



Appeal Decision

Inquiry held from 20 to 22 September and from 3 to 4 October 2022

Site visits made on 16 and 21 September 2022

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/P1425/W/22/3298993

Land at Broyle Gate Farm, Lewes Road, Ringmer, East Sussex, BN8 5NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Croudace Homes Limited against Lewes District Council.
 - The application Ref LW/21/0937, is dated 2 December 2021.
 - The development proposed is up to 100 residential dwellings (40% affordable) and the provision of community facilities to include an artificial turf football pitch, tennis courts, cricket nets, outdoor gym, play area, skate park, parking area and public open space.
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Decision

1. The appeal is allowed and planning permission is granted for up to 100 residential dwellings (40% affordable) and the provision of community facilities to include an artificial turf football pitch, tennis courts, cricket nets, outdoor gym, play area, skate park, parking area and public open space at land at Broyle Gate Farm, Lewes Road, Ringmer, East Sussex, BN8 5NA, in accordance with the terms of the application Ref LW/21/0937, dated 2 December 2021, and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was made in outline with details of access to be considered at this stage and with matters of appearance, landscaping, layout and scale being reserved matters for future consideration. The application was supported by an Illustrative Masterplan, Land Use Plan, Building Heights Plan, Density Plan and Access & Movement Plan. These plans are for illustrative purposes only and I have treated them as such.
3. Ringmer Parish Council ('the Parish Council') participated in the Inquiry as a Rule 6 party and made representations throughout, including opening and closing submissions.
4. The final sitting day of the Inquiry was 4 October 2022. It was agreed by all main parties that, in view of the particular timetabling circumstances and availability of the parties, closing submissions could follow in writing. These were subsequently submitted on 24 October 2022 in accordance with the agreed timetable, following which the Inquiry was formally closed.
5. Two final signed planning obligations by unilateral undertaking were submitted towards end of the Inquiry, the second of these making provision for an additional community and sports facilities contribution. The main undertaking

includes provision for affordable housing, community and sports facilities, travel plan, transport contribution and highway works. These will be considered further later in this decision.

Main Issues

6. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period. The Council set out its objections in its statement of case following the appeal with an officers report also appended. Its objections related to the effects on the South Downs National Park (SDNP), the character and appearance of the area including the gap between Ringmer and Broyle Side, the setting of both designated and non-designated heritage assets, biodiversity and upon road users/highways capacity. These matters were also included in the objections of the Parish Council which also set out further objections to the proposals, including the acceptability of the community sports and recreation facilities.
7. Following the receipt of further information and discussions with the appellant, the Council subsequently confirmed that it no longer wished to defend its previous objections on ecology and highway matters at the Inquiry. I've added the implications in relation to the spatial strategy to the list of main issues set out below following consideration of matters raised at the Inquiry and in associated written evidence.
8. The main issues are therefore:
 - i) Whether or not the proposal accords with the spatial strategy as set out in the development plan;
 - ii) The effect of the proposed development on the landscape, character and appearance of the area, including with regard to the setting of the SDNP and the settlements of Ringmer and Broyle Side;
 - iii) The effect on the significance of (a) the nearby Grade II listed buildings, 'Broyle Gate Farmhouse' (Ref: 1238588) and 'Former Farm Buildings to the north and northeast of Broyle Gate Farmhouse' (Ref: 1238592) and b) the non-designated heritage asset 'Little Thatch Cottage'; and
 - iv) The acceptability of the sports and recreational facilities proposed as part of the development, including with regard to Policy 7.4 of the Ringmer Neighbourhood Plan.

Reasons

Spatial Strategy and associated matters

9. The appeal site is located outside, although immediately adjacent to, the adopted settlement boundary of Ringmer. Whilst not being part of the Council's principal objection to the scheme, the proposal would be contrary to Policy DM1 of the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies February 2020 ('Local Plan Part 2') which only permits development outside of the boundaries where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. I return to consider the weight to be given to this conflict later in the decision.

10. Policy SP2 of the Lewes District Local Plan Part 1 Joint Core Strategy May 2016 ('the Core Strategy') identified minimum housing numbers to be delivered in each settlement with Ringmer being identified as a Rural Service Centre with a number of key services and facilities that meet many day to day needs of their residents and those from the wider rural hinterland. SP2 sets out a minimum of 215 additional residential units for Ringmer and Broyle Side in addition to a site allocation of 110 dwellings north of Bishop's Lane. Sites to provide a total of 295 dwellings have been allocated under Policy 6.4 of the Ringmer Neighbourhood Plan 2010-2030 ('the RNP'). However, with the the significant housing shortfall in the district as derived from the Government's standard method of calculation, the housing need position is now very different to when the Joint Core Strategy and RNP were adopted. Noting that the relevant dwelling numbers referred to in Policy SP2 are minimum, there is no material conflict with it.
11. Policy 4.1 of the RNP states that proposals for new development outside planning boundaries that are contrary to other policies and would have an adverse effect on the countryside or the rural landscape will not be permitted unless it can be demonstrated that the benefits clearly outweigh the adverse impacts and that they cannot be located on an alternative site that would cause less harm. I will go on to consider these matters.
12. Policy 6.3 of the RNP states that all new proposals for development within or extending the village planning boundaries should respect the scale of the village. In determining the previous appeal¹ for this site the Secretary of State found that a scheme for seventy dwellings would not respect the village scale. The current scheme including up to 100 dwellings is larger in scale and of a larger site area. On face value the proposal would represent a fairly considerable additional to the settlement that would seem to be beyond the scale of development envisaged by Policy 6.3. However, in the context of the significantly changing housing need position in the district, it is apparent that the housing expectations in the RNP have become dated in comparison with the time of its adoption, taking into consideration the role of Ringmer as a Rural Service Centre. To meet the housing needs of the district, it is likely that more considerable developments beyond the range envisaged in policies such as this need consideration. This reduces the weight I give to the conflict with this policy. In the following section, I go on to consider the effects on landscape, character and appearance which also relates to the acceptability of the scale of the development for Ringmer.
13. The RNP includes 'Four Key Principles' that underpin the Ringmer Neighbourhood Plan. These are that Ringmer should stay as a village, it should regain sustainability should be a balanced, healthy and inclusive community and recognise its proximity to the SDNP. These are not policies as such, but they are matters that are relevant to several aspects of my considerations as set out in this decision and are reflect in the policy of the RNP.

Landscape, character and appearance

14. The site is located withing a generally open area between the village of Ringmer and the smaller settlement of Broyle Side. The buildings of Kings Academy Campus along with the floodlit community football pitch and the adjacent Boyle Gate Farmhouse, with its associated buildings, mark the

¹ APP/P1425/W/15/3133436

western edge of the built up settlement with a commercial area marking the eastern extent of the Broyle Side settlement.

15. The land to the north of the appeal site and beyond is largely open and of a rural character. The Green Man public house with adjacent cottages, including Little Thatch Cottage, are situated on the north side of Lewes Road immediately opposite the appeal site. In spite of this and some other nearby development, the site and the area between the two settlement boundaries has a generally rural character which contributes positively to the wider area. The presence of traditional buildings at Broyle Side Farm and Little Thatch Cottage contributes to this character. The SDNP boundary, along Potato Lane, is located approximately 400m to the south of the site. The toe of the South Downs scarp is approximately 1km away from the site.
16. Great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. The Framework requires that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
17. The appeal site itself has its positive rural characteristics including its openness, mature hedgerows and several trees of good amenity value. Its landscape quality is eroded a little by the presence of adjacent development. However, even with the retention of the majority of trees and hedgerows along with the potential for the creation of open and landscaped areas, the proposed residential development and sports/recreational facilities would inevitably lead to a comprehensive change to the overall landscape character of the site.
18. The lighting of the artificial pitch and tennis courts, and the lighting associated with the residential development (street lighting etc) would add to the overall landscape impacts. However, the impacts of the lighting would be capable of being controlled and minimised by the approval of further details. In terms of the setting SNDP, the distance of the site from the SDNP limits the overall impact from lighting, along with the location of development both adjacent to and near to existing development from which some lighting would also be visible.
19. Overall, I consider that the proposed scheme would result in, at worst, a moderate adverse landscape impact.
20. In terms of visual impacts, there would be impacts on short distance views from Lewes Road, footpath 17 (north of Lewes Road) and Chamberlaines Lane. The existing mature hedgerow and trees on the Lewes Road frontage of the site would generally provide a good degree of screening and the masterplan indicates how the built development could be well set back from this frontage. However, the development would still be apparent for users of Lewes Road, including the possibility of glimpses of development above the existing vegetation and taking account of the need for the removal of some vegetation and trees necessary for the access arrangements. The visually impact in this regard would be most particular adjacent to the proposed vehicular access where clear views into the site would be possible. The visual impact from footpath 17 would be less pronounced despite having visibility of floodlights for the sports facilities. The visual impacts from Chamberlains Lane would be tempered by the existing hedgerow on this boundary. In each case there would be differences in the impacts dependent on the season.

21. The site is visible from a range of viewpoints within the SDNP. In the longer distance views, including from the top of the scarp slope, the site is visible as part of a wider panoramic view looking northwards which includes other existing development both in Ringmer and Broyle Side. The general effect on these views would be minimal. In closer range views from the SDNP, including from the views in the vicinity of the Glyndbourne wind turbine the proposed development would more distinguishable, but would also be viewed in the context of existing nearby development both in Ringmer and Broyle Side. Any visibility from Potato Lane would be very limited due to existing screening. Even in these closer range views where the proposal would be visible, the distance of the appeal site from such vantage points would mean its impacts would be limited. The presence of lighting including floodlighting and streetlighting, would contribute to the visual impacts but could be controlled and minimised through the submission and approval of further details to avoid significant effects on the setting of the AONB including views from it.
22. In spite of there being no specific 'gap' policy within the development plan, the effect of the appeal scheme on the existing visual separation is very reasonably a matter to be taken into consideration in determining the overall effect of the scheme upon the landscape character and appearance of the area, including the setting of the SDNP.
23. Notwithstanding the existing development between the two settlement boundaries, there is a clear separation between the settlements that is particularly apparent when travelling along Lewes Road. The appeal site, with its absence of development, contributes to this as does the agricultural land to the north of Lewes Road. The potential for setting development back from the Lewes Road frontage, would reduce though not remove the effect of the proposals in this context.
24. Nevertheless, the extent of the development as a whole, would materially reduce the existing sense of separation between the two settlements. In views in the vicinity of the Glyndbourne wind turbine, within the SDNP, the site also contributes towards the sense of separation between Ringmer and Broyle Side, although as noted above, the presence of existing development adjacent to Broyle Lane dilutes the harm resulting in views from the SDNP. In longer distance views from the SDNP any effect on the sense of separation is negligible. The potential for proposed landscaping and open spaces within the site could help to mitigate and minimise the effects but would be unlikely to remove it.
25. I consider, therefore, that the proposed development would lead to some erosion of the sense of separation that currently exists between Ringmer and Broyle Side and that this is a matter which needs to be taken into account in assessing the overall impact of the development on the landscape, character and appearance of the area.
26. The impact upon views from within the SDNP would also impact negatively upon the setting of the SDNP. However, only a limited number of viewpoints would be affected and taking account of the still considerable distance of the proposal from all these viewpoints, and the context of the appeal site adjacent and near to existing development, the overall harm upon the setting of the SDNP would be minor.

27. Although my attention has been drawn to other planning applications, at various stages, I can only give limited weight to other proposal that do not benefit from planning permission taking into account the uncertainty as to whether or not they would be implemented. These other applications do not therefore change my overall conclusions on these matters.
28. I am mindful that detailed design at the reserved matters stage would be expected to include mitigation and as sensitive design as possible to minimise the harm resulting. However, overall the proposed development would have an adverse effect upon the landscape, character and appearance of the area. Whilst the current development is on a larger site and for more houses than the previous appeal proposal the overall effects would be broadly similar. I consider that overall moderate harmful effects would result upon the landscape, character and appearance of the area. It would be contrary to relevant landscape and design aims of Core Policy 10 of the Joint Core Strategy, Policies DM1 and DM25 of the Local Plan Part 2 and paragraphs 134, 174 and 176 of the Framework. It would not, however, conflict with Policy 4.11 of the RNP given that any light pollution could be minimised through detailed design.
29. With regard to Policy 4.2 of the RNP, the wording of this policy relates to *development in the parts of Ringmer parish within the SDNP*. Therefore, as the appeal site is outside of the SDNP it is not strictly relevant. Nonetheless, the effect on the setting of the SDNP remains a relevant consideration and is covered in any case in other policy references.

Heritage

30. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the setting of a listed building.
31. 'Broyle Gate Farmhouse' (first listed in 1965) and the 'Former Farm Buildings to the north and northeast of Broyle Gate Farmhouse' (first listed in 1975) are Grade II listed buildings. For the avoidance of doubt, notwithstanding the listing description, the farm buildings are located to the east and north east of the Farmhouse.
32. Broyle Gate Farmhouse has historic significance as an 18th century (or earlier) farmhouse constructed in a vernacular style. The Former Farm Buildings comprise a former granary and barn historically associated with Broyle Gate Farmhouse. The buildings have been converted to residential use although, despite the resulting alterations to the buildings and their curtilages, their historic agricultural use is still appreciable. Their significance is primarily derived from their historic interest as former agricultural buildings with some more limited architectural interest. They also have a group role given the historic associations between the buildings.
33. The setting of all these buildings, insofar as it relates to this appeal, includes the fields within the appeal site to the south, east and southeast of the listed buildings. The two northerly field parcels appear to have the most direct historic functional link with Broyle Gate Farm, the evidence indicating that these fields were under the same ownership (earl of Liverpool) as the Farmhouse and were occupied by Benjamin Morris. The southern field parcels being under separate historic ownership. There also appears to be a functional

relationship between the Farmhouse and the farmland to the north of Lewes Road outside of the appeal site which also forms part of the setting of both the Farmhouse and the farm building. Whilst the functional link no longer exists, this part of its setting comprising open fields still contributes positively to the historic interest of the listed buildings as a former farmhouse and farm buildings and therefore their significance as designated heritage assets.

34. The indicative masterplan shows how the site might be developed with residential development potentially confined to the eastern portion of the site and sports/recreational facilities in the western portion, some of which would be floodlit. Even in this scenario and with additional structural planting, the use, nature and form of the site would significantly change from open fields to more urbanised development. Although the masterplan shows that open space might be provided adjacent to the listed buildings, this is also shown to include recreational facilities including a skate park and equipped play area which would represent a considerable change in the nature and character of the use of the land in comparison to that existing, including potential noise from the recreational and sports uses and the effects of the proposed lighting of the sports pitches. The effects on both the listed buildings would be similar.
35. These effects on the land use and open rural form of land within the setting of the listed building would harmfully affect the historic interest of the listed buildings. To a much lesser degree, views from the buildings towards the site would be affected, noting existing screening, along with views looking from the appeal site to the buildings. Overall, and in both cases, whilst the significance of the listed buildings has already been affected by the residential conversion works and development on adjacent land, the additional changes arising from the appeal proposals would be likely to further detract from their setting and significance.
36. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that any such harm should have a clear and convincing justification.
37. The proposals would be located outside of the curtilages of the listed buildings and the appellant has shown how the layout could be designed to provide open space immediately to the east of the listed buildings with further planting to limit visibility between these existing buildings and the appeal proposals. I find, therefore, that the harm to the significance of the listed buildings would be less than substantial in both cases. The Framework does not refer to any scale for less than substantial harm. However, as it was raised in evidence, I consider that the harm to significance in both cases would lie, at most, broadly in the middle of the 'low level' argued by the appellant and the 'higher end' argued by the Council. I give this harm to the significance of the designated heritage assets considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I return to consider this later in the decision.
38. Little Thatch, located on the northern side of Lewes Road, is a 18th century timber framed vernacular dwelling, including a small 20th century extension on

its western side. Its significance, insofar as it relates to this appeal, is primarily associated with its historic and architectural interest through its simple vernacular construction as a labourer's cottage and its rarity in the local area. Its wider setting includes the agricultural land within the appeal site on the opposite side of Lewes Road which contributes to its historic interest as inhabitants of the dwelling are likely to have worked on the agricultural land.

39. The development of the appeal site would remove this historic agricultural link with Little Thatch. However, its immediate setting would not be detrimentally affected taking account of its physical and visual separation from the appeal site. The retention of the trees on the northern side of the appeal site opposite the appeal site would allow for good visual separation and screening, indeed the masterplan shows how the proposed dwellings could be set back considerably from this boundary. The proposed access to the site and associated works would be sited sufficiently away to avoid any significant visual harm to its setting.
40. Taking these factors into account, the appeal scheme would result in only modest harm to the significance of Little Thatch as a non-designated heritage asset.
41. The proposals therefore would be contrary to the heritage aims of Core Policy 11 of the Joint Core Strategy and Policy DM33 of the Local Plan Part 2. Policy 4.7 of the RNP requires that the effect on the significance of a non-designated heritage asset should be taken into account in determining an application. The limited harm found in this case to the significance of Little Thatch is therefore carried through to the planning balance later in the decision. I will also consider the heritage implications of the Framework for these matters later in the decision.

Sports and recreational facilities

42. Policy 7.4 of the RNP allocates the majority of the appeal site to meet an identified shortage of outdoor sports facilities in Ringmer. The supporting text to the policy notes the serious deficiency in the provision of outdoor sports facilities along with the sites convenient location, ease of community access and proximity to the adjacent educational site. It also notes that the provision of football pitches is woefully inadequate to meet current needs and that Ringmer has no rugby or hockey team, no netball team, no athletic facilities and few facilities for informal sport of any type, along with there being no public tennis courts. Although the evidence base for the policy is now rather dated, there is no disagreement regarding the general deficiency in sports and recreational facilities.
43. The Council supports the provision of the sports and recreational facilities and considers them to accord with the relevant policies (although considers there to be a conflict with Policy 7.4 due to housing being indicatively proposed on overall approximately half of the allocated site). Sport England also supports the proposals. In terms of the artificial pitch, Sport England states that a need can be demonstrated for such an additional pitch in this part of the district. The direct management of it would be subject to the provision of separate details for approval but the residents of Ringmer would clearly be well placed to benefit from its existence. The Sport England response also considers that the tennis courts and cricket nets could support a local need. Ringmer AFC has also

expressed its views in a written representation that the existing pitch is being used to capacity and that it would use the proposed facility.

44. As well as the facilities listed in the proposed development, the scheme would also offer scope for informal recreation including the provision of access and footpaths through other open areas of the scheme. The details of the outdoor facilities would be subject to detailed siting, design and landscaping at the reserved matters stage.
45. There is little in the way of up to date detailed empirical evidence from the Parish Council or Lewes District Council including any robust assessment of the facilities that are needed most for the site in the context of Policy 7.4 of the RNP. However, a public consultation carried out by the appellant in 2021 showed some not inconsiderable support for tennis courts, childrens' outdoor play area, outdoor gym and sports pitches.
46. Based on the evidence before me, I consider that the facilities proposed would be of significant benefit to the community and appear to be generally of the sort envisaged by Policy 7.4, albeit that this policy is now several years old. The Parish Council also indicates that some of the specific facilities would be welcome and only refers to the skate park as being of questionable value. The proposed children's play area and skate park would be well located to serve both new residents of the development proposal and existing local residents, including, after school, by children attending the adjacent schools. Although the Parish Council has proposals for a separate skate park elsewhere, this does not detract significantly from the overall facilities offered by this proposal.
47. It is intended that the facilities would be provided by the appellant before being transferred to an appropriate managing body. The Ringmer Area Community Land Trust has expressed an interest in the management of the facilities and appears to be well placed to do so. The provision, management and maintenance of the proposed facilities, including funding, would be subject to provisions provided by a unilateral undertaking. This is considered in more detail below.
48. Whilst the proposed community facilities would be of significant benefit, I do not consider that it has been clearly made out that, even though the proposed facilities are supported in principle by the Council and Sport England, that the remainder of the site would subsequently not be required for sport and recreation provision. Policy DM15 of the Local Plan Part 2 seeks to achieve appropriate provision of outdoor playing space for public use. In this case the Council has not raised an issue for this development with regard to the provision of outdoor space for the population of Ringmer, but as referred to above it supports the provision of the facilities proposed by the appeal scheme.
49. Notwithstanding the clear benefits of the proposed facilities, there is no absolute certainty that the remainder of the allocated site might not be required for further outdoor facilities to provide for current and future needs. Therefore, whilst the provision of the facilities in the application attracts significant weight, there remains some, albeit limited residual conflict in the context of Policy 7.4, due to the proposed residential development on the remainder of the allocated site. I will consider this further as part of the planning balance later in the decision.

Other Matters

Highways, transport and accessibility

50. The appellant's updated assessment has demonstrated with the support of the County Highway Authority that, for the 2032 design year, the increased traffic flows from the proposed development can be reasonably accommodated at existing junctions, including Earwig Corner, without resulting in any significant capacity issues. This, most up to date assessment, presents a more up to date and realistic picture than that considered by the Examining Inspector in 2015. The predicted trip rates used by the appellant accord with the expectations of the County Highway Authority (CHA) and are reasonable for this proposal. The assumption by some residents that the development would lead to an additional 200 cars of the local network would be unrealistic and not backed up by conclusive evidence.
51. Although the Planning Practice Guidance² (PPG) states that assessments of cumulative impacts should only need to include 'committed development' the appellant's assessment has also included the potential implications of other live and refused applications. These also show generally satisfactory effects on capacity and operation of the tested junctions, with the only exception being during the PM peak at Church Lane arm of its junction with the A26 and Mill Lane. However, it would operate satisfactorily on the basis of the appeal scheme and other committed development in accordance with the aforementioned PPG and there is also another viable option, via the Cuilfail roundabout, for drivers exiting the employment area access from Church Lane.
52. Following the consideration of the appellant's additional assessment information, the CHA has confirmed that the highways impact of the scheme (including on local junctions) is acceptable. There is no evidence that leads me to a different view and, taking account of relevant Framework policy, I am satisfied that the proposal would not result in severe residual cumulative impacts on the road network.
53. The proposed access to the site would achieve appropriate visibility in either direction and would satisfactorily serve the development. A condition can be imposed requiring the submission and approval of a Construction Management Plan in order to minimise any adverse highways effects during the construction period.
54. In terms of accessibility, the site is within reasonable walking and cycling distance of a number of key services and facilities including shops, employment, primary and secondary schools and other local community facilities. Ringmer is designated as a Rural Service Centre in the Local Plan Part 1 (2016). Further afield, a greater number of services and shopping facilities are accessible in Lewes which has satisfactory accessibility by bus. A Travel Plan would also be implemented (through a S106 obligation) which, whilst not being able to dictate the transport usage of residents, would help to achieve reductions in car use along with other measures. A contribution towards bus service improvements is also provided in the obligation. The Masterplan also indicatively shows how it would be possible to provide pedestrian and cycle links through the site to Lewes Road and the sports/recreational facilities. Overall, whilst some journeys would inevitably need to be made by car, the site

² Paragraph: 014 Reference ID: 42-014-20140306

would have reasonable access to services and facilities by alternative means of travel to the private vehicle.

55. There are no details before me of plans for the development a new cycleway/mobility scooter route between Broyleside and Ringmer Village including the precise route that this should take and its overall feasibility. Nor are there any details before me of how individual developments are expected to contribute towards achieving this objective. Nevertheless, in the context of Policy 8.4 of the RNP, given that layout is a reserved matter, and in spite of no provision being indicated within the masterplan, there remains an opportunity for provision for this to be taking into account at the reserved matters stage as appropriate. The lack of any such provision in the current application details and the requirements of Policy 8.4 of the NP, does not therefore weigh against this application.
56. There is no evidence to suggest that any plans for a future rail link in the area, would directly affect the appeal site or are so well developed to carry any material weight against the proposal.
57. Overall, there would be no highways, transport or accessibility related effects that would weigh against the proposed development. It would satisfactorily accord with the relevant aims of Policy CP14 of the Joint Core Strategy, Policies 8.1 and 8.4 of the RNP and the Framework.

Flood risk, sewerage and drainage

58. The scheme proposes rationalisation of the flood plain in the north-eastern section of the site including deculverting works. The indicative masterplan shows how it would be possible for the built development to be sited so that it would be located within Flood Zone 1 with a consequently low probability of flooding. No objections have been raised by the Environment Agency subject to the development proceeding in accordance with the submitted Flood Risk Assessment including the measures relating to the setting of finished floor levels and the floodplain rationalisation measures, matters that could be secured by condition. No further issues arising from the updated Planning Policy Guidance 'Flood risk and coastal change' were raised at the Inquiry.
59. The sewerage capacity assessment concluded that there is currently inadequate capacity within the foul sewerage network to accommodate a foul discharge from the proposed development and therefore additional off-site sewers or improvements to existing sewers would be required to provide sufficient capacity. As the statutory undertaker, Southern Water have confirmed that it has a duty to provide the network capacity from the point of practical connection and that it aims to provide this within 24 months following a grant of planning permission. Southern Water have also stated that there currently is capacity available at the nearby Neaves Lane Ringmer Waste Water Treatment Works (WWTW). There is no evidence before me to indicate that the required off-site connection works are not able to be progressed in time for this development.
60. Evidence from RPC indicates that untreated sewerage is released from WWTW into Gylnde Reach which is clearly a cause for concern of local residents. The untreated sewerage discharges are not disputed by the appellant, though it points out that this is subject to the permitting regime of the Environment Agency. The proposed development would increase the sewerage requiring

treatment. Other current development proposals would add to the cumulative increase though those currently without approval carry limited weight and the statutory duty of Southern Water would also apply to the other developments.

61. There is no clear evidence that demonstrates that the discharges are outside of the Environment Agency permitting regime. Southern Water have a responsibility to provide for the appropriate network capacity and have indicated that there is capacity available at the WWTW. Details of sewerage arrangements within the site are capable of being secured for approval by a condition. Overall, matters relating to the provision of sewerage do not weigh against the proposal.
62. Surface water management measures are proposed, incorporating sustainable urban drainage measures, that would control rainwater runoff so that it does not exceed the greenfield runoff rate, leading to some benefit in this respect. The outline measures to achieve this have been agreed by the Lead Local Flood Authority. The need for approval of the details of the surface water management measures would be secured through a condition.
63. Consequently, I find that the proposed development would satisfactorily accord with the relevant flooding, sewerage and drainage aims of Core Policy 12 of the Joint Core Strategy, Policy DM22 of the Local Plan Part 2, Policy 8.11 of the RNP and the Framework.

Education provision

64. In spite of the evidence of Mrs Franklin for RPC on local nursery and primary school provision, no concerns or objections have been received in relation to this application from East Sussex County Council (ESCC) as the local education authority nor has any request been made for any educational contribution to be made in order to make the development acceptable. ESCC has a statutory duty to ensure there is sufficient capacity to meet current and future demand for education. Education provision is also included as infrastructure which may be identified to benefit from the Council's Community Infrastructure Levy, for which this development is applicable.
65. Although Ringmer Primary School currently appears to be close to capacity with places only available in two school years, there is no detail before me of future capacity projections for this or other schools. Similarly for nursery provision, there are no details of projections for nursery places in future years after the implementation of the proposed development.
66. Therefore, this is not a matter that weighs to any significant degree against the application. I find that the proposal would satisfactorily accord with the aims of Policy 8.7 of the RNP to ensure there is adequate primary school accommodation for the children of new residents or paragraph 95 of the Framework.
67. Policy 5.4 of the RNP supports further development of Ringmer Community College (now Kings Academy) within its site and the expansion of associated leisure facilities onto part of the appeal site. There is no evidence of any plans or detailed proposals for Kings Academy to expand its recreational facilities or for Ringmer Primary School to expand. Nor is there any indication from the education authority that any such plans or proposals are likely to be necessary. There is consequently little to support the Parish Council's argument that

allowing residential development on the appeal site would compromise the future viability of either of the schools. I find no conflict therefore with Policy 5.4.

Biodiversity

68. There are no nature conservation designations affecting the site which comprised modified and neutral grassland, tall ruderal vegetation, hedgerows, dense and scattered shrub, scattered trees and standing water. The surveys carried out indicate evidence of or potential for protected and other species at and around the site including badgers, bats (including occasional counts of the rare and photosensitive barbastelle bat), breeding birds and great crested newts and reptiles.
69. With regard to lighting and bats, the appellant has indicated how the layout, most particularly the floodlit sports facilities could be located to reduce the level of light spill onto sensitive ecological receptors. Conditions requiring details of lighting and controlling the times of use for the lighting of sports facilities would also minimise such impacts. The final layout of the facilities would be subject of reserved matters but I am satisfied that, in conjunction with the approval of lighting details, a layout can be achieved to satisfactorily minimise the effects. As the actual final layout of the tennis courts and sports pitch is to be determined through reserved matters and given that this may have implications for ecological interests, I consider it most appropriate for the hours of lighting to be subject of details to be submitted and approved in conjunction with the reserved matters, noting that control of lighting is a matter which is material to ecological protection, including for bats (as well as other matters).
70. An ecological design strategy and a landscape and ecological management plan, secured by conditions as agreed by the appellant and the Council, would provide mechanisms for protecting and enhancing ecological interest and would ensure that the detailed design of the scheme would need to take careful consideration of ecological protection and mitigation measures including compensation for any loss of hedgerows and other habitat. Conditions would also provide for mitigation and protection of great crested newts including through the District Licence. The evidence before me does not indicate that this is case where the licensing requirements would not be able to be met.
71. Notwithstanding the existing surveys which are satisfactory for the purposes of this application, the appellant has also agreed, in the event of any significant delay to the development, to the provision of update survey work to ensure that evidence supporting the reserved matters application(s) is suitably robust and up-to-date.
72. The agreed condition between the appellant and the Council would also require measurable biodiversity net gain (BNG) of at least 10%. In this respect, the appellant considers that a BNG of 70% would be possible though I am not convinced this has been robustly demonstrated given that much of the detailed design work, including on ecological mitigation, has yet to be finalised. It would, however, clearly be able to provide at least 10% BNG and there appears, from the information before me, to be a reasonable prospect of the required actions and measures being performed as required by the relevant condition, including timescales. Whilst the chosen site for habitat and creation is not within Ringmer it is within Lewes District and I do not consider that its

location is a significant matter with regard to its acceptability. Measures for ecological mitigation and management at the site would also be encompassed by the requirements of the landscape and ecological management plan.

73. Overall, I am satisfied that adequate mitigation could be secured at the detailed design stage through the approval of reserved matters and conditions to prevent an adverse impact upon ecological interests including protected species. In addition, biodiversity enhances is also capable of being secured. The proposal would therefore satisfactorily accord with Policies CP10 of the Joint Core Strategy, DM24 of the Allocations Plan, Policy 4.10 of the RNP and the Framework.

Other considerations

74. Despite representations regarding the pressure on other infrastructure and services, including medical services, there is no evidence before me to indicate that the proposal would place unsustainable pressure on such services.
75. Although other schemes are proposed locally, including the scheme on the opposite side of Chamberlaines Lane, I have given schemes that do not have planning permission little weight given the uncertainty as to whether or not they will be implemented. Whilst I acknowledge the concerns of local residents regarding other potential or proposed schemes, it remains necessary to consider this proposal against the relevant policy background. The schemes without planning permission do not alter my conclusions on this appeal.
76. I have given very limited weight to the Council's Interim Land Availability Assessment given that it is not a policy document that forms part of the development plan and that it is necessarily a high level assessment (seemingly omitting some relevant information in this case) that does not in itself determine whether a site should be allocated for development.
77. Similarly, the Council's Interim Policy Statement for Housing Delivery, whilst seeking to pro-actively deal with housing schemes in the context of the Council's housing land supply shortfall, is not a document that forms part of the development plan. I have therefore given it limited weight in the determination of this appeal, noting that in some areas such a coalescence there is some tension between its requirements and the appeal scheme. However, these are also matters that are most appropriately covered by the application of the adopted development plan policy and the Framework. It does not therefore alter my overall conclusions.

Planning obligations

78. The applicant has provided two signed unilateral undertakings. The second one solely making provision for an *Additional Community and Sports Facilities Contribution* due to the remaining disagreement between the appellant and the Council on the funding necessary for the artificial grass pitch.
79. The main undertaking includes provision for 40% of dwellings to be affordable (comprising first homes, tenancy and intermediate), community and sports provision, recycling contribution, travel plan, transport contribution (including for local bus service improvements) and highway works. In respect of affordable housing and noting the concerns of the Parish Council, the affordable housing split reflects a satisfactory balance between the Government's recent introduction of First Homes into affordable housing requirements and the

requirements of Policy CP1 of the Joint Core Strategy that pre-dates the change to Government policy.

80. The community and sports provision includes a financial contribution towards the provision of management services for the facilities including maintenance. The Council is in agreement with these provisions, including the 20 year period for which the funding would provide for, with the exception of the level of funding necessary for the artificial grass pitch. The evidence is somewhat mixed with regard to the level of funding required. Regarding maintenance, the annual sum of £5,650 accords with Sport England's Life Cycle Costings, but is somewhat lower than the figure indicated in a separate Sport England Design Guidance Note – Artificial Surfaces for Outdoor Sport. As for the sinking fund, the Council refer to the aforementioned Life Cycle Costings requiring a 3.2% of the 'total project cost' per annum, therefore amounting to £32,000 per annum. The appellant refers to separate FA guidance which it says indicates an annual cost of £20,000 would be appropriate.
81. I have also taken into consideration that revenue would be generated from users of the facility. On the other hand, the Management Services as defined in the Undertakings, for which the contribution would also be used, includes other outgoings that appear to go beyond the sums outlined in the guidance referred to, as indicated in the exclusions within the Life Cycle Costings. Whilst the Ringmer Area Community Land Trust have indicated that the lower sum would be appropriate, there is no guarantee that it will eventually manage the facilities and, in any case, it is not clear whether the revenue from use of the facilities would cover all the costs.
82. The evidence indicates that the pitch is likely to be particularly well used and therefore ongoing maintenance and timely replacement would be important factors to ensure it remains as a valuable community asset. The situation is not crystal clear, but given the importance of proper maintenance etc, I am concerned that the lower figure provided for by the main Undertaking might not be sufficient to ensure that the facilities are properly funded going forward. This could damage the long term aspirations for the community facilities. I therefore consider that the second Undertaking is also necessary.
83. From the evidence before me, including the Council's updated CIL Regulation Compliance Statement, I am satisfied that the above obligations (contained in both undertakings) are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Therefore, they would accord with the three tests set out in paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010.

Benefits of the scheme

84. It is common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites. The Council's Five Year Housing Land Supply Position Statement for Lewes District (Outside of the SDNP) (April 2022) shows a 2.73 year supply of deliverable housing land supply, representing a shortfall of 1,432 dwellings. I consider this to be substantial shortfall. At least in the short term this shortfall will not be rectified other than through speculative applications and the approval of housing on sites not originally envisaged for housing in the adopted Local Plan.

85. The proposal would provide for up to 100 new dwellings. In the context of the large housing shortfall this would make a very considerable contribution to the supply of housing in the district to which I afford substantial weight.
86. 40% of the proposed housing would be affordable. In view of the significant cumulative under provision of affordable housing in recent times and the uncertainty around future provision, I consider that the provision of affordable housing should also carry substantial weight.
87. As set out above, the provision of properly funded outdoor sports and recreation facilities carry significant positive weight, notwithstanding the loss of the remainder of the allocated site to residential development. Job creation during construction and increased local spending would provide for economic benefits of moderate weight. I have given the benefits arising from biodiversity net gain moderate weight given the uncertainty around the benefit that would accrue in this case, whilst acknowledging that this would be at least 10%. Community landscaping would be of limited overall benefit.

The planning balance

88. In respect of Policy DM1 of the Allocations Plan, although the Council does not object in principle to the location of the development outside of the settlement boundary due to the housing land supply position, the proposal would not protect the distinctive character and quality of the countryside. Notwithstanding this, given the very considerable shortfall in housing land supply, the settlement boundaries within the development plan are acting as a barrier against the provision of housing that is clearly needed in the district. This considerably reduces the weight to be given to the conflict with Policy DM1.
89. With regard to landscape and visual harm, including the minor harm to the setting of and views from the SDNP, the proposal would also not accord with Core Policy 10 of the Joint Core Strategy and Policies DM1 and DM25 of the Local Plan Part 2. Taking into account the moderate landscape and visual harm, there would also be some moderate harm arising from the conflict with Policy 6.3 of the RNP in respect of the setting of Ringmer and Broyle Side. This should to be set in the context of the Council's acute housing shortfall, where it is apparent that more considerably sized developments such as this adjacent to settlement boundaries need consideration in order to improve the housing supply position, limiting the weight to be given to the conflict.
90. The less than substantial harm to designated heritage assets would be contrary to Core Policy 11 of the Joint Core Strategy and Policy DM33 of the Allocations Plan. Although the wording of these heritage policies does not include the Framework's balancing test their general heritage aims are similar. I have given this harm considerable importance and weight. Modest harm would also result from the effect upon the significance of the non-designated heritage asset 'Little Thatch' in the context of Policy 4.7 of the RNP.
91. I have also given limited weight to the harm arising from the conflict with Policy 7.4 of the RNP due to the residential development on part of the allocated site and the uncertainty as to whether it might be required for further future sports and recreation development.

92. Given the above, I conclude that the proposal would conflict with the development plan when taken as a whole. As the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11(d) of the Framework is applicable.
93. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. I have found that less than substantial harm would result upon the significance of the designated heritage assets at Broyle Gate Farmhouse and the Former Farm Buildings due to the effects upon their setting and significance. Whilst the Framework does not refer to a range, this has been raised by the parties and my findings are that such harm would be, at worse, in the middle of the 'less than substantial' spectrum. I have given the harm considerable importance and weight in each case. Under such circumstances, paragraph 202 of the Framework requires that this harm should be weighed against the public benefits of the proposal.
94. The most notable public benefits comprise, firstly, the very considerable benefits arising from the contribution of up to 100 dwellings, making a substantial contribution to the supply of housing in the district in the context of its large housing shortfall. This accords with the Government's aim, set out in the Framework, to significantly boost the supply of housing. 40% of the housing would be for much needed affordable housing in the district which also carries substantial weight in favour. Secondly, the significant positive benefits that would arise from the provision of outdoor sports and recreational facilities, providing for a long standing identified need and benefitting the health and wellbeing of local residents. Further moderate public benefits would arise from the proposed biodiversity enhancements and the economic benefits of the proposal.
95. In this case, in spite of the considerable importance and weight given to the harm to each of the two non-designated heritage assets and the great weight give to their conservation, I consider that the harm to the designated heritage assets would be outweighed by the public benefits of the proposal. I am therefore satisfied that there would be clear and convincing justification in this case for the harm that would result to the significance of the designated heritage assets. Consequently, in the context of paragraph 11 of the Framework, the application of policies in the Framework relating to non-designated heritage assets do not provide a clear reason for refusing the proposed development. I therefore turn to apply the 'tilted balance' in paragraph 11 (d) (ii) of the Framework.
96. The proposal would result in moderate overall landscape and visual harm, including the harm arising from built development between the two settlements and the minor harm that would result upon the setting of and views from the SDNP. Great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks. The Framework requires that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Given the minor harm in relation to the SDNP, the conservation objective of the SDNP would not be significantly compromised in this case.
97. The harm to the significance of both listed buildings carries considerable importance and weight. There would also be modest harm to the significance of

the Little Thatch as a non-designated heritage asset. There would also be limited harm arising from the non-compliance with the spatial strategy, the effect upon the setting of the villages, and the proposed housing on an allocated sports and recreation site in the RNP.

98. Against this harm, the proposed would result in very considerable benefits from the substantial provision of up to 100 new houses in the context of the large housing land supply shortfall, of which 40% would be much needed affordable housing. Significant benefits would also result from the properly funded sports and recreational facilities. Further, more limited yet still noteworthy economic and biodiversity benefits would result as set out above.
99. Overall, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework take as a whole.
100. Despite the conflict with the development plan, material considerations indicate that planning permission should be granted for the proposed development.
101. Given this conclusion, the proposal would also satisfactorily accord with Policy 4.1 of the RNP (relating to proposals outside planning boundaries) as it has been demonstrated that the benefits of the development would clearly outweigh the adverse impacts.

Conditions

102. Further to discussion during a round table session at the Inquiry, the Council and appellant provided an agreed updated list of suggested conditions. I have considered these bearing in mind the tests in paragraph 56 of the Framework. Other than as described below, I have made some amendments to the wording of some of the suggested conditions for precision and clarity, but without changing the substance of any particular condition. Several of the conditions are pre-commencement conditions for which there is clear justification as the early approval of the respective matters and carry out the particular actions required are necessary prior to commencement in order to prevent the possibility of adverse environmental, amenity or highway related effects that might otherwise occur.
103. Conditions 1 and 2 set out the reserved matters requiring approval along with the timescales for relevant submissions and the commencement of development as agreed by the main parties. Condition 3 is required to provide certainty of what has been approved. Condition 4 is necessary in order to provide for an acceptable form and scale of development, minimising environmental effects.
104. Condition 5 is necessary to minimise light pollution, in the interests of biodiversity and the surrounding environment. This is a pre-commencement condition as lighting considerations might influence the detailed layout of the scheme. Condition 6 is required to safeguard the character and appearance of the area. Condition 7 is necessary to manage and mitigate potential environmental and highway related impacts during construction. Conditions 8 and 9 are needed to provide for appropriate surface and foul water drainage/discharge. Separate conditions are required as two different sets of details would be necessary.

105. Condition 10 is necessary to ensure good design and landscaping and also, in conjunction with condition 11, to ensure the risk of flooding is minimised. Conditions 12, 13, 14, 15, 16, 17, 18 and 19 are necessary to safeguard ecological and biodiversity, including protected species, that might otherwise be affected and to provide for BNG.
106. Conditions 20, 21 and 22 are required in order to ensure that any contamination is properly managed in the interests of human health and the wider environment. Condition 23 is necessary to safeguard and record the archaeological interests of the site. A separate condition relating to site investigation and post-investigation is not necessary as the relevant requirements can be included within the requirements for the Written Scheme of Investigation. Condition 24 is required to reduce harmful emissions and to safeguard air quality.
107. Condition 25 is necessary to ensure the artificial pitch is not damaged by inappropriate use. Condition 26 is needed to ensure the sports facilities are appropriately managed and accessed for community use. A condition requiring details of design of the sports facilities is not necessary as this would be required in any case by the reserved matters set out in condition 1. Any necessary detail can be requested at that time. As referred to in my consideration of biodiversity, I have altered the suggested floodlighting condition (28) so that hours of operation need to be agreed by the local planning authority. This is in the interests of biodiversity and the environment.
108. Condition 29 is needed to secure appropriate visibility in the interests of highway safety. Finally condition 30 is also necessary for highway safety.

Conclusion

109. For the reasons given above I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter referred to as 'the reserved matters'), including the community facilities, shall be submitted to and be approved in writing by the local planning authority before any development takes place 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 two years from the date of this permission. The development hereby permitted shall commence not later than the expiration of two years from the date of this permission, or two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan No. 2980/A/1001/PL/A
 - Proposed Access Plan No. 5534/001 Rev H
4. Submission of the reserved matters shall be in general conformity with the principles set out in the following plans:
 - i. Land Use Plan No. 2980/A/1200/PL/A
 - ii. Building Heights Plan No. 2980/A/1201/PL/A
 - iii. Density Plan No. 2980/A/1202/PL/A
 - iv. Access and Movement Plan No. 2980/A/1203/PL/A
 - v. Illustrative Masterplan No. 2980/C/1005/PL/A
5. The development hereby permitted shall not commence until a lighting design strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall identify those areas that are particularly sensitive for badgers and bats, demonstrate how external lighting has been designed to avoid disturbance to the above species, and minimise light spill from the site to the countryside. All external lighting shall be installed and thereafter maintained in accordance with the strategy.
6. No development shall commence until an arboricultural survey and impact assessment has been submitted to and approved in writing by the local planning authority. The survey and impact assessment shall be in accordance with BS5837:2012 and shall include details of the measures to protect trees to be retained on and adjacent to the site. The approved tree protection measures shall be implemented prior to commencement of development and thereafter retained until completion of the development. No vehicles, plant or materials shall be driven or placed within root protection areas.
7. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. Thereafter the approved CMP shall be implemented and adhered

to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- a) Compliance with Air Quality Management guidance documents and BS5228 Parts 1 & 2;
 - b) The anticipated number, frequency and types of vehicles used during construction;
 - c) The method of access, egress, routing and parking of vehicles during construction;
 - d) A pre-commencement condition survey of the surrounding highway network;
 - e) Details of measures to rectify any highway damage caused by construction traffic;
 - f) Hours of constructions activities;
 - g) The loading, unloading and storage of plant, materials and waste;
 - h) Detailed measures to manage flood risk during construction (both on and off the site);
 - i) The 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);
 - j) Mitigation of noise, vibration and dust impacts arising out of the construction;
 - k) Details of the use of security hoarding, protective fences, exclusion barriers and warning signs;
 - l) Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
 - m) Identification of "biodiversity protection zones";
 - n) The location and timing of sensitive works when specialist ecologists need to be present on site to oversee works;
 - o) Responsible persons and lines of communication;
 - p) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- 8) a) No development shall commence until a sustainable surface water drainage scheme, to manage surface water run-off from the development, has been submitted to and approved in writing by the local planning authority. The details shall include a management and maintenance plan. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.
- b) Prior to occupation of the development hereby permitted, evidence (including photographs and as built drawings) shall be submitted to the local planning authority to demonstrate that the drainage system has been constructed in accordance with the approved design.
9. a) No development shall commence until a scheme for the proposed means of disposal of foul water discharge from the development (including a timetable for its implementation and a maintenance and management plan) has been submitted to and approved in writing by the local planning authority. Development shall be carried out and retained thereafter in accordance with the approved scheme and retained thereafter.

- b) Prior to occupation of the development hereby permitted, evidence (including photographs and as built drawings) shall be submitted to the local planning authority to demonstrate that the foul water drainage system has been constructed in accordance with the approved design.
- 10) The reserved matters for landscaping submitted in accordance with Condition 1 shall include details of earthworks showing the proposed grading of land including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development.
- 11) The reserved matters submitted in accordance with condition 1 shall be accompanied by and be in accordance with a Flood Risk Assessment which shall be in general conformity with the submitted 'Flood Risk Assessment and Foul & Surface Water Drainage Strategy' (Ref. 48885/4001, by Stantec, dated March 2022) including the mitigation measures it details.
- 12) No works involving the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approved details. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
- 13) No development shall take place (including any ground works or site clearance) until a method statement and programme of works for the rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) purpose and objectives of the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
 - g) disposal of any wastes arising from the works.

The development and associated works shall be carried out in accordance with the approved details and programme of works, including the approved aftercare and long-term maintenance.

- 14) No development shall commence, including any ground works or site clearance), until an ecological design strategy (EDS) addressing compensation for the loss of habitat, protection and enhancement of

retained habitats, and creation of new habitat and provision of features to provide measurable biodiversity net gain of at least 10% has been submitted to and approved in writing by the LPA. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 15) Prior to the commencement of the development hereby permitted, a landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP shall be implemented in accordance with the approved details.

- 16) In the event that the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 1 year from the date of this planning permission, any approved ecological measures secured or to be secured through conditions 12, 13, 14 and 15 shall be

reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of badgers, bats, Great Crested Newts and reptiles and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

- 17) The development hereby permitted shall be carried out in accordance with the terms and conditions of the Council's organisational licence (WML- OR112) and with the proposals detailed on plan 'Land at Broyle Gate farm: Impact plan for great crested newt district licensing (Version 1)' dated 12th August 2022.
- 18) The development hereby permitted shall not commence until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local planning authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate shall be submitted to the local planning authority for approval prior to the commencement of the development hereby approved.

- 19) No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 and in compliance with the following:
- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the GCN Mitigation Principles.
 - Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
 - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
 - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.
- 20) No development shall take place, including any ground works or site clearance, until a scheme to deal with the risks associated with

contamination of the site have been submitted to and approved, in writing, by the LPA. The scheme shall include:

- a. A preliminary risk assessment which has identified:
 - i) all previous uses;
 - ii) potential contaminants associated with those uses;
 - iii) a conceptual model of the site indicating contaminants, pathways and receptors; and
 - iv) potentially unacceptable risks arising from contamination at the site including for human health, ground/surface waters and ecological systems.
- 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. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required, and how they are to be undertaken (including timings).
- 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 including remediation strategy shall be carried out as approved.

21. Prior to any occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the LPA. 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 any plan (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 plan, and for the reporting of this to the LPA. The approved long-term monitoring and maintenance plan shall be implemented thereafter including any necessary remediation and verification.
22. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
23. a) Prior to the commencement of the development hereby permitted an archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority.

- b) The development shall be carried out in accordance with the Written Scheme of Investigation (including programme of archaeological works and recording) approved under part (a) of this condition.
24. Prior to occupation of any part of the the development, details shall be submitted to and be approved in writing by the local planning authority for the installation of low emission heating systems with maximum NOX Emissions less than 40 mg/kWh. The approved details shall be implemented prior to the first occupation of any part of the the development and shall thereafter be permanently retained.
25. The Artificial Grass Pitch shall be used for outdoor sport and for no other purpose (including without limitation any other purpose in Class F2 of the Use Classes Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
26. No development shall commence until a Community Use Scheme has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The scheme shall apply to the artificial grass pitch, tennis courts and cricket nets and shall include details of access up to the boundary with the adjoining Kings Academy, pricing policy, hours of use, access by the community/non-club members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.
28. Prior to the bringing into use of the artificial grass pitch, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Scheme shall include measures to ensure the replacement of the artificial surface within a specified period. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial grass pitch.
28. Prior to any occupation of the development hereby permitted, details of the hours of operation of any floodlighting of the sports and recreation facilities shall be submitted to and agreed in writing by the local planning authority. The floodlighting shall thereafter be operated in accordance with such approved details.
29. No part of the development hereby permitted shall be first occupied until visibility splays of 2.4 metres by 59 metres to the west and 62 metres to the east have been provided/maintained at the junction of the access with Lewes Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
30. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle KC	Instructed by Woolf Bond Planning LLP
He called:	
Stephen Brown BSc Hons DipTP MRTPI	Principal at Woolf Bond Planning LLP
Elizabeth Bryant CMLI	Director of Bryant Landscape Planning
Matt Twinberrow BEng MCIHT	Associate Partner at Bellamy Roberts
Thomas Copp BA (Hons) MA AssocIHBC	Director of Built Heritage at RPS
Mark Rose BSc (Hons) MSc PGDip MCIEEM	Associate Ecologist at CSA Environmental
Amy Hensler BSc (Hons) MSC MCIWEM C.WEM CEnv	Director of Flood Risk at Stantec UK Ltd
Caroline Bailey	Legal Director at Croudace Homes Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ruchi Parekh of Counsel	Instructed by Enplan
She called:	
Martin Carpenter BA (Hons) MRTPI	Director of Enplan
PG Russell-Vic DipLA CMLI	Director of Enplan
Deborah Gardner IHBC	Director of DGC (Historic Buildings) Consultants
Dr Kate Cole MCIEEM	County Ecologist (East Sussex County Council)
Helen Monaghan	Planning Lawyer

RINGMER PARISH COUNCIL (RULE 6 PARTY)

John Kay	Advocate and planning witness
Cllr Emily O'Brien	Education witness
Anne Franklin	Sewerage Witness
Cllr John Whitlock	
Cllr Sarah Phillips	

INTERESTED PARTIES:

Max Pengelley	Ringmer Area Community Land Trust
Gavin May	Ringmer Area Community Land Trust
David Mathews	Local resident
Anne Duke	Local resident
Liam Tinkl	Local resident
Carol Peer	Local resident
Martin Costin	Local resident
Eleanor Robins	Local resident
Nigel Baker	Local resident
Jenny Barrett	Local resident
Mike Bexton	Local resident
Linda Grange	Local resident

DOCUMENTS SUBMITTED AT AND BEFORE THE CLOSE OF THE INQUIRY

1. Appellant's opening submissions
2. Council's opening submissions
3. Ringmer Parish Council's opening submissions
4. Documents from Mr Tinkl (local resident)
5. Ringmer Area Community Land Trust's submissions
6. Ms. Robins submissions
7. Written representation of Mr Williams (occupier of Little Thatch)
8. Off-site locations plan for site visit
9. BNG Assessment by Ecology Resources (August 2022)
10. Lighting Impact Assessment by Designs for Lighting Ltd (August 2022)
11. Great Crested Newt District Licence Report (August 2022)
12. Draft suggested conditions
13. Draft Planning Obligation
14. Updated list of suggested conditions
15. CIL Compliance Statement
16. Updated list of suggested conditions (final)
17. Recent appeal decision (Land at South Road, Wivelsfield)
18. Lewes DC CIL Charging Schedule (October 2015)
19. CIL Rate Summary for 2020
20. Infrastructure Funding Statement 2020/21
21. South Downs National Park – Special Qualities
22. FA Guide to Artificial Grass Pitches (January 2010)
23. Sport England – Artificial Surfaces for Outdoor Sport (2013)
24. Sport England – Facility Costs 3Q2022
25. Sport England – Life Cycle Costings Artificial Sports Surfaces
26. Council's email of 4 October 2022 on Unilateral Undertakings
27. Beaver Position Statement of 4 October 2022 between Council and appellant
28. Main Unilateral Undertaking dated 4 October 2022
29. 'Additional Contribution' Unilateral Undertaking dated 4 October 2022
30. Appellant's Unilateral Undertaking explanatory note
31. Appellant's Sport and Community Facility Technical Note
32. Ringmer Parish Council's closing submissions
33. Council's closing submissions
34. Appellant's closing submissions