for necessary visibility splays) to compensate for the loss of the existing.</p> <p>WDC has proposed planning condition wording in respect of tree and landscape planting matters that is being reviewed by the Appellant.</p> |
| Design and Density                                    | <p>This topic is interlinked with the Main Issues for the Planning Inquiry on location, character, landscape impact, heritage and policy compliance, with further evidence being put forward by the Appellant and WDC.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Capacity of Local Health and Education Infrastructure | <p>No issues raised by WDC, ESCC or infrastructure providers in any consultation response.</p> <p>The development will be subject to the payment of CIL, a charge on new development floorspace which local authorities can introduce to help fund the infrastructure needed to support development.</p> <p>The use of CIL is primarily to support extensive strategic infrastructure, while planning obligations primarily address</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

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|                  | the site-specific mitigation of a particular development's impact.                                                                                                                                                                                                                                                              |
| Fire, Police     | <p>The Fire Service references the need for sufficient water for firefighting, usually secured through fire hydrant attached to water main. (CD 3.14)</p> <p>The Local Policing Support Team raises no objection and makes observations and provides advice in respect of Secured by Design and crime prevention. (CD 3.16)</p> |
| Waste Management | WDC's Waste and Street Scene Manager makes no objection and confirms bins storage and access requirements for waste collection. (CD 3.17)                                                                                                                                                                                       |