



Appeal Decision

Hearing held on 1 December 2022

Site visit made on 2 December 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/C1435/W/22/3301104

Land at Old Nursery House, The Street, Framfield TN22 5PN

- 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 Inland Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/0573/MAO, dated 3 March 2021, was refused by notice dated 1 April 2022.
 - The development proposed is 'outline application (all reserved matters, aside from principal means of access) for up to 58 new homes (including 35% affordable housing), new access road, open space and soft landscaping'.
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Decision

1. The appeal is allowed and planning permission is granted for 'outline application (all reserved matters, aside from principal means of access) for up to 58 new homes (including 35% affordable housing), new access road, open space and soft landscaping' at Land at Old Nursery House, The Street, Framfield, TN22 5PN in accordance with the terms of the application ref WD/2021/0573/MAO dated 3 March 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal relates to an application for outline planning permission. Approval is sought for the principal means of access to the site, but matters relating to appearance, landscaping, layout and scale are reserved for future consideration. I have considered the appeal on this basis, treating all details apart from those relating to the access to the site as illustrative.
3. The plans originally submitted as part of the planning application indicated that the proposed access arrangements would have included alterations to an existing access from the B2102 which currently serves Framfield Nursery. However, amended plans were submitted during the Council's consideration of the application to maintain the access serving Framfield Nursery as existing. The Council considered the application with regard to the amended plans, and I have determined the appeal on the same basis.
4. The appeal was lodged following the Council's refusal of the application. However, the Council confirmed prior to the Hearing that the Planning Committee North had resolved to withdraw the single reason for refusal, and it did not therefore defend its decision to refuse permission. In addition, a Statement of Common Ground submitted on 17 November 2022 ('the SoCG') set out that the Council and appellant agreed that the appeal should be

allowed. Nevertheless, interested parties, including Framfield Parish Council, have raised objections to the proposal in relation to the main issues that I have identified, as well as other matters that are considered below.

5. During the appeal, the appellant submitted a deed of agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) ('the s106'). The obligations and undertakings within the s106 were discussed at the Hearing, and a signed and completed version of the agreement was submitted shortly after the Hearing closed.

Main Issues

6. The main issues are:
 - i) Whether or not the development would be in a suitable location having regard to its location in the countryside outside of any development boundary, and accessibility to services, facilities and transport links;
 - ii) the effect of the proposal on the landscape, character and appearance of the area; and
 - iii) the effect of the proposal on the integrity of European Sites.

Reasons

Location

7. The appeal site is located to the south of Framfield, and comprises stables, a manège and an open field which has been used for grazing, together with an existing access from the B2102. Under Policy WCS6 of the Core Strategy Local Plan 2013 ('the CS'), the defined development boundary was removed from Framfield. Consequently, the site is within the countryside in planning policy terms, and the proposal would conflict with saved Policies GD2 and DC17 of the Wealden Local Plan 1998 ('the WLP') which generally restrict new development within countryside outside of defined development boundaries.
8. In addition, Policy WCS2 of the CS seeks broadly to concentrate growth at the urban areas, especially at Uckfield and Hailsham. There is to be some further growth at settlements within the rural area, but the rural areas strategy at Policy WCS6 of the CS does not propose additional development at Framfield. Although Policies WCS2 and WCS6 do not explicitly preclude housing development outside of the identified locations, the supporting text to WCS6 sets out that the policy confirms the overall level of housing development which will be provided for in the rural areas. In proposing development at Framfield, I therefore concur with the main parties that the proposal would be contrary to the distribution of growth indicated by Policies WCS2 and WCS6 of the CS.
9. The supporting text to Policy WCS6 advises that the overall strategy is to ensure appropriate development which protects, supports and increases the range and quality of facilities and services available to the rural areas, and which helps sustain rural living, reinforces the accessibility of settlements whilst meeting needs and community aspirations. Existing services in Framfield include a primary school, a public house, a church, a village hall and a recreation ground, and I am satisfied that these would be within reasonable walking distance of the appeal site, with possible routes using either footways along the B2102 and/or connections through the development to the north. Parts of these routes are unlit, but the proposal includes provision to improve

footpaths and footway connections in the vicinity of the site which would help to encourage and support pedestrian accessibility.

10. Future occupiers would need to travel to access services including shopping, healthcare, secondary schools and employment. These and other services and facilities to meet day to day needs would be available at Uckfield which would be within generally reasonable cycling distance of the appeal site. Much of the route though would involve relatively narrow and unlit sections of the B2102, and I consider that cycling would be unlikely to be an attractive option to all but the most confident cyclists.
11. However, there are bus stops in Framfield served by routes which offer connections to destinations including Uckfield as well as Heathfield. I acknowledge that the distance to these bus stops from the furthest parts of the site would be slightly beyond the 400m generally recommended in guidance produced by the Institute of Highways and Transportation, but not so significantly that I find walking would be unrealistic. I understand that there are currently no very early morning, evening or Sunday buses running through Framfield, and that there is only a limited Saturday service. Nevertheless, I was informed that East Sussex County Council has secured funding towards bus service improvements, and is looking to increase the frequency of the Uckfield service to hourly, and to extend services into the evening. In addition, the proposal includes a financial contribution towards the enhancement of bus services in the vicinity of the site, and I heard that a similar contribution had also been secured from a development at Blackboys. These contributions would further support improvements to services. I appreciate that the financial contribution made by the development would relate to a 5-year period and may not fully fund service improvements, but the development would also generate additional potential passengers that could help to sustain the viability of services in the longer-term. On this basis, I consider that bus services would offer future occupiers a realistic alternative to the private vehicle for at least some trips.
12. The appellant has also provided a Framework Travel Plan which sets out measures intended to support genuine choice of transport modes and to discourage car use, and the s106 includes provision for the preparation, implementation and monitoring of a further Travel Plan and measures to achieve Travel Plan objectives.
13. Given the above factors, I am satisfied that there would be opportunities for future occupiers of the site to access services by sustainable travel modes. I accept that walking, cycling or travel by bus may not be realistic options for all future occupiers or trips, and there would be likely to be some dependence on private vehicles. Even so, journeys to reach a wide range of services in Uckfield would be fairly short, helping to minimise the effect of travel by private vehicle. Moreover, the National Planning Policy Framework ('the Framework') recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The supporting text to Policy EN2 of the WLP similarly recognises that development within rural areas inevitably generates proportionally more car traffic than that in urban areas, but that set against this, development may support valuable local services and maintain viable communities.

14. In this respect, and in addition to the support for bus services, occupiers of the site would be likely to offer increased patronage and additional expenditure that could help to sustain and potentially grow local services in the rural area. This would accord with the Framework which outlines that housing should be located where it will enhance or maintain the vitality of rural communities, albeit that I acknowledge that a larger proportion of potential expenditure may well be focussed towards Uckfield.
15. In the context of the rural location of the site within a district which the CS notes is almost 93% rural areas, I find for these reasons that the proposal would have reasonable access to services and facilities and opportunities to reduce reliance on private vehicles. I find no material conflict with saved Policy EN2 of the WLP insofar as it seeks the efficient location of development in relation to existing development and public transport. The proposal would also comply generally with spatial planning objectives SPO7, SPO9 and SPO13 of the CS which seek, broadly and amongst other things, to reduce the need for travel by car, to support travel by sustainable transport modes and to minimise emissions of greenhouse gases. It would similarly accord with the Framework which seeks to actively manage patterns of growth and promote sustainable travel while also supporting the vitality of rural communities.
16. I therefore conclude that the proposal would be in a suitable location having regard to its accessibility to services, facilities and transport links. However, the location of the site within the countryside would result in conflict with saved Policies GD2 and DC17 of the WLP and with the distribution of growth indicated by Policies WCS2 and WCS6 of the CS. That said, I return to consider the weight to be given to this conflict as part of the planning balance below.

Landscape, Character and Appearance

17. The WLP identifies the site as part of the 'Low Weald' landscape character area type which is noted as having gently undulating topography and a more open landscape than the High Weald, with streams and ghylls that flow towards rivers. A primarily agricultural landscape of traditionally mixed arable and pastoral farming, punctuated by woods, hedgerow trees and field boundary hedges, the WLP states that it retains a strong rural character and that the countryside is almost universally attractive and worth retaining for its own sake.
18. With reference to the more recent East Sussex Landscape Character Assessment 2016, the appeal site is part of Local Landscape Character Area 3: Upper Ouse Valley. This is described as countryside of low ridges and wider valleys covered by an intricate pattern of streams and woods. Key characteristics include the gently undulating terrain with broad valleys, heavily wooded landscape and abundant tree cover, small village settlements with distinctive churches, and a sense of tranquillity and remoteness away from the main settlements and roads. At a more local level, the Wealden Landscape and Settlement Character Assessment 2016 indicates that the site is part of the of the A4: Blackboys and Framfield character area. Distinctive characteristics of this area include a patchwork of small scale pastoral fields interspersed with woodland, tree-lined lanes, and a strong sense of tranquillity and remoteness.
19. Based on my observations at my visit, the site is not of particular scenic quality, and I note that it has been in equestrian use rather than agriculture. Nevertheless, it is a predominantly open field which is largely free of built form on the valley slope to the south of Framfield. Together with its immediate

surroundings which retain features such as hedgerows, tree clumps and woodland, it is broadly representative of many of the characteristics of the host landscape, and it has an attractive and distinctive rural quality, albeit that modern housing to the north and development to the east are appreciable from the site. In my judgement, the assessment within the appellant's Landscape and Visual Impact Assessment ('LVIA') of the appeal site as of medium landscape quality, medium value, and medium sensitivity is reasonable.

20. The proposal would alter the site from a mostly open field to a housing development, with an inevitable and permanent change to the intrinsic character of the site and this part of the countryside which would be urbanising. However, the development would be well-contained by the existing development to the east of the site along the B2102, the development on Becketts Way to the north as well as by the woodland and vegetation boundaries to the south and west.
21. While the illustrative details suggest green space between the development and dwellings on Becketts Way, this is shown to include connections to the existing 'twitten' pathways into Becketts Way, and the separation would not be so large in the context of the site that I consider the development would be perceived as isolated or separate from Framfield. In addition, the illustrative details suggest that the development would be of lower density than built form to the north. Together with the considerable areas of green space within the site and around the boundaries, this would allow for a sensitive transition to the countryside setting. Moreover, I have no firm reason to find that it would not be possible to bring forward a sympathetic layout and buildings of a form, style and appearance that would respect the surrounding area at reserved matters stage. The development would not therefore be uncharacteristic in the receiving landscape, and notwithstanding the size of the site itself, I do not consider that the scale of the development would be unduly large relative to Framfield so as to overwhelm or dominate the existing settlement. Nor do I find that the proposal would meaningfully erode gaps between settlements so as to cause coalescence.
22. For these reasons, I consider that the proposal would result in only a minor and contained incursion into the countryside, and effects on the landscape and character of the area would be very localised and no more than moderate.
23. In terms of visual effects, the LVIA identifies that the topography of the area and vegetation mean that the development would be visible from only a relatively small area. The clearest views would be from the rights of way and existing development to the north of the site. However, it is proposed to largely retain vegetation to the site boundaries which would provide for some screening. In addition, the indicated green space to the northern part of the site could provide for a buffer that would help to further soften the visual impact of the development on these receptors, and the effect would reduce over time as suggested new planting matured. Given the topography and screening provided by vegetation and existing development, longer distance views would be limited and glimpsed. In combination with the distances involved, resulting visual effects on these views would be very limited. Noting also that the development would not be visible from within the High Weald Area of Outstanding Natural Beauty ('the AONB'), I am satisfied that the natural beauty and special qualities of the AONB would be conserved.

24. Interested parties have referred to a dismissed appeal relating to a stable building/tractor store on the site¹ where the development was found to contribute to urbanisation of open countryside at the fringe of Framfield, and to harm the character and appearance of the rural locality. For the reasons above, I find that the current appeal would also be urbanising, and that the proposal for development in the countryside would result in some harm to the landscape character and appearance of the area. This weighs against the proposal.
25. However, I find having regard to the specific merits of the development and evidence now before me that the harm would be very localised, and I am satisfied that a suitable layout and design of development could be brought forward at reserved matters stage to respect the character of adjoining development and local distinctiveness in accordance with saved WLP Policy EN27. Over time, it would therefore assimilate well into the landscape. On this basis, it would not cause unacceptable harm to the setting of Framfield, and I further find given the localised and modest degree of harm that the character of the wider Low Weald landscape would be conserved overall as sought by saved WLP Policy EN8.

European Sites

26. European Sites designated under the Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') include Special Areas of Conservation ('SACs') and Special Protection Areas ('SPAs'). In circumstances where a proposal is likely to have a significant effect on a European Site, the Habitats Regulations impose a duty on the competent authority to consider implications for the conservation objectives of the Site within the framework of an Appropriate Assessment ('AA'). This duty would now fall to me.

Lewes Downs SAC and Pevensey Levels SAC and Ramsar Site

27. The Lewes Downs SAC is an important orchid site designated for the presence of semi-natural dry grasslands and scrubland facies on calcareous substrates. The Pevensey Levels SAC is designated for the presence of Ramshorn Snail, while the Pevensey Levels Ramsar site is listed for the assemblage of wetland plants and invertebrates, and for aquatic plants, freshwater molluscs, aquatic beetles and dragonflies. The conservation objectives for both SACs seek broadly to ensure that the integrity of the site is maintained or restored, including by maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and the habitats of qualifying species.
28. The appellant's Ecological Appraisal includes a 'Technical Appendix: Document to Inform a Habitats Regulations Assessment'. This outlines that there would be no likely significant effect on the Lewes Down SAC or on the Pevensey Levels SAC and Ramsar Site through habitat fragmentation and loss, urbanisation and recreational disturbance, hydrology and water quality or air quality effects as a result of the proposal, either alone or in combination with other plans and projects. The Council similarly confirmed at the Hearing that it considered there would be no likely significant effect on these sites. I have no firm reason to take a different view, and I am satisfied having regard to the evidence before me that likely significant effects on the Lewes Down SAC and the Pevensey levels SAC and Ramsar Site can be screened out.

¹ Appeal ref APP/C1435/C/11/2150502

Ashdown Forest SAC

29. The appeal site is around 6.9km from the Ashdown Forest SAC which is designated for the presence of European dry heath, North Atlantic wet heaths and great crested newts. The conservation objectives for the SAC seek broadly to ensure that the integrity of the site is maintained or restored, including by maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and the habitats of qualifying species.
30. Given the distance to the SAC, the proposal would not result in habitat loss or fragmentation, and the evidence before me indicates that the SAC qualifying habitats and species are not identified as vulnerable to recreational disturbance and nor would they be affected by drainage or water quality. Natural England has provided supplementary advice on conserving and restoring the SAC which outlines that the heathland habitat is sensitive to changes in air quality, and that exceedance of critical values for air pollutants may modify its chemical substrate, accelerate or damage plant growth, altering its vegetation structure and composition and causing the loss of typical heathland species.
31. One source of atmospheric pollution that could affect the SAC heathland habitat is vehicle emissions, and the Council has identified a potential impact pathway from increased traffic flows associated with the development on roads through, or adjacent to, the SAC. However, supplementary advice on conserving and restoring site features published by Natural England in 2019 highlighted expected future improvements to air quality and levels of nitrogen deposition as a result of improvements in vehicle technology and manufacture standards. The advice further outlined that nitrogen levels from additional transport associated with expected housing development in the surrounding areas would fall below the level that would reduce species richness on the SAC, even if the expected declining trend in nitrogen failed to materialise.
32. In addition, the Council published an emerging Local Plan in 2019 seeking to deliver, amongst other things, 14,228 homes. The emerging Local Plan has since been withdrawn, but the evidence before me indicates that Natural England were satisfied that the quantum of growth envisaged would not adversely affect the SAC through air quality impacts, and further that this conclusion could be reached without need for mitigation measures. The appeal proposes a quantum of growth considerably below that identified in the since withdrawn emerging Local Plan.
33. For these reasons and from the evidence before me, I am satisfied that likely significant effects on the Ashdown Forest SAC can be screened out, and that the proposal would not adversely affect the integrity of the European Site.

Ashdown Forest SPA

34. The Ashdown Forest SPA is designated for the presence of Dartford Warbler and Nightjar. The conservation objectives for the SPA seek broadly to ensure that the integrity of the site is maintained or restored and that the site contributes to achieving the aims of the Wild Birds Directive, including by maintaining or restoring the extent, distribution, structure and function of qualifying natural habitats and the habitats of qualifying species.
35. The evidence before me indicates that the SPA is vulnerable to recreational disturbance through damage to the qualifying species' habitat, and disturbance

to ground nesting birds. At a distance of around 6.5km from the SPA, the appeal site is within the area that surveys have shown most visitors to the SPA originate from. The development could therefore contribute additional visitors to the SPA, resulting in an increase in recreational pressure. This pressure, particularly when taken in combination with other plans and projects, could cause harm to the qualifying features of the SPA to the detriment of its conservation objectives.

36. In order to mitigate potential recreational effects of development on the SPA, the appellant proposes a financial contribution towards provision of Suitable Alternative Natural Greenspace ('SANG') according to a per dwelling tariff. The SANG contribution would be used to improve the visitor experience at the strategic SANG at Uckfield in order to displace recreational trips from the SPA. The Council has confirmed that the SANG has capacity to accommodate the recreational impact arising from the proposal, including sufficient parking which is not charged for. In addition, a contribution is proposed towards Strategic Access Management and Monitoring ('SAMM'), also on a per dwelling tariff basis. This would go towards monitoring of effects on the SPA and measures to manage these effects including education, access management as well as directing visitors towards SANG sites.
37. The contributions towards SANG and SAMM are secured through the s106 which also includes obligations on the Council to use the contributions for the purposes of mitigation of additional recreational pressures from the development on the SPA. I consider that the intended mitigation would be properly secured. I also consider having regard to the evidence before me that the contributions would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accordingly meet the tests for obligations set out at Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') which are also reflected within the Framework, and I have taken them into account.
38. An interested party has queried the effectiveness of SANG and SAMM. However, both are well-established measures which have been found to be effective as a general approach elsewhere. In addition, the SANG at Uckfield is much closer to the appeal site than the SPA, and I heard that visitor surveys carried out on behalf of the Council demonstrate that the mitigation measures are being successful in diverting visitors from the Ashdown Forest SPA. There is also provision through the SAMM contribution for monitoring to ensure continued effectiveness. Natural England has agreed the SANG and SAMM tariffs, and considers that they will effectively mitigate potential recreational impacts of the development. As the Government's advisor on nature conservation, and with responsibility for and significant experience in relation to these matters, I attach great weight to their advice, and do not find there to be compelling reasons to depart from their view that the mitigation would be effective and reliable in preventing harmful effects of the development on European Sites.
39. For these reasons and having regard to the mitigation secured through the s106, I concur with the AA undertaken by the Council that the scheme would not adversely affect the integrity of the SPA. Natural England has reviewed the Council's AA, and confirmed that providing the agreed mitigation is secured, it

is satisfied that the AA can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

40. I am satisfied that the AA undertaken by the council in relation to the SPA is suitably thorough and its conclusions rigorous and robust, and new information or evidence does not lead me to a different conclusion. As the competent authority for the purposes of the Habitats Regulations, I have therefore adopted the Council's AA in my determination of the appeal, and I conclude that the proposal would not harm the integrity of the SPA, either alone or in combination with other plans and projects.

Conclusion on European Sites

41. For the reasons given above and subject to the measures secured within the s106 to mitigate effects of the development on the Ashdown Forest SPA, I conclude that the proposal would not harm the integrity of any European Sites. The proposal would therefore accord with Policy WCS12 of the CS and saved Policies EN1, EN7 and EN15 of the WLP which together and amongst other things seek to safeguard designated nature conservation sites and avoid adverse effects on the integrity of the Ashdown Forest SPA and SAC.

Planning Obligations

42. I have considered the obligations within the submitted s106 in light of the tests within the CIL Regulations, and having regard to the evidence before me. This evidence includes a CIL Infrastructure Compliance Statement provided by the Council which sets out the justification for seeking the obligations and their accordance with the tests within the CIL Regulations.
43. In addition to the SANG and SAMM contributions which I have already considered, the s106 provides that 35% of dwellings would be affordable. This would be necessary to meet requirements at Policy AFH1 of the Wealden Affordable Housing Delivery Local Plan 2016. It would also be directly related to the development proposed and fairly and reasonably related in scale and kind to it.
44. There is provision that 5% of dwellings would be self-build or custom-build. Although this is not a development plan requirement, the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) require the Council to keep a self-build and custom housebuilding register, and establish a duty on relevant authorities to have regard to the register and to give permission to enough suitable serviced plots of land to meet the demand in their area. The Framework also advises that policies should reflect housing needs, including of people wishing to commission or build their own homes. The evidence before me indicates that there is unmet demand for self-build and custom-build housing in the area currently, and I am satisfied that provision as part of the development would be necessary. The Council advised that the 5% requirement reflects the scale of unmet need, and I have no firm reason to doubt that it would be directly related to the development proposed and fairly and reasonably related in scale and kind to it.
45. Further obligations would secure the provision and future management and maintenance of green infrastructure within the development; highway works including improvements to public footpaths, bus stops and footways along the B2102, and new crossing points; a travel plan and provision for auditing; and

financial contributions towards bus services and a Traffic Regulation Order. Although a Travel Plan would not normally be required for a development of this scale, it would help to encourage use of more sustainable modes of transport which would accord with the Framework, and which I consider would be necessary given the location of the site and my conclusions on the first main issue. On the basis of the evidence before me, I consider that all of these obligations would be required to address the impacts of the development, and I am satisfied that they would in each case be necessary to make the development acceptable in planning terms, directly related to the development proposed and fairly and reasonably related in scale and kind to it.

46. I find in light of the supporting information and evidence that is before me that each of the obligations in the s106 would comply with Regulation 122(2) of the CIL Regulations and the tests which are reflected in the Framework, and can be given weight. I have therefore taken them into account.

Other Matters

47. The appeal site is within the wider setting of the Framfield Conservation Area ('the CA') which includes a number of listed buildings, and there are further listed buildings in the vicinity of the appeal site at Framfield Grange and Grange Farm House. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the listed buildings and their setting or any features of special architectural or historic interest which they possess. I have also considered whether or not there would be harm to the significance of the CA through development within its wider setting.
48. However, the site is not part of the immediate setting of the listed buildings or the CA, and the topography of the area together with the presence of vegetation and intervening development means that these heritage assets do not have a direct visual relationship with the site. There is also no firm information to indicate any functional relationships or associative connections with the site. As a result, and given the lack of intervisibility between the site and the listed buildings and CA, I agree with the main parties that the proposal would preserve the setting and significance of these heritage assets.
49. The development would generate traffic, but the substantive evidence before me indicates sufficient capacity within the highway network to accommodate flows so that there would not be a significant increase in congestion. Although interested parties have commented that surveys were undertaken during the COVID-19 pandemic when traffic levels were lower and I note references to existing parking on The Street which causes a bottleneck, the survey data indicates considerable spare capacity to accommodate vehicle movements. East Sussex County Council ('ESCC') as the highway authority consider that the effect of additional vehicle flows on the highway network would be acceptable, and I have no firm reason to conclude differently.
50. The access to the site from the B2102 would be close to the existing access which serves Framfield Nursery and Old Nursery Cottage. Interested parties have raised concerns that there would be potential conflict between vehicles associated with the development and traffic accessing the adjacent Nursery site. I have also had regard to other concerns, including that visibility for vehicles turning into or out of the site would be poor resulting in danger and increased potential for collisions, noting comments referring to past incidents

that have occurred in the vicinity of the site. In doing so, I have noted a road safety audit submitted by an interested party, although it is not clear that this audit was conducted having regard to the full details of the access now proposed including swept path analyses.

51. However, the B2102 is not a trunk road or motorway, and surveyed 85th percentile vehicle speeds past the site were also less than 40mph. Because the design standards indicated by the Design Manual for Roads and Bridges guidance would not therefore be directly applicable, I do not consider a failure to fully comply with these standards to be compelling evidence that the access would be unacceptable. I appreciate that the surveyed 85th percentile vehicle speeds were above the existing 30mph speed limit and only slightly below 40mph, but the s106 provides for works to the existing highway including improvements to and additional chevrons and hazard marker posts, and additional warning signs. I have no firm reason to doubt the appellant's evidence that implementing such measures would be likely to be effective in reducing vehicle speeds.
52. Swept path analysis shows that refuse vehicles would be able to turn into and out of the site without incursion to the opposite carriageway of the B2102. The proposed access arrangements are also supported by independent road safety audit information which shows that the access would operate safely. This would be subject to the maintenance of vegetation to the east of the B2102 opposite the access to ensure necessary visibility, but this could be achieved within the highway boundary. The s106 also includes provision for implementation of parking restrictions by way of the Traffic Regulation Order Contribution which could address the recommendation within the audit for parking restrictions around the site access.
53. In addition, the appellant carried out a manual traffic count of the access serving Framfield Nurseries showing very low vehicle flows during two 24 hour survey periods, none of which were ordinary goods vehicles or heavy goods vehicles. An interested party has disputed these findings, but even on the basis of around 150 movements a week which they asserted was more usual, vehicle flows would still be very low. It was also suggested to me that potential for growth in operations at the Nursery could increase traffic further in future. However, I have no firm details to demonstrate likely levels, nor can I be sure that this would occur. In any event, even if existing or future traffic (including larger vehicle) movements using the Nursery access were higher than suggested by the appellant, I saw that intervisibility between the site access and the Nursery access is good. Accordingly, I do not consider this would be likely to result in conflict to the detriment of highway safety. Any delays associated with vehicles waiting for traffic using the adjacent site or Nursery access would be short, and given the likely levels of movements associated with the appeal proposal, would not in my assessment be likely to result in significant congestion nor in other severe impacts on the highway network.
54. The highway authority is satisfied that the necessary visibility splays can be achieved, and has not objected to the proposal on grounds of highway safety, advising that its initial concerns had been overcome. I give significant weight to its position as the relevant statutory consultee, and from the evidence before me find no compelling reason to disagree with its views. Accordingly, I consider that there would not be unacceptable impacts on either the highway network or the safety of highway users.

55. Interested parties refer to existing pressure on local services and infrastructure. However, the proposal would make CIL contributions which could fund local infrastructure provision. No concerns or objections have been raised by ESCC as the local education authority, and there is no substantive evidence before me to demonstrate that the proposal would otherwise place undue pressure on education or other services, nor that it would result in a requirement for additional capacity that could not be met.
56. I have noted particular concerns in relation to sewerage capacity. I was informed that the existing pumping station to the west of the site discharges to a nearby ditch when it cannot cope with storm flows, and that there had been an extended period during which effluent had to be removed by tanker causing significant noise and disruption to local residents. However, Southern Water is responsible for providing appropriate network capacity, and has considered potential additional flows from the development, advising that it would provide any network reinforcement necessary to mitigate additional flows associated with the development. A planning condition has been recommended to require a scheme for foul drainage works taking account of necessary works to upgrade infrastructure, and Southern Water would be able to plan and implement any necessary network upgrades alongside development to ensure that adequate capacity was in place to drain the development. Any discharges from the pumping station would be subject to permitting by the Environment Agency. There is also no detailed evidence that providers of other utility services would be unable to make provision to adequately supply the development without unacceptable impacts on existing connections in the area.
57. A number of representations refer to existing flooding locally including at the site access and on Becketts Way, and to an overland flow which crosses the site. However, the Council, and ESCC as the Lead Local Flood Authority, are satisfied in principle that sufficient drainage capacity can be accommodated as part of the development and that flood risk would not be unacceptably increased. Planning conditions have been recommended to require full details of drainage works and the overland flow which is to be retained on the site including restrictions on discharges from the site to surface or ground water, as well as details of future management and maintenance of the drainage. These conditions would mitigate flood risk as well as potential adverse water quality impacts, and I have no firm reason to reach a different conclusion to the Council and ESCC.
58. The proposal is also supported by an Ecological Appraisal which includes details of protected species surveys undertaken, as well as measures to mitigate the effects of development and enhance biodiversity. Subject to planning conditions to require further details and implementation of the identified mitigation and enhancement measures, there would not be unacceptable harm to wildlife or biodiversity.
59. The majority of trees and hedgerows at the site are indicated to be retained, and while some would be removed including to provide for access, these do not make a significant contribution to the character or appearance of the area. There would also be replacement planting as part of development which would be able to mitigate vegetation losses.
60. Occupiers of neighbouring dwellings would have views of the development. Subject though to new buildings being appropriately scaled and located as part

of the reserved matters, I am satisfied that suitable relationships could be achieved to ensure the proposal would not cause unacceptable loss of light, outlook or privacy. The proposal includes pedestrian connections from the site into Becketts Way, but there is no substantive information to show that use of this route by occupiers of the development would increase crime, and provision for parking within the site would be considered as part of reserved matters. Lighting on the site could be controlled by a planning condition, and in view of the residential nature of the proposal and its scale and relationship with nearby properties, I also consider that the development would be unlikely to result in noise or disturbance that would cause meaningful harm to nearby occupiers' living conditions. There would be potential for disturbance during the construction period, but any effects would be short-term, and could be mitigated by careful construction management with details secured by a planning condition.

61. I note comments referring to other permitted or ongoing developments in the area, including a large scheme to the south of Uckfield. However, the evidence before me indicates that current requirements for housing are not being met, and there is no firm information to show that the proposal taken cumulatively with other development in the area would result in unacceptable impacts that would warrant dismissal of the appeal. I have also noted that the appeal site was not considered suitable for housing within the Strategic Housing and Economic Land Availability Assessment 2019 which was prepared to inform the draft Wealden Local Plan. However, this was prepared in the context of a lower annual housing requirement than would currently apply. Moreover, I have considered the appeal having regard to the specific merits of the development now proposed and the evidence before me.
62. I have taken into account the representations made by interested parties including Framfield Parish Council, but I am satisfied that none of the other matters raised would result in a level of harm that would justify dismissal of the appeal, either individually or collectively, and they do not alter my findings on the main issues.

Planning Balance

63. Although I heard from an interested party that the Council has granted planning permissions in excess of requirements, the Council is currently unable to demonstrate a five year supply of deliverable housing. It suggests that the supply position is 3.66 years. The appellant considers the supply position to be 2.78 years, and asserts that a number of sites within the 'major development with outline planning permission' element of the Council's identified supply should be excluded as they were not permitted during the relevant base period, or would not be deliverable as defined by the Framework and Planning Practice Guidance. In the absence of further substantive evidence from the Council to demonstrate that these sites would be deliverable and should appropriately be considered as part of the identified supply, I lean towards the appellant's view. Even if I were to accept the Council's position though and find the supply to be 3.66 years, it is common ground between the main parties that the shortfall is substantial, and I agree with this assessment.
64. In the absence of a five year supply of deliverable housing, the Framework indicates that the policies which are most important for determining the application are deemed to be out-of-date. As a consequence, and irrespective

of the reasons for the current shortfall, the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework is engaged. There are no policies in the Framework that protect areas or assets of particular importance which would provide a clear reason for refusing the development, and the presumption therefore provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

65. The location of the site within the countryside would result in conflict with saved Policies GD2 and DC17 of the WLP, and the proposal would be contrary to the distribution of growth indicated by Policies WCS2 and WCS6 of the CS. However, the proposal would accord with the Framework insofar as it seeks to actively manage patterns of growth and promote sustainable travel while also supporting the vitality of rural communities. Furthermore, saved Policies GD2 and DC17 provide a level of blanket protection for the countryside, and I agree with the main parties that this is inconsistent with the Framework's more nuanced approach of recognising the intrinsic character and beauty of the countryside. These policies of the WLP and CS were also prepared in the context of the lower level of housing that was required at the time that the plans were prepared. In the absence of a 5 year supply, current housing requirements are not being met, and a rigid application of these policies would frustrate attempts to address the deficit in housing supply. Accordingly, I agree with the main parties that these policies are out of date, and I afford limited weight to the conflict with them.
66. I have also found that there would be some harm to the overall landscape and the character and appearance of the area. Although I have found no material conflict with saved Policies EN8 or EN27 of the WLP, this would be contrary to the Framework insofar as it seeks development that recognises the intrinsic character and beauty of the countryside. Nevertheless, the harm would be modest and localised, and the development would assimilate well with its surroundings over time. Moreover, it is clear that requirements for housing are not currently being addressed within the built-up areas, and the adverse effects of the proposal largely stem from the almost inevitable consequences of development on open countryside.
67. Conversely, the proposal for up to 58 dwellings on the site would make a relatively small, but nevertheless important contribution to reducing the housing supply shortfall. The Council has proposed a shorter than usual timescale for implementation of any permission granted, and I have little reason to doubt the appellant's comments at the Hearing that there are no obstacles to delivery and that the development would be brought forward within a reasonable time period. With regard to the Framework which includes objectives seeking to significantly boost the supply of housing, I afford substantial weight to the benefit of additional housing delivery.
68. In addition, the evidence before me shows that delivery of affordable housing in the district has been substantially below the level of identified need for at least the last few years, and the main parties agree that there is an acute need for more affordable homes in Wealden. The proposal includes 35% affordable housing which would provide for up to 20 affordable homes, and I afford substantial weight to this benefit. I also give significant weight to the provision

for 5% of dwellings as self-build or custom-build which would contribute to meeting needs.

69. There would be direct and indirect economic benefits of the development, both short-term during construction and longer-term on occupation. These would include employment opportunities in construction and the supply chain, as well as expenditure by future occupiers. Spend in the rural area may be fairly limited given the available services, but there would still be a contribution to the economy, and the Framework indicates that significant weight should be placed on the need to support economic growth and productivity. That said, employment opportunities would be largely temporary, and I am not persuaded that tax revenues would be a benefit of the proposal as they would reflect additional demand placed on services. In addition, I have not been provided with evidence to show how new homes bonus would confer a benefit directly related to the development. I therefore give moderate weight to the economic benefits of the proposal. In addition, I give moderate weight to the proposed contribution to bus service improvements which would be a benefit to the wider community who may also rely on these services, and could also potentially encourage new users.
70. The proposal includes green infrastructure and open space on areas that are currently inaccessible to the public, including close to dwellings on Becketts Way which could be of benefit to the existing community, particularly given improvements to footpath connections. However, the provision would in part be required to address the landscape and visual impacts of the proposal and to make the development acceptable in planning terms, and I was advised at the Hearing that a recent assessment identifies that there is no longer a quantitative shortfall in open space provision locally. These factors limit the weight that I afford to this as a social benefit. Even so, the green infrastructure could play a role in supporting biodiversity, and the appellant has proposed a biodiversity net-gain overall which could be secured by a planning condition.
71. Taking account of all of the above, the modest adverse impacts of the development would not in my judgement come close to significantly and demonstrably outweighing the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development set out in paragraph 11(d) of the Framework therefore applies and indicates that permission should be granted. Although the proposal would conflict with the development plan when it is read as a whole, the harm would be limited, and would in my assessment be outweighed by material considerations including the Framework which indicate that a decision should be taken contrary to the development plan.

Conditions

72. I have considered suggested conditions in light of the discussion and amendments proposed at the Hearing, and against the tests at paragraph 56 of the Framework. Where necessary, I have made minor amendments for clarity, brevity or to ensure compliance with the relevant tests including to omit unnecessary prescription of details that would be a matter for the Council to consider as part of the assessment of future submissions. I have also combined some conditions in the interests of succinctness.
73. I have attached conditions relating to the submission of reserved matters and the time limits associated with this (1, 2, 3), and a condition specifying the

relevant plans (4) for the avoidance of doubt and in the interests of certainty. The time limit conditions are shorter than standard owing to the pressing need for housing that the proposal would help to address, and the appellant has agreed to these. I have also imposed a condition to require that 65% of the dwellings are market housing (5) which is necessary to ensure CIL contributions towards the provision of infrastructure. However, it is not necessary to require details of the location of the market dwellings since this would be apparent through the Affordable Housing Scheme required under the s106.

74. A condition regarding archaeological investigation (6) is necessary to safeguard heritage assets of archaeological interest. A condition to require a Construction Management Plan (7) to include details of delivery and construction working hours is necessary in the interests of highway safety and the living conditions of nearby occupiers, while a condition regarding the protection for retained trees (8) is necessary to safeguard these trees and in the interests of the character and appearance of the area. Conditions regarding surface water drainage (9) and future management and maintenance of this drainage (10) are necessary to ensure adequate provision and that flood risk would not be increased. I have also imposed a condition relating to the delivery of biodiversity net gain (11) which is necessary to ensure that this suggested benefit of the development is realised, and conditions relating to contamination (12, 13, 14) which are necessary to safeguard health and the environment. To ensure that they are effective and that details which could affect how development is carried out are satisfactory, it is necessary for the requirements of Conditions 6 through 12 to be addressed prior to the commencement of development.
75. I have imposed a condition requiring the construction of the access junction from the B2102 in advance of other works taking place (15) to ensure adequate access during construction as well as on occupation. However, I do not consider that a condition relating to the access gradient would be necessary given that the design detail and standard of the access would be a matter for the Agreement with the Highway Authority under section 278 of the Highways Act 1980 that would be required by the s106.
76. A condition relating to foul drainage (16) is necessary to ensure that there would be adequate provision to serve the development, and further conditions relating to the overland flow which is to be retained (17), surface water outfall (18) and discharge to groundwater or surface water (19) are necessary in the interests of flood risk and water quality. A condition to require water and energy efficiency measures (20) is necessary in the interests of environmental sustainability. Conditions regarding wildlife management (21), lighting design (23) and to require works in accordance with the recommendations of the Ecological Appraisal submitted with the application (24) are necessary in the interests of biodiversity, the character and appearance of the area and the living conditions of neighbouring occupiers. Finally, I have attached conditions to address air quality which are necessary in the interests of health and the natural environment (22, 25).
77. Further conditions were suggested relating to the details of roads, footways and parking within the site, and requiring a landscape management plan. However, these relate to the layout and landscaping of the development, and so can be addressed in the consideration of future reserved matters applications for these aspects or through the imposition of conditions on a

reserved matters approval. These conditions are therefore unnecessary, and I have not imposed them.

78. An additional condition was put forward at the Hearing to require development in general conformity with the parameter plans. However, I am concerned that reference to 'general conformity' could be insufficiently precise as to what would be required. The Council would also be able to consider the details of any proposal as part of a future reserved matters application, and from the information that is before me, I do not consider that such a condition would in this case be necessary. I have not therefore imposed it.

Conclusion

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

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and 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 the expiration of two years from the date of the grant of this outline permission.
- 3) The development hereby permitted shall commence not later than the expiration of one year 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:
2833.1-A-1000-PL Rev C (Location Plan) 15 March 2021
1904062-16 (in Technical Note Access Arrangements) 22 July 2021,
1904062-17 (in Technical Note Access Arrangements) 22 July 2021,
1904062-18 (in Technical Note Access Arrangements) 22 July 2021 and
1904062-TK04 B (in Technical Note Access Arrangements) 22 July 2021.
- 5) The development shall include 65% of dwellings as market dwellings.
- 6) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has first been submitted to and approved in writing by the Local Planning Authority.

No part or phase of the development hereby permitted shall be first occupied until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that part or phase has been completed in accordance with the programme set out in the approved Written Scheme of Investigation,

and the post investigation assessment has been submitted to and approved in writing by the Local Planning Authority.

- 7) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall include details of;
 - a) the anticipated number, frequency and types of vehicles used during construction,
 - b) the method of access and egress and routeing of vehicles during construction,
 - c) the parking of vehicles of site operatives and visitors,
 - d) the loading and unloading of plant, materials and waste,
 - e) the storage of plant and materials used in construction of the development,
 - f) the erection and maintenance of security hoarding,
 - g) wheel washing facilities,
 - h) works to mitigate the impact of construction upon the public highway (which may include the provision of temporary Traffic Regulation Orders),
 - i) details of public engagement both prior to and during construction works,
 - j) scheme for the control of noise and dust,
 - k) delivery hours and construction phase working hours, and,
 - l) measures to manage flood risk, both on and off the site, during the construction phase.
- 8) No development shall take place, including any groundwork preparation, until a detailed, scaled Tree Protection Plan ('TPP') and related Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. The TPP and Arboricultural Method Statement shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Area of trees shown on the TPP including installation of service routings and site access. All works shall be carried out in accordance with the approved details.
- 9) No development shall take place until a detailed surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a) Detailed drawings and hydraulic calculations which shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water runoff from the proposed development shall be limited to greenfield runoff rates for rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b) Details of the outfalls of the proposed surface water attenuation structures and how they connect into the watercourses including cross sections and invert levels, and details of the receiving watercourse's connectivity with the wider watercourse network.

- c) The detailed design of the surface water attenuation structures which shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event that this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d) Details of the measures proposed to manage exceedance flows.
- e) Details of measures to prevent the discharge of surface water from the site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.
- f) Details of how existing overland surface water flows have been retained.
- g) Retention of existing watercourses on site within a communally maintained space.

The drainage shall be provided in accordance with the approved details, and the development shall not be occupied until evidence (including as built drawings and photographs) has been submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed in accordance with the approved details and drainage designs.

- 10) No development shall take place until a maintenance and management plan for the entire surface water drainage system approved under condition 9 has been submitted to and approved in writing by the Local Planning Authority. The maintenance and management plan shall include the following:
- a) details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and
 - b) evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall thereafter be maintained and managed in accordance with the approved plan for the lifetime of the development.

- 11) No development shall take place until a biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority demonstrating how at least a 10% net gain in biodiversity can be delivered. The development shall be carried out in accordance with the approved details.
- 12) No development below ground level shall take place until an investigation and risk assessment to assess the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

A written report of the findings of the investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority, and shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
 - i. human health
 - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
 - iii. adjoining land

- iv. ground waters and surface waters
 - v. ecological systems
 - vi. archaeological sites and ancient monuments;
- c) an appraisal of options for remediation (where necessary) and proposal of the preferred option(s).
- 13) Where the written report of the findings of the investigation and risk assessment pursuant to condition 12 identifies that remediation is necessary, no development below ground level shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historic environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- The approved remediation scheme shall thereafter be carried out in accordance with its terms prior to the commencement of development, other than that development required to carry out remediation, and the Local Planning Authority shall be given two weeks' written notification of commencement of the remediation scheme works.
- Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.
- 14) In the event that contamination that was not previously identified is found at any time when carrying out the development hereby permitted, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 12, and, where remediation is necessary, a remediation scheme shall be prepared in accordance with the requirements of Condition 13. The investigation and risk assessment and remediation scheme shall be submitted to and approved in writing by the Local Planning Authority, and thereafter carried out in accordance with the approved details.
- 15) The access works at the junction of the site with the B2102 shall be constructed in accordance with the details shown on approved plan nos 1904062-17 (in Technical Note Access Arrangements) 22 July 2021 and 1904062-18 (in Technical Note Access Arrangements) 22 July 2021 prior to the commencement of any other development hereby permitted.
- 16) No preparation of ground levels of the development hereby permitted shall take place until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The foul drainage works shall be implemented in accordance with the approved details, and any works required to upgrade the infrastructure sufficiently to provide adequate capacity for the development shall be implemented, before the buildings to which the foul drainage works relate are first occupied.

- 17) No preparation of ground levels of the development hereby permitted shall take place until details showing that the proposed site levels have been designed in a way that seeks to maintain the existing surface water overland flow through the site to the existing ordinary watercourse have been submitted to and approved in writing by the Local Planning Authority. The surface water flow route shall have safe flood depths and hazard rating within the site.

If circumstances arise where the overland flow path requires diversion, details of the proposed diversion of the existing surface water overland flow route through the development shall be submitted to and approved in writing by the Local Planning Authority including 2-dimensional surface water hydraulic modelling. This shall demonstrate that the expected surface water depths upstream and downstream of the development will not be increased. The diverted surface water flow route shall have safe flood depths and hazard rating within the site.

- 18) No construction of any surface water outfall shall take place until the results of a survey investigation of the condition of the watercourses which will take surface water runoff from the development, and details of any improvements required to their condition together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourses shall be implemented in accordance with the approved details and timetable.
- 19) There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaways system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies and silt traps to BS 5911:1982 (or an equivalent standard if replaced) with an overall capacity compatible with the site being drained.
- 20) No preparation of any groundworks or foundations for the development hereby permitted shall take place until full details of water and energy efficiency measures, the promotion of renewable energy and sustainable construction as part of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation and thereafter so retained.
- 21) No preparation of ground levels for the development hereby permitted shall take place until a wildlife management plan has been submitted to and approved in writing by the Local Planning Authority. The wildlife management plan shall include as appropriate detailed proposals for the protection of bats, birds, reptiles, great crested newts and badgers, and measures for the mitigation of any harm to them likely to be caused by the development. The development shall be carried out in accordance with the approved details.
- 22) No construction of the roof of any dwelling hereby permitted shall take place until a scheme for onsite/off site emissions off setting mitigation measures (in accordance with the development damage costs calculated within the submitted Air Quality Assessment (or any amended Assessment provided with the reserved matters detailing the number of dwellings to be provided) has been submitted to and approved in writing by the Local Planning Authority. The emissions off setting mitigation measures shall be provided in accordance with the approved details before the development is first occupied.

- 23) No floodlighting, security lighting or other external means of illumination shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has first been submitted to and approved in writing by the Local Planning Authority, including details of predicted light levels at neighbouring residential properties. The scheme shall be implemented in accordance with the approved details and retained thereafter.
- 24) The development shall take place in accordance with the recommendations set out within the Ecological Appraisal March 2021 authored by Aspect Ecology Ltd (dated 5 March 2021). The approved details shall thereafter be retained.
- 25) The development shall take place in accordance with the recommendations set out within the Air Quality Assessment authored by Entran Limited (revision 1.2 dated 9 March 2021). The approved details shall thereafter be retained.

End of Schedule

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Zack Simons	of Counsel
Oliver Bell BSc, MSc, MRTPI	Nexus Planning
Ian Dix BSc (Hons), MSc, CMILT, MCIHT	Vectos
Alistair Baxter CEcol, CIEEM, MSc, MA(Oxon), BA (Hons)	Aspect Ecology
Keith Lancaster BA (Hons), MALA, LPC	Gateley Legal
Jon Seymour BA(Hons), PGDipLA, CMLI	ACD Environmental Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Declan Redman BSc (Hons), MA	Wealden District Council
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INTERESTED PARTIES:

Keith Brandon	Framfield Parish Council
Mike Gadd	Wealden Green Spaces
Ashley Jones	
Bernard Lillywhite	
Allen Rollings	(on behalf of Peter Tipping)
Peter Tipping	Framfield Nursery
Tony Wills	

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Ashdown Forest Special Protection Area (SPA) Strategic Access Management and Monitoring Strategy Tariff Guidance, submitted by the Council
- 2 Wealden District Council Local Plan Community Infrastructure Levy Background Paper 2: SANGS and SAMMS, submitted by the Council

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

- 1 Signed and executed planning obligation dated 20 December 2022, submitted by the appellant.