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Planning Brief

Land at Hindsland

December 2022

MWB/LJ/17364

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1 Introduction

1.1 Report Purpose

1.1.1 This report has been prepared on behalf of East Sussex County Council to assess the development potential of two land parcels on the outskirts of Polegate.



Figure 1: Google Earth image of Parcels A and B (known as the 'Study Area')

- 1.1.2 This report provides a summary of the relevant planning history and planning policy context and then sets out the planning considerations in this case.
- 1.1.3 The study area was visited by DHA Planning in September 2022. This report is informed by that visit and a desktop study of planning policy and relevant background studies, plus a review of the site's history.
- 1.1.4 A Feasibility Study was undertaken in 2018 to assist with determining the development potential of the two parcels of land. This report now aims to guide development of the sites in accordance with the relevant Development Plan as well as other material considerations.

2 Site Context

2.1 Site Description

2.1.1 The sites fall within the administrative boundaries of Wealden District Council and East Sussex County Council and falls juts outside the South Downs National Park.

2.2 Study Area

Parcel A

2.2.1 Parcel A (also known as the 'West site') is approximately 2 hectares in size and was formerly used as a playing field in association with the adjoining Hindsland playing field. The vacant site is now heavily overgrown with a well-established tree screen along the western boundary and areas of hedgerow and scrub across the site.



Above: Google Earth image of Parcel A

2.2.2 The site is currently allocated as 'private land' and is not a designated area of public open space.

2.2.3 There are no rights of way across the site although an informal footpath has been established, primarily for dog walking and short cuts from Eastbourne Road to the residential areas beyond.

2.2.4 The land falls away considerably towards the northwest boundary of the site and is gently sloping towards the south. Levels are fairly consistent between the site and Courtland Road, a residential cul-de-sac which immediately abuts the site along the northeast boundary.

- 2.2.5 To the northwest of the site is a petrol station, with vehicular access from Eastbourne Road, behind which is located an electrical substation, with associated right of way.
- 2.2.6 To the southeast of the site are further playing fields, owned by the University of Brighton. The areas immediately adjacent to the northeast boundary of the site, (Courtland Road and beyond) comprise residential streets, with a mix of single and two storey dwellings. Several homes on Brightling Road back onto the site.

Parcel B

- 2.2.7 Parcel B (also known as the 'East site') is detached from Parcel A and located to the east. This site is also heavily overgrown with areas of hedgerows and trees across the site.



Above: Google Earth image of Parcel B

- 2.2.8 This site is landlocked with no vehicular access currently available.
- 2.2.9 As with Parcel A, whilst there are no public rights of way through the site, there are informal dog walking or short cut routes throughout the sites.
- 2.2.10 The rear gardens of Spurway Park abut the site's western boundary and an agricultural field adjoins the eastern boundary. The northern boundary adjoins the former Hindsland playing field and a further agricultural field.

2.3 Accessibility

Local Road Network

- 2.3.1 Eastbourne Road, (A2270) runs along the southwest boundary of the site and gives access to the A27, which is a major trunk road running east - west between Whiteparish, Wiltshire, and Pevensy, East Sussex. It also gives access to the A22 approximately 2.5kms from the site, which runs to Hailsham and the north. By road London is 60 miles to the north directly on the A22 or via A27 / A23 / M23.

2.3.2 There is currently no vehicular access to either of the sites.

Public Transport

2.3.3 Polegate Station is a short 10-minute walk from Parcel A, or 4 minutes on a bike. Trains run frequently from Polegate Station towards Eastbourne, (with links to Hastings and Ashford) Brighton, Lewes and London Victoria. An hourly service to London takes approximately 78 minutes.

2.3.4 Polegate is easily accessible by bus as services from Eastbourne to Hailsham, East Grinstead, Uckfield, Heathfield and Tunbridge Wells all pass through. Eastbourne Road has been identified as a top priority Quality Bus Corridor.

Walking / Cycling

2.3.5 Footpaths Polegate/Willington is located close by where it crosses the adjacent site, provides access to Black Path, adjacent to the railway and joins the Cuckoo Trail to the north. The Cuckoo Trail is part of the National Cycle Network Route 21, which also links to National Route 2, running between Dover and St Austell. There are cycle lanes on both sides of Eastbourne Road.

2.4 Surrounding Area

2.4.1 The adjoining 6.5 hectares of land immediately to the east of Parcel A and southwest of Parcel B, comprises a redundant sports ground (known as Hindsland) last used by the University of Brighton in 2002/2003, when it became surplus to their requirements following the enhancement of sports facilities at their campus in Eastbourne.

2.4.2 It is understood that when previously in use, the playing fields were for private organised sporting fixtures and not open to the public. The site has not been maintained as playing fields and is now overgrown, consisting of scrub and open grassland. There are areas of hardstanding associated with a former pavilion building, a single detached dwelling, which is vacant, and associated outbuildings.

2.4.3 As set out further below, outline planning permission was allowed at appeal in October 2022 for the erection of up to 180 no. dwellings on the adjoining site together with a medical centre, parking, servicing and onsite open space.



Above: Site Location Plan for 'Hindsland'

- 2.4.4 The area to the west of Parcel A is defined by the A2270 Eastbourne Road, and the area to the north is residential in character. Mornings Mill Farm abuts the remainder of the eastern and northeastern boundaries of Parcel B.
- 2.4.5 The wider area to the north comprises the town of Polegate, which is located 5 miles north of Eastbourne, and to the south is the village of Willingdon.

3 Planning History

3.1 Planning History

3.1.1 A review of the Council's online planning records database has revealed the following planning applications relating to the study area.

Application Reference	Description	Decision
Parcel A		
K/1949/534/F	Use of Land for Education Purposes	Unknown
Parcel B		
TM/2004/0162/TPO	Reduction of lateral growth by 2m, reduction of top by up to 3m, crown thinning by 15% and deadwooding of two oak, and crown thinning by 15% and deadwooding of one oak within Tree Preservation Order (Polegate) No. 43, 1985	Approved 22/06/2004

Table 1.1: Table of relevant planning applications relating to Parcels A and B

3.2 Nearby Planning History

3.2.1 The following planning applications which relate to properties/land surrounding Parcels A and B, are considered to be of relevance to the potential development of the site.

Application Reference	Description	Decision
Hindsland Playing Field		
WD/2021/0594/MEA	Outline application with all matters reserved except for access (excluding internal estate roads beyond the access to serve the medical centre plot) for demolition of existing vacant dwelling and erection of up to 180 no. dwellings and medical centre together with all parking, servicing and on-site open space	Non-determination Appeal Lodged 28/02/2022 Appeal allowed 11/10/2022
Morning Mills Farm		
WD/2017/1942/MEA	Outline application with all matters reserved, except for the means of access from Eastbourne Road, for the comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 sqm. of employment floorspace, medical centre, primary school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and	Non-determination Appeal Lodged 07/06/2019 Appeal dismissed 13/12/2019

	footpath routes, and associated landscaping and infrastructure	
WD/2021/0174/MEA	Outline application with all matters reserved except for the means of access from Eastbourne Road for the comprehensive development of a mixed-use urban extension comprising up to 700 dwellings including affordable housing, 8,600 sq.m. of employment floorspace, medical centre, school, community centre, retail, playing fields, children's play space, allotments, amenity open space, internal access roads, cycle and footpath routes, and associated landscaping and infrastructure.	Refused 10/12/2021 Appeal lodged 22/04/2022 Appeal allowed 28/09/2022

Appeal Ref: APP/C1435/W/22/3297419

3.2.2 With regard to the Mornings Mill Farm appeal decision, the Inspector concluded the following in terms of the planning balance:

'The proposed development is in accordance with Policy WCS4 of the CS, which specifically seeks the type and amount of development proposed. Although there is a conflict with policies GD2 and DC17 of the LP, these policies are out of date for the reasons that I have set out above and so I attach the conflict only very limited weight. I have found no conflict with any other development plan policy.

The proposal would deliver a number of benefits, including a significant number of much needed market and affordable houses, economic benefits through job creation during construction and operation of the development, delivery of open space and sports facilities and a biodiversity net gain, amongst other things. Taken together, the benefits of the scheme attract substantial weight.

On the other hand, the identified harms are relatively few, including a conflict with two out of date policies from the LP and localised landscape and visual impacts.

The proposal is in accordance with the Development Plan, taken as a whole. The benefits arising from the proposed development would be substantial. I have identified no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Having regard to the provisions of the development plan and all material considerations, planning permission should clearly be granted'

Appeal Ref: APP/C1435/W/22/3293970

- 3.2.3 The Inspector in the Hindsland Appeal came to a similar conclusion in terms of the planning balance, stating:

'The proposed development is in accordance with Policy WCS4 of the Core Strategy, which specifically seeks the type and amount of development proposed. Although there is a conflict with policies GD2 and DC17 of the Local Plan, these policies are out of date for the reasons that I have set out above and so I attached this conflict little weight. I have found no conflict with any other development plan policy.

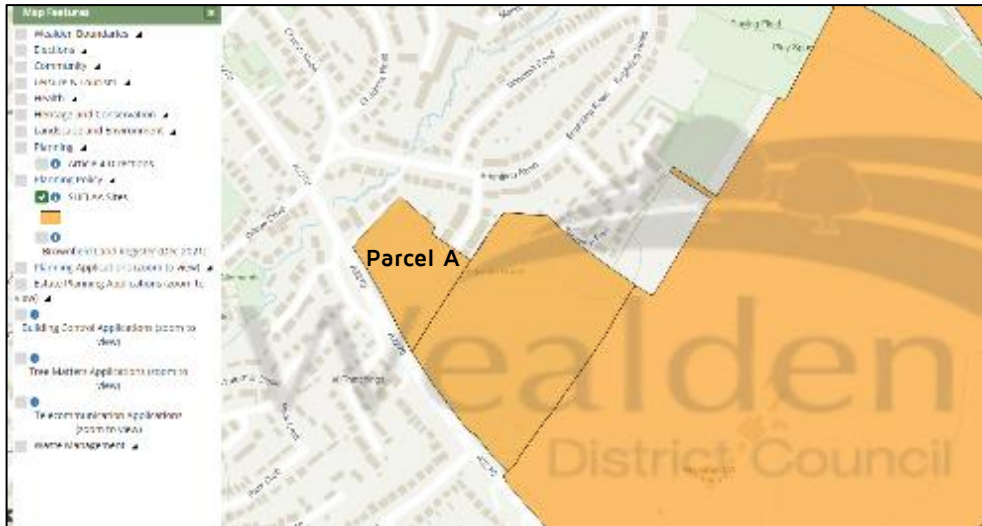
The proposal would deliver a number of benefits. These include market and affordable houses in a sustainable location, economic benefits through job creation during the construction and operation of the development, and a Medical Centre. I found above that there would be no harm to the European sites, and I have identified no other significant harm.

I conclude that the proposed development would accord with the development plan, taken as a whole. The benefits arising from the proposed development would be significant. Having regard to the provisions of the development plan and all material considerations, planning permission should clearly be granted'.

- 3.2.4 As Parcels A and B both fall within the same Strategic Development Area as Mornings Mill Farm and Hindsland, the appeal decisions are key material considerations in this case. The decisions demonstrate that whilst the strategic area is outside the development boundary for Polegate and Willingdon as shown on the 1998 Wealden Local Plan, the principle of development within the growth area is acceptable.

3.3 Planning Policy History

- 3.3.1 Both parcels of land have been actively promoted for development in the past and currently form part of the wider SD4 strategic development area in the adopted Wealden Core Strategy 2013.
- 3.3.2 The sites were also included in the proposed detailed allocation included in the Wealden Strategic Sites Local Plan. However, this was withdrawn by the Council on 15th May 2015 following Examination and does not form part of the development plan.
- 3.3.3 More recently Parcel A was considered as part of the Council's Strategic Housing and Economic Land Availability Assessment ("SHELAA") (January 2019). The site is identified under reference 261/1510 (Hindsland Fields [West]).



Above: Wealden Council's Online Mapping System

Wealden SHELAA Potentially Suitable Sites Summary	
Plan showing whole extent of submitted site	Site Reference: 261/1510
	Settlement: Polegate
	Parish: Polegate
	Address: Hindsland Fields (west), Eastbourne Road
	Suitable for housing: Yes Suitable for employment: Yes Site available: Yes Site achievable: Yes Site Conclusion: Deliverable
	Site area (ha) Gross: 1.83 Site area (ha) Net: 1.83
Delivery Yr 1-5: 73	Delivery Yr 6-10: Delivery Yr 11+: Total Capacity 73
<p>Reasons: This site is well located at the fringe of Polegate and development would have a limited impact on the wider landscape. Other potential housing sites in the immediate vicinity have been identified as suitable in SHELAA and this land could be considered comprehensively with those other sites as a mixed use scheme. In particular, access to the site would need to be achieved through the adjacent site, the existing access to which would need to be significantly upgraded in order to facilitate the level of vehicle movements and provide improved pedestrian links. Development would also be likely to require off site highway works and further transport studies would be needed to ascertain the nature and extent of these requirements. The Wealden Local Plan Transport Study 2017 identifies issues in relation to the A2270/ Polegate High Street junction based on the cumulative impact development in this location. Development of this site would involve the loss of a playing field, the need for which would need to be assessed by the Council against development plan policy and as part of the Local Plan process.</p>	
<p>N.B. The SHELAA has been conducted in advance of decisions on the planning strategy in the WLP</p>	

Above: Extract from Wealden's SHELAA

3.3.4 As it can be seen from the above, the site was assessed at that time as being suitable and deliverable for development, with a yield of 73 dwellings being suggested.

3.3.5 Despite the above, Parcel A was not retained as a development area in the Submission Wealden Local Plan January 2019, which has subsequently been withdrawn.

4 Planning Policy

4.1 Overview

- 4.1.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission are required to be determined in accordance with the Development Plan in force, unless material considerations indicate otherwise.
- 4.1.2 In this case the current development plan for the area in which Parcels A and B are located, comprises the policies of the Wealden Local Plan 1998 which were saved in 2007, the Core Strategy Local Plan which was formally adopted on 19 February 2013 and the Affordable Housing Delivery Local Plan adopted in May 2016.
- 4.1.3 In addition to the development plan, there are other material considerations including the revised National Planning Policy Framework (NPPF) and other supplementary planning guidance and standards.

4.2 The Development Plan

Core Strategy Local Plan (Adopted February 2013)

- 4.2.1 The following policies of the adopted Core Strategy are considered relevant to the proposed development.

Policy Reference	Description
SPO3	Spatial Planning Objective 3: To deliver at least 9440 homes within Wealden from 2006 to 2027.
SPO6	Spatial Planning Objective 6: To support the growth of the Wealden economy by helping existing companies to expand and develop.
SPO7	Spatial Planning Objective 7: To encourage the reduction of the need to travel by car.
SPO13	Spatial Planning Objective 13: To encourage the development of high quality, safe and attractive living environments for communities in both towns and villages, while promoting local distinctiveness through good design in all new development.
SPO15	Spatial Planning Objective 15: Expects new development to contribute to strategic and local infrastructure requirements, through both on site facilities and financial contributions for off-site works
WCS1	Provision of Homes and Jobs 2006-2027: States that land will be identified in subsequent Development Plan Documents for the provision of some 4525 net additional dwellings in Wealden District to provide for 9440 dwellings over the period 2006-2027. It also states that provision will be made for some net additional 40,000 sq. metres net employment floorspace (B1/B2/B8) to provide for 128,695 sq. metres net employment floorspace and 17,000 sq. metres net additional retail floorspace over the period 2006-2027.

WCS2	Distribution of Housing Growth 2006-2027: Sets housing distribution and identifies broad locations to meet the housing provision of WCS1.
WCS3	Distribution of Employment (B Class) and Retail (convenience and comparison): Allocated land to meet the employment and retail provision of Policy WCS1.
WCS4	Strategic Development Areas: Lists the strategic development areas that are considered to be critical to the delivery of the overall strategy of the Local Plan, including SD4 Land at South Polegate and East Willingdon (provision of around 700 dwellings, 8,600 square metres net employment floorspace, leisure, recreation and community facilities).
WCS5	Managing the Release of Housing Land: States that the release of land for housing will be managed so that it will deliver the level and broad distribution of development set out in Policy WCS2.
WCS7	Effective Provision of Infrastructure: States that the release of land for development will be conditional upon there being sufficient capacity in the existing local infrastructure to meet the requirements generated by the proposed development.
WCS8	Affordable Housing: States that affordable housing will be required at a level of 35% of the number of dwellings in any scheme.
WCS12	Biodiversity: Seeks to ensure that habitats, biodiversity features and ecological networks are maintained, restored, enhanced and where possible created to achieve a net gain in biodiversity and sustain wildlife in both rural and urban areas.
WCS13	Green Infrastructure: Seeks to protect, improve and enhance the District's existing network of green infrastructure.
WCS14	Presumption in Favour of Sustainable Development: States that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Wealden Local Plan 1998

- 4.2.2 The following 'saved' policies of the Wealden Local Plan 1998 are also considered relevant to the proposed development.

Policy Reference	Description
GD2	Development outside development boundaries: States that outside the development boundaries, development will be resisted unless it is in accordance with specific policies in the Plan.
EN1	Sustainable Development: States that the Council will pursue sustainable development in considering the location, layout and design of development, renewable energy and waste management proposals and in assessing the effects of proposals on the environment, including on water and air quality.
EN2	Development Pattern: States that the Council will seek to maintain the existing settlement pattern and ensure that major new developments generating significant travel movements are located efficiently in relation to existing development and to public transport.

EN8	Low Weald: States that development within the Low Weald will only be permitted if it conserves the low rolling agricultural character of the landscape.
EN12	Protection of trees and woodlands: Seeks to retain and enhance the contribution of trees and woodland areas to the landscape character of the District.
EN14	Landscaping within developments: States that in appropriate cases, the Council will require landscaping, including surface treatments, to be carried out as part of development proposals.
EN15	Designated nature conservation sites: States that the Council will seek to safeguard designated nature conservation sites by resisting development or land use changes which would be likely to adversely affect their nature conservation value.
EN18	Protection of open areas within settlements: States that the Council will resist the loss of open areas and undeveloped gaps within settlements which contribute to the character or amenities of the locality.
EN27	Layout and Design of development: Expects developers to aim for a high quality of design in all proposals.
EN29	Light Pollution: Requires light spillage to be minimised and the use of the minimum intensity of light necessary to be compatible with safety and security objectives.
DC17	Housing development in the countryside: States that housing development will not be allowed outside development boundaries, as defined on the Proposals Map, unless it conforms with other policies in the Plan.
HG5	Dwelling mix within new development schemes: Seeks a mix of dwelling types and sizes on new estate developments.
HG6	Crime prevention in new housing developments: States that regard should be paid to crime prevention in the design and layout of the housing areas.
HG7	Energy consideration in new housing developments: States that consideration should be given to energy conservation in the design and layout of new housing areas.
CS1	Provision of capital works and services: States that development will not be permitted before the Council is satisfied that the capital works directly required to service the development are provided at the time development takes place or will be provided at the appropriate time.
CS2	Drainage: States that planning applications will be permitted only where adequate provision is made for surface and foul water drainage to meet Local Authority standards.
CS3	Willingdon Levels drainage catchment area: States that all development within the Willingdon Levels Drainage Catchment Area will be required to make adequate provision for drainage.
CS4	Recycling enclosures: States that within new housing developments over 40 dwellings, when appropriate, the Council will seek the provision of a purpose-built enclosure for the containment of recycling facilities.
TR3	Traffic impact of new development: Seeks to ensure that new developments do not create or perpetuate unacceptable traffic conditions.
TR13	Footpaths and Bridleways: Seeks to secure the provision of safe and convenient pedestrian routes in new developments.
TR16	Car Parking Standards: Requires the on-site provision of vehicle parking and servicing in accordance with the standards set out in Appendix 6.

LR1	Provision of outdoor playing space: States that the Council will seek to ensure that adequate outdoor playing space is provided in towns and villages within the District in accordance with the levels recommended by the National Playing Fields Association.
LR3	Children's play space in developments of 30+ dwellings: Requires new residential development of 30 or more dwellings to contain children's play space at a rate of 0.6 – 0.8 hectares per thousand population, including an equipped area at a rate of 0.2 – 0.3 hectares per thousand population.
LR5	Informal amenity space in new residential developments: Seeks the provision of informal amenity space in all large new housing developments.

Affordable Housing Delivery Local Plan 2016

- 4.2.3 The following policy of the Affordable Housing Delivery Local Plan is considered relevant to the proposed development.

Policy Reference	Description
AFH1	Affordable Housing: States that affordable housing is required at a level of 35% of the number of dwellings on development sites with 5 (net) dwellings or more.

4.3 Other Material Considerations

National Planning Policy Framework

- 4.3.1 The new National Planning Policy Framework came into immediate effect in July 2021 and replaces the third NPPF published in 2019 and as such supersedes this previous national framework. The overarching principle of the NPPF is a clear presumption in favour of sustainable development (paragraph 10 and 11).
- 4.3.2 Paragraph 11 of the NPPF defines the presumption in favour of sustainable development, which for decision making means approving development proposals that accord with an up-to-date development plan without delay or where there are not relevant development plan policies, or the policies which are most important are out of date, granting permission unless:
- (i) Approving development proposals that accord with an up-to-date development plan without delay,
 - (ii) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

- (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.3.3 Footnote 8 confirms that the presumption is engaged for applications involving the provision of housing where a local planning authority cannot demonstrate a five-year supply of deliverable sites.
- 4.3.4 Other relevant sections of the NPPF include:
 - (1) Section 4 – Decision-making;
 - (2) Section 5 – Delivering a sufficient supply of homes;
 - (3) Section 9 – Promoting sustainable transport;
 - (4) Section 11 – Making effective use of land;
 - (5) Section 12 – Achieving well-designed places;
 - (6) Section 15 – Conserving and enhancing the natural environment; and
 - (7) Section 16 – Conserving and enhancing the historic environment.

National Design Guide (January 2021)

- 4.3.5 The introduction to the National Design guide says: 'A place is more complex and multi-faceted than a building.' In the section on 'how to use the guide' it says '*In a well-designed place, an integrated design process brings the ten characteristics (set out elsewhere in the document) together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them.*'
- 4.3.6 As well as the National Planning Policy Framework and the Planning Practice Guidance, the following are considered relevant in this case.

Emerging Local Plan

- 4.3.7 The Council had proposed a new Local Plan which was submitted for independent examination on the 18 January 2019.
- 4.3.8 Although the majority of the application site is within a Strategic Development Area in the CSLP, it was not retained as a development area in the Submission Wealden Local Plan January 2019.
- 4.3.9 However, following the Stage 1 hearing sessions into the Examination, the Inspector wrote to the Council advising that the Plan was unsound, could not proceed and should be withdrawn.
- 4.3.10 On 19th February 2020, Wealden District Council formally withdrew its draft Wealden Local Plan 2019 following its Stage One examination process. Accordingly, whilst the background of the withdrawn Local Plan is considered to be of interest, it is not considered to be a material consideration in the decision-making process.

Wealden Design Guide 2008

- 4.3.11 The purpose of the Wealden Design Guide is to encourage a higher standard of design for development within the District.
- 4.3.12 The Council's Refusal Notice refers to the following sections of this Design Guide:
- 4.3.13 Chapter 5 (Site and character Appraisals):
 - (a) Parts 4.4, 7.7, 8.6 and 10.3;
 - (2) Chapter 7 (New Residential Development):
 - (b) Part 4.8.

Housing Land Supply and Housing Delivery

- 4.3.14 As of the 1st April 2021, WDC can only demonstrate a housing land supply equivalent to 3.66 years. Their Housing Delivery Test measurement for 2021, published on 14th January 2022, was 82%, requiring a 20% buffer to continue to be applied to their housing land supply requirements.

5 Planning Considerations

5.1 Introduction

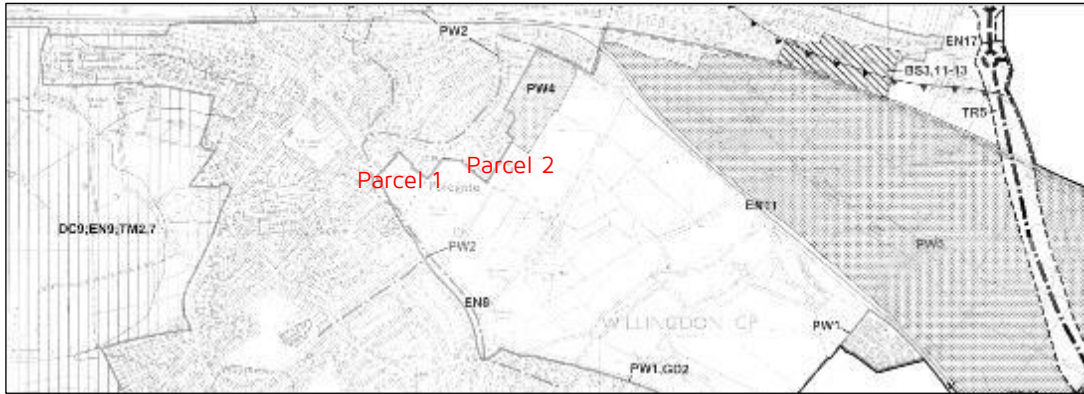
5.1.1 In order to aid consideration of the key planning issues, an appraisal has been undertaken to identify areas of planning opportunities and risks associated with the potential development of the sites.

5.1.2 This section identifies the main planning issues that are relevant to the study area, given the existing policy context as set out above. These include:

- (1) Principle of Development;
- (2) Housing Need;
- (3) Affordable Housing;
- (4) Custom/Self Build
- (5) Access and Highways;
- (6) Loss of Playing Field;
- (7) Open Space;
- (8) Heritage;
- (9) Ecology;
- (10) Trees;
- (11) Landscape and Visual Impact;
- (12) Dark Night Skies;
- (13) Flooding and Drainage;
- (14) Other Matters.

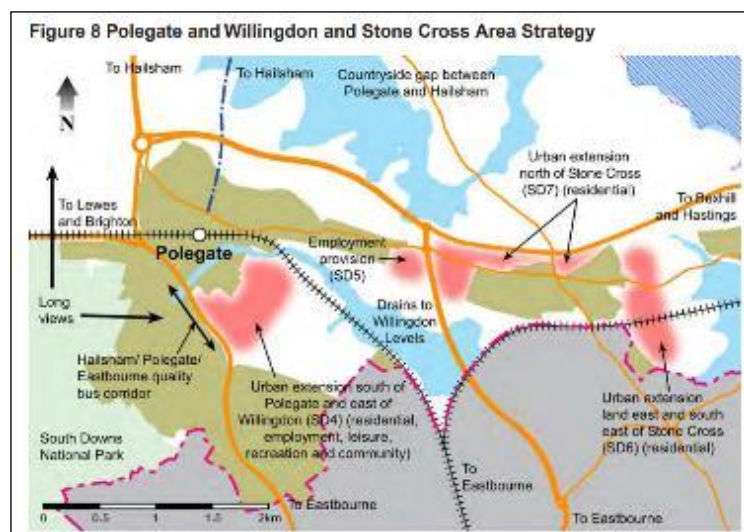
5.2 Principle of Development

5.2.1 The application site is outside the development boundary for Polegate, and Willingdon as shown on the 1998 Wealden Local Plan, Proposals Map 47 where development is resisted in accordance with saved policies GD2 and DC17.



Above: Local Plan 1998 Proposals Map Extract

- 5.2.2 However, policies GD2 and DC17, are “out of date” in the context of the 2013 Core Strategy Local Plan which is the more up to date plan, aimed at guiding development up to 2027 as opposed to 2004 in the 1998 Plan. The CSLP in Paragraph 1.1 states that it “*is the key policy document which sets out how the places and communities within Wealden will change up until 2027*”.
- 5.2.3 Policy WCS2 allocates land to meet housing provision and for Polegate and Willington allocates land for a further 700 dwellings. The policy states that broad locations for housing development under this policy are indicated on the Key Diagram and that individual sites to deliver the housing provisions will be allocated in the Site Allocations DPD.
- 5.2.4 Policy WCS4 identifies Strategic Development Areas considered critical to the delivery of the Core Strategy and provides for new housing, employment and community facilities. Strategic Development Area SD4 relates to Land at South Polegate and East Willington which makes provision for around 700 dwellings, 8,600 sq.m. net employment floor space, leisure, recreation and community facilities.
- 5.2.5 Both Parcels A and B lie within Strategic Growth Area SD4 as indicated on the Key Diagram below.



Above: Core Strategy Key Diagram - Polegate and Willington and Stone Cross Area Strategy

- 5.2.6 As confirmed recently as part of the Mornings Mill Farm and Hindsland appeal decisions, the Core Strategy policies which apply to Parcels A and B, namely WCS4 and the identification of strategic growth areas, supersede the saved policies of the 1998 Wealden Local Plan with regard to the restrictive policies that apply outside the development boundary in those locations identified for growth.
- 5.2.7 To conclude, any future development of Parcels A or B would accord with all the relevant planning policies in the adopted development plan with the exception of the two Local Plan policies GD2 and DC17, which for the reasons set out above are given very limited weight.
- 5.2.8 Furthermore, the principle of developing Parcels A and B would be consistent with the growth strategy of the SWLP, and therefore, the presumption in favour of sustainable development is applicable.

5.3 Housing Land Supply

- 5.3.1 Paragraph 74 of the NPPF requires local authorities to identify a supply of specific deliverable sites to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than 5 years old. The five-year supply of sites additionally requires a 5% buffer to ensure choice and competition in the market for land, 10% where the local planning authority wishes to demonstrate a five year of deliverable sites through an annual position statement or recently adopted plan to account for any fluctuations in the market during that year. Importantly, where there has been a record of persistent under delivery of housing through the Housing Delivery Test (HDT), local planning authorities should increase the buffer to 20%.
- 5.3.2 The latest national Planning Practice Guidance (PPG) states that for local planning authorities that deliver less than 85% of their identified housing requirement, a 20% buffer would then be added to their housing land supply position, with immediate effect from the publication of the HDT results. Only a 5% buffer would apply where the local planning authority has results of at least 85% for its HDT measurement and where they are not seeking to demonstrate a five-year housing land supply position.
- 5.3.3 The government has recently published its HDT results for 2021 and this confirms that Wealden District Council had a result of 82% against its housing requirement. The implications of this result means that the local planning authority is required to use a 20% buffer for its five-year housing land supply position. As set out in the Five-Year Housing Land Supply Statement as of 1st April 2021, published December 2021, the Council confirmed there are 5,362 (net) dwellings on identified sites that are considered available, suitable and available now for the five-year period, which is some 1,964 (net) dwellings less than the 7,326 (net) dwellings required to be deliverable (inclusive of a 20% buffer). This equates to 3.66 years (or 73%) of housing land supply.
- 5.3.4 Paragraph 11d of the NPPF advises that where there are no relevant development plan policies, or the policies which are most important for determining the applications are out of date, which includes applications for housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, planning permission should be granted. This applies unless the application of policies in the Framework that protect areas or assets of particular

importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.

- 5.3.5 Other material considerations of developing either parcel of land are discussed further below, with the planning balance being assessed at the end.

5.4 Affordable Housing

- 5.4.1 There is a significant need for affordable housing within Wealden District. Policy AFH1 of the Affordable Housing Delivery Local Plan (AHDLP) requires a 35% affordable housing contribution.

- 5.4.2 As of December 2021, the table below shows the breakdown of the applications on the Housing Register in terms of the size of accommodation that applicants require:

Size of Unit	Number of Applicants	Percentage of Register
1 bedroom	329	51%
2 bedroom	197	30%
3 bedroom	99	15%
4 (+) bedroom	24	4%
Total	649	100%

- 5.4.3 Willingdon and Jevington, like many areas of Wealden District, has an acute shortage of affordable housing. In addition to this, the rate of turnover of affordable homes there is very low which results in long waiting times for people that need affordable accommodation.

- 5.4.4 The table below, again taken from the Council's Housing Register, shows the number of applicants currently seeking affordable rented accommodation in Willingdon and Jevington and the adjoining parishes.

Parish	Number of Applicants with a Local Connection
Willingdon and Jevington	11
Westham	24
Polegate	63
Long Man	62
Cuckmere Valley	11
East Dean and Friston	2

- 5.4.5 Current NPPF 2021 states at paragraph 65 that '*Where major development [i.e. development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more] involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

- (1) provides solely for Build to Rent homes;*
- (2) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- (3) is proposed to be developed by people who wish to build or commission their own homes; or*
- (4) is exclusively for affordable housing, an entry-level exception site or a rural exception site'.*

5.4.6 It should therefore be expected that as part of any residential development of either Parcel A or B, that at least 10% of the total number of homes will need to be made available for affordable home ownership. This will be considered a significant benefit of any future development scheme from the Local Planning Authority's point of view.

5.5 Custom and Self Build

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

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

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

5.5.4 At the end of October 2021 there were 148 applicants on the Council's self-build register.

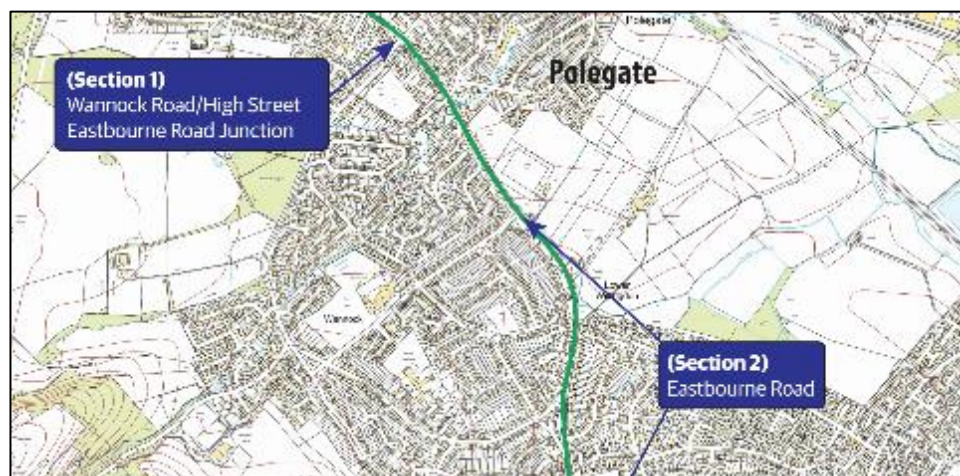
5.5.5 To be legally compliant, plots relied upon as custom or self-builds must be secured in a Legal Agreement.

5.5.6 In the case of the Mornings Mill Farm appeal, three custom/self-build plots were required to enable the Council to meet its statutory obligations with respect to the duty under Section 2A of the Self-Build and Custom Housebuilding Act 2015 (as amended). This was a consideration as there was evidence of unmet need for serviced plots in the District at that time.

5.6 Highways and Access

Hailsham, Polegate and Eastbourne Movement and Access Corridor (HPE MAC)

- 5.6.1 The Hailsham/Polegate/Eastbourne Movement & Access Corridor scheme is focused on the geographic area of the A22/A2270/A2021 corridor between Hailsham, Polegate and Eastbourne. It is considered a fundamental element of the wider package of measures for the A27/A22 Growth Corridor to mitigate the impact of planned growth from Eastbourne Borough Council's Local Plan and Wealden District Council's Core Strategy.
- 5.6.2 The scheme seeks to maximise the opportunities to improve junction capacity and deliver and enable greater access to high quality integrated sustainable transport infrastructure.
- 5.6.3 The package has been divided into five distinct phases (1. Willingdon 2. Kings Drive 3. Old Town 4. Polegate and 5. Hailsham). The 5 phases will include a combination of the following measures:
- (1) Bus stop infrastructure and Real Time Passenger Information (RTPI);
 - (2) Bus lanes, junction improvements and Advance Vehicle Detection infrastructure;
 - (3) Cycling Infrastructure Improvements - Cuckoo Trail - Hailsham - Polegate and Polegate - Cross Levels Way, Eastbourne; and
 - (4) Walking Infrastructure Improvements - corridor length.
- 5.6.4 Parcel A is bordered by Eastbourne Road to the west, however as it can be seen from the images below, Parcels A and B are located between Sections 1 and 2 of the corridor, and any new access from the site onto Eastbourne Road will not affect the proposed works as part of the wider corridor scheme.



Above: Extract from Location Plan for Phase 1 HPE MAC Proposal ([Source:](#) ESCC)



Above: Approved Illustrative Landscape Masterplan for Hindsland

- 5.6.10 It would therefore appear that there is scope to approach the landowner of this site as well to discuss future access arrangements.
- 5.6.11 Alternatively, access directly off Courtland Road, to the north, could be investigated. This would require advice from a transport planner in respect of the suitability of Courtland Road to accommodate residential traffic, and whether any junctions might need upgrading to accommodate the additional traffic. This might include the junctions of Brightling Road/ Church Road, and Church Road/ A2270.
- 5.6.12 Any development of the sites would need to be accompanied by a transport assessment addressing both the wider capacity of the highway network and the layout and design of the selected access point(s) into and out of the sites.

5.7 Loss of Playing Field

- 5.7.1 It is understood that Parcel A constitutes land last used as a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). However, as the playing field has not been used for at least five years, the consultation with Sport England is not a statutory requirement.
- 5.7.2 It is however important to note that even though this was the case with the adjoining Hindsland site, Sport England were still consulted and they considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy, which states '*Sport England's will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field*'.
- 5.7.3 The following extracts from their initial consultation response dated 27th April 2021 are of interest to Parcel A:

'It is noted that at paragraph 2.6 of the planning statement it is said that the playing fields were previously for private use only and not open to the

public. However, it should be recognised that ownership and access are not relevant considerations in the application of either paragraph 97 of the NPPF or Sport England's policy'

The application in making no provision for the replacement of the former playing fields that would be lost as a result of the proposed development does not meet any of the exceptions of Sport England's playing field policy and for that reason, we object to this application'

5.7.4 In response, the Applicant submitted a 'Sports Planning Briefing Note', which amongst other things, proposed an off-site contribution to sport in line with the Wealden Playing Pitch and Outdoor Sports Needs Assessment (2018) as part of the planning balance argument.

5.7.5 Sport England subsequently found that this contribution would be satisfactory in mitigating the loss of the former playing field and removed their objection.

5.7.6 Given the above, there is a risk that Sport England will adopt the same approach with Parcel A and require an off-site mitigation contribution to compensate for the loss of the former playing field, even though it has not been used for over 20 years.

5.8 Open Space

5.8.1 The NPPF recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

5.8.2 The Council's latest evidence shows that the existing provision of at least one form of open space is deficient against local standards in almost every Parish. With regard to Willingdon, Jevington and Polegate, Table 15 of the Wealden Open Space Study 2016-2028 shows a deficit in the provision of allotments, amenity green space, parks and recreation ground and both children's equipped play space and youth play space.

5.8.3 Policies LR1, LR3 and LR5 of the Wealden's Local Plan and Policy WCS13 of the Core Strategy set out the requirements for open space. Policies LR3 and LR5 set specific policy expectations for open space provision in new developments.

5.8.4 In summary, these policies require:

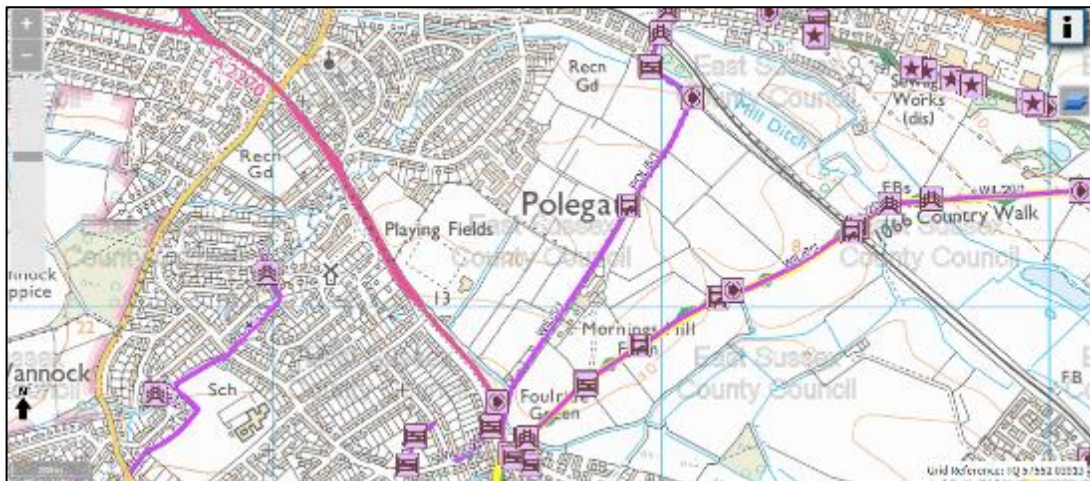
(1) The seeking of adequate outdoor playing space to be provided in towns and villages in the District in line with National Playing Field Association's standards (LR1).

(2) New residential development of 30+ homes must provide 0.6-0.8 hectares of children's play space per 1000 population (0.2-0.3 hectares should be equipped). The play space should be well designed and located within the site. Contributions towards future maintenance are also required (LR3).

(3) All new large residential development must provide informal amenity space in addition to the required children's play space (LR5).

5.8.5 Policy WCS13 of the Core Strategy Local Plan requires:

- (1) All new residential development where appropriate to make provision for new or enhancement of existing open space.
- 5.8.6 All residential developments of 30 or more homes are expected to make a contribution towards open space either on-site, off-site or through a financial contribution.
- 5.8.7 Until such time as the Council adopts new policies based on their up-to-date evidence, and local standards for open space provision, it is likely that the Council will continue to apply the play space standards recommended by the Fields in Trust (formally National Playing Fields Association) known commonly as the 'Six Acre Standard' as referred to in the 1998 Local Plan of 2.4 hectares per 1000 occupants.
- 5.8.8 There are likely to be many objections from residents about the loss of open space and recreational land in this case. However, for the avoidance of doubt the public do not have any rights of access to the land, particularly as there are no public rights of way that cross the sites.



Above: Extract from East Sussex County Council's Public Rights of Way Map

5.9 Heritage

- 5.9.1 Neither Parcel A or Parcel B contain any nationally designated heritage assets including scheduled monuments, listed buildings or lie within a registered park and garden. Furthermore, neither site is located within a conservation area.
- 5.9.2 The nearest Conservation Area is Church Street, Willingdon, located approximately 1.4 km south-east of the sites.
- 5.9.3 Within the 1km Study Area there is one Grade II* and two Grade II Listed Buildings, the nearest of which is Polegate Windmill (National Heritage List Entry number 1043086).
- 5.9.4 The Heritage Desk Based Assessment that accompanied the Hindsland planning application considered the impact of that development upon the setting of the Grade II* Listed Building Polegate Windmill; and concluded that there would be no harm to the setting or significance of the listed windmill. Officer's concurred with that assessment.

- 5.9.5 In terms of archaeology, the site lies within an Archaeological Notification Area defined as an area of wetlands containing a buried waterlogged prehistoric land surface and associated organic structures and remains. Whilst the site itself is considered unlikely to contain peat deposits due to its elevated position in relation to the surrounding topography, there is a risk that the County Archaeologist may consider the site to have a higher potential having regard to the results from the archaeological investigations at Brodricklands and Hamlands Farm as part of Application WD/2016/0986/MAO (Outline application for up to 390 residential dwellings).
- 5.9.6 Any future application would therefore need to be accompanied by a desktop Archaeological Assessment to find out if there is any archaeological interest within either of the sites.

5.10 Ecology

- 5.10.1 Paragraph 180 of the NPPF states that *'When determining planning applications, local authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'*
- 5.10.2 In order to understand the ecological value of the site, Biodiversity Advanced Ltd. were commissioned to provide ecological input to this Planning Brief. As part of the commission, a site visit was undertaken on 1st December 2022 to confirm the on-site features shown on the mapped data, and to provide project-specific ecology input to this document.
- 5.10.3 The accompanying report considered the ecological context of the local area, the site and the potential opportunities and constraints associated with development of the land parcels. A summary of the initial findings has been set out below.

Nature Conservation Sites

- 5.10.4 Table 3.1 of the report lists the Statutory Designated Nature Conservation Sites with Potential Zones of Influence which the two parcels of land are located within. These include:
- (1) Pevensey Levels SAC/Ramsar site and SSSI;
 - (2) Lewes Downs SAC;
 - (3) Ashdown Forest SAC and SPA;
 - (4) Willingdon Down SSSI; and
 - (5) Folkestone Reservoir SSSI.
- 5.10.5 Given that the sites are located within the potential Zone of Influence of a number of Habitats Sites, it has been recommended that detailed consideration of these sites will need to be completed as part of any development proposals, with shadow Appropriate Assessment documents submitted with any planning application.

- 5.10.6 With regard to non-statutory nature conservation sites, whilst it has been recommended that a comprehensive desk study be completed, the report states that initial considerations suggest that development proposals are unlikely to have a significant impact adverse effect on non-statutory nature conservation sites.
- 5.10.7 In terms of protected and notable species, the report states that information from adjacent planning applications at Mornings Mill Farm and Hindsland have identified that the adjacent sites support bat roosts and populations of reptiles (slow worm and grass snake) within adjacent landholdings. It is also noted that the habitats within the study sites provide suitable reptile habitat, and as such reptile surveys will be required to establish whether reptiles are using the habitats within the study sites. It has also been reported that other species, including badgers, bats, great crested newts and hedgehogs, may also be using the habitats within the study sites.

Biodiversity Net Gain

- 5.10.8 Biodiversity Net Gain (BNG) is development that leaves biodiversity in a better state than before, and the Environment Act 2021 introduced a mandatory requirement from November 2023 for developments to provide a 10% uplift in biodiversity – measured using a standardised metric.
- 5.10.9 The ecology advise note recommends that a BNG Feasibility Assessment should be carried out as part of preliminary studies for the site. It is acknowledged that achieving a 10% BNG uplift at this site could be a challenge, and as such the note states that as a last resort, an alternative option involving securing off-site compensatory habitats, could potentially be utilised, if suitable schemes can be identified.

Recommendations with respect to further survey and assessment work

- (1) Preliminary Ecological Appraisal – The results of this appraisal should be used to influence initial development layout options;
- (2) Arboricultural Survey;
- (3) Protected and Notable Species Surveys including a Badger Survey, Bat Surveys, Reptile Survey (slow worm and grass snakes recorded on the two adjacent sites), Great Crested Newt Habitat Suitability Assessment and subsequent GCN surveys;
- (4) Ecological Impact Assessment – It is recommended that this document should set out the ecological baseline of the site, assess the impacts of the proposed development on the ecological baseline, detail mitigation and compensation measures, and identify ecological enhancements which are to be delivered as part of any forthcoming development;
- (5) Biodiversity Net Gain Feasibility Assessment;
- (6) Shadow Appropriate Assessment Reports – It is recommended that consideration be given to HRA requirements at an early stage, so that any necessary mitigation can be incorporated into the scheme design.

5.10.10 Given the initial findings of the report it is recommended that careful consideration will need to be given to ensuring that any future scheme maintains and enhances the existing wildlife corridors and ecological connections, particularly with outline development approvals at the adjacent Mornings Mill Farm and Hindsland sites.

5.11 Trees

5.11.1 There are a number of mature and young trees within both Parcel A and Parcel B, including a number of mature oaks.

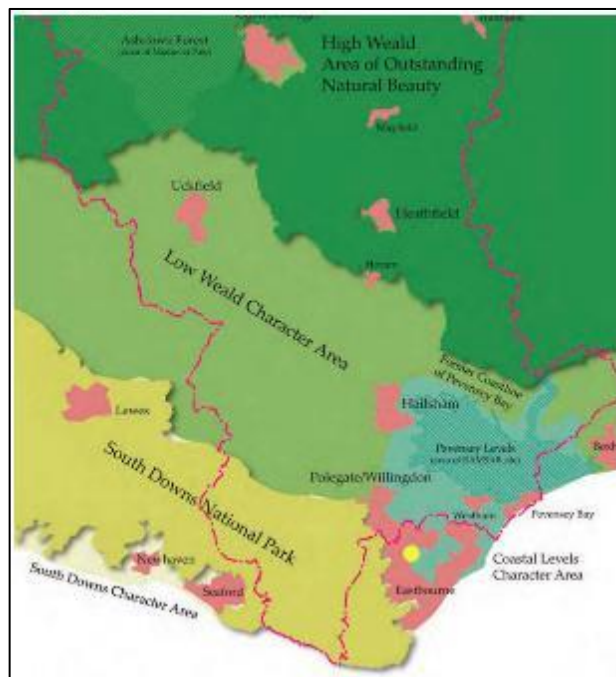
5.11.2 At the time of writing, the Council's website (online mapping tool) indicates that there are no protected trees contained within Parcel A.

5.11.3 However, it appears from a review of the planning history of surrounding properties, that there is a Tree Preservation Order affecting some or all of the trees within Parcel B (TPO [Polegate] No. 43, 1985).

5.11.4 Given the presence of mature trees within both parcels, an Arboricultural Survey will need to be completed in accordance with British Standard BS5837 (Trees in relation to design, demolition and construction) to provide information with respect to tree condition, and root protection zones in order to inform potential development layouts.

5.12 Landscape and Visual Impact

5.12.1 In terms of landscape, the South Downs National Park (SDNP) and associated escarpment lies approximately 1 km to the southwest of the parcels of land. The Low Weald lies to the northwest of Polegate and the southern edge of the High Weald AONB lies approximately 12km to the north. The image below illustrates the geographic relationship between Polegate, the above landscape areas and the sites (identified approximately by the yellow dot below).



Above: Wealden's Landscape Areas

- 5.12.2 At the local level of landscape character assessment, the sites lie within the Open Levels Landscape Character Type and within Local Landscape Character Areas (LLCA) F4: East Polegate Levels, as defined in the Wealden Landscape and Settlement Character Assessment (2014). This LLCA comprises predominantly pastoral fields with playing fields and recreation grounds closer to the urban edges. It is surrounded on all sides by Polegate, Willingdon and Langney. The assessment notes how views from the LLCA are dominated by the predominantly residential edges of the urban areas.
- 5.12.3 The assessment also identifies landscape sensitivity surrounding Willingdon, Jevington and Polegate. The sites lie within Landscape Setting Area 3 (LSA3), one of five setting areas that were identified, and which is identified as having moderate landscape value in the Wealden Landscape and Settlement Character Assessment.
- 5.12.4 With the exception of Landscape Setting Area 4 covering the South Downs National Park, which is classified as Very Low Landscape Capacity for obvious reasons, all other areas are classed as having Moderate Landscape Capacity. Whilst it is acknowledged that Landscaping Setting Areas 2 and 3 are identified as having a High Landscape Sensitivity compared to Landscape Setting 1 and 5 with Moderate Sensitivity their overall Landscape Capacity of Moderate is the same.
- 5.12.5 The National Park carries the highest level of landscape protection in planning policy and whilst the application lies some distance outside the National Park, we know from experience that the Council attaches great weight to any impact developments may have on the objective of conserving and enhancing landscape and scenic beauty of the National Park as set out in Paragraph 176 of the NPPF.
- 5.12.6 From the high ground of Combe Hill, the application site is highly visible, appearing as open space closely abutting the built-up area of Polegate and Willingdon. The site is seen in the context of the surrounding urban development of Eastbourne and Willingdon which spreads out close to the foot of the chalk escarpment and towards Polegate.
- 5.12.7 Any development of the sites would be seen in the context of the existing established urban development of Willingdon and Polegate. The proximity of the development to the existing extensive urban area in the same scene and the scale of development relative to the many square kilometres of visible landscape would all serve to diminish any visual impact. The landscape in the vicinity of the application site is already a mixture of countryside and urban and therefore the shift in balance between the two characteristics within the overall scene would be minimal. Whilst the proposed development would change views in both directions, it is considered that the extension of development on this site would not have a detrimental effect on the landscape character and scenic beauty of the National Park and subject to careful design would accord with Paragraph 176 of the NPPF that development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated area.
- 5.12.8 The effect of any future development on the sites will need to be identified at both operational and construction stages, with the significance, nature and extent of residual effects identified.

5.13 Dark Night Skies

5.13.1 The South Downs National Park was awarded International Dark Sky status in May 2016 and is known as an IDA International Dark Sky Reserve (IDSR). The IDA encompasses the entire National Park boundary but is largely defined by a critical core and buffer zone based where the darkest skies can be found.

5.13.2 Policy SD8 of the SDNPLP applies, which states that:

'Development proposals must demonstrate that all opportunities to reduce light pollution have been taken, and must ensure that the measured and observed sky quality in the surrounding area is not negatively affected, having due regard to the following hierarchy:

a) The installation of lighting is avoided; and

b) If lighting cannot be avoided, it is demonstrated to be necessary and appropriate, for its intended purpose or use:

i. Any adverse impacts are avoided; or

ii. If that is not achievable, then adverse impacts are mitigated to the greatest reasonable extent.'

5.13.3 Supporting text to the Local Plan states that *'Where a proposal involves outdoor lighting, a statement will be required to justify why the proposed lighting is required for its intended use and that shows every reasonable effort has been made to mitigate skyglow and light intrusions. This should be accompanied by a computer calculation indicating task luminance, uniformity, horizontal values of overspill beyond the property line and vertical luminance values of light intrusion on adjacent property windows'.*

5.13.4 With regard to impact on the IDSR, any development on Parcels A or B will be located in an existing urban context where lighting is already a feature, and some distance from the National Park boundary. Any future development is therefore unlikely to have any effect on the IDSR. However, if any concerns are raised by the Council, a condition could be used to ensure that a sensitive lighting scheme is designed, which minimises the potential for light spill and avoids any potential for harmful impacts.

5.13.5 It is also important to note that the Inspectors in both the Hindsland and MMF appeals found that those developments are unlikely to have any effect on the IDSR.

5.14 Residential Amenity

5.14.1 Clearly residents living in the locality and adjoining the parcels of land will have understandable concerns regarding the impact of the development adjacent to their properties.

5.14.2 Mitigation measures such as the provision and/or reinforcement of landscaped buffer zones, provision of appropriate back-to-back privacy distances and careful regard to ridge heights will therefore need to be considered in the development of the detailed layout and design of the development, to protect the amenity of

the existing residents with regard to issues of privacy, overshadowing and the character of the locality.

5.15 Flooding and Drainage

Flooding

- 5.15.1 The site is located entirely within Flood Zone 1 therefore the risk of fluvial flooding is considered low. According to the EA mapping this area has a chance of flooding of less than 0.1% each year.

Drainage

- 5.15.2 As part of the Mornings Mill application, Southern Water advised that there was inadequate capacity within the existing foul sewerage network to accommodate the additional foul flow from the proposed development site, however they confirmed that the capacity issue within the local network can be addressed through the provision of additional infrastructure to provide sufficient capacity to service the development. A condition was therefore recommended in that case to restrict occupation of the development until works required to upgrade the infrastructure sufficiently to provide capacity for the new development have been carried out.
- 5.15.3 It will be necessary as part of any future planning application to be accompanied by a Flood Risk Assessment to review any development against the risk of flooding, whether that be from groundwater, river (fluvial), surface water (pluvial), estuary/coastal (tidal), or from sewer sources.
- 5.15.4 In terms of drainage, the following will be required:
- (1) Surface Water Drainage Strategy; and
 - (2) Sustainable Urban Drainage System.

5.16 Other Matters

Air Quality

- 5.16.1 The site is not located in or near an Air Quality Management Area.

Lighting

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

Sustainable Construction

- 5.16.3 On 19 January 2021, the Government published its response to the Future Homes Standard Consultation. The response includes plans to radically improve the

energy performance of new homes with all homes to be highly energy efficient with low carbon heating and be zero carbon ready by 2025. These homes are expected to produce 75-80% lower carbon emissions from 2021.

- 5.16.4 The Council's Climate Emergency Plan 20 December 2019 identifies actions that can be taken to respond to the Climate Emergency. These actions cover both things that the Council can do to reduce their own emissions, and things that the Council can influence across the District. Measures fall under four broad categories:
- (1) To reduce heat and power demands in buildings through fabric efficiency improvements and behavioural change;
 - (2) Reducing vehicle use and/or mileage through behavioural change;
 - (3) Encouraging a modal shift in transportation along with the replacement of all existing petrol and diesel engine vehicles with low and zero emission vehicles;
 - (4) Ensuring that future development achieves a high standard of energy efficiency to minimise increases in fuel consumption including increased uptake of Low and Zero Carbon (LZC) technologies in buildings to reduce reliance on fossil fuels and pressure on utility infrastructure, improve security of supply, and mitigate against price fluctuations.
- 5.16.5 The plan highlights that Wealden District Council should proactively support such measures through its own planning policy and decisions and take a proactive and positive attitude towards increasing the amount of Low or Zero Carbon (LZC) technology energy generation within the District as an important means of 'doing their part' on national electricity grid decarbonisation.
- 5.16.6 Saved Policy EN1 of the Wealden Local Plan states that the Council will pursue sustainable development with regard to the location, layout and design of development including renewable energy and the effects on the environment including air and water quality. A condition would be sought that requires the submission of details for water and energy efficiency measures and sustainable construction for approval.

Community Infrastructure Levy (CIL) and Section 106 Contributions

- 5.16.7 The residential development will bring with it proportional demands upon infrastructure. National Planning Practice Guidance (NPPG) section 2b -011-20140612 sets out that whether CIL is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.
- 5.16.8 Regulation 70 of the Town and County Planning Act provides general considerations for the determination of applications. It sets out that in dealing with an application for planning permission the authority shall have regard to any local finance considerations, so far as material to the application. Regulation 70 sets out that "local finance consideration" includes sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy. This detail is key and does make clear that CIL is relevant to this application as the improvements to meet highway capacity improvements will need to be secured by CIL.

5.16.9 CIL is therefore material and the delivery of market housing as part of any future development scheme would be CIL liable. This CIL funding will also help meet the demands placed on education, health care, library provision, waste management facilities, policing infrastructure and community safety facilities by residents of the development if planning permission is granted in the future.

6 Conclusion

- 6.1.1 The Core Strategy Local Plan acknowledges that the provision of housing and employment in Polegate, Willingdon and Stone Cross will help provide for the economic needs within south Wealden, as well as addressing the need to provide a range of housing in the south Wealden and Eastbourne area. It is also acknowledged that it will allow for opportunities to maximise the potential for shopping provision within the town centre of Polegate.
- 6.1.2 Two broad housing locations have therefore been identified in the Polegate/Willingdon area, one to the north of Polegate and the other to the south of Polegate and east of Willingdon.
- 6.1.3 The two parcels of land in this case fall within Strategic Growth Area SD4 (Provision of around 700 dwellings, 8650 square metres net employment floorspace, 300 square metres retail floorspace and education provision) as indicated on the Key Diagram in the Core Strategy Local Plan.
- 6.1.4 Supporting text in relation to the 'Polegate and Willingdon and Stone Cross area strategy' does however make it clear that development in these areas is constrained by the capacity of the wastewater treatment works to discharge treated wastewater. It goes on to note that *'Of particular concern is the impact of the treated effluent on the conservation objectives of the Pevensy levels'* and *'development will only be allowed if it can be accommodated by the existing works, unless an alternative location for the treatment and discharge of wastewater is implemented'*.
- 6.1.5 It was intended that the exact extent of SD4 and the detailed form of development would have been confirmed through the Site Allocation DPDs that was anticipated to follow the Core Strategy. However, the DPD was withdrawn by the Council following Examination.
- 6.1.6 Both Inspectors in the Mornings Mill Farm Appeal and the Hindsland Appeal found that the sites can no longer be considered to be within the countryside by virtue of their allocation for strategic development within the Core Strategy.
- 6.1.7 In this case, both Parcels of land are sustainably located in relation to the urban areas of Polegate and Willingdon, which have been identified as sustainable locations for growth by the Core Strategy. A number of everyday retail and educational facilities are available within a reasonable walking distance of the sites. Eastbourne town centre is accessible within a circa 20-minute bus journey, and 8 minutes rail journey from Polegate. Eastbourne provides a range of employment, retail, and leisure opportunities. The town's main higher and further education college and general hospital is also available on the same bus routes, within a 10-minute journey time.
- 6.1.8 Given that both parcels of land fall within a strategic development area, they adjoin land recently approved for residential development, they immediately adjoin a defined settlement boundary, they are sustainably located, the sites are considered strong candidates for development. Given the Council's inability to demonstrate a 5-year housing land supply and the lack of progress of their Local Plan, this presents a window of opportunity for an application/s to be submitted in the immediate future.

- 6.1.9 Parcel A has been considered as part of the Council's SHEELA, with the most recent assessment being in 2019 where the site was considered available, achievable and suitable for housing development. It was noted that the site is well located at the fringe of Polegate, and development would have a limited impact on the wider landscape. In terms of delivery it was assessed that 73 units could be delivered in 1-5 years, which would make a significant contribution to the Council's housing supply.
- 6.1.10 Further investigation will be required in respect of Parcel B to see whether this can be unlocked in terms of access. If this issue can be resolved, then this site would also appear to be suitable for residential development.
- 6.1.11 Whilst the principle of residential development should be deemed acceptable, this appraisal has identified a number of key risks to consider. These can be summarised as follows:

(1) Infrastructure

- (a) The Core Strategy is clear the development at south Polegate, and east Willingdon (SD4) will be contingent upon transport infrastructure requirements and interventions in south Wealden. However, the recent appeal schemes at both Hindsland and MMF comprise infrastructure improvements, including works to the highway network and the provision of community facilities, including a Medical Centre, a new School and a community centre;
- (b) Concerns have previously been raised regarding the capacity of the foul drainage network to accommodate further connections. However, Southern Water did confirm as part of the MMF appeal that it will undertake any necessary upgrades to the network, should planning permission be granted. The Inspector in that case, also suggested that a condition could be used to prevent occupation of properties until such time as capacity is available in the network to ensure that the development is phased.

(2) Protected Habitats and Species

- (a) There are a number of European Protected Habitats in the area surrounding the site, including the Ashdown Forest Special Area of Conservation (SAC), Ashdown Forest Special Protection Area (SPA), Lewes Downs SAC, and Pevensy Levels SAC/Ramsar/SSSI. As such, a Habitat Regulations Assessment (HRA) will be needed as part of any future development to consider whether the development would be likely to adversely affect the integrity of these sites, either alone or in combination;
- (b) Further surveys will also be required in respect of protected species to ascertain if there are any species within the study area, and whether mitigation or relocation will be required;
- (c) Biodiversity Net Gain – As it has been recognised that achieving a 10% BNG uplift within the study area, whilst also adopting standard development densities, could be a challenge, it is recommended that a Biodiversity Net Gain Feasibility Assessment be carried out at an

early stage to inform the design of any development at the site. This initial assessment will provide guidance for the developer with respect to options for achieving the necessary biodiversity uplift.

(3) Loss of Playing Field/Open Spaces

- (d) Given that Sport England were consulted on the Hindsland planning application it is likely that the Council are likely to consult them again this case. It would therefore be worth pre-empting this as part of any forthcoming application, and considering offering an off-site contribution as they did in the Hindsland case;
- (e) Parcel B – An alternative option for Parcel B, particularly if access to the site is proving difficult, would be to provide an accessible open space, which could provide a link between the new developments and the surrounding greenspace network, as well as creating a better connectivity with the Cuckoo Trail and the existing town open spaces.

(4) Landscape and Visual Impact

- (f) Any development of the two parcels would change the landscape and visual character of the appeal site, as is inevitable when greenfield sites are developed. However as stated in the Inspectors' appeal decisions, this change is long anticipated given that the area has been identified as a Strategic Development Area as far back as 2013, when the Council adopted the Core Strategy.

Furthermore, any new development would be seen as part of the existing urban settlements, as a small component in wide panoramic and long reaching views as far as the coast. Development would therefore not appear out of context or at odds with its surroundings, urban areas already making up a large part of the spectacular views available.

Whilst any change to the character of the two parcels is not likely to be welcomed by all, a careful design and layout will be able to minimise any impacts on the landscape to ensure that any new development will integrate and work with the existing landscape, rather than simply imposing itself onto it.

Views of the site would inevitably be visible from high ground within the South Downs National Park, where great weight is given to conserving and enhancing landscape and scenic beauty. It will therefore be important as part of any future development that a Landscape and Visual Impact Assessment is undertaken to demonstrate that even though there would be noticeable changes in views from the National Park, when considered in context, these would not be a harmful change.

6.1.12 Notwithstanding the above issues, given the context of WDC's housing supply and delivery, and the constrained nature of the vast proportion of the district, subject to the detailed considerations of issues identified within this appraisal, the site is considered a strong candidate for development.

6.1.13 Engagement with the Council at the pre-application stage is therefore recommended as part of any future development scheme.