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Tuesday, 9 August 2022

Dear Mr Robins,

Redrow Homes - Hesmond's Stud Detailed Planning Application WD/2022/0341/MAJ

Village Concerns Objection 10 - Officer's Report Rebuttal

1. We are writing to you as the Co-Chairs of Village Concerns, a local Action Group from East Hoathly with Halland Parish. We represent the views of over 200 supporters against the overdevelopment of our Parish.
2. We object to Planning Application WD/2022/0341/MAJ. We wish to restate our objection of 3 March 2022 that there are fundamental problems with this application:
 - a. The application is incomplete and does not contain sufficient detail for a full planning application.
 - b. The applicant's claim on their website (<https://redrowconsults.co.uk/east-hoathly/>) to have begun the process of purchasing the site in early 2020. Elsewhere on the website they contradict this by saying they began the process of acquiring the site in Spring 2021. They also state on the website that they have exchanged contracts. At the public consultation event in November 2021 they went further and told many residents that they had purchased the site. We believe that this claim to be the owner of the site would amount to a breach of the planning obligation contained in the legal agreement that Planning Application WD/2020/2660/PO seeks to discharge.
3. We raised these matters with you on 3 March 2022 and you have not responded despite our request that you do so.

4. This objection is a rebuttal of the Officer's Report dated 11 August 2022. The sections highlighted in blue are quotes from Wealden District Council (WDC) documents or policy documents such as the National Policy Planning Framework (NPPF).

Public Objections Not Considered

5. Village Concerns has raised many objections to this planning application:
- a. Objection 1 - Request for Resubmission of Application - March 2022.
 - b. Objection 2 - Incomplete Application Documents - March 2022.
 - c. Objection 3 - Heritage Assets - April 2022.
 - d. Objection 4 - Sustainability - May 2022.
 - e. Objection 5 - Design and Layout - May 2022.
 - f. Objection 6 - Housing Mix - July 2022.
 - g. Objection 7 - Extant Planning Condition - July 2022.
 - h. Objection 8 - Request for New Consultation Period - July 2022.
 - i. Objection 9 - Biodiversity - July 2022.
6. The planning department has not responded to any of our submissions and the Officer's Report fails to raise many of the issues on which we have objected. The same is true of the objections made by many individual members of the public. Some examples of these omissions from your summary of "Other third party responses" are:
- a. Extant 106 Planning Condition.
 - b. Red Line conflicts with neighbouring properties.
 - c. Protection of Giant Redwood Trees.
 - d. Issues with Road Access on London Road.
 - e. The absence of a plan for Long Pond.
 - f. A housing mix that does not meet the needs of Wealden or the Parish.

7. The planning department seem content to just list some of the public's objections. It is fully accepted that some of these matters are addressed in the remainder of the Officer's Report but many issues are omitted. We sympathise that this is a lot of work for the planning department but public objections should not be ignored, they are just as important as everything else.

Lack of Public Consultation

8. The planning department has significant contact with the developers and much of this seems to be undocumented. The Officer's Report is full of last minute deals hinting at agreements on contentious issues for which there is no detail, no plans and no Conditions which could ensure that they are enforceable. This information has had no public scrutiny and Planning Committee South are being asked to approve something which is still not complete. In contrast, you have no dialogue with the community of this Parish despite the volume of public objections.

9. The Local Planning Authority has a responsibility under NPPF 2021 Paragraph 133 (Strangely the Officer's Report misses this paragraph out of its list of Relevant NPPF Policies): "Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life . These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels". When do you propose to organise the workshops to engage with the local community ?

Planning Conditions

10. You have added Conditions to the application but many seem to lack the teeth to be effective. Many of them cover issues related to ongoing maintenance but none of these maintenance plans are costed. These include Condition 10 - Planting, Condition 11 - Landscape Management, Condition 12 - Garden Planting, Condition 20 - Drainage System, Condition 21 - Sewage Disposal and Condition 26 - Lighting. It fails to cover the Ecology Management Maintenance Plan put forward in the Redrow application and a Condition should be added to cover this. The cumulative cost of all the maintenance plans is critical to the viability of the proposed development. If the costs are too great for the homeowners to bear, then the development will fail. Whilst not a planning condition, the proposed Section 106 Agreement to provide an Open Amenity Space and Play Area that would also come with a maintenance cost. No details

of the proposed play area equipment are provided and hence no maintenance plan or costs. This needs to be added to the cumulative cost of the other maintenance plans.

11. The maintenance costs for biodiversity, landscaping and, in particular, wildflower planting will be expensive. Much of this is part of a mitigation plan to offset the damage that this scheme will cause and to achieve the required 10% minimum net gain in biodiversity. If the maintenance plan fails, then so does the mitigation plan and thereby, the whole justification for the planning permission to have been granted. Because of this, the whole life cost should be provided for all maintenance plans so that the annual service charge can be predicted at the outset.

12. Condition 2 prevents development of plot 90 pending the outcome of an application to divert a Public Right of Way. The proposed diversion on the Revision Q drawing quoted in Condition 2 also crosses plot 91, so this should also have the same development restriction. Please note that Village Concerns strongly opposes the proposed diversion and urbanisation of the footpath.

13. The conditions need to specify the duration of their reach. The only current durations are in Condition 10 and is limited to one season for seeding and 5 years for trees/shrubs/hedges. The Redrow Biodiversity Net Gain Report suggests that the site will require monitoring for a period of 20 years. However, both of these fall far short of the requirements of the Environment Act 2021 and Biodiversity Metric which requires a 30 year period. When does the developer cease to be responsible and what will the cost be for the new occupants ?

14. Why has the recycling of “greywater’ not been considered as a Condition for each home. We are in the midst of a Climate Emergency and a drought. When will Wealden start taking these matters seriously ?

15. Condition 15 does not require that visitor parking is labelled. It is not shown on any of the submitted plans. If visitors do not know where they can park it creates problems, especially when the spaces are used by residents because insufficient parking spaces have been allocated.

16. Condition 21 does not specify the maintenance plan or its costs. The GTA Civils Report required significant checks and maintenance including periodic CCTV inspection. This needs to be specified by Condition and costed.

17. In the Officer’s Report there is a suggestion that homes will have Air Source Heat Pumps, EV charging points and that Photo Voltaic Panels will be proposed and that all this can be secured by Conditions. This is vague and incomplete and not acceptable for a Full Planning Application. A proposal of Photo Voltaic Panels could amount to one panel or 5000. If this really has been agreed, then a

detailed plan should be provided for every house and the proposed Condition included in the planning committees consideration of the application. This is particularly important as the designs of the houses should be amended to show them as they will be built, with Photo Voltaic Panels, Air Source Heat Pumps and EV charging points and the trailing cables all adorning the exterior of the houses. Only then can the aesthetic merits of the designs be assessed. None of this detail is presented in the Redrow plans or included in Condition 25. As currently presented the developer will be able to reduce and minimise any contribution to the Climate Emergency.

18. Condition 26 should not be required as all lighting should form part of the plan for the proposed development and approved as part of a Full Application. It is a very important matter for a rural community that currently has very little street lighting and a detailed plan should have been presented for public consultation. If Redrow or the planning department had liaised with the Neighbourhood Plan team then they could have discussed the local position which is about to be submitted for Regulation 14 Consultation.

19. There are no plans provided or Conditions to enforce the provision of, waste bins, dog waste bins or benches.

20. No plan has put forward for the Long Pond area and this is a huge void in this application. Whatever plan emerges should be covered by Planning Conditions. It is not stated anywhere in the application or the Officer's Report if the existing Planning Conditions on the Long Pond site are to be retained. If they are to be retained, how could the various and contradictory ideas put forward by Redrow be allowable under these existing Conditions. Most importantly when would the plan for Long Pond be given public consultation ?

Officer's Report Executive Summary

21. The Officer's Report Executive Summary only briefly covers heritage matters which is disappointing given the importance of this issue and the strength of the professional and public objections on the matter. It is particularly disappointing that no mention is made of the mitigation discussed at the 2020 Outline Consent. Mr Robins credits the Outline Consent with major significance repeatedly but seems keen to forget the understandings expressed by the committee chair, himself and many councillors that "the up to 205" figure would be reduced "quite considerably". The planning department also suggested that a smaller scheme be considered in pre-application meetings with Redrow. Firstly, why has this matter not been included in the Officer's Report and secondly, why has it not been acted upon ? Why is this now a Full Application for 205 homes ?

22. Village Concerns notes that Mr Robins presents a list of the public benefits that he feels should be balanced against the "high level of less than substantial

harm” that will be caused to the heritage assets. He fails to provide a list of the public harms that should be included in the balancing exercise:

- a. High level of less than substantial harm to Conservation Area.
- b. Medium level of less than substantial harm to several listed buildings.
- c. Harm to the setting of a small rural historic village.
- d. Increased traffic congestion on A22 and other local roads.
- e. Increased use of rural lanes to avoid main road congestion.
- f. 205 more car dependent houses with around 500 more cars and all this during a Climate Emergency.
- g. Harm to Ancient Woodland by 460 new residents, children and pets with no boundary being proposed by Redrow.
- h. Loss of many mature trees with their vital role as habitats and for biodiversity .
- i. Loss of over a kilometre of ancient hedgerows which provide foraging and transit routes connecting habitats around the landscape.
- j. Disturbance to existing wildlife patterns of movement, foraging and access.
- k. Fragmentation of breeding populations.
- l. Loss of permanent employment from Hesmond’s Stud
- m. Loss of valuable agricultural land.
- n. Urbanisation of Public Right Of Way.
- o. Increased pressure on failing Sewage system.
- p. Increased pressure on failing electrical supply.
- q. Increased vehicle movements to get to work, school, shops and for leisure.
- r. Unknown high level cost of maintenance programmes for these new homes.

- s. Harmful implication of tearing up the extant 106 planning condition and breaking up this viable business for the future.
- t. Not meeting the housing mix specified in Wealden policies.
- u. Not having a clear plan for the future of Long Pond.
- v. Not protecting the Giant Redwood trees.
- w. Not subjecting this proposal to an Environmental Impact Assessment.
- x. Social segregation of affordable and market housing.

23. We feel that if the balancing exercise looks at all the public harms as well as the benefits then the only possible judgement should be that the benefits do not outweigh the harms.

24. The Officer's Report Executive Summary barely mentions biodiversity and the environment. It does not mention the significant objections to the application or the gaping holes in the information provided or the quality of the reports submitted by Redrow. It fails to provide any comment on the lack of a Wealden Biodiversity Report. It should be noted that the Wealden Biodiversity Officer has not commented despite being listed as a consultee on both the 2016 application and the current one. **A local planning authority is required to submit a biodiversity report under the Natural Environment and Rural Conservation Act 2006 and the Environment Act 2021. Where is it ?**

25. The coverage of the environment also fails to mention the importance of fragmentation of habitats and the importance of retaining existing ancient hedgerows as transit routes for biodiversity. It also steadfastly ignores any mention of Long Pond. Given the level of public objection on this matter it is disgraceful that it has not been discussed and some comment as to its future, included in an Executive Summary.

26. The Officer's Report Executive Summary shows signs of being a cut and paste exercise from previous documents and contains reference to matters that **"would be determined through subsequent Reserved Matters application(s)"**. This is a Full Planning application and there will be no Reserved Matters. This is indicative of the haste with which this has been brought to the planning committee and the lack of proper consideration.

27. The Officer's Report Executive Summary makes disingenuous comments about the Neighbourhood Plan which is about to be submitted for Regulation 14

Consultation and should have been considered by a responsible planning authority and developer.

28. The Officer's Report Executive Summary refers to a 20 metre buffer to the Ancient Woodland that would be enforced by Condition but no such Condition is put forward.

Relevant Planning History

29. Part 3 of the Officer's Report covers Relevant Planning History. This omits to include the Planning History of Long Pond which is highly relevant. It also omits the Planning History of Hesmond's Stud which includes the 2012 Planning Application which created the existing Stud arrangements and Extant Planning Conditions. Is this because the planning department have been hasty and rushed in getting this application to committee or are they trying to hide relevant material ?

Details of Case

30. Figure 3 of the Officer's Report shows what is claimed to be the right of way crossing the site. This is not the correct map, the correct ESCC rights of way map is shown below:



The Correct ESCC Rights of Way Map for the site.

31. However, this is not the route of the current footpath which is shown on the aerial photograph below. It is bizarre that this has not been picked up by ESCC or Wealden. Village Concerns strongly believes that this rural countryside footpath, as currently used, should remain a rural country footpath and that there is no need to divert it or urbanise it. The maps showing the ESCC footpaths should be updated to reflect the current footpath route.



Current Route of Public Right of Way

32. Mr Robins seems to have copied significant parts of the Redrow documents for his description of this village and has fallen into the trap of repeating their mistakes. This village only has one shop (an infrequently open second hand book store is not considered relevant) yet Mr Robins description refers to shops. This is a minor point but the community is continuously offended

by the planning department stating things related to sustainability that are not true.

33. Mr Robins makes much of the fact that WDC has twice decided that an Environmental Impact Assessment (EIA) is not required and that the Secretary of State agreed that it was a matter for them to decide. However, he does not explain why the planning department made this determination. Village Concerns objected to the Scoping Reports and the decisions reached. The Environment Act 2021, the Sewage overflows now being “properly considered” and the Climate Emergency should all mean that this matter is fully explained and justified to Councillors. A summary of the reasons why Village Concerns believed an EIA is required are:

- a. The site is more than the required threshold of 150 homes and 5 hectares. The scale of this proposal to add 205 homes on top of the 55 South Street homes in a community of 380 existing homes will clearly have a significant impact on the environment of this village.
- b. The site contains a buffer zone for the Ancient Woodland that abuts the site and the impact of (in excess of) 500 cars, 600 people and their pets, needs to be assessed. One critical issue is the boundary treatment for the Ancient Woodland which is not discussed or shown on any of the plans.
- c. The plan proposes to urbanise part of a rural public right of way.
- d. The plan proposes the unnecessary loss of many trees and over one kilometre of ancient species rich hedgerows which provide excellent habitats but more importantly they provide transit routes connecting biodiversity habitats around East Hoathly. The loss of hedgerow H22 (Sussex Biodiversity Reference 2694) is omitted in the list of hedgerow losses by Mr Robins but is the most important hedgerow on the site and its removal would be devastating to biodiversity.
- e. The proposal to build homes in the setting of Listed buildings and the Conservation Area will have an effect on the historic environment. The planning department have tried to diminish and discount this impact but they should not exclude it from consideration in relation to an EIA.
- f. The site abuts a Local Wildlife Site at Croom Cottage and the impact on this environmental designation should be assessed. The Screening Opinions both incorrectly stated that the site did not contain any environmental designations. This was disingenuous because the buffer zones to protect these the Ancient Woodland and Local Wildlife Site do

form part of the proposed development site and the impact on them should therefore be assessed.

g. The Officer's Report does not mention the Biodiversity Net Gain required by the Environment Act 2021. The lack of a Biodiversity Report by the Wealden Biodiversity Officer makes the Scoping Reports carry even less credibility.

h. The plan proposes no clear or credible plan for the future of Long Pond. The pond is not even shown on the plan shown in the Officer's Report. This pond is a Great Crested Newt breeding pond and a wildlife site of great importance. A clear plan for the Long Pond site is needed and then the impact of the development on the Long Pond site can be assessed. The Scoping Reports could not assess this as no plan for Long Pond was presented by Redrow.



A view of some of the residents of Long Pond photographed in Spring 2022. This is a site that Corylus Ecology described as inaccessible and graded it as poor for ecology.

i. The failings of the Parish sewage systems with 165 sewage overflows in 2021 means that environmental harm is being caused now and the

addition of more homes will add to this harm. It is unacceptable that the planning department have ignored this.

34. It may be that an EIA would determine that any environmental impact was acceptable but to not even bother to do one is bewildering. Why do the planning department hold our biodiversity and environment in such low regard ?

35. The Officer's Report makes many spurious claims which lack any evidence. One such is: "The additional jobs and fiscal benefits are of heightened importance due to the cost of living crisis and the negative economic consequences still in play from the COVID pandemic". This is opinion without evidence and it might be equally argued that in the situation described the last thing the District needs is luxury 4 and 5 bedroom homes, surely people can now only afford small 1 and 2 bedroom homes and possibly not even be able to afford new homes at all ? Another example would be "Increased patronage of village services should be particularly welcome given that it is evident that some services are struggling to remain viable". Where did this information come from, have Redrow or Wealden spoken to our local village services ? Had they done so, or even more appropriately, had they spoken to the Neighbourhood Plan team, then it would have been explained to them, that it is far more complicated than just adding more housing to make existing businesses remain viable.

36. The Officer's Report states: "The development parcels have also been designed to respond to the historic field pattern and retain the hedgerows and planting that mark these boundaries, incorporating it into the landscape setting of the conservation area". This is not true, virtually all the existing hedgerows are listed for removal and specifically those that respond to the historic field pattern H13, and H16. Hedgerow H22 is shown for partial removal but it seems clear that this would amount to almost all the existing hedgerow and it is not clearly shown what would be retained. The Officer's Report has again copied a false Redrow statement.

37. The Officer's Report claims that the Conservation Area is protected because the proposed houses are set back from Waldron Road and states: "However, the far reaching views described by the Senior Conservation Officer would be retained over and beyond the proposed development. The provision of significant areas of open space within the development site would also ensure that views of and to the proposed development would be broken up by this open space and planting, presenting a loose, informal form of development within the settings of the listed buildings". This must be one of the most disingenuous sentences ever written. The buildings will still be 2 storey houses with ridged rooflines. They will clearly be visible above any roadside hedgerow and clearly visible from the elevated Listed Buildings on Waldron Road. If the planning department believe that the harm to the view is not relevant then that is their opinion but please do not try and justify it with drivel. This is particularly relevant

to the quoted passage but it applies equally for much more of the Officer's Report.

38. The Officer's Report states (probably by mistakenly cutting and pasting from the developers words) that design measures include: "Use of vernacular architectural styles and materials". This is laughable. The Redrow designs are stock designs taken from a national catalogue with names such as: "Windsor, Warwick, Tweed, Tavy, Snowden, Shaftsbury, Richmond, Oxford, Letchworth, Leamington, Highgrove, Henley, Hampstead, Dart, Chester and Cambridge". None of these are Sussex vernacular in design, materials or colours.

39. The Officer's Report includes a suggestion that the Housing Tenure Mix has now been agreed with Redrow but no Condition has been put forward for this nor has it been subject to public consultation.

40. The Officer's Report includes some words about Housing Mix (number of bedrooms) but it is not clear what point is being made. The fact remains that the proposed Housing Mix does not reflect the Wealden Housing Needs Survey, the objection of WDC Housing Department, the Parish Housing Need Survey or the desires of the Community Land Trust. Mr Robins also rejects objections on the grounds of Social Segregation stating that it is not what the registered provider would want. Village Concerns strongly believes that this is wrong and should not be supported by Councillors.

41. The Officer's Report states that 57 people are on the housing register with a Local Connection to East Hoathly. This figure distorts reality. Most of these people are from Heathfield and want to live in Heathfield. Very few of the 57 people with a "so called" local connection have expressed a preference to live in East Hoathly. So, whilst there is a need for affordable homes in this village it is far fewer than 57 and more than met by the affordable housing that will come with the South Street development of 55 homes. The argument that East Hoathly must bear some of the District need is erroneous because the people on the housing register almost exclusively do not want to live in East Hoathly and/or have no local connection.

42. When discussing Community Infrastructure Levy (CIL) Payments, the Officer's Report states: "In this instance these requirements are expected to be responded to by the CIL payment, to deliver improvements set out in the Councils IDP, in particular demands placed on primary school places to serve the area". Village Concerns have been very clear that the East Hoathly Primary School has been oversubscribed for more than a decade and many parishioners already have to travel to other schools. The school has no room to expand, no plans to expand and ESCC show no plans to add to the schools capacity. We would ask Mr Robins where these primary school places will be and when and why has this revelation been squeezed in at the last moment ?

43. One of the most alarming inclusions in the Officer's Report appears in the Conclusion. Mr Robins states: "In the context of East Hoathly, as set out above, the development boundary must be considered to be out of date and this site is located within a settlement where the Council has recently been keen to support growth". This is news to us. Which extant planning policy proposes growth for East Hoathly ? Which published proposal for growth in East Hoathly has been put out for public consultation ? When did the Full Council see, discuss and make such a decision ?

44. Please give this matter your best consideration. We urge you to reject this application or, at the very least, to defer your decision until the scale of the proposal is reduced and all the relevant documents and Conditions are completed and put out for public consultation. We also urge you to demand that an EIA is provided.

Katherine Gutkind and Kathryn Richardson
Co-Chairs
Village Concerns

cc

Councillor Draper
Parish Council

Councillor Stedman
Councillor Snell
Councillor Blake-Coggins
Councillor Bowdler
Councillor Cleaver
Councillor Grocock
Councillor Guyton-Day
Councillor Howell
Councillor Stephen Shing
Councillor Watts
Councillor White
Councillor Baker
Councillor Cade
Councillor Clark
Councillor Coltman
Councillor Doodes
Councillor Douglas
Councillor Hallett

Councillor Johnson
Councillor Lunn
Councillor Moss
Councillor Owen-Williams
Councillor Redman
Councillor Daniel Shing
Councillor Sparks