



Department for
Communities and
Local Government

Mr Michael Pickup
TCPS
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East Sussex
BN27 4QU

Our Ref: APP/P1425/W/14/3001077

05 January 2016

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING APPEAL AT LAND NORTH OF BISHOPS LANE, RINGMER, EAST SUSSEX**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Richard Schofield BA(Hons) MA MRTPI, who held a public local inquiry on 18 and 19 August 2015 into your client's appeal against the refusal by Lewes District Council ("the Council") to grant outline planning permission for the erection of up to 110 dwellings to include affordable housing, access and public open space on land north of Bishops Lane, Ringmer, East Sussex, BN8 5JT in accordance with application LW/14/0127, dated 26 February 2014.
2. On 23 July 2015, the Secretary of State recovered the appeal for his own decision because it involves a proposal for residential development of over 10 units in an area where the qualifying body has submitted neighbourhood plan proposals to the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendations. A copy of the IR is enclosed, and all references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations

4. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In the case of this appeal, the development plan consists of the Lewes District Local Plan (LP), adopted in March 2003 (IR4.2); and the Secretary of State agrees with the Inspector that the policies most relevant to this appeal are those referred to at IR4.3-4.9.

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5. The Secretary of State has also taken account of the fact that the Council is in the process of preparing a replacement local plan in conjunction with the South Downs National Park Authority (Joint Core Strategy - JCS) (IR4.10-4.14). Bearing in mind that the JCS is now at an advanced stage, the Secretary of State gives it significant weight in determining this appeal whilst acknowledging that it could still be subject to change.
6. The Secretary of State has also had regard to the Draft Ringmer Neighbourhood Plan (DRNP) (IR4.15-4.23). As a successful referendum was held on 12 November 2015, the Secretary of State gives it substantial weight even though, until it is formally "made" by the Council, it does not form part of the development plan.
7. Other material considerations which the Secretary of State has taken into account include the *National Planning Policy Framework* (The Framework) and the subsequent planning guidance; as well as the *Community Infrastructure Levy (CIL) Regulations 2010* as amended.

Main issues

8. The Secretary of State has taken account of the matters already agreed between the parties (IR5.1-5.2), and agrees with the Inspector that the main outstanding issues relevant to this appeal are those listed at IR11.2.

Prejudice to the neighbourhood plan making process

9. Having regard to the age of the adopted LP and the fact that more recent objectively assessed housing need figures have been produced to inform the emerging JCS, the Secretary of State agrees with the Inspector at IR11.3 that it is reasonable to consider that the housing policies in the JCS should be afforded greater weight than those in the LP. The Secretary of State also agrees with the Inspector (IR11.3) that any conflicts between the emerging JCS and the emerging DRNP are pivotal considerations in this appeal.
10. The Secretary of State has given careful consideration to the arguments set out by the Inspector at IR11.4-11.23 and agrees with his conclusion at IR11.24 that, although the appeal scheme would conflict with DRNP policy 6.4 in terms of the quantity of housing proposed, the site is allocated in the DRNP for housing and the additional 24 dwellings proposed do not represent a substantial uplift over the minimum proposed in that Plan. The Secretary of State also agrees with the Inspector that there is no evidence to suggest that early delivery of the site would give rise to any substantive harm or that the proposed development is so substantial that to grant planning permission would prejudice the neighbourhood plan-making process by predetermining decisions about the scale, location and phasing of new residential development.

Character and appearance

11. For the reasons given at IR11.25-11.27, the Secretary of State agrees with the Inspector that the appeal site would be hidden in long range public views and the impact of the development on the character of Bishops Lane as a country lane would be limited. Similarly, for the reasons given at IR 11.28-11.29, the Secretary of State agrees with the Inspector that, although the appeal scheme would result in an extension of development beyond the established built confines of the village, it would not appear as a significantly detrimental incursion into the open countryside.
12. The Secretary of State has also given careful consideration to the arguments on density put forward at the inquiry (IR11.30-11.34) and, for the reasons given by the Inspector,

agrees with his conclusion at IR11.34 that the appeal proposal would not appear significantly at odds with the character of the surrounding area when also taking account of the allocations designated for bordering sites. The Secretary of State also agrees with the Inspector at IR11.35 with regard to the possibility of controlling any potential light pollution by condition.

13. The Secretary of State has also carefully considered the scale of the appeal scheme (IR11.36-11.40) and, for the reasons given at IR11.40, agrees with the Inspector that, although there would be a loss of a greenfield site to a housing development, as the site is allocated for 86 dwellings in the DRNP, some change would occur in any case if that Plan is “made”, and the extra 24 dwellings proposed over a shorter timeframe would not have any substantive impact upon village character. The Secretary of State therefore agrees with the Inspector’s overall conclusion on character and appearance at IR11.41 with regard to conflict with the LP and the DRNP.

Protected species

14. For the reasons given at IR11.42-11.44, the Secretary of State agrees with the Inspector that no evidence has been demonstrated of potential harm to bats, great crested newts, reptiles or badgers arising from the appeal proposals. He also agrees (IR11.45) that the hedge loss would be limited and, along with any verge lost to footways, could not be said to present a significant interruption to the green corridor or result in the isolation of habitats. Nevertheless, the Secretary of State also agrees with the Inspector at IR11.46 that, in his role as the “competent authority”, it falls to him, as Secretary of State, to have regard to the requirements of the Habitats Directive and thus to consider the three derogation tests set out in Regulation 53. Hence, having given careful consideration to the Inspector’s findings at IR11.47-11.50, he agrees with the Inspector’s judgment at IR11.51 that the proposed development meets all of the three tests for a licence. He also agrees with the Inspector’s overall conclusion at IR11.52 that the scheme would not conflict with the DRNP policies relating to green corridors, biodiversity and light pollution.

Highway safety and operation

15. The Secretary of State agrees with the Inspector that, for the reasons given at IR11.53-11.57, the appeal scheme would not have an adverse effect upon highway safety and the efficient operation of the highway network in the vicinity of the appeal site. The Secretary of State therefore also agrees with the Inspector that the proposal would not conflict with the LP or the DRNP in that respect and that it would accord with paragraph 32 of the Framework.

Foul drainage

16. For the reasons given at IR11.59-11.61, the Secretary of State agrees with the Inspector at IR11.62 that it is reasonable to consider that adequate means of foul drainage from the site may be achieved so that the proposal would not conflict with DRNP policy 8.11. The Secretary of State also agrees with the Inspector at IR11.63 that the matter of rights to a drainage easement crossing the appeal site is a private matter which could be addressed through a suitable layout at reserved matters stage.

Other considerations

17. The Secretary of State has carefully considered the various matters itemised at IR11.64-11.71. He agrees with the Inspector’s reasoning on all of them and sees no reason to question the Inspector’s conclusions. He is satisfied that they do not present

any unsurmountable impediments to the granting of planning permission for the appeal scheme.

Conditions and obligations

18. The Secretary of State has considered the recommended conditions set out at Appendix C to the IR and the Inspector's comments on them at IR9.1-9.5. He is satisfied that these conditions are reasonable and necessary and meet the tests of the Framework and the guidance. He has therefore incorporated them in his decision as set out at Annex A to this letter.
19. The Secretary of State has considered the Inspector's comments at IR10.1-10.9 on the certified copy of the S106 Planning Obligation dated 27 August 2015, and agrees that the provisions are compliant with the Community Infrastructure Levy Regulations 2010 as amended.

Planning balance and conclusion

20. Taking account of the Inspector's findings at IR12.1-12.9, the Secretary of State considers that this scheme would represent a sustainable form of development which would make a significant contribution to the provision of both market and affordable housing in the area. The Secretary of State acknowledges that the proposal is in conflict with the neighbourhood plan making body's intention for the site in terms of the quantity of housing proposed. However, as the site is allocated in the DRNP for housing, he is satisfied that the additional 24 dwellings proposed do not represent a substantial uplift over the minimum proposed in that Plan and would not present any greater adverse effect upon the character and appearance of the area, protected species, highway issues or drainage. Overall, therefore, while the appeal scheme does not accord with the development plan, the Secretary of State considers that there are sufficient material considerations to outweigh that and that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits.

Public Sector Equality Duty

21. In making this decision, the Secretary of State has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In this regard, and in coming to his decision, the Secretary of State considers that there would be some positive impact on protected persons arising from the affordable housing.

Formal Decision

22. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for the erection of up to 110 dwellings to include affordable housing, access and public open space on land north of Bishops Lane, Ringmer, East Sussex, BN8 5JT in accordance with application LW/14/0127, dated 26 February 2014.

Right to challenge the decision

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. From 26 October 2015, this must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
24. A copy of this letter has been sent to the Council. A notification e-mail / letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

JEAN NOWAK

Authorised by Secretary of State to sign in that behalf

Richborough Estates

Conditions

1. Details of the appearance, landscaping (to include details of the Local Equipped Area of Play; of the trees to be retained and their protection during construction; and a scheme to ensure the retention and enhancement of the hedges around and across the site) and layout (to include details of the facilities for storage and removal of refuse and recycling), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Location Plan 46-1762-002 Rev A; Proposed Improvements to Bishop's Lane 10-123-024 Rev A.
5. No development shall take place until a scheme of flood mitigation measures has been submitted to and approved in writing by the local planning authority. These measures shall accord with the mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated January 2014 (Report No. 10-123-07A). The scheme shall thereafter be implemented in accordance with the approved measures.
6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate that the surface water run-off generated up to and including the 100 year critical rain storm (plus an allowance for climate change) will not exceed the run-off from the un-developed site following the corresponding rainfall event. The scheme shall also include:
 - a) Details of specific measures for minimising the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of the development); and
 - b) Details of how the scheme shall be maintained and managed after completion and for the lifetime of the development.The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
7. No development shall take place until a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the local planning authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented for that phase.
8. No development shall take place until a detailed scheme of ecological enhancements and mitigation measures, to include ongoing management as necessary, based on the recommendations of the Extended Phase 1 Habitat Survey (April 2011); Reptile Presence/Likely Absence Survey & Great Crested Newt Terrestrial Survey (May 2011); Bat Emergence & Bat Activity Survey (October 2011); Great Crested Newt Survey Hedgerow Assessment (June 2013); Bat Activity Survey (July 2014); Great Crested Newt Survey (April 2015); and Reptile Presence/Likely Absence Survey (May 2015) by PJC Ecology has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out and managed thereafter in accordance with the approved details.
9. No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels and ground levels of neighbouring dwellings have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

10. No development shall take place until detailed drawings, including levels, sections and construction details of the proposed estate roads, along with details of surface water drainage, outfall disposal and street lighting (as necessary), in accordance with the local highway authority's standards, have been submitted to and agreed in writing by the local planning authority. The roads shall thereafter be constructed in accordance with the approved drawings and details.
11. No construction of the dwellings hereby permitted shall take place until the estate roads have been completed to base course level, together with provision of surface water, foul sewers and main services, in accordance with the details approved under condition 10.
12. A soil survey report, to include the results of California Bearing Ratio (CBR) tests taken along the lines of the proposed estate roads, shall be submitted to and approved in writing by the local planning authority in advance of the submission of the details required by condition 10.
13. No part of any phase of the development shall be occupied until the site accesses, estate roads, footways, casual parking areas, cycle parking areas and vehicle parking and turning spaces serving that phase have been constructed, surfaced and drained in accordance with plans, phasing timetables and other details submitted to and approved in writing by the local planning authority in advance of their construction. Parking and turning spaces shall thereafter be retained for their designated use.
14. No development or works in connection with the development hereby approved, including site preparation works, shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide information including details of the:
 - a) anticipated number, frequency and types of vehicles to be used during construction;
 - b) methods of access and routing of vehicles, including those of site operatives, during construction;
 - c) parking of vehicles of contractors, site operatives and visitors;
 - d) loading and unloading of plant, materials and waste;
 - e) storage of plant and materials used in construction of the development;
 - f) the appearance, erection and maintenance of security fencing;
 - g) provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - h) measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
 - i) lighting for construction and security;
 - j) public engagement both prior to and during construction works;
 - k) means of safeguarding public rights of way or providing temporary diversions.

The approved CMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

15. No demolition or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.
16. No development shall commence until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) A preliminary risk assessment identifying:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c) An options appraisal and remediation strategy based upon the site investigation results and the detailed risk assessment (b) giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved.

17. No part of the development hereby permitted shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include as necessary a Long-term Monitoring and Maintenance Plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of the monitoring to the local planning authority. Any Long-term Monitoring and Maintenance Plan shall thereafter be implemented as approved.
18. On completion of any monitoring programme set out in a Long-term Monitoring and Maintenance Plan a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted for approval in writing by the local planning authority.
19. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall thereafter be implemented as approved.
20. No development shall commence until a noise assessment, in accordance with a methodology first agreed in writing by the local planning authority, has established the noise levels emanating from the Diplocks Yard industrial estate and the potential impact upon the nearest proposed dwelling(s). The noise assessment shall be submitted to and approved in writing by the local planning authority.
21. Should the assessment required by condition 20 indicate a likelihood of nuisance from Diplocks Yard to any proposed dwellings no construction of those dwellings shall commence until a scheme to demonstrate that the internal noise levels within them will conform to the appropriate guideline values for indoor ambient noise levels, and a noise mitigation scheme for protecting the gardens of those dwellings from any identified noise, has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented before the first occupation of the affected dwellings and retained thereafter.
22. No development shall take place until a programme of archaeological works has been implemented in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the local planning authority.
23. No external lighting or floodlighting shall be installed on the development hereby permitted without the prior written approval of the local planning authority.

Report to the Secretary of State for Communities and Local Government

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 8 October 2015

Town and Country Planning Act 1990

Appeal by

Gleeson Developments Ltd

against the decision of

Lewes District Council

Richborough Estates

Inquiry held on 18 & 19 August 2015

Land North of Bishops Lane, Ringmer, East Sussex BN8 5JT

File Ref: APP/P1425/W/14/3001077

File Ref: APP/P1425/W/14/3001077

Land North of Bishops Lane, Ringmer, East Sussex BN8 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gleeson Developments Limited against the decision of Lewes District Council.
- The application Ref LW/14/0127, dated 26 February 2014, was refused by notice dated 19 September 2014.
- The development proposed is erection of up to 110 dwellings to include affordable housing, access and public open space.

Summary of Recommendation: That the appeal should be allowed and that planning permission should be granted subject to conditions and a planning obligation.

1. Procedural Matters

- 1.1 The Inquiry sat for two days (18 & 19 August 2015). On 17 August I undertook an unaccompanied visit to the site, which is crossed by a public right of way, walked around Ringmer village itself and visited the various road junctions referred to in representations. Both the main parties and those interested parties present during the Inquiry agreed, on the final day, that an accompanied visit was not necessary in the light of the evidence that had been heard. Notwithstanding this, following the close of the Inquiry I took an unaccompanied visit to the small housing development known as The Forge, in Ringmer, at the request of an interested party.
- 1.2 The application was submitted in outline, with all matters other than access reserved for future consideration.
- 1.3 The site location plan (46-1762-002 Rev A) can be found on the case file. The plan detailing the proposed access arrangements and the works to Bishops Lane (10-123-024 Rev A) can be found in the Drawings Section of Mr Harrison's proof. Proposals for works to the Earwig Corner junction (P289-05 Rev A) and the realignment of Ham Lane/Norlington Lane (10-123-28 Rev A), which would form part of any S278 agreement, can also be found here.
- 1.4 Illustrative layouts (46-1762-MP-001 Rev K and 46-1762-MP-001 Rev P) can be found respectively on the case file and Appendix L4 of Ms Simes' Proof. Illustrative Street Scenes may also be found on the case file.
- 1.5 The Council's Decision Notice set out a single reason for refusal, albeit with two strands. Prior to the commencement of the Inquiry the Council confirmed that it would no longer be defending the reason for refusal. A representative for the Council confirmed at the opening of the Inquiry that, subject to suitable conditions and planning obligations, the Council was of the view that planning permission should be granted.
- 1.6 An unsigned copy of a planning obligation in the form of a Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 was submitted to the Inquiry. A certified copy of the completed agreement was received following the close of the Inquiry. This is a material consideration and is discussed in more detail later.

2. The Site and Surroundings

- 2.1 The appeal site and its surroundings are described in detail in the Planning, Design and Access Statement (Introduction), the Landscape and Visual Assessment, the planning officer's report to Planning Committee (section 1), the Planning Statement of Common Ground (PSoCG) (section 4) and throughout Ms Simes' Proof.
- 2.2 In summary, however, the site is on the north side of Bishops Lane, which is a relatively quiet rural lane, without pavements or street lighting, on the edge of Ringmer. The site is approximately 4.4 ha in size and is made up of two fields known as Bishops Field (on the west) and Potters Field (on the east). The fields are divided by, with access between them through, a dog-leg hedge, which also contains trees, including two protected oaks.
- 2.3 Established hedgerows and trees surround the site, albeit that these are reduced in height to the rear of Orchard House (shown as Norlington House on some plans) and the western side of Kerridge. The site is relatively flat and, beyond the hedges and their immediate environs, has been used for rough grazing. A partly culverted watercourse crosses the site from southwest to northeast, with a public right of way crossing it approximately southeast to northwest.
- 2.4 There is residential development to the south and west, with residential and commercial development to the east. Much of the residential development is relatively modern, comprising both large dwellings in spacious plots and the higher density 'Delves' estate on the southern side of Bishops Lane, opposite the appeal site.

3. The Proposal

- 3.1 The proposed development is intended to provide up to 110 dwellings, of a range of types, 40% of which would be affordable units. Areas of public open space would be provided and the hedges surrounding and crossing the site would be retained, and enhanced, other than where the widening of existing access points would be required. The unclassified water course, which crosses the site southwest to northeast, would be retained and a balancing pond or ponds created as part of the surface water drainage arrangements. The public right of way crossing the site would be retained, with minor realignments as necessary, as would the archaeological kiln feature and the two protected oak trees. This is demonstrated by illustrative layout plan 46-1762-MP-001 Rev P.¹
- 3.2 The main vehicular access to the site would be from a single point on Bishops Lane, utilising the current field access towards the west of the site frontage. An emergency access (also accessible by bicycle or on foot) onto Bishops Lane would make use of a further extant field access point between Chapters and the Potters Field cul-de-sac.
- 3.3 A footpath link will be created along the northern side of Bishops Lane, running either within the site boundary or using highway land. Further short sections of footpath, required by the County Council as highway authority, would run

¹ Ms Simes' Proof, Appendix 4

from the main access to Norlington Lane and extend the footway running out of Norlington Fields. The footway running out of Christie Avenue and from Christie Avenue towards the village green would be widened to two metres.

- 3.4 At the request of the County Council, further highway and public transport works would be implemented as follows:
- Works to Earwig Corner (the junction of the A26 and B2192), including signalisation, a new right turn lane and street lighting;
 - Realignment of the Ham Lane/Norlington Lane junction;
 - Improvements, including street lighting, to the junction of Bishops Lane and the B2192;
 - A new controlled crossing on the B2192 close to The Forge;
 - Two new bus stops on Lewes Road near its junction with Bishops Lane.
- 3.5 A contribution towards real-time passenger information signs at the closest bus stops and a Travel Plan would also be required.

4. Planning Policy and Guidance

- 4.1 Although no development plan or other policies are referred to in the Council's Decision Notice, the planning policy context for the proposed development is set out in the officer's report to planning committee, section 6 of the PSoCG and section 2 of Mr Pickup's Proof.

Local Plan

- 4.2 The adopted development plan for the District is the Lewes District Local Plan (the Local Plan), adopted in March 2003. Relevant policies can be found in the PSoCG Appendix 4.
- 4.3 Policies CT1 and RES6 seek to ensure the containment of new development, including residential development, within settlement Planning Boundaries, as shown on the Proposals Map, subject to certain exceptions.
- 4.4 Policy RES3 makes provision for housing over the plan period 2003 – 2011 and allocates reserve housing sites for the period 2006 – 2011. These include the appeal site, which is allocated for 135 dwellings if required.
- 4.5 Policy RES9 addresses matters of affordable housing provision in new residential development.
- 4.6 Policies RES19 and RE1 require new residential development to provide play space where there is a deficiency in the area and set standards for its provision.
- 4.7 Policy ST1 seeks to ensure that new development is accompanied by adequate infrastructure to serve it.
- 4.8 Policies ST3 and ST11 seek to ensure that new development is, respectively, well designed and landscaped.
- 4.9 Policies T1 and H7 seek to ensure that traffic from new development is minimised, notably in conservation areas.

Draft Lewes District Local Plan (Part 1) Joint Core Strategy

- 4.10 The Council is in the process of preparing a replacement local plan (the JCS) in conjunction with South Downs National Park Authority². This has been through Examination and, at the time of writing, the proposed Main Modifications³ are out for a period of consultation (ending on 2 October 2015). The following emerging policies (as amended by the Main Modifications) are of particular relevance to this appeal.
- 4.11 Spatial Policy 1 (SP1) makes provision for 6900 dwellings to be provided in the District from 2010 to 2030, equating to around 345 net completions per annum.
- 4.12 Spatial Policy 2 (SP2) allocates, among others, the appeal site (the boundary of which is set out on Core Strategy Inset Map 17b)⁴ as a strategic site for 110 net additional dwellings and requires a minimum of 215 net additional dwellings for Ringmer over the plan period.
- 4.13 Spatial Policy 5 (SP5) sets out the detailed requirements for the residential development of the appeal site as allocated.
- 4.14 Core Policy 1 (CP1) seeks provision of 40% affordable housing on residential developments of 10 or more units.

*Draft Ringmer Neighbourhood Plan (DRNP)*⁵

- 4.15 The DRNP has been examined. The Examiner's report⁶ recommended that, subject to certain modifications, which have been accepted, the plan could go forward to a referendum. As yet no date has been set for this. The following emerging policies are of particular relevance to this appeal.
- 4.16 Policy 4.9 seeks to ensure that green corridors are included within development sites; policy 4.10 requires new developments to consider their impact upon biodiversity; and policy 4.11 seeks to minimise additional light pollution from new development.
- 4.17 Policy 6.1 allocates land for a minimum of 240 dwellings during the plan period.
- 4.18 Policy 6.2 requires at least 80 affordable units to 2030.
- 4.19 Policy 6.3 seeks to ensure that new residential development respects the village scale and Policy 9.2 seeks to ensure a density of 20-30 dwellings per hectare.
- 4.20 Policy 6.4 allocates (as RES6) all but a small triangle of the Bishops Field part of the appeal site for 50 dwellings up to 2024. It allocates, as RES30 and RES31, the Potters Field part of the appeal site for 6 and 30 dwellings respectively during the period 2024 to 2030.

² CD4

³ Mr Pickup's Proof Appendix 10

⁴ CD4

⁵ Doc7

⁶ CD7

- 4.21 Policy 8.1 requires developments to demonstrate that they would not result in severe detrimental impacts to the local road system; policy 8.2 requires new development to avoid creating or exacerbating road safety hazards and to retain traffic restrictions⁷ on Bishops Lane; and policy 8.3 sets out off-street parking provision requirements.
- 4.22 Policy 8.7 requires new residential development to be accompanied by the provision of additional primary school accommodation.
- 4.23 Policy 8.11 requires new development to ensure that it can demonstrate adequate flood protection and drainage, taking account of the capacity of the 'Ringmer sewage works'.

National Planning Policy Framework (the Framework) and Planning Practice Guidance (the Guidance)

- 4.24 Although the content of the Framework and Guidance will be well-known to the Secretary of State, it is nonetheless helpful to draw attention to the following paragraphs referred to explicitly by the appellant and interested parties.
- 4.25 Paragraph 14 of the Framework requires, among other things, that development proposals that accord with the development plan should be approved without delay.
- 4.26 Paragraph 32 of the Framework addresses how one should consider developments that generate a significant amount of movement.
- 4.27 Paragraph 49 of the Framework highlights that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 4.28 Paragraph 156 of the Framework considers examples of strategic priorities for the area to be covered by a Local Plan.
- 4.29 Paragraphs 183 to 185 of the Framework set out Government policy concerning Neighbourhood Plans and their relationship with Local Plans.
- 4.30 Paragraph 215 of the Framework considers the weight that should be attributed to extant Local Plan policies.
- 4.31 Paragraph 216 of the Framework considers the weight that may be given to relevant policies in emerging plans.
- 4.32 Paragraph ID: 21b-014-20140306 of the Guidance considers the issue of prematurity in relation to emerging Local Plans and neighbourhood plans. It is clear that: *arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

⁷ Currently two width restrictions at intervals along it.

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

5. Agreed Matters

5.1 A PSoCG between the Council and the appellant was submitted prior to the Inquiry. Among other things, it confirms that:

- Having obtained legal advice, the Council now supports the appeal proposal;
- The appeal scheme would provide 40% affordable housing and would make a valuable, early contribution towards the provision of new housing in the District;
- The appeal site is suitable, achievable and deliverable for housing. It is in walking distance of village services and is situated in a sustainable location;
- The site is not of high agricultural value and is physically contained by development on three sides to the south, west and east;
- The Council's Landscape Character Study (September 2012) assesses the land to the north of Bishops Lane as a preferred area for development from a landscape perspective;
- Conditions could satisfactorily address matters of landscaping and protected trees;
- The appeal scheme would result in net landscape enhancements and would be well-screened, including through the retention and enhancement of existing hedgerows;
- The indicative layout avoids any overlooking or overshadowing conflicts between the new dwellings and there would be no adverse impact upon the existing dwellings that share a boundary with the appeal site;
- There is potential for noise nuisance from Diplocks Industrial Estate, but this could be addressed by condition at both outline and reserved matters stages;
- The site has relatively low ecological value and there is no firm evidence of the presence of protected species habitats on it. The appeal proposal would give rise to net ecological enhancements;
- The site has high archaeological interest, the implications of which could be addressed by condition;
- The site is in Flood Risk Zone 1 and satisfactory planning conditions can be imposed to ensure appropriate surface water and foul water disposal;

- The proposed site density would equate to 25 dwellings per hectare (dph), which would result in an acceptable character;
- The development could result in a total expenditure in the region of £4m per annum, some of which would be spent locally;
- The Council would benefit from income from the New Homes Bonus, to the value of approximately £184,000;
- Housing development at the appeal site would assist economic growth in this part of the District; and
- Ringmer has a range of accessible local services and facilities together with good public transport links, which contribute to its status as a 'Rural Service Centre' in the emerging Joint Core Strategy.

5.2 A Transport Statement of Common Ground (TSoCG) between the appellant and East Sussex County Council (as highways authority) was also submitted in advance of the Inquiry. Among other things, it confirms that the County Council raises no objection to the appeal proposal. Specifically, it has no objections in relation to sustainability, public transport site access, highway safety or highway capacity, subject to the improvements and contributions noted above [3.4].

6. The Case for Gleeson Developments Ltd (the appellant)

6.1 The case for the appellant is set out in the Closing Statement to the Inquiry⁸. The key points are summarised under a series of headings below:

The adopted and emerging development plan

6.2 The site is allocated, by saved policy RES3, as a reserve housing site in the adopted Lewes District Local Plan 2003 for 135 dwellings, to provide for development needs after 2011. The s38(6) statutory development plan, therefore, supports development of the site for a quantum marginally in excess of that proposed. Paragraph 14 of the Framework would indicate that it should be granted planning permission without delay.

6.3 In addition, the Parish Council, as the Neighbourhood Planning Organisation, is seeking to allocate the appeal site in the DRNP for 86 dwellings, to be developed on a phased basis, and hope to proceed shortly to Referendum on that basis. As such, the DRNP supports the principle of residential development on the site (at least to the tune of 86 units).

6.4 Furthermore, and critically, the site has been identified by the Inspector into the JCS as being required as a Strategic Allocation, under policy SP5, for 110 units⁹. This is not on a phased basis but for development now, in order to ensure early delivery of the JCS required housing numbers. This is an alteration from its status in earlier iterations of the JCS as an allocation 'contingent' upon the DRNP. The JCS Inspector required, for the JCS to be

⁸ Doc 15

⁹ CD5

found 'sound' that the 'contingency' of the site's allocation needed to be removed and its 'strategic' status established.

- 6.5 Consequently, 110 units at the site now form a component part of the five-year housing land supply for Lewes District relied upon by the Council. The Council, on 16 July 2015, formally resolved to accept the JCS Inspector's recommendations, and to identify the site as a Strategic Allocation, for 110 dwellings not 86, and for development now, not phased. Emerging JCS policy, therefore, supports the principle of development of 110 dwellings on the site, to be delivered now.
- 6.6 The Council has recognised¹⁰ that: (a) in accordance with the Framework at paragraph 184, neighbourhood plans should not undermine the delivery of strategic policies of the Local Plan (b) the Strategic Allocation for 110 units takes precedence over the DRNP allocation of a phased 86; and (c) the appeal scheme at 40% affordable housing would deliver more affordable housing than would the DRNP's proposals for the site. Accordingly, the Council is not defending its single Reason for Refusal.

Main Considerations

- 6.7 These stem not from the continuing objection of the Council but from third parties, in particular the Parish Council and North Ringmer Residents Group (NRRG). Both of these groups were instrumental in the formulation of the DRNP. These objections do not, therefore, strike at the principle of residential development on the site. Despite appearances sometimes to the contrary, there is no root and branch objection to the scheme by anyone appearing at the Inquiry. Both the Parish Council and the NRRG, and the various members of the public who spoke in opposition to the appeal scheme, continue to support the allocation in the DRNP of 86 units on the appeal site.
- 6.8 The tests, therefore, in judging the force of the Parish Council's case in respect of each of the main considerations must be whether (a) the appeal proposal would have a materially greater impact than 86 units in two phases and, if so, (b) whether that materially greater impact is sufficient to outweigh the many undisputed benefits arising from the appeal scheme so as to warrant dismissal.
- 6.9 The matter never proceeds beyond stage (a) but, in any event, the test for acceptability of the scheme to be granted planning permission is to be found in paragraph 14 of the Framework: to grant development in accordance with the statutory development plan without delay (this scheme accords with adopted policy RES3); and where the development plan is out of date (either by the operation of paragraph 215 or of paragraph 49 of the Framework – both apply here), to grant permission unless the harms significantly and demonstrably outweigh the benefits.

¹⁰ PSoCG

Predetermining the DRNP

- 6.10 By the time the Secretary of State determines this appeal, it is expected that the DRNP will have been through its referendum. The Inquiry has proceeded on the assumption that the DRNP will be approved by the referendum and will be 'made' in its current form. Accordingly, as a simple matter of chronology, the Secretary of State's determination of this appeal will not, and it logically cannot, prejudice or pre-determine the allocations in the DRNP.
- 6.11 The real issue is the proper approach to the determination of the application on the assumption that by the time the Secretary of State reaches his decision, the DRNP has been made and has been made in its current form. There are three strands to this.
- 6.12 First, the principle of residential development is not in conflict with the DRNP. It is endorsed by and is an imperative of it. The site is recognised as a sustainable site for additional housing development and Ringmer is recognised as being required to accommodate additional homes, market and affordable. If the site can acceptably accommodate more than the 86 units identified for it, it should do so, having regard both to the principle of efficient use of a sustainable location and the acute need for housing and affordable housing. An important modification made by the DRNP examiner was to remove the proposed 'cap' on overall development numbers¹¹.
- 6.13 Second, the Council is unable to demonstrate a deliverable five year housing land supply. Its purported supply relies on the unjustified application of the 'Liverpool' not 'Sedgefield' methods and a 5% buffer rather than the proper 20% buffer on the requirement side. It also relies on a suite of unevidenced delivery assumptions. Even on its best case, without the appeal site in the supply side, there is only a surplus of 30 dwellings. The Council recognises, therefore, that it needs to have the appeal site in as part of its land supply. The absence of a five-year housing land supply triggers the application of paragraph 49 of the Framework, which deems relevant policies for the supply of housing 'out of date' (a provision which applies just as much to emerging neighbourhood plan housing policies as it does to adopted local plan policies¹²).
- 6.14 Third, and most definitively, a 'made' Ringmer Neighbourhood Plan that limited the appeal site to 86 units on a phased basis would be in conflict with the JCS Strategic Allocation policy SP5 for 110 units, un-phased, on the appeal site. The decision to identify the appeal site as a Strategic Allocation was made after the JCS Inspector heard and rejected all of the Parish Council's arguments (including highways, education and foul drainage) that it should not be so allocated. As a strategic policy, SP5 'trumps' the DRNP. In accordance with the Secretary of State's own guidance at paragraph 184 of the Framework, neighbourhood plan policies should not promote less development than is set out in the local plan nor undermine its strategic policies.

¹¹ CD7

¹² Woodcock Holdings Ltd v SSCLG [2015] EWHC 1173 (Admin)

- 6.15 In the JCS, sites allocated in excess of 100 units are of a 'strategic' not 'neighbourhood' level of development. The allocation of the appeal site for 110 units, therefore, is a strategic matter not a neighbourhood plan matter. 'Localism' is not offended thereby and paragraph 184 of the Framework clearly provides for that necessary distinction of scale.
- 6.16 In any event, it is expected that the JCS will be adopted after the DRNP has been made. The operation of s38(5) means that it would take precedence, as a matter of law, and 86 phased units on the appeal site would be superseded by JCS policy SP5.

Protected Species

- 6.17 The appeal proposal has been formulated with the aim of minimising ecological impact, maximising opportunities for improvement and maintaining the ecological functionality of the site and surrounding landscape. As such, there can be expected to be net ecological benefits as a result of the scheme.
- 6.18 A consequence of this strategy has been the retention of the peripheral vegetated areas, as well as the hedgerow and water courses running through the site itself, with enhancements of additional planting and beneficial management. Bats, badgers and great crested newts are all predicted to benefit, the latter being provided with additional breeding habitat and managed terrestrial habitat. Although access was denied to survey some off-site ponds, this would not alter the characterisation of the population size nor the mitigation proposed.
- 6.19 Equally, no different mitigation would have been proposed, and no different outcome would have been achieved, if the scheme under consideration was the DRNP's 86 units.

Highway Safety and Efficiency

- 6.20 Access to the site itself is not a reserved matter and the access drawings have been approved by East Sussex County Council as highways authority. It is agreed that they provide an appropriate and safe access to the site¹³. The nature, configuration and extent of the works to access Bishops Field would be no different if one were providing for the 50 units allocated to it in Phase 1 of the DRNP. Importantly, although an option is shown for a footway along the carriageway of Bishops Lane, it is within highway land and would not impinge on the hedge-line itself. Localised pruning of encroaching vegetation is all that would be required¹⁴.
- 6.21 In addition, there is a package of off-site highways measures¹⁵ which will accommodate the development traffic on the local highway network and, indeed, offer consequent improvements. Works at Earwig Corner and at the

¹³ Transport Statement of Common Ground

¹⁴ Mr Harrison's Proof 3.8-3.11 and Ms Simes' Proof, Appx 7

¹⁵ Summarised in Mr Harrison's proof 3.14-3.18 and the S106 Agreement

Norlington Lane triangle improve conditions for all users. Again, these are agreed with the local highways authority¹⁶.

- 6.22 Finally, there is a Travel Plan¹⁷, currently interim, whose principles are agreed with the local highways authority¹⁸. As is usual, on grant of planning permission this will be developed with the highways authority to a full Travel Plan and secured through the S106 obligation. The effect of the Travel Plan will be to enhance the sustainability credentials of what is already recognised to be an accessible site in a sustainable settlement for additional residential accommodation.
- 6.23 There is no reason to withhold permission by reference to the 'severe impact' test in paragraph 32 of the Framework. Compared with the 86 houses preferred by the Parish Council there is no materially different highways impact at all.

Character and Appearance

- 6.24 No party has taken specific objection to the landscape character or visual impact of residential development on the appeal site *per se*. This is perhaps unsurprising given the fact that there is no objection to 86 units on the site and the landscape character or visual impact would be substantially the same for altering a field to 86 units as for altering a field to 110 units.
- 6.25 There has been allegation that the scheme is not of a 'village scale', but that too must be judged against the acceptance of 86 units as being of a village scale. A 110 house scheme would not be of a materially different scale to 86 units¹⁹.
- 6.26 Concerns have been raised in respect of the impact of the footway works along Bishops Lane, involving the cutting back of the hedge along its northern side. However, there would only be localised pruning to, rather than loss of, the hedge. Again, there would be no lesser or different works required if the scheme was for 86 units as per the neighbourhood plan.
- 6.27 Overall this appeal scheme has no materially greater impact on the landscape and character of the area than would the DRNP proposals.

Foul water

- 6.28 There is an existing capacity issue at Neaves Lane Waste Water Treatment Works (WWTW). Southern Water is intending to improve this, although the timescale is unknown. However, it has been agreed with Southern Water that increasing the capacity and flow rates of the extant sewerage system would enable the proposed development to be brought forward in advance of these works.

¹⁶ Transport Statement of Common Ground

¹⁷ Appeal document 1.17

¹⁸ Transport Statement of Common Ground

¹⁹ Ms Simes' Proof

- 6.29 It is notable that the JCS Inspector expressly referred to the WWTW capacity issue in deciding that 110 houses should be allocated as a Strategic Site to provide for early delivery of housing²⁰.

Benefits and planning balance

- 6.30 The economic benefits are substantial, with a development GVA of around £31 million and an average residential expenditure of around £4 million per annum. In addition, there are the public exchequer contributions at a local and national level. Paragraph 19 of the Framework indicates that these substantial economic benefits should be accorded significant weight.
- 6.31 Substantial weight should also be accorded to the social benefits of the provision of housing including affordable housing. The Appellant considers that the Council cannot demonstrate a five year land supply, but even if it could that would be against the emerging JCS constrained housing requirement, which is well below the true OAN. The housing need of Lewes District, both market and affordable, is acute and substantial weight should be given to housing in a sustainable location like this.
- 6.32 Environmentally, the scheme will achieve a net benefit for ecological interests. There are no unacceptable landscape impacts and the alleged impact in terms of flooding and foul sewage has been addressed.
- 6.33 These benefits are to be accorded substantial positive weight. Although the Parish Council and its supporters complain of a harm to the 'plan making process', it is the plan making process which has led to the JCS identifying the appeal site as a Strategic Allocation for 110 houses and it is the plan making process, and the statute which underpins it, which gives precedence to strategic policies in the development plan and requires that neighbourhood plans should not provide less development than they set out, nor undermine their delivery.
- 6.34 The balance is clear and very profoundly in favour of granting this permission.

7. The Case for Interested Parties

- 7.1 Oral representations were made in addition to the written submissions received.

The case for Mr Chris Bowers

The main points were:

- 7.2 I have been resident since 1998. The emerging neighbourhood plan, which I support, envisages houses on the Bishops Lane site. There is no in principle objection to housing on this site. However, the Ringmer sites allocated in the 'old' Local Plan, other than the appeal site, were built on many years ago. It is clear, therefore, that this is not a simple site, which is why part of it is phased for development in the second half of the neighbourhood plan period. The appeal proposal would almost double the 56 houses proposed in the

²⁰ CD5, 3rd page.

neighbourhood plan for the period up to 2024. This would not allow infrastructure to grow with the development of the site. Earwig Corner will get worse; the Primary School is moving to a two form entry, but it is not clear when the construction to achieve this will be complete; and there are sewerage problems.

- 7.3 All of the Planning Committee Councillors voted against the proposal. They are experienced Members and knew what they were doing. The question is not if development will occur, but when. We must build in line with emerging infrastructure. The early development of up to 110 houses would create chaos, impact upon village character and not allow for development in a sustainable manner.

The case for Mr Mike Howell

The main points were:

- 7.4 I am a local resident, born in the village. Debates about technicalities fail to observe the real effect of development on the village. Neither developers nor the Council are seeking to enhance the environment now and in the future, but are riding roughshod over local views. This sends a message that the neighbourhood plan is pointless.
- 7.5 The site has serious flooding problems. Young people will not be able to afford the affordable houses and most will be second homes for Londoners. There will be an increase in traffic and construction lorries, as well as an increase in traffic speed. We need traffic calming measures.
- 7.6 The Parish Council is against the proposal and 90% of residents are against it. If the appeal is upheld then democracy becomes a farce. The Council and developers have no interest in the state of the environment. Vital considerations are sewerage, the primary school and inadequate local services. We also need to preserve the ancient hedgerows on the site. The morning chaos at Earwig Corner will be worse.

The case for Ringmer Parish Council²¹ (presented by Dr John Kay)

The main points were:

- 7.7 In accordance with paragraph 216 of the Framework, those policies found sound by the Inspector at the JCS hearings now carry substantial weight. However, there may be renewed Hearings and the main modifications should not be afforded such weight.
- 7.8 The Council can demonstrate a five-year supply of deliverable housing sites, when considered against the principles outlined by the JCS Inspector.
- 7.9 The DRNP is based upon four key principles and, in accordance with the Framework, these can be given substantial weight now that the plan has passed Examination.
- 7.10 Development on some RNP sites has been supported by the District Council and one application was refused on the basis of conflict with the DRNP.

²¹ Doc 5

- 7.11 Residents do not want to see pavements on Bishops Lane. The lack of pavements and the traffic calming, which has stopped rat running, are responsible for the low traffic speeds on the lane.
- 7.12 The site is bounded and crossed by well-established hedgerows, which must be retained. It is also very wet, with groundwater levels above ground level in wet weather.
- 7.13 Residents are resolutely in favour of small developments of a village scale, rather than large estate style developments, in order to retain a village feel. Steady development would mean that there would always be houses ready for people over the plan period. If the appeal proposal were permitted, the DRNP would be gutted of a large number of its units.
- 7.14 The key issue is the weight that should be given to the DRNP policies, given the 10 areas of conflict identified. Of these, we are content that issues in relation to affordable housing, hedgerows and biodiversity can be resolved.
- 7.15 The density of development will give rise to parking problems and, while it may be within the range supported by the DRNP, the plots proposed would be smaller than those on the Delves estate opposite.
- 7.16 The Council's housing waiting list is for those already with a house; they just want a different house. It is better to phase affordable housing to ensure local take-up, not put in people who really want to live elsewhere.
- 7.17 Streetlights are not recommended by the ecologist and it is not clear why they are proposed. The Delves estate has done fine without them.
- 7.18 There are a number of infrastructure constraints, including sports pitches and playing fields (for which the proposal makes no contribution); surface water flooding; roads; the primary school; and the Neaves Lane waste water treatment works.
- 7.19 The appeal site has not been developed before because of heavy clay under it. It suffers from surface and groundwater flooding.
- 7.20 The proposals for Earwig Corner would not improve the situation for southbound morning traffic, although they would improve the northbound evening traffic flow. Nothing will improve the capacity of the junction. The thousand plus houses proposed to the south of Uckfield will further exacerbate this situation.
- 7.21 Development at the Primary School will only meet existing need and any slack will be taken up by smaller developments taking place. The appeal scheme will trigger the need for two form entry. Time to complete this will be an issue. No other primary schools are accessible by public transport.
- 7.22 There is clear conflict between the emerging JCS and the DRNP. The appeal scheme is broadly aligned with the former and conflicts with the latter. The emerging JCS must carry less weight than the DRNP, notably those policies recommended by the Inspector and still subject to consultation, and we would dispute that JCS policy SP5 is a 'strategic' policy (given the definition in paragraph 156 of the Framework). The role of neighbourhood plans is clearly set out at paragraph 185 of the Framework.

The case for North Ringmer Residents Group²² (NRRG) (presented by Mr Simon Morse-Brown)

The main points were:

- 7.23 NRRG represents 85 households in north Ringmer. It supports the draft neighbourhood plan subject to appropriate phasing. The Council has let us down. Prematurity was the only reason for refusing the appeal scheme but there could have been others.
- 7.24 An outline application may only need to address the principle of development but one must consider the illustrative plans if considering the principle. Development must be premature if the necessary infrastructure is not in place. There is no evidence of demand for housing over the next five years and the new dwellings would go to people from outside Ringmer. This would lead to increased traffic.
- 7.25 One cannot consider the emerging JCS as established or the current consultation on Main Modifications would be pointless.
- 7.26 The Council's five year housing land supply does not rely on the appeal scheme.
- 7.27 The JCS seeks densities of 20 to 30 dwellings per hectare in rural areas, to respect village scale. One must judge whether the proposed dwellings are properly spaced and whether the development would lead to urbanisation and loss of village feel. The hedges, drainage areas and archaeological remains mean that a large proportion of the site is 'sterilised'. As such, the actual density of the development is much higher than suggested.
- 7.28 There are issues with the capacity of the primary school, foul drainage and roads (the proposal does not tackle the wider issues to the south of Earwig Corner), as well as sub-standard surface water drainage on Bishops Lane. The proposed new play area is superfluous as there is already one nearby. The appellant will sell the site on and has no interest in engaging with the community.
- 7.29 This is the wrong development at the wrong time.

The case for Mr John Jackson

The main points were:

- 7.30 I am a local resident and a member of NRRG. The Parish Council has spent three to four years developing the neighbourhood plan, which is widely supported. The appeal proposal would cut through its principles. The key one is development of a village scale.
- 7.31 There are issues with roads, waste water and schooling in the village. We are approaching a tipping point with regard to phasing. There is also development planned for Hailsham, the traffic from which would route through Ringmer due to issues with the A27. The only solution with regard to Earwig Corner is to move the junction completely. It needs a more strategic solution.

²² Doc 10

- 7.32 Southern Water has suffered from several recent publicised failings. Glynde Reach river pollution is acknowledged and must be related to the Neaves Lane waste water treatment works. Recent sewage escape at Green Close was due to a pump failure.
- 7.33 If the appeal scheme is allowed, does this render the neighbourhood plan irrelevant? There are technical arguments in support of the appeal scheme but the issue of Localism needs testing.

The case for Mr Martin Gooch

The main points were:

- 7.34 I am a local resident of 20 years and a member of NRRG. The proposed development is not sustainable and is premature. It flies in the face of the Localism Act, which gives local residents the power to make their own decisions in neighbourhood plans.
- 7.35 Earwig Corner and the A26/Ham Lane junction are heavily congested. One can spend 30-40 minutes stuck in traffic as a commuter. New development won't make them any better and the mitigation proposals will do little to address the problems.
- 7.36 Bishops Lane is a pleasant rural environment where my children grew up and it is disgraceful that someone from outside can come along and ruin it.
- 7.37 There is no guarantee that Southern Water will make its proposed improvements to the waste water treatment works in the next five years. On-site storage on the appeal site will not address these problems. Surface water flooding has been raised as an issue by the Environment Agency.
- 7.38 Harrisons Lane is a busy residential area. Additional traffic problems will be created by the appeal proposal.
- 7.39 The application has been turned down twice and there is no reason why one should not do so again.

The case for Mr Laurence Keeley²³

The main points were:

- 7.40 I am a county councillor, although I do not represent this area. The District Council is not defending the appeal and Ringmer is part way through its neighbourhood plan development process.
- 7.41 There are no funds available for infrastructure development. A development tax is needed and Land Community Trust is needed.
- 7.42 Local roads are gridlocked. New estates do not serve their occupiers well, being overcrowded and isolating at the same time.

The case for Mr James Mawas

The main points were:

²³ Doc 11

- 7.43 I have been a resident on Bishops Lane since 1977 and am a member of NRRG. I endorse the points made by Dr Kay and Mr Morse-Brown.
- 7.44 Decisions need to be made at the lowest possible level. Decisions relating to Ringmer were made by the District Council a long time ago. Delays to the process have meant no new houses.
- 7.45 The Parish Council has tried to fit in with the District Council's development plans. It is regrettable that the District Council is not here to represent us.
- 7.46 We realise that housing is necessary if it is done properly. However, transforming Bishops Lane into a motorway will not be beneficial.

The case for Mrs Jenny Hill

The main points were:

- 7.47 I endorse the points made by Dr Kay and Mr Morse-Brown. The application is premature. We do not object to development on the appeal site, but it is not sustainable to build so many houses at the same time. Policy in the draft neighbourhood plan is for phased, village-scale development. This was accepted by the Examiner. The District Council has ignored the wishes of Ringmer Parish Council.

The case for Mrs Amanda Brown

The main points were:

- 7.48 I have been a resident since 1996. The draft neighbourhood plan, which is very well constructed, clearly sets out phasing issues. I have supported it from the beginning.

The case for Mr Ian Wilson²⁴

The main points were:

- 7.49 I have lived in Ringmer since 1970. Nothing discussed here today is lawful. The issue of Environmental Harm throughout Ringmer Parish has not been addressed or taken into account. The Glynde Reach fishing grounds are gone and farmers won't let their cattle drink from this watercourse. Sheep have died after having done so.

The case for Mrs Linda Ellis

The main points were:

- 7.50 I have been a Ringmer resident for 26 years. I endorse what has been said.
- 7.51 There is a bat nursery in my loft and I have seen migrant birds, barn owls, newts and frogs on and around the site. There are lots of hedgerows that need to be protected.
- 7.52 86 houses will cause less destruction than 110.

²⁴ Doc 4

The case for Mr David Matthews

The main points were:

7.53 I am a local resident. The appeal proposal is discourteous to the neighbourhood plan and pre-emptive of it.

8. Written Representations

8.1 The majority of representations received expressed some form of objection to the proposal but there were also a number of expressions of support for it. Those submitted in response to the original planning application are summarised in the officer's committee report.

8.2 The responses submitted in relation to the appeal were all objections. They are summarised here and cover much of the same ground as those received in relation to the original application:

- The neighbourhood plan, with which the appeal scheme conflicts, aims to maintain a village feel while ensuring new development occurs alongside infrastructure development, including roads, the primary school and the waste water treatment works;
- The proposal is premature;
- The site suffers from flooding and has ancient hedgerows and protected species on it (and Great Crested Newts in ponds adjacent to it);
- The appeal scheme does not provide sufficient affordable housing;
- The new accesses will result in the loss of a green corridor on Bishops Lane;
- The proposed highway mitigation will be ineffective;
- There will be increased light pollution;
- The doctors' surgery is full;
- Highway safety will be compromised;
- The parking provision proposed is inadequate.

9. Conditions

9.1 As set out in the Framework, conditions must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; and reasonable in all other respects. I have made a number of amendments to the conditions as presented, in the interests of clarity, precision and implementation and to avoid repetition. I have also attached an ecological condition. These amendments and additions were discussed at the Inquiry.

9.2 The standard conditions specifying the time limits for submission of reserved matters and commencement of development, and that requiring compliance with the approved plans, are necessary in the interests of proper planning. Conditions relating to drainage and sewerage are required to ensure that the site is properly drained. A condition in relation to flood risk is also necessary to ensure that there is no increase in flood risk on or around the site. An

ecological condition is necessary to protect and enhance habitats on the site. The finished floor level condition is necessary in the interests of character and appearance and the living conditions of the occupiers of neighbouring properties. Highway conditions, including matters of construction, vehicle and cycle parking, turning, footways, access and road layout, are necessary to ensure highway and pedestrian safety. A Construction Management Plan and an hours of construction condition are necessary to ensure that there is no adverse impact upon the living conditions of local residents, or the local highway network, during construction. Contaminated land and archaeological conditions are necessary to address the potential presence of contamination and the likely presence of historic remains on the site. The conditions relating to noise mitigation are necessary in the interests of the provision of acceptable living conditions for future occupiers of the appeal scheme. Notwithstanding one of the Council's reasons, namely to ensure that there is no adverse impact upon the living conditions of neighbouring residents, a lighting condition is also necessary in the interests of mitigating impacts upon foraging bats and to preserve character and appearance.

- 9.3 Conditions relating to facing and roofing materials, trees, landscaping and landscape management (including the Locally Equipped Area of Play), boundary treatments, refuse storage are not necessary as they are covered by matters reserved for future consideration. That relating to specified illustrative plans is unnecessary, as the plans are only illustrative, and it lacks clarity. Similarly, that relating to the new accesses is covered by the approved plans condition.
- 9.4 The Guidance²⁵ is clear that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. No such exceptional circumstances have been set out by the District Council and I do not consider this condition to be necessary or reasonable.
- 9.5 In addition, I am satisfied that, in order to enable a full and complete understanding of the nature and construction of the development that may come forward as a result of this recommendation, all of those conditions requiring action before commencement of development are so structured.

10. Planning Obligations

- 10.1 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
- 10.2 With regards to impact on local schools, the County Council has confirmed that there is currently insufficient capacity at Ringmer Primary School and Ringmer Nursery School, in relation to early years and primary education, to accommodate the extra pupil numbers that would arise from the proposed development. It has also provided calculations, in line with its updated *A New Approach to Developer Contributions Supplementary Planning Guidance* (the

²⁵ 21a-017-20140306

SPG), to demonstrate the costs of providing the necessary additional capacity. I am satisfied that these obligations meet the tests in the Regulations.

- 10.3 Given the public rights of way on and around the site, I am satisfied that additional impact upon them would occur from the proposed development. The County Council has also provided calculations, derived from the SPG, to demonstrate the costs of securing the appropriate improvements. I am satisfied that the obligation meets the tests in the Regulations.
- 10.4 Contributions have been secured towards improvements to the library at Ringmer, which is that most likely to be used by the occupiers of the appeal scheme, and towards kerbside recycling provision at the appeal site. Both obligations are in line with costs explained in the SPG and meet the tests in the Regulations.
- 10.5 Provision is made for contributions towards real-time passenger information signage at bus stops on Lewes Road close to the site and for the implementation and auditing of a Travel Plan for the site. Calculations have been provided by the County Council in line with the SPG. Given the need to maximise the use of non-car modes of transport, I am satisfied that these obligations meet the tests in the Regulations.
- 10.6 The agreement also requires the delivery of off-site highway works, through a S278 agreement, to include: works to Earwig Corner (the junction of the A26 and B2192), including signalisation, a new right turn lane and street lighting; realignment of the Ham Lane/Norlington Lane junction; improvements, including street lighting, to the junction of Bishops Lane and the B2192; a new controlled crossing on the B2192 close to The Forge; and two new bus stops on Lewes Road near its junction with Bishops Lane. I am satisfied that such works are necessary to ensure highway safety and its efficient operation, and to support the use of non-car modes of transport. They meet the relevant Regulation tests.
- 10.7 A planning obligation is provided to secure the provision of 40% of the proposed dwellings as affordable homes. This accords with policy CP1 of the emerging JCS, to which significant weight may be afforded, and would assist in meeting locally identified need. I am satisfied that the obligation meets the tests in the Regulations.
- 10.8 I am also satisfied, on the basis of the evidence before me, that the obligations would not breach the regulation requirement that local authorities cannot pool more than five s106 obligations together (dating back to March 2010) to pay for a single infrastructure project or type of infrastructure.
- 10.9 The Parish Council questioned the lack of an obligation securing a contribution towards sports pitch contribution. However, such a contribution has not been sought by the District Council and no evidence was presented to demonstrate that one was necessary to make the development acceptable in planning terms.

11. Inspector's Conclusions

- 11.1 The following conclusions are based on the written evidence submitted, on my report of the oral and written representations to the Inquiry and on my

inspection of the site and the wider area. The numbers in square brackets thus [], refer, as necessary, to paragraphs in the preceding sections of the report.

11.2 I consider that the main considerations in this appeal are:

- whether the proposed development is so substantial that to grant permission would prejudice the neighbourhood plan-making process by predetermining decisions about the scale, location and phasing of new residential development;
- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development upon protected species;
- the effect of the proposed development on highway safety and the efficient operation of the highway network in the vicinity of the appeal site; and
- whether there are adequate means of disposing of foul drainage from the site.

Prejudice to the neighbourhood plan making process

11.3 The DRNP and JCS are both at advanced stages of production [4.10; 4.15], having been through their respective Examinations. In accordance with paragraph 216 of the Framework significant weight may be accorded to relevant policies in both emerging plans. Indeed, given the age of the adopted Local Plan, and the fact that its housing targets must now be considered out-of-date in the light of more recent objectively assessed housing need²⁶ produced to inform the emerging JCS, it is reasonable to consider that the housing policies within the JCS can be regarded as carrying more weight than those of the Local Plan. The Council regards Local Plan policy RES3 [4.4] as time expired²⁷. There is, however, a clear conflict between the two emerging plans in relation to their approach to the appeal site [4.12; 4.13; 4.20]. The pivotal considerations in this appeal are, therefore, which approach takes precedence over the other and the implications of that.

11.4 The JCS Main Modifications²⁸, which include the formal identification of the appeal site as a strategic housing allocation under policies SP2 and SP5, not contingent upon other factors, are currently out for consultation. This being so, the Parish Council considers that less weight should be given to these policies than to the DRNP policies for the appeal site, as they are the subject of further objections, including from the Parish Council. This is not an unreasonable point.

11.5 However, it is apparent from the JCS Inspector's letter regarding his interim findings²⁹, and from the oral evidence of Dr Kay and Mr Pickup (both of whom

²⁶ Mr Pickup Proof Appendix16 – Housing Land Supply Position for Lewes District as at 1 April 2015

²⁷ PSoCG

²⁸ Mr Pickup Proof Appendix 10 – Lewes District Council Cabinet Report regarding publication of Main Modifications to the JCS, 6 July 2015

²⁹ CD5

were present at the relevant JCS hearing sessions), that the issue of the site's strategic allocation, in full, was discussed at the JCS hearings. Indeed, the Inspector's post-hearings letter states that:

'I am firmly convinced that the plan needs to provide clarity about all the strategic sites, which means formally allocating those identified in Newhaven and Ringmer in full. ...Given their relative importance to the overall delivery of new housing, it would not be appropriate or justified for their formal allocation/designation, including the identification of their boundaries, to be delegated to neighbourhood plans ... despite the ... good local examples at Ringmer and Newick...'

11.6 It goes on to state that, *'Regarding Ringmer, the formal allocation in the plan of land north of Bishops Lane (Policy SP5) as a strategic site for about 110 dwellings is necessary to facilitate an early start to delivery and help meet the overall needs of the district'*.

11.7 Thus, the relevant Main and Additional Modifications³⁰ remove any contingencies from the strategic allocation of the site and stem from discussions at the hearings and from the Inspector's Initial Findings letter. The latter also gives an emphatic view of the need to ensure that the strategic sites come forward early in the plan process and are not left to consideration by neighbourhood plans, however advanced they may be. The clear inference from the letter³¹ is that this approach is necessary to ensure the soundness of the JCS.

11.8 It is also clear that the Inspector took account of the potential constraints highlighted by the Parish Council, noting in his letter that his finding with regard to the appeal site:

'acknowledges the constraints that currently apply locally in respect of highway capacity on the route into Lewes, notably but not exclusively at Earwig Corner.... It also recognises the recent pressures on primary school places in Ringmer and the improvements needed at the Neaves Lane WWTW'.

11.9 In this context, it is reasonable to consider that the Main Modifications, insofar as they relate directly to the status and delivery of the appeal site, are very unlikely to change following the consultation period and that significant weight should still be afforded to emerging policies SP2 and SP5.

11.10 Reference was made by various interested parties to the Localism Act 2011 and its implications for neighbourhood planning. Paragraph 184 of the Framework states that neighbourhood planning provides *'a powerful set of tools for local people to ensure that they get the right types of development for their community'*. However, it is also clear that neighbourhood plans should reflect the strategic policies for the area and plan positively to support them, neither promoting less development than set out in a Local Plan nor undermining its strategic policies. Paragraph 185 is clear that outside of the strategic elements of a Local Plan, a neighbourhood plan can shape and direct sustainable developments in its area.

³⁰ Mr Pickup Proof Appendix 10 - MM02; MM06; MM10; MM11; MM12; AM21.

³¹ Paragraphs 19 & 20

- 11.11 The finding of the DRNP Examiner³² was that the DRNP met, subject to modifications, the test of being in general conformity with the strategic policies of the development plan for the area. However, at the time of his report (January 2014) the JCS Inspector had yet to issue his Interim Findings letter and the Council's Main Modifications had not been published. Nor is a neighbourhood plan required to be tested against emerging Local Plan policies.
- 11.12 Bearing this in mind, the Parish Council accepts³³ the appellant's view that emerging JCS policy SP2 is a strategic policy. Given that it is in the Spatial Strategy section of the JCS and clearly sets out the quantum and distribution of housing for the District over the plan period, as well as allocating sites specifically referred to as 'strategic site allocations', I agree.
- 11.13 Thus, in line with the guidance in the Framework, emerging policy SP2's identification of the appeal site as a strategic allocation for 110 net additional units, not contingent upon other factors, is something with which the DRNP would need to be in general conformity. I am not persuaded that the DRNP's allocation of most of the appeal site for 86 dwellings, in three tranches, over two phases meets this requirement.
- 11.14 Notwithstanding this, the Parish Council contends³⁴ that policy SP5 is not a strategic policy. Given my preceding considerations, this factor is largely moot. Nonetheless, it seems to me that a policy contained within the Spatial Strategy section of the JCS, which seeks to provide a finer grain of detail in order to ensure that a strategic allocation is brought forward in a timely and appropriate manner, must also be considered strategic.
- 11.15 Paragraph 156 of the Framework notes that local planning authorities should set out the strategic priorities for the area in the Local Plan. It goes on to note that this should include 'strategic policies' to address a range of matters, including '*the homes ... needed in the area*'. There is nothing in this paragraph that, in my judgment, constitutes a 'test' for defining a strategic policy or that excludes policies SP2 or SP5 from being regarded as strategic.
- 11.16 Thus, taking account of the two emerging plans and the Framework, I consider that the emerging JCS strategic policies relating to the appeal site, with which the appeal proposal conforms, override those of the DRNP. I now turn to the implications of this.
- 11.17 There is no doubt that the DRNP is a commendable document into which it is evident that a considerable amount of time, thought and effort has been put. Dr Kay spoke eloquently and at length about its formulation and aspirations and I do not take it lightly. Nonetheless, given my considerations above, I do not consider that the grant of planning permission for the appeal scheme, which conflicts on its face with policy 6.4 of the DRNP, could prejudice the neighbourhood plan-making process by predetermining decisions about the scale, location and phasing of new residential development.

³² Please refer to Questionnaire folder for the Examiner's Report

³³ Doc 5 paragraph 95

³⁴ Doc 5 paragraph 96

- 11.18 This is because, when considering the plan-making process as a whole, it is right that strategic decisions are made in a Local Plan and conformed to by policies in a neighbourhood plan. Policy 6.4 of the DRNP does not conform to strategic policies SP2 and SP5 of the emerging JCS and, as such, the latter, with which the appeal scheme does conform, take precedence. No date has yet been set for a referendum on the DRNP. However, even if this occurs soon, and the DRNP is 'made' in advance of the emerging JCS, DRNP policy 6.4 would soon be superseded by JCS policies SP2 and SP5.
- 11.19 Notwithstanding these, arguably technical, policy considerations, it must be borne in mind that the DRNP itself allocates all but a small portion of the appeal site for 86 dwellings, in two phases. Thus, the appeal scheme cannot predetermine the location of new residential development as regards the appeal site and the principal difference between the appeal scheme and DRNP is the matter of an additional 24 dwellings over a different timeframe.
- 11.20 The development of an additional 24 dwellings on the appeal site would result in a development of a greater scale than that envisaged by policy 6.4 the DRNP. However, the DRNP does not set a cap on the number of new dwellings to be developed in Ringmer, or on the appeal site, over the plan period. Nor does it allocate any other sites in the village for residential development that are comparable in scale to the appeal site, either in whole or in part, such that the addition of an extra 24 dwellings would result in an excessive scale of development overall. Thus, in my judgment a 10% increase above the minimum of 240 dwellings allocated by DRNP policy 6.4 cannot be considered prejudicial to the DRNP's aims.
- 11.21 Dr Kay stated that the rationale for the DRNP's phasing of development is to ensure a steady supply of housing over the plan period (to match an anticipated need from those with local employment or other local connections)³⁵. However, there is nothing in the DRNP to indicate that this is the case; indeed, there does not appear to be any clear articulation of the reason for the phasing of new housing development.
- 11.22 The DRNP Examiner, in dismissing the original, more detailed phasing strategy was of the view³⁶ that it appeared to be founded on a flawed basis (that infrastructure constraints could not be overcome in a timely manner), was unnecessarily rigid and failed to have regard to the national presumption in favour of sustainable development. He concluded merely that spreading development over time, *'does have some regard to paragraph 47 of the Framework, which considers housing trajectories over plan periods'*³⁷.
- 11.23 This being so, bearing in mind that issues in relation to infrastructure provision (which I address in relation to other main considerations) have been resolved and that there is an acknowledged need to provide additional housing in the District³⁸, I do not consider that contracting the timeframe for development on the appeal site would be such a substantial departure from the DRNP that it

³⁵ Doc 5 paragraph 35

³⁶ Please refer to Questionnaire folder for Examiner's Report (p26)

³⁷ Ibid

³⁸ PSoCG para. 12.7

would undermine its fundamental aims or, given the other allocations, result in a lack of housing development in the latter part of the plan period.

- 11.24 In conclusion, therefore, the appeal scheme would conflict with DRNP policy 6.4. However, for the reasons given above, with regard to the interrelationship between the DRNP and JCS and the scheme's conformity with JCS policies SP2 and SP5, I do not consider this conflict to be fatal to the appeal scheme. Nor do I consider that, given that the site is allocated for development in the DRNP for residential development; that the additional 24 dwellings proposed are not a substantial uplift over the minimum proposed in the DRNP; and that there is no evidence to suggest that early delivery of the site would give rise to any substantive harm, that the proposed development is so substantial that to grant planning permission would prejudice the neighbourhood plan-making process by predetermining decisions about the scale, location and phasing of new residential development.

Character and Appearance

- 11.25 The character and appearance of the site and its immediate environs is described above [2.1 – 2.4]. In short, however, the site is well contained by existing development, and its mature, hedged and treed boundaries (which are to be retained and enhanced, other than where the main access is required, along with the hedge crossing the site) such that it is hidden in long range public views, including from the village green and beyond.
- 11.26 Development would be visible when travelling along Bishops Lane, by whatever means. Any views, however, other than from the proposed access, would be heavily filtered by the substantial hedgerow. The introduction of sections of footway, and a new estate access, where there are currently none would bring a degree of formality to Bishops Lane and may result in the culverting of a section of ditch. It would not, however, result in the loss of a tree screen as suggested by the Parish Council.
- 11.27 The footways would use highway land, rather than result in the loss of hedgerow, and there is no reason why they could not be constructed using low key materials. Overall, the impact of the development upon Bishops Lane's character as a country lane would be limited.
- 11.28 The appearance of the site would, clearly, change from rough grazed fields to housing development. This would, inevitably, result in a loss of the semi-rural aspect from several of the dwellings overlooking the site. Visual change would also be considerable for those viewing the site from the public right of way that crosses it.
- 11.29 However, these views already incorporate, to varying degrees, the existing development around the appeal site on three sides; a situation that considerably reduces any sense of development-free surroundings. Considering the site's wider context [2.4], although the appeal scheme would result in an extension of development beyond the established built confines of the village, it would not appear as a significantly detrimental incursion into the open countryside.
- 11.30 The gross development density, at 110 dwellings, would be 25 dwellings per hectare (dph). This would accord with JCS Core Policy 2, which requires 20 -

30 dph for the District's villages. The main parties agree that this density would be reasonable in the context of the 33-36 dph range of the Delves estate opposite.

- 11.31 NRRG³⁹ disputed the appellant's figures, considering that when the undeveloped land on the appeal site is removed from the calculations (from study of the illustrative layout), the density would be 34 dph, while the proposed DRNP allocation of 86 dwellings would give 26.6 dph.
- 11.32 This may be so, but the appeal scheme is illustrative and for 'up to' 110 dwellings. There is, therefore, some flexibility available. In addition, the DRNP scheme is not for a single development of 86 dwellings, but is three separate allocations. Its major allocation is 50 dwellings to Bishops Field. Taking a gross development density, it is not disputed that this would result in a scheme of 27.4 dph⁴⁰. Assuming some land would also be lost to open space and landscaping, for example, it is reasonable to consider that this density would also intensify.
- 11.33 NRRG also calculated the density of the Delves estate as being 23.35 dph, based upon the 124 dwellings there. However, this appears to be based upon the whole estate area of 5.31 ha, which is not consistent with the Group's assessment of the appeal site, where the 'sterilized' land has been excluded from their calculations.
- 11.34 These matters aside, the use of gross development density is the common 'rule of thumb' approach to assessing the number of dwellings per hectare and there is nothing in either the JCS, or indeed the DRNP, to suggest that such assessments should be undertaken on the basis of actual developable areas of a site. Based upon all that I have read and seen, although the appeal site does have some large houses on large plots on its borders, I do not consider that the appeal proposal would appear significantly at odds with the character of the wider area. I am also mindful that Diplocks Business Park and the gardens of both Chapters and Sunnymede, which border the appeal site, are allocated for residential development (mixed-use in the case of Diplocks) in the DRNP (as RES4, RES7 and RES8 respectively), which would further intensify the grain of development in this location.
- 11.35 Concerns were raised about potential light pollution from the proposed development, which would appear at odds with the generally dark appearance of the village at night. However, no lighting, beyond internal lighting for the dwellings, is proposed and a condition can be imposed to control any additional external lighting.
- 11.36 I have considered the matter of scale above [11.20], in the context of the plan making process. Representation was also made, however, about the scale of development in relation to village character. Policy 6.3 of the DRNP seeks to ensure that new residential development respects 'the village scale'. There is no definition of what 'village scale' means, but the supporting text suggests that *'developments of 10 – 30 units will ... often prove acceptable'*. In this

³⁹ Doc 10 Section 6

⁴⁰ Mr Pickup's Proof p.76

context the appeal proposal, for 110 units, could not be regarded as being of a village scale.

- 11.37 However, it must be borne in mind that the DRNP allocates the vast majority of the appeal site for 86 units. I have noted above that, in the round, the appeal scheme is not of a significantly different scale to this. There is no reason why a well-designed and landscaped development for 110 units could not be incorporated within the village, notably in a location opposite an existing comparably sized development, as comfortably as one of 86 units.
- 11.38 The speed of delivery was also raised in relation to village scale. The DRNP's phasing of the site was felt to be more acceptable in terms of retaining village character, and assimilation of new residents, than the appeal scheme's estimated build out between 2016 and 2020⁴¹. I am not unsympathetic to this point, but no substantive evidence was presented to suggest that the village has been 'unsettled' by large developments in the past, or that new residents have failed to assimilate with the village. There is also benefit, in terms of village character, to developing the site in one go, inasmuch as it would reduce the times that nearby residents, and the village, would be disturbed by construction work.
- 11.39 It is also necessary to consider the fact that this would be the only substantial development in the village and, therefore, would not undermine the otherwise gradual development of smaller sites over the plan period.
- 11.40 Thus, taking these matters in the round, although there would be a loss of a greenfield site to a housing development, and some change to Bishops Lane, I do not consider that the scheme would have a significant adverse effect upon village character. The site is allocated for 86 dwellings by the DRNP and, thus, the same changes would occur anyway if the DRNP is 'made'. Nor am I persuaded that the extra 24 dwellings proposed or the site's build out over a shorter timeframe than envisaged by the DRNP would have any substantive adverse impact upon village character. Light pollution would also be contained.
- 11.41 I do not, therefore, find conflict with DRNP policies 4.1, which seeks to minimise additional light pollution from new development; 6.3, which seeks to ensure that new residential development respects the village scale; and policy 9.2, which seeks to ensure a density of 20-30 dwellings per hectare. Nor is there any reason to consider that a suitably designed reserved matters scheme could not accord with Local Plan policies ST3 and ST1, which seek to ensure that new development is, respectively, well-designed and landscaped.

Protected Species

- 11.42 A comprehensive suite of ecological surveys was submitted with the planning application. These were subsequently updated to reflect the passage of time, new guidance (in relation to bats) and comments submitted in representations to the application. These surveys are an Extended Phase 1 Habitat Survey (April 2011); Reptile Presence/Likely Absence Survey & Great Crested Newt Terrestrial Survey (May 2011); Bat Emergence & Bat Activity Survey (October

⁴¹ Mr Pickup Evidence in Chief

2011); Great Crested Newt Survey Hedgerow Assessment (June 2013); Bat Activity Survey (July 2014); Great Crested Newt Survey (April 2015); and Reptile Presence/Likely Absence Survey (May 2015).

- 11.43 The surveys were carried out by appropriately qualified individuals and, although questions regarding bats, great crested newts, dormice and breeding birds were raised by third parties at the Inquiry, they were not substantively challenged and I have no reason to doubt that they are robust. Ms Tamblyn's evidence was emphatic that any loss of terrestrial habitat would be rough grazed land, sub-optimal for great crested newts; that core terrestrial habitats of 50m surrounding off-site great crested newt habitats, notably at Chapters and Lionville, bordering the site, would be unaffected; that the most ecologically significant features of the site (the treed hedgerows, which represent the most optimal habitats for breeding birds and protected species, including dormice; moving and hibernating newts; and foraging bats) could be retained and enhanced; that the use of new ponds on the site would create new habitat for great crested newts; and that there was no evidence of bat roosts or badger setts on the site.
- 11.44 I note that permission to survey an alleged pond at Sunnymede, which borders the appeal site, was refused by the occupants and that ponds some distance from the site were not surveyed. However, based upon all that I have read, heard and seen I do not consider there to be reason to doubt Ms Tamblyn's evidence that were any newts to be found at Sunnymede, their numbers are very unlikely to lift the local metapopulation to 'large' (and therefore impact upon monitoring requirements) and that there are barriers to the dispersal of the newts from ponds further afield to the appeal site.
- 11.45 It was suggested that the highway works, which would require some hedge loss at the site access and some trimming back of the hedgerow to accommodate the footways required by the County Council, would result in the loss of the green corridor on Bishops Lane. However, the hedge loss would be limited and, as a proportion of its entirety, along with any verge lost to footways, could not be said to present a significant interruption to the green corridor or result in the isolation of habitats.
- 11.46 Notwithstanding this, the appellant noted that the proposed development would require a licence under Regulation 53 of the Habitats Regulations 2010. This permits activities that would otherwise constitute an offence, provided three specific tests are met. The licensing authority for this purpose is Natural England. It is not for me to usurp Natural England's function in determining whether or not a licence would be granted in this particular case. Nonetheless, Regulation 9(5) places a statutory duty on decision makers, being the Secretary of State in this instance, as the 'competent authority', to have regard to the requirements of the Habitats Directive in the exercise of their functions. Thus I am obliged to consider the three derogation tests set out in Regulation 53.
- 11.47 The first of these specifies that the proposed development must meet a purpose of '*preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*'. The second test is that there is no satisfactory alternative to

the proposal under consideration, and the third *'that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'*.

- 11.48 Residential development to meet local housing needs can qualify as an 'imperative reason of overriding public interest'. Given the acknowledged, extant housing need in the District and the JCS housing target that is some way below that of the objectively assessed housing need figure, I consider that this test can be met.
- 11.49. Turning to the second test, the appeal site is allocated in both the JCS and DRNP for housing development. There was no suggestion that the level of housing proposed for the site could be achieved on an alternative site in the District and it was not seriously disputed that there would be no difference in the level of impact between the appeal scheme and the DRNP 'alternative'⁴².
- 11.50 In relation to the third test, I am satisfied that, subject to conditions to restrict lighting (which may affect bats) and to secure an ecological mitigation scheme in line with the recommendations in the surveys, including the preservation and enhancement of the hedgerows around and across the site, the appeal proposal would not be detrimental to the maintenance of the population of the great crested newts at a favourable conservation status in their natural range. Subject to the same mitigation, the Parish Council agreed that this issue was resolved⁴³.
- 11.51 In my judgment, then, the proposed development meets all of the three derogation tests for a licence and I have no reason to doubt Ms Tamblin's evidence⁴⁴ that such a licence would be likely to be granted.
- 11.52 I do not consider, therefore, that the scheme would conflict with DRNP policies 4.9, 4.10 and 4.11, which seek to ensure that green corridors are included within development sites and that new developments consider their impact upon biodiversity and minimise additional light pollution. In reaching this conclusion I am also mindful that the development of the site for 86 units would have the same ecological impacts as for the appeal scheme and that Sunnymede and Chapters, mentioned above [11.43 – 11.44], are also allocated for residential development in the DRNP.

Highway Safety and Operation

- 11.53 The planning application included a Transport Assessment and a Residential Travel Plan, which were largely agreed by East Sussex County Council as highway authority. Further work was, however, required by the County Council in relation to improvements to Earwig Corner, off-site footway and carriageway works to Bishops Lane and improvements to the junction of Ham Lane and Norlington Lane⁴⁵. Proposals relating to these improvements, as well as other highway works as set out in the TSoCG [3.4], were agreed between the appellant and the County Council.

⁴² Ms Tamblin Evidence in Chief

⁴³ Dr Kay's oral evidence and Doc 5 paragraph 58

⁴⁴ Ms Tamblin's response to the Inspector's question on the matter.

⁴⁵ The plans relating to these, which would form part of a S278 agreement with the County Council were permission to be granted, can be found in the Appendices to Mr Harrison's Proof.

- 11.54 Representation has, nonetheless, been made in relation to a range of highway safety and efficiency issues. With regard to the former, which relate chiefly to the Bishops Lane / Norlington Lane and Ham Lane / Norlington Lane junctions, the proposed widening and visibility improvements would address this. In addition, concerns about greater numbers of children having to cross the B2192 would be addressed by the proposed crossing point. Any issues relating to Bishops Lane would be addressed by the retention of the traffic calming and the introduction of footways along it (either on or off-site).
- 11.55 It is evident from representations made to the Inquiry, and from the evidence reported by the JCS Inspector⁴⁶, that congestion on the A26 in general, and at the Earwig Corner junction with the B2192 in particular, is a significant issue. Considerable doubts were raised by local residents about the efficacy of the proposed improvements agreed between the appellant and the County Council, noting that significant residential development is also proposed south of Uckfield, which may further exacerbate matters.
- 11.56 In this regard, it may be that other, more fundamental solutions to issues on the A26 and at Earwig Corner are required in the long term. However, none were presented to me and it is not for the appeal scheme alone to deliver a wholesale improvement to the A26 and its junctions. The highway authority is satisfied that the proposed works would ensure that the increased traffic arising from the appeal proposal could be accommodated on the network. It is also satisfied that, with the proposed Residential Travel Plan, the proximity of the appeal site to local facilities, and access to the public transport network, car use would be minimised as far as is possible in a rural location.
- 11.57 With regard to off-street parking provision, notwithstanding the illustrative layout, no substantive evidence was presented to suggest that a scheme could not be designed to deliver adequate off-street parking in line with the requirements of the DRNP and the County Council. The County Council has not raised an objection in this regard.
- 11.58 This being so, I do not consider that the appeal proposal would have an adverse effect upon highway safety and the efficient operation of the highway network in the vicinity of the appeal site. I do not consider that it would conflict with policies T1 and H7 of the Local Plan, which seek to ensure that traffic from new development is minimised, notably in conservation areas. Nor would it conflict with policies 8.1, 8.2 and 8.3 of the DRNP, which require developments to demonstrate that they would not result in severe detrimental impacts to the local road system; to avoid creating or exacerbating road safety hazards and to retain traffic restrictions on Bishops Lane; and to meet off-street parking provision requirements. The appeal proposal would also conform to paragraph 32 of the Framework, which is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Foul Drainage

- 11.59 A *Flood Risk Assessment and Drainage Strategy (January 2014)* was submitted with the planning application. Initial correspondence between the appellant

⁴⁶ CD5

and Southern Water⁴⁷ in relation to it indicates that there is inadequate capacity in the foul sewerage network to accommodate the proposed flows and that there is no additional capacity available at the Neaves Lane Waste Water Treatment Works (WWTW). This reflects the views of local residents.

- 11.60 However, Southern Water's *Further Study into the Options for Foul Drainage Provision at Bishops Lane, Ringmer, East Sussex BN8 5JT* (11 March 2013)⁴⁸ concludes that there are solutions available, namely additional off-site sewers or improvements to existing sewers or connection to the nearest point of capacity (manhole reference 2502). These options would allow the development to proceed without the need to increase capacity at the WWTW.
- 11.61 In addition, representation from Southern Water to the JCS hearings⁴⁹ indicates the company's withdrawal of its objection to spatial policies 3, 4, 5 and 6, as well as core policy 3, subject to the modifications currently out for consultation. These modifications do not require development to wait until additional capacity at the WWTW is delivered, but require only that connections are provided at the nearest point of adequate capacity, as advised by Southern Water.
- 11.62 This being so, it is reasonable to consider that adequate means of disposing of foul drainage from the site may be achieved, which may include local storage and limiting discharge. I do not consider, therefore, that the proposal would conflict with DRNP policy 8.11, which requires new development to ensure that it can demonstrate adequate flood protection and drainage, taking account of the capacity of the 'Ringmer sewage works'.
- 11.63 Representation was made by the occupiers of Sunnymede with regard to potential interference to their rights to a drainage easement crossing the appeal site. This is, however, a private matter, which could be addressed through a suitable layout at reserved matters stage.

Other Considerations

- 11.64 Concerns were expressed by local residents about localised flooding on the site from surface water run-off and high groundwater tables. However, the *Flood Risk Assessment and Drainage Strategy* (January 2014), which has been scrutinised by the Environment Agency, addresses the issue of land drainage. The Environment Agency does not object to the proposal on flood risk or drainage grounds, subject to suitable conditions, and I see no reason to depart from its professional view.
- 11.65 The issue of levels of pollution in Glynde Reach was raised, with the suggestion that this is due to the lack of capacity at the WWTW. While I note these concerns, the Environment Agency has not objected to the proposal on such grounds and, as noted above, Southern Water has indicated that the development could be accommodated with the current capacity subject to

⁴⁷ Flood Risk Assessment and Drainage Strategy (Odyssey Markides, January 2014) Appx N and letter from Southern Water dated 18 March 2015 (which may be found with the statutory consultee responses).

⁴⁸ Flood Risk Assessment and Drainage Strategy (Odyssey Markides, January 2014) Appx N

⁴⁹ Doc 12

some or all of the works above [11.59]. There is no evidence before me that the appeal proposal would have an adverse impact upon Glynde Reach.

- 11.66 The sustainability of the site was questioned, with regard to the availability of local services. I address the matter of the Primary School below. Turning to the other village services, Ringmer is well-served by a range of services and facilities⁵⁰. No objections have been received from the operators of these services, including the Doctors' Surgery (which some local residents suggested was at capacity), with regard to their lack of capacity to service new development. Indeed, it is the very presence of these facilities that has given rise to the identification of Ringmer as a sustainable location for additional residential development⁵¹. It is identified as a Rural Service Centre in the JCS and I do not consider that the proposed development would compromise Key Principle two of the DRNP, which seeks to ensure that Ringmer should regain sustainability.
- 11.67 It is not disputed that Ringmer Primary School is at capacity and that an extension to it has been granted planning permission. Works are expected to complete in February 2016. On this basis correspondence submitted to the Inquiry from East Sussex County Council⁵², as local education authority, confirms that the appeal proposal can, in combination with other development in the Ringmer area, go ahead subject to the appropriate planning obligations [10.2].
- 11.68 The South Downs National Park boundary is a short distance to the west of the site. The South Downs National Park Authority, although noting the possible impact of an increase in traffic from the appeal scheme, has not objected to it. Based upon all that I have read, heard and seen I have no reason to consider that the appeal proposal would be inconsistent with the statutory conservation purposes of the National Park.
- 11.69 Concerns were raised about noise and disturbance during construction. Some disturbance would be inevitable, as it would be during the construction of the 86 dwellings proposed by the DRNP for the appeal site. However, a number of factors relating to the impacts arising from the construction, including vehicle routing and hours of work, could be addressed by condition.
- 11.70 Some objections were received from properties neighbouring the site on grounds of loss of privacy. It is apparent that this could indeed be an issue where dwellings are situated close to the site boundary and the boundary hedge is low or sparse, notably in relation to Kerridge and Orchard House. An appropriately laid out scheme at the reserved matters stage should, however, be able to address this issue, which, again, would be likely to arise in relation to the DRNP allocation.
- 11.71 The appellant questioned whether the Council could demonstrate a five-year supply of deliverable housing sites. However, given my assessment of the main issues above, this matter is not determinative and it is not necessary to consider it further. In reaching this judgment, I have borne in mind that the

⁵⁰ CD1 paragraph 19.9 and DRNP paragraph 1.6.3

⁵¹ CD1 paragraph 19.46

⁵² Doc 6

housing targets set out in the JCS are, for clear reasons, some way short of the objectively housing need for the area and that there is, therefore, an imperative to secure sustainable new residential development on appropriate sites when possible. I am also mindful that the supply, as stated by the Council⁵³, is at best 5.34 years and that the 110 dwellings proposed on the appeal site form a not insubstantial part of it.

12. Planning Balance

- 12.1 The appeal scheme would conflict with the Neighbourhood Plan making body's intention for the site. Nonetheless, I do not consider that the scheme would be so substantial that to grant permission would prejudice the neighbourhood plan-making process as a whole by predetermining decisions about the scale, location and phasing of new residential development. Nor do I consider that it would have an adverse effect upon the character and appearance of the area, protected species or highway safety and the efficient operation of the highway network in the vicinity of the appeal site. I also consider that there are adequate means of disposing of foul drainage from the site.
- 12.2 The appellant has put forward a number of benefits that are suggested as weighing in favour of the scheme as sustainable development. I consider these, and any suggested disbenefits not addressed elsewhere, here.
- 12.3 In social terms, the scheme would deliver up to 110 dwellings, 40% of which would be affordable units secured by planning obligation. I note the Parish Council's case that more detailed scrutiny of the Council's housing waiting list may reveal that the actual number of new affordable dwellings needed is less than the number of people on the waiting list. This does not, however, reduce the significant weight that should be given to the provision of new market and affordable dwellings, in what is agreed as being a sustainable location, in a District where there is a clear need for both⁵⁴.
- 12.4 In environmental terms, the scheme would, on its face, conflict with policies CT1 and RES6 of the Local Plan, which seek to ensure the containment of new development, including residential development, within settlement Planning Boundaries, as shown on the Proposals Map, subject to certain exceptions. The appeal scheme does not meet any of these exceptions. However, this conflict must be seen in the context of Local Plan policy RES3, which, although regarded as time expired by the Council, allocated the site as a reserve housing site for 135 dwellings; the emerging JCS, which allocates it for 110 dwellings; and the DRNP, which allocates the vast majority of the site for 86 dwellings. Thus, while there is conflict with the statutory development plan, the emerging development plan is a material consideration of significant weight that warrants a decision being taken other than in accordance with the statutory plan.
- 12.5 The scheme would also result in some changes to the character and appearance of the site itself and to Bishops Lane. For the reasons set out above [11.26 – 11.27], little weight should be attributed to these changes,

⁵³ PSoCG paragraph 7.3

⁵⁴ PSoCG paragraph 8.3

bearing in mind that it was not seriously disputed that the same changes would occur whether the site were developed for 110 or 86 dwellings.

- 12.6 There may be some minor loss of habitat on the site but, again as noted above [11.43], this would be largely sub-optimal and on balance the scheme would appear to offer greater opportunities for habitat enhancement, notably for protected species.
- 12.7 Turning to the economic dimension of sustainability, the Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and some Council tax receipts. However, the jobs and investment during the build out would be transitory and all these factors would also arise, albeit on a lesser scale, from a scheme for 86 dwellings on the site. Moderate weight should be afforded to this benefit.
- 12.8 The development would also generate New Homes Bonus (NHB) receipts for the Council. As this is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Ringmer has been established, I do not consider that it attracts weight as a benefit in the planning balance.
- 12.9 Placing these factors and all of the relevant material considerations in the balance, I find that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits. In the circumstances I conclude that the proposal would represent a sustainable form of development.

13. Recommendation

Appeal Ref: APP/P1425/W/14/3001077

- 13.1 For the reasons given above, and taking all other matters into consideration, I recommend that the appeal should be allowed and planning permission be granted subject to conditions 1-23 set out in Appendix C to this Report and the accompanying planning obligations. The reasons for the suggested conditions are set out in Section 9 of this Report and consideration of the planning obligations is given at Section 10.

Richard Schofield

INSPECTOR

APPENDIX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Best

Parker Dann Chartered Town Planning Consultants. Mr Best did not give evidence, but participated in the discussion on possible conditions and S106 contributions. He also answered the Inspector's questions on factual matters relating to sites identified as part of the Council's five-year housing land supply.

FOR THE APPELLANT:

Mr Christopher Boyle of Queen's Counsel

Instructed by Town & Country Planning Solutions

He called:

Ms Alexia Tamblyn MA(Oxon) MSc EEnv
MIEEM FRGS

PJC Consultancy Ltd

Ms Liz Simes BA(Hons) Dip LA, Dip UD,
CMLI

fabrik Limited

Mr Richard Harrison BSc(Hons) CMILT

Odyssey Markides

Mr Brian Chamberlain CMICE

Odyssey Markides

Mr David Pickup BA(Hons) MRTPI

Town & Country Planning Solutions

INTERESTED PERSONS:

Mr Simon Morse-Brown

(for North Ringmer Residents Group)

Mr Chris Bowers

Mr John Jackson

Mr Mike Howell

Mr Martin Gooch

Dr John Kay

(for Ringmer Parish Council)

Mr Laurence Keeley

Mr James Mawas

Mrs Jenny Hill

Mrs Amanda Brown

Mr David Matthews

Mrs Linda Ellis

Mr Ian Wilson

APPENDIX B: DOCUMENTS

Core Documents (being the Appendices to the PSoCG)

- CD1 Extracts from Lewes District Council and South Downs National Park – Rural Settlement Study, January 2013, Version 2.
- CD2 Extracts from East Sussex County Council’s Definitive Public Rights of Way Maps.
- CD3 Extracts from the Lewes District Local Plan adopted in March 2003.
- CD4 Extracts from the Joint Core Strategy – Submission Document – September 2014.
- CD5 The Core Strategy Inspector’s Interim Findings - 10th February 2015.
- CD6 Extracts from the Ringmer Neighbourhood Plan – August 2014.
- CD7 Ringmer Neighbourhood Plan Examiner’s report – December 2014.
- CD8 Brandon Lewis MP letter to the Planning Inspectorate – 19 December 2014.
- CD9 Lewes District Council’s Housing Land Position Statement as at 1 August 2013, 1 October 2013, 1 January 2014, 1 April 2014, 1 October 2014 and 1 April 2015.
- CD10 Extracts from Lewes District Council and South Downs National Park Authority Landscape Capacity Study – September 2012.
- CD12 Extracts from Lewes District Council and South Downs National Park Authority Strategic Housing Land Availability Assessment Appendices – June 2014.
- CD14 Tree Preservation Order (no. 3) 2013, Land north of Bishops Lane, Ringmer and Tree Preservation Order (no. 4) 2013, Chapters, Bishops Lane, Ringmer.
- CD15 Planning Applications Committee meeting report for outline planning application no. LW/14/0127 - 17 September 2014.
- CD16 Supplementary Report to the Planning Applications Committee meeting circulated on 17 September 2014.
- CD17 Minutes of the Planning Applications Committee meeting of 17 September 2014.
- CD18 Lewes District Council decision notice for outline planning application no. LW/14/0127 - 19 September 2014.
- CD19 Written Ministerial Statement on Neighbourhood Plans - 10 July 2014.
- CD20 Hunston Properties Ltd. v (1) Secretary of State for Communities and Local Government and (2) St. Albans City and District Council (Court of Appeal – 12 December 2013).
- CD21 Affordable Housing Needs Assessment 2013 – 2018 (Lewes District Council – January 2014).
- CD22 Lewes District Council Policy Team comments on LW/15/0152 - 16 March 2015.
- CD23 TCPS 459A Housing Supply Tables 1 – 4.
- CD24 Extract of Lewes District Housing Register - March 2014.

CD25 Lewes District Council decision notice for planning application no. LW/15/0152
- 28 May 2015.

Documents Submitted to the Inquiry

- Doc 1 Finalised but unsigned S106 Planning Obligation (and Summary)
 - Doc 2 Lewes District Council CIL Compliance Statement
 - Doc 3 Lewes District Council Delegated Report regarding a planning application by East Sussex County Council for the expansion of Ringmer Primary School (10 November 2014)
 - Doc 4 Mr Wilson's statement
 - Doc 5 Ringmer Parish Council statement
 - Doc 6 Email and enclosures from East Sussex County Council regarding the capacity of, and planning obligations for, Ringmer Primary School (18 August 2015)
 - Doc 7 Draft Ringmer Neighbourhood Plan (referendum version)
 - Doc 8 Parish Council representations to JCS Examination
 - Doc 9 Letter from East Sussex County Council dated 26 March 2015 regarding developer contributions from the appeal scheme
 - Doc 10 North Ringmer Residents Group statement
 - Doc 11 Mr Laurence Keeley statement
 - Doc 12 Submissions by Southern Water to the various stages of the JCS consultations and the Examination
 - Doc 13 Revisions to PSoCG (now included within PSoCG, each page dated 18 August 2015)
 - Doc 14 Ringmer Parish Council closing statement
 - Doc 15 Closing Submissions on behalf of the appellant
- Documents Received After the Close of the Inquiry**
- Doc 16 Certified copy of completed S106 Planning Obligation

APPENDIX C: RECOMMENDED CONDITIONS

- 1) Details of the appearance, landscaping (to include details of the Local Equipped Area of Play; of the trees to be retained and their protection during construction; and a scheme to ensure the retention and enhancement of the hedges around and across the site) and layout (to include details of the facilities for storage and removal of refuse and recycling), and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Location Plan 46-1762-002 Rev A; Proposed Improvements to Bishop's Lane 10-123-024 Rev A.
- 5) No development shall take place until a scheme of flood mitigation measures has been submitted to and approved in writing by the local planning authority. These measures shall accord with the mitigation measures detailed in the approved Flood Risk Assessment (FRA) dated January 2014 (Report No. 10-123-07A). The scheme shall thereafter be implemented in accordance with the approved measures.
- 6) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate that the surface water run-off generated up to and including the 100 year critical rain storm (plus an allowance for climate change) will not exceed the run-off from the un-developed site following the corresponding rainfall event. The scheme shall also include:
 - a) Details of specific measures for minimising the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of the development); and
 - b) Details of how the scheme shall be maintained and managed after completion and for the lifetime of the development.The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 7) No development shall take place until a scheme for the disposal of foul sewage from the site has been submitted to and approved in writing by the local planning authority. No part of any phase of the development shall be occupied until the approved scheme has been implemented for that phase.
- 8) No development shall take place until a detailed scheme of ecological enhancements and mitigation measures, to include ongoing management as necessary, based on the recommendations of the Extended Phase 1 Habitat Survey (April 2011); Reptile Presence/Likely Absence Survey & Great Crested

Newt Terrestrial Survey (May 2011); Bat Emergence & Bat Activity Survey (October 2011); Great Crested Newt Survey Hedgerow Assessment (June 2013); Bat Activity Survey (July 2014); Great Crested Newt Survey (April 2015); and Reptile Presence/Likely Absence Survey (May 2015) by PJC Ecology has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out and managed thereafter in accordance with the approved details.

- 9) No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels and ground levels of neighbouring dwellings have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 10) No development shall take place until detailed drawings, including levels, sections and construction details of the proposed estate roads, along with details of surface water drainage, outfall disposal and street lighting (as necessary), in accordance with the local highway authority's standards, have been submitted to and agreed in writing by the local planning authority. The roads shall thereafter be constructed in accordance with the approved drawings and details.
- 11) No construction of the dwellings hereby permitted shall take place until the estate roads have been completed to base course level, together with provision of surface water, foul sewers and main services, in accordance with the details approved under condition 10.
- 12) A soil survey report, to include the results of California Bearing Ratio (CBR) tests taken along the lines of the proposed estate roads, shall be submitted to and approved in writing by the local planning authority in advance of the submission of the details required by condition 10.
- 13) No part of any phase of the development shall be occupied until the site accesses, estate roads, footways, casual parking areas, cycle parking areas and vehicle parking and turning spaces serving that phase have been constructed, surfaced and drained in accordance with plans, phasing timetables and other details submitted to and approved in writing by the local planning authority in advance of their construction. Parking and turning spaces shall thereafter be retained for their designated use.
- 14) No development or works in connection with the development hereby approved, including site preparation works, shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall provide information including details of the:
 - a) anticipated number, frequency and types of vehicles to be used during construction;
 - b) methods of access and routing of vehicles, including those of site operatives, during construction;
 - c) parking of vehicles of contractors, site operatives and visitors;
 - d) loading and unloading of plant, materials and waste;
 - e) storage of plant and materials used in construction of the development;
 - f) the appearance, erection and maintenance of security fencing;

- g) provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- h) measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- i) lighting for construction and security;
- j) public engagement both prior to and during construction works;
- k) means of safeguarding public rights of way or providing temporary diversions.

The approved CMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

- 15) No demolition or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.
- 16) No development shall commence until a scheme to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) A preliminary risk assessment identifying:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) An options appraisal and remediation strategy based upon the site investigation results and the detailed risk assessment (b) giving full details of the remediation measures required and how they are to be undertaken.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall thereafter be implemented as approved.

- 17) No part of the development hereby permitted shall be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include as necessary a Long-term Monitoring and Maintenance Plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of the monitoring to the local planning authority. Any Long-term Monitoring and Maintenance Plan shall thereafter be implemented as approved.

- 18) On completion of any monitoring programme set out in a Long-term Monitoring and Maintenance Plan a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted for approval in writing by the local planning authority.
- 19) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall thereafter be implemented as approved.
- 20) No development shall commence until a noise assessment, in accordance with a methodology first agreed in writing by the local planning authority, has established the noise levels emanating from the Diplocks Yard industrial estate and the potential impact upon the nearest proposed dwelling(s). The noise assessment shall be submitted to and approved in writing by the local planning authority.
- 21) Should the assessment required by condition 20 indicate a likelihood of nuisance from Diplocks Yard to any proposed dwellings no construction of those dwellings shall commence until a scheme to demonstrate that the internal noise levels within them will conform to the appropriate guideline values for indoor ambient noise levels, and a noise mitigation scheme for protecting the gardens of those dwellings from any identified noise, has been submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented before the first occupation of the affected dwellings and retained thereafter.
- 22) No development shall take place until a programme of archaeological works has been implemented in accordance with a written scheme of investigation, which has been first submitted to and approved in writing by the local planning authority.
- 23) No external lighting or floodlighting shall be installed on the development hereby permitted without the prior written approval of the local planning authority.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act). This new requirement for permission to bring a challenge applies to decisions made on or after 26 October 2015.

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Richborough Estates