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South Street Application - WD/2019/1674/MAO

1. We, the Steering Group of the Village Concerns Action Group, represent the views of 130 supporters from our community and we object to Planning Application WD/2019/1674/MAO.
2. This Planning Application is almost identical to Planning Application WD/2018/1508/MAO which is currently being considered under Appeal for Non Determination. The developer clearly has some reason for submitting an almost identical application but this is unclear to us. It is a colossal waste of time for the people of this community who now have to object again to this unwanted and unnecessary development. If it is within Wealden's power we would urge that the developer be made to withdraw one of these applications. It is a waste of the planning departments time and public money to have to consider 2 almost identical applications and force all the agencies and respondents to have to reconsider them.
3. We require our original objections to stand again for this new Application WD/2019/1674/MAO and it is repeated below.
4. In addition we wish to submit additional documentation to support our objection and this is detailed at Annex A. This includes:

We wish to cite as evidence at Appendix 1 - Wealden's own Statement for the Appeal on the original application PINS Ref: APP/C1435/W/19/3223599. This clearly indicates that the original application would have been rejected had it been considered and this reasoning would therefore apply to this new application.

We wish to cite as evidence at Appendix 2 - the Village Concerns representation to the Planning Inspectorate relating to the Appeal for Non Determination for the original South Street application.

Examples citing precedents set in various recent appeal decisions that support the rejection of this current application. These are listed as Appendixes 4 to 8 of this objection.

Evidence supporting the protection of the Green Gap on South Street.

Evidence relating to the East Hoathly Sewage Plant.

Village Concerns Objection

5. This application disregards the Emerging Wealden Local Plan to which it does not conform. It claims to have local support and the support of the Neighbourhood Plan Steering Group neither of which is true. It proposes houses that this community does not need and cannot sustain. There is no space in the school, no local jobs and this would force further congestion onto the A22 and add to the pollution of the Lewes Downs and Ashdown Forest SACs.

Failure to Comply with National Policy Planning Framework (NPPF) and Emerging Wealden Local Plan

6. It is apparent that the Emerging Local Plan has been written to comply with NPPF 2012 but it is understood that when planning applications are considered that the new NPPF 2018 will be applied. This objection therefore refers to both versions of the NPPF.

7. There are many reasons that this Application should be rejected but primarily this should be that it blatantly disregards the Emerging Wealden Local Plan and contradicts the direction of both the NPPF 2012 and NPPF 2018 to provide sustainable development.

8. The Emerging Wealden Local Plan is dismissed in this Application as having little or no weight. It fails to consider the Development Boundary that excludes the Application Site. It fails to acknowledge the Emerging Wealden Plan policies on protecting the vulnerable Lewes Downs Special Area of Conservation (SAC) and Ashdown Forest SAC. It ignores the transport modelling done to support the Habitat Regulations Assessment that gives very clear direction that the “in combination effect” of all additional vehicle movements will have on the SACs. It exceeds the Windfall Allowance that has been modelled for this Middle Super Output Area (MSOA) 13 South. This was published in the Draft Wealden Local Plan as 66 with 18 Completions and Commitments since the beginning of the Plan period already reducing it to 48. Since the publication of these figures, a further 27 Completions and Commitments have reduced this remaining 48 by a further

27 to leave a remaining Windfall Allowance of 21 for MSOA 13 South. This single Application exceeds this allowance by 53.

9. Paragraphs 196 to 198 of NPPF 2012 and Paragraph 48 of NPPF 2018 are very clear that “Local Planning Authorities may give weight to relevant policies in emerging plans and the more advanced its preparation, the greater the weight that may be given”. Wealden have stated that the Emerging Plan has limited weight and is a material consideration in any Planning Decision. It indicates a direction of travel.

10. The proposal to build 74 homes in East Hoathly is not sustainable and would cause demonstrable harm under Paragraph 14 of NPPF 2012 and Paragraph 11 of NPPF 2018 as it exceeds the safely modelled Windfall Allowance.

11. Paragraph 72 of NPPF 2012 and Paragraph 94 of NPPF 2018 directs that sufficient school places should be available. The closest schools are already full and the developer has not shown where the new residents would find places. In addition, Paragraph 38 of NPPF 2012 directs that residents of new developments should be able to walk to school. This will not be possible as there are no school places in the village.

12. Paragraph 29 of NPPF 2012 and Paragraph 103 of NPPF 2018 directs that new developments should limit the need to travel. There are no local school places, no adequate local facilities and no local jobs. All residents would therefore be forced to travel for school, employment, shopping and leisure.

13. Paragraphs 56 to 58 of NPPF 2012 and Paragraph 127 of NPPF 2018 directs that developments are “visually attractive as a result of good architecture....and effective landscaping” and “are sympathetic to local character and history”. This Application is neither attractive nor sympathetic, it is a dense commuter cul-de-sac that does not reflect the adjacent existing housing.

Faults in the Application Form

14. It proposes connection to the existing sewer but the Sewage Works are close to capacity and Southern Water provide no detail to show that they can accept the additional load.

15. It states that surface water will be stored but then discharged into the existing watercourse. As this watercourse passes through a water treatment works this would be particularly vulnerable to flooding and no assessment is made of this.

16. The application states that the breakdown of 74 homes is: 48 market, 21 social and 5 intermediate. However, the use of the term "social" is meaningless. The applicant should state clearly if these are to be Social Rented Homes owned by the local authority, or Affordable Homes that are cheaper than Market Homes but effectively are the same as they go into the open market and are lost to the future needs of the community. The most useful form of housing for an isolated rural parish is Community Owned Rented Housing as part of a Community Land Trust. This Application proposes none of this. If the 21 "social homes" are in fact affordable homes then the wording of the Application should be changed.

Road Safety Audit

17. The access plan from South Street seems sound. However, the road widths are standard and as usual do not permit 2 large vehicles to pass each other inside the development. As parking provision is only to the minimum requirement there will be on road parking and this will make access for large vehicles problematic - as it is on every other modern development. The developer should be made to provide a workable development rather than just meet the minimum requirements.

18. The Audit proposes that South Street and the footpath is resurfaced in order to avoid vehicle and pedestrian accidents. It should be a condition on any permission that this would be paid for by the developer if permission is granted

Air Quality Assessment

19. At Paragraph 2.15 it refers to Wealden's policy regarding protection of the Ashdown Forest SAC but not the Lewes Downs or Pevensy Levels SACs. This is indicative of the refusal to accept that the Emerging Wealden Local Plan 2018 has any importance. It makes no mention of the Emerging Wealden Local Plan transport modelling so ignores the fact that only 48 homes are acceptable within the transport modelling. Thus failing to acknowledge that 74 homes would add an unacceptable level of air pollution to the Ashdown Forest and Lewes Downs SACs.

20. A section on Emissions Cost - Paragraphs 6.6 to 6.8 calculates a charge on the developer of £14,999 to be used for various matters such as electric vehicle schemes, car clubs and bike hire schemes. This is devalued by the belief that it is credible to travel by cycle on the A22 to Uckfield during peak periods. It is not considered credible or safe to ride to Uckfield and many other local towns during the rush hour.

Flood Risk Assessment

21. Paragraph 2.15 includes an extract from the Wealden letter of 29 Nov 2016 that gives advice on the proposed development. It states that the developer would have to “*show that the off-site downstream watercourses can accommodate the flows from the site and identify any works needed on third party land*”. It is not clear that they have done this. The proposed attenuation pond discharges into the stream on the Eastern boundary and then runs through the Sewage Works into the tributaries of the River Cuckmere. The Assessment makes no mention of the Sewage Works or its potential vulnerability to a flooded stream. It fails to consider the effect on the ancient woodland through which the streams flow. This should be specifically addressed.

22. The Assessment fails to identify the difference between run-off from a greenfield site to that of a housing development. Run-off from a housing development contains a high level of pollution from vehicle spills and roadway detritus, car washing, garden chemicals, refuse area spills, window cleaning chemicals and the general impact of human activity. All of this pollution washes into the Attenuation pond and thence into the watercourse.

23. This Application proposes that 52% of the site is hard landscaped and that means a huge increase of impermeable surfaces and hence a much increased run-off and flood risk. The Assessment supposedly calculates this increase but, based on other inaccuracies in their work, we have our doubts. At Paragraph 3.3 they show a map with the wrong site and at 4.31 that the Maintenance and Management of any adopted sewer will be by Anglian Water. This sloppiness does not give us confidence that they have got their calculations right.

24. Appendix D states that the main street of the development is aligned along the corridor for the existing sewer. A comparison of the map showing the existing sewer makes it quite clear that this is not correct. They have used an out of date site plan for their assessment. The same is true of all preceding site plans - none of the previous site plans have had a street that follows the line of the existing sewer. The point is that the sewer would need to be replaced because it is too shallow to allow the development on top of it. Also it needs to be accessible for maintenance and therefore needs to follow the roads so that it could be dug up in the future. They have not sought to cost this extra expense or approach Southern Water about it. This is the Sewage pipe for the whole village and we believe that a detailed scheme of the proposed works should be done so that the disruption is known to the community before the application is considered.

Design and Access Statement

25. The Statement of Purpose is disingenuous. It makes it sound as if they are being wonderful in offering us this opportunity for housing whilst the reality is that they are proposing a development that is hard up against the development restrictions imposed on them by Wealden and more importantly, is not needed or wanted in this community. An example of this is the phrase *“One key principle of the design is a 15m habitat buffer zone between existing woodland features and the proposed development”*. They forget to mention that this has been imposed on them by Wealden and that this zone would be fenced off and not accessible to the residents. If they really wanted to be supportive of the community they could gift or sell this unwanted agricultural land to the Community Land Trust or the Parish.

26. The Statement also claims that *“The development will compliment the surrounding existing dwellings”*. An examination of the Plan shows that this is palpably not the case. The houses on South Street show what rural housing should be like. Well spaced houses with large gardens. Comparing these with the proposed development shows it for what it is: A dense cul de sac of commuter homes that will produce the maximum profit for the developer and landowner.

27. The Statement makes much of its Community Engagement but fails to report that most of this engagement was met with negativity and hostility.

28. Paragraph 1.1 states the proposals Vision and claims that these homes are *“to fulfil the local need”*. No assessment has established this local need and it is definitively not for 74 homes in one development. There are currently only 2 people on the register requiring social housing in this Parish. It proposes that the residents will be able to access the local school ignoring the reality that there are no places and the reality is that all new residents will have to drive their children to other places. It fails to mention where these new residents will work and the whole Application fails to take account of the impact of building rural commuter estates on the road network.

29. The Statement summarises the Landscape and Visual Impact Assessment. It boldly emphasises the lack of impact on the surrounding area and makes it sound as if they are actually proposing improvements to the local views. This summary makes no mention of the devastating impact on the residents of South Street despite this being covered in the main Assessment. The conclusion that *“the identified permanent adverse landscape and visual effects are not at such a scale that they should be considered as significant barriers to development of houses at this location”*. This is wrong, the green views and spaces surrounding this community are the most important part of its character and heritage. They should not be lost.

30. Paragraph 2.2 covers Ecology and as usual it makes it sound as if they are proposing to enhance the ecology of the site. This logic is deeply flawed. It forgets to include mention of Croom Cottage Meadow SNCI. The Habitat Survey is mentioned but not its shortcomings. The main criticism is that it ignores the effect of polluted run-off entering the watercourse and feeding downstream into the River Cuckmere and Ancient Woodland.

31. Paragraph 2.5 covers local facilities and repeats the error of suggesting that the local school will have places for new residents. It also states that there is an hourly bus service which is wrong. There is an hourly bus service for one route from about 7 am to 7 pm. Thus, there is no service in the evenings or on Sundays. They include mention of the once a day 318 school bus and we believe that this is misleading as it only runs once a day and can only be used by school children.

32. Paragraph 2.6 covers Planning Context. It cites the emerging Wealden Local Plan 2015 but seems not to have read the latest Draft that has been submitted for Consultation prior to being put before the Planning Inspector. They choose to ignore the new housing windfall allowance, development boundaries and the policy relating to protection of SACs. It mentions the importance of the emerging East Hoathly Neighbourhood Plan because they think they have some support from the NP Steering Group but then state that *“it will be afforded very limited weight”* (then further on it contradicts this by stating that *“it cannot be given any weight”*). It fails to mention it in this section but elsewhere in the Application it states that the emerging Wealden Local Plan is given limited or no weight. This is not true - it carries increasing weight and is a material consideration in any planning application. It carries increasing weight as it proceeds to adoption and indicates the direction of travel. It should not be ignored and this Application should be rejected on these grounds alone. They attempt to justify this Application on the lack of a Five Year Land Supply under the 2013 Local Plan but ignore that fact that the emerging Plan satisfies the Land Supply target.

33. Section 3 covers “Involvement”. It claims that attendees at the Neighbourhood Plan events were generally supportive. This is not true. They state that attendees wanted both the Bradford and Hesmonds sites to go forward into the NP. This is not true. They make it sound as if they have responded to the community by reducing the development to the South and by providing affordable housing. This is not true, these restrictions have been imposed on them by Wealden (Kelvin Williams letter of 2016). When the NP Steering Group was presented with their revised plans it listened politely, asked questions and expressed no opinion. The developers portrayal of this meeting as giving them support is wrong and it specifically did not express a preference of development on this site.

34. Paragraph 4.2 shows the sloppiness of the Statement in that it states the buffer zone is on the West of the site whereas it is on the East. The buffer shown to the South is still potentially a development site. If the landowner was genuine in the desire to not develop this part of the site then it should be gifted to the Parish as a green space.

35. Paragraph 5.1 states that the Plan “*has due regard to the emerging EH NP and the emerging Wealden Local Plan.*” It does not, it totally disregards the Windfall Allowance of 48, the Development Boundary and the as yet unwritten and undecided NP which must legally conform to the emerging Wealden Local Plan.

36. Paragraph 5.2 makes great play of the green corridor and attenuation pond being attractive features and suggests that they are part of the development that would be accessible to the residents. The reality is that they will be fenced off and not accessible and are a danger to young children. If they are to remain as attractive as the pictures shown in the Design Statement then it would cost the residents a significant service charge.

37. Paragraph 5.3 covers the mix of housing. Various parts of the Application vary the building heights between 2 to 2.5 storeys. Wealden have expressed a desire to see bungalows included in any development. Nowhere in the Application does the applicant indicate how many would be bungalows. It also makes much of the provision of green streets, green spaces and play areas. All of this is desirable but would impose a maintenance cost on the residents. There is no acknowledgement of this or costing estimates. These costs would fall on the residents of any development and not the Parish. Maintenance estimates should also include the ongoing refurbishment cost when the play facilities/equipment requires replacement (the lifespan of some of the equipment on the Sports Ground has been around 15 years).

38. Paragraph 6.1 claims that the track to the Sewage Works could provide alternative emergency access to the site. This is a private access and no such claim should be suggested without evidence that it is agreed by the operator of the Works. It makes no mention of the Transport Assessment and Road Safety Audit which both make significant recommendations in criticism of the Plan.

39. Paragraph 6.4 details the parking spaces allocated to the site. These are the minimum required by Wealden and are insufficient for modern developments. For example: a one bed apartment is allocated one space. Many of these will be occupied by couples who will have 2 cars so one

space is inadequate. There is no capacity for motorcycle parking other than to use car spaces. Many occupants may own a motorcycle in addition to a car. There is no space for larger vehicles that are not uncommon in housing developments. Many occupants have large vehicles used for their work and the car spaces proposed are inadequate for this type of vehicle. The result will be on street parking. The width of the roadways is the minimum required by Wealden and does not allow safe parking and access for emergency or refuse vehicles. The 318 School Bus is again cited as an asset without pointing out its limitations, nor is the lack of evening or Sunday service for the 54 Bus.

40. Paragraph 7.1 discusses Phasing of the proposal. It implies that this is a matter for the Planners and the Developer. No suggestion is made that this might be of importance to the communities needs and the constraints of the NP.

Transport Assessment

41. In Paragraph 2.4 the Transport Assessment again fails to point out the limitations of the bus services. It concludes that it is possible to travel to Uckfield and Heathfield by cycle. It is not safe or credible to cycle these routes during the peak periods and they should be made to prove this.

42. Paragraph 2.5.1 shows survey results of the daily number of vehicle movements on South Street (476 going North and 445 going South). We believe that this survey underestimates the situation.

43. Paragraph 2.6 covers accident data. It is outrageous that this does not include the tragic loss of life that occurred on the A22 on Carnival Night 2017.

44. Paragraph 4.1.3 summarises the TRICS analysis showing 31/30 vehicles for the Peak AM/PM travel times. This seems to be very low based on 74 homes and 160 car parking spaces. We believe that it does not take account of the reality that most children will not find a place in the local school, the bus route has limited destinations and most working people will be commuting to work because there is no local employment. This would significantly increase the TRICS figure of 31/30 vehicles. Appendix F shows that of the 31 vehicles that it estimates will use the site entrance in the morning peak 45 minutes, that 8 will be entering the site and 23 leaving the site. It is unclear what the 8 vehicles are doing entering the site unless they are delivery vehicles or returning night workers/revellers. If they are delivery vehicles then they would also account for 8 of the 23 leaving the site. This would put the number leaving the site to take children to school or to depart for work at 15. We do not believe this is a credible finding.

45. Paragraph 4.2 covers the Traffic Impact and the model they use is a joke. Appendix E shows that 94% of traffic emerging from the site would turn Left onto South St and then at the A22 junction 76% of traffic coming from the site would turn North onto the A22. No one in the village would be this stupid. Turning right onto the A22 at this junction is often not possible and rarely safe, in fact turning left at this junction is often so problematic that many people going South on the A22 go via the Shaw Roundabout because it is a safer and easier method of access. This error totally invalidates the whole of the Traffic Impact Assessment and this should be redone before the Application is considered. Irrespective of the error, their assessment ignores the traffic turning Right out of the development and this also should have been examined.

46. Paragraph 4.3.3 looks at the Site Access and includes many drawings showing the swept path analysis of the entrance. It concludes that their design is adequate. However, it is the bare minimum required and does not allow the passing of 2 large vehicles at the entrance or within the site. Large delivery vehicles for mail order goods and online shopping are increasingly common in rural developments and when they encounter refuse vehicles there is no room to pass. On street parking will exacerbate this problem.

Odour Assessment

47. The Odour Assessment surveyed the site and took odour measurements to show that the Sewage Works has little impact on the site. However, the opinions of the South Street residents were not sought as part of the Assessment. They are the ones who live there all the time and the only people who would have a proper perspective. It also fails to examine the method of operation of the Sewage Works. It may be that on days when solid waste is removed from the Works that the odour is worse or they may have been occasions when accidents or overloading has caused spills or discharges in to the watercourses. None of this was questioned in the Assessment and these occurrences would have a significant effect on odours. The Odour Assessment essentially says that it didn't smell too bad on the day of the assessment so it must be okay all the time.

Landscape and Visual Appraisal

48. Paragraph 3.1.8 points out that under NPPF Paragraph 60 that "*should place substantial weight on the retention of local character and distinctiveness from development proposals*". This proposal is glaringly different from the homes and gardens on South St and ruins the local character and distinctiveness. It proposes a densely packed commuter cul-de-sac that is at odds with traditional rural development.

49. Paragraphs 3.1.11 to 3.1.14 comment on the value of the Site and states *“it is not considered that the Site is a ‘valued landscape’.....and has no demonstrable physical attributes”*. These agricultural fields are part of the intrinsic character and appeal of this rural community. It is contemptible to propose the destruction of the green setting of the village.

50. The most significant impact on Visual perspective of the proposed development is on the houses on South Street. This is finally addressed in a single Paragraph - 5.4.3. It is disgracefully dismissive of the view of these villagers and states *“nobody has a right to a view in law”*. This is discourteous and generally summarises the whole approach of this Application. At Paragraph 6.4 it assesses the Magnitude of the effect of their Plan on the residents of South Street as Major/Moderate yet in the Summary at Paragraph 8.1.6 they have downgraded this to Moderate/Minor. The reality is that these properties would see their outlook destroyed with no consideration and no compensation.

Travel Plan

51. The Travel Plan repeats all the errors already pointed out about bus services, cycling and the reality that the TRICS figures used do not account for the real nature of travel from communities such as this (where the school is full and there is no local employment). It states national guidance for cycle distances and that the routes to Uckfield and Heathfield are relatively flat therefore cycling is credible. No assessment is made of the traffic density and speeds on the roads nor the safety risks of such journeys.

52. It includes a section on Travel Promotion that aims to promote cycling and car sharing schemes. However, it suggests nothing about electric vehicle charging points or schemes to get the evening/Sunday bus service reinstated (particularly for our young people).

Habitat Documents

53. The Habitat Assessment falls into the usual trap of purporting to be protective of biodiversity and in most cases claiming to enhance it. The result is that any biodiversity identified is relocated, fenced into the perimeters or graded as irrelevant and then built over. These assessments are always based on an assumption that the development will go ahead and therefore they always focus on mitigation. The best way to avoid damaging the biodiversity is to not build on it. This is supported by Paragraph 6.2.5 of the Habitat Survey Report which states *“In the long term, the development of the Site could result in a loss of the quantity, quality and diversity of habitats on Site”*. Our only argument with this is to replace “could” with “will”.

54. The Habitat Assessment includes an assessment of the impact on the Ashdown Forest and Lewes Downs SACs and in the Summary states “*that the proposed development alone would have a negligible impact on air quality*”. This is wilfully ignoring the “in combination effect” that the Emerging Wealden Local Plan specifies and the fact that the transport modelling only allows for 48 homes within MSOA 13 South.

Ecology Multi Species Report

55. The Ecology Multi Species Report is one of the better parts of the Application, with one significant exception. The Survey for Great Crested Newts (GCN) was inadequate and its conclusion that because no GCN were found and because they incorrectly assessed the surrounding pond habitats as not suitable for GCN, that no further survey work should be carried out (Paragraph 1.2.2).

56. The GCN Survey only tested one pond and assessed the other 8 surrounding ponds (this is a significant underestimate as it ignores ponds in domestic gardens). The method used for assessing the ponds was a desk exercise using the Habitat Suitability Index (HSI). The limitations of this study are quite clear and the developers of HSI clearly state that “It is not a substitute for GCN surveys. These surveys have not been done.

57. One example of how poorly the ponds were assessed: The pond at the rear of the churchyard was given a HSI score of 0.37 which makes it Poor Suitability for GCN. However, the grading is based on a calculation based on 10 factors all given a score that is then multiplied together and a tenth root taken to give a HSI score. Grading one of the factors with a very low score effectively ruins the ponds status. The pond in the churchyard was considered “*likely to have poor water quality*”. It was given a score of 0.01 out of 1. No reason was given for why they considered the water quality was poor and no testing was done. It was also assessed as “*thought to frequently dry out*” and thereby given a HSI score of 0.1. Village cricketers spend many hours fishing balls out of this pond in the Summer - it never dries out. These assessments effectively ruled this pond out of consideration. This pond is 350 metres from a known GCN breeding pond. The primary fault with the HSI scores is that they all took a pessimistic view of the water levels and decided that most of the ponds “frequently dry out”. This is a mistake, but irrespective of this, the key thing for GCN ponds is that they are wet during the breeding season which is over by the time some ponds are reduced in size after a very dry Summer.

58. Various Reptiles were identified on the Site and the typical developers solution is to relocate them and then destroy their habitat. The Report does

recommend that a suitable habitat is created on Site for this. Paragraph 1.2.7 states in Bold that ***“The reptiles will need to be moved to, or encouraged to use the habitat within the buffer zone BEFORE site clearance, and the buffer zone will need to be in place and protected THROUGHOUT construction. Habitat manipulation of areas needing to be cleared of vegetation prior to construction”***. We would prefer that the presence of the Reptiles would veto the development altogether but if any development goes ahead then this should be an absolute condition of any approval. We would also want the buffer zone to be doubled in size to provide more foraging and basking areas.

59. They also propose a second option of relocating the Reptiles off Site. We wholly object to this proposal.

Utilities Report

60. The Utilities Report seems to have been a “cut and paste” exercise carried out without any real effort. It is based on a plan for 150 homes on the site and at Appendix C1 shows the Site is on a map of Ripe !

62. The Southern Water sewer pipe that bisects the Site is not properly covered. All the various Plans put forward by the developer have shown buildings over this pipe. It would therefore need to be repositioned. There is also comment that it is currently too shallow to be built on and this may also apply for roadways and pavements. This has not been addressed by Southern Water and no costing provided whereas this has been done for all other Utilities.

63. The re routing of the village sewage pipe would have an impact on the village and a detailed plan and costings should be presented before any Application is considered.

Planning Statement

64. The Planning Statement emphasises that it has Consulted with stakeholders and states that the community and Neighbourhood Plan Steering Group support their Plans. This is not true.

65. At Paragraph 6.3 it claims that *“The Neighbourhood Plan is currently in the very early stages of preparation and therefore will be afforded very limited weight in the consideration of this application”*. They cannot have it both ways. The NP is either irrelevant or it is a cornerstone of their consultation process. The NP must legally conform to the Wealden Local Plan so they cannot disregard the Emerging Wealden Local Plan but support the Emerging NP. The 2 plans are intrinsically linked.

66. At Paragraph 6.45 it claims that *“Given that the Local Plan has not yet undergone Regulation 19 consultation or been examined by an Inspector it is not considered to carry any weight and is unlikely to do so before this application is determined. As a result the policies in the emerging Local Plan have not been included within this statement”*. This is contrary to the Wealden position in that the Emerging Wealden Local Plan does carry limited and increasing weight, it is a material consideration in any planning application and indicates a direction of travel. It has now completed its Regulation 19 consultation and is about to proceed to the Inspector.

67. The developers dismissal of the Emerging Wealden Local Plan allows them to ignore the housing Windfall Allocation of 48 for East Hoathly, the new Development Boundary and the protection protocols put in place for the local SACs. They have spent much time and ink justifying their plan on policies that are history and that do not show the way forward for this community. They claim to be considerate of the environment but are wilfully ignoring the science that shows that building in excess of 48 homes in MSOA 13 South in the period up to 2028 will damage the local SACs.

68. This Application is based on greed, not need and has virtually no support within this community. The Application misrepresents the support it thinks it has and should be withdrawn.

69. Under Sustainability at Paragraph 7.22 it claims that *“the development of the Site would offer the opportunity for significant ecological enhancements to be delivered”*. It is incredible that they believe that building over the countryside enhances the ecology.

70. Paragraph 7.33 states that the Visual Impact would be Minor, Negligible or None whereas in the main Report it states the impact on the South St residents would be Major/Moderate. The Planning Statement makes no mention of the effect that this Application will have on the residents of South St.

71. Paragraph 7.68 glibly states that its own HRA has concluded that *“the development would not have a detrimental impact on the integrity of the Ashdown Forest”*. That is because their HRA is inadequate and wrong. They have disregarded the science carried out by Wealden in the Emerging Wealden Local Plan and the transport modelling that clearly shows the impact of “in combination effects” of developments in the District. The transport modelling has shown that East Hoathly can only sustain 48 homes up to 2028 without damaging the local SACs.

72. The Planning Statement makes no mention in its Highways section of the impact of the additional traffic onto the A22. This is a huge local problem (irrespective of the pollutions to the SACs) and has been totally disregarded. Ignoring known local issues such as this devalues the the whole Application. It modelled that 76% of the traffic leaving the site would turn North on the A22 from the South St junction. This is clearly a nonsense to anyone who lives in the local area. It underestimates the amount of traffic that would flow onto the A22 and has not taken account of the local reality that the local schools are full and there are no jobs in the Parish so that a disproportionate number of the new residents would be forced to join the congestion on the A22 to get to work and school.

73. Paragraph 9.4 states that the Plans presented to the Local Community and NP Working Group were relatively well received. This is not true and does not reflect the hostility and anger in the community over this Application.

Summary

74. This Application is deeply flawed and cynical. The Application fails to comply with the requirements of NPPF 2012 and NPPF 2018 to provide a sustainable development, provide adequate school places, limit additional travel or provide a good example of “sympathetic” design. It disregards the Emerging Wealden Local Plan and ignores the impact that this development would have on the Lewes Downs and Ashdown Forest SACs. It ignores the Development Boundary and the Windfall Allowance. It proposes housing that is not needed by this community and cannot be sustained. There is no space in the school and no local jobs. It would devastate the green rural setting of this part of the village and cause unacceptable pollution in the run-off through the Sewage Treatment plant and into the Cuckmere River tributaries and through Ancient Woodland. It underestimates the amount of additional traffic that would be forced onto the already congested A22. It claims to have the support of the community and the Neighbourhood Plan Steering Group. This is not true and the Application should be rejected.

Jonathan Walker
on behalf of
Village Concerns

Annexes:

A. Additional Statement by Village Concerns.

Appendixes:

1. Wealden Statement of Case WDC Ref: WD/2018/1508/MAO in the Appeal for Non Determination PINS Ref: APP/C1435/W/19/3223599.
2. Village Concerns Statement of Case. WD/2018/1508/MAO in the Appeal for Non Determination PINS Ref: APP/C1435/W/19/3223599.
3. Ashdown Forest Zone of Influence.
4. Magham Down Appeal Reference: APP/C1435/W/18/3219463.
5. Robin's Nest Appeal Reference: APP/C1435/W/18/3219463.
6. Wannock Road Appeal Reference: APP/C1435/W/18/3219463.
7. Buxted Appeal Reference: APP/C1435/W/18/3214340.
8. Hop Garden Appeal Reference: APP/1435/W/19/3226973.

Annex A

Additional Statement - Village Concerns

Wealden Statement of Case for Appeal of South Street Application WD/2018/1508/MAO

1. Village Concerns wishes to cite the evidence provided in the Wealden Statement of Case relating to the original application WD/2018/1508/MAO in the Appeal for Non Determination PINS Ref: APP/C1435/W/19/3223599 (Appendix 1). Wealden put forward a robust rejection of the case for this application. The key points in Wealden's Statement are:

Paragraph 8.2 "The development lies outside the development boundary in the Local Plan and should be refused unless material reasons indicate otherwise."

Paragraph 8.6 "Overall it is considered that the benefits of the appeal scheme are significantly and demonstrably outweighed by the adverse impacts. The opinion of the LPA is that this is not a sustainable development."

2. These points apply equally to the new application and Wealden should reject it accordingly.

Village Concerns Statement of Case for Appeal of South Street Application WD/2018/1508/MAO

3. Village Concerns wishes to cite the evidence provided in the Village Concerns Statement of Case relating to the original application WD/2018/1508/MAO in the Appeal for Non Determination PINS Ref: APP/C1435/W/19/3223599 (Appendix 2). All of the points raised apply equally to the new application and Wealden should reject it accordingly.

Appeal Decisions based on Transport Impact on SACs

4. Village Concerns wishes to cite the precedents set by various appeal decisions related to the impact of proposed developments on the Ashdown Forest SAC and Lewes Downs SAC.

5. East Hoathly is just over 10km from the Ashdown Forest SAC and this can be seen in Appendix 3.

6. Recent appeals decisions (March 2019) support this current application being rejected. These appeals were for developments at Magham Down, Robin's Nest, Wannock Road and are included at Appendixes 4 to 6 respectively. These appeals are for very small numbers of houses (1 to 4) and are all situated much further from the Ashdown Forest than the South Street application for 74 houses. Wealden traffic modelling data has shown development in East Hoathly would create significant traffic movements affecting the Ashdown Forest SAC and Lewes Downs SAC. The damaging effect of the emissions on the SACs would therefore be much more significant to those cited as reasons for rejecting the appeals at Appendixes 4 to 6.

7. The key points made in these Appeal Decisions and cited as an example from Appendix 6 were:

Effect on SACs.

Paragraph 15. *“The proposed development would result in a net increase in traffic movements: Whilst there is no certainty that such movements would be on roads through or adjacent to the SACs there is a fair likelihood that some of them would be, for example on the A26 and/or A27. In any case, under the precautionary principle, it cannot be concluded that such increased traffic movements will not affect the integrity of these SACs.”*

Paragraph 18. *“Whilst I attribute little weight to the eLP because of the limited stage it has reached, such a likely impact and breach of the Habitats Regulations, is a significant material factor weighing against the proposal. The conflict with the above eLP Policies therefore assumes significant importance in the determination of this appeal. It also has the effect, as set out in NPPF paragraph 177, of displaying the tilted balance in paragraph 11 d) ii), which would have applied given the current undisputed lack of a five-year housing land supply in the District.”*

Paragraphs 19/20. *“It would significantly harm the character and appearance of the area and would be likely to adversely affect the*

integrity of the Ashdown Forest and Lewes Downs SACs, contrary to the development plan and the NPPF and as such would not be sustainable development.”

8. These points apply equally to the new application and Wealden should reject it accordingly.

Appeal Decisions based on Effect on Neighbouring Properties

9. This application would have considerable impact on adjacent properties in terms of visual loss of view, loss of privacy, ongoing noise and disturbance. It is out of keeping with the adjacent properties which are mainly detached with large gardens.

10. Village Concerns wishes to cite the precedent set in the Buxted appeal decision APP/C1435/W/18/3214340 (Appendix 7) relating to the Effect on Neighbouring Properties.

11. The key point made in the Appeal Decision and cited from Appendix 7 was:

Paragraph 12. “In consequence, the proposal would relate poorly to its surroundings and would lead to harm to the character and appearance of the area. Whilst the falling land levels and screening offered by trees mean that the development would be unlikely to be visible from public views, it would be clearly visible from the residential properties along High Street. The harm relates to the principle of development and could not be mitigated by proposals for landscaping being advanced at the reserved matters stage. The proposal conflicts with saved policy EN27 of the Wealden District Council: Wealden Local Plan (1998) (“Local Plan”) which requires that, amongst other things, new development respects the character of adjoining development. It also conflicts with the Wealden Design Guide (2008), which is a supplementary planning document that has similar objectives to this development plan policy.”

Paragraph 17. “In conclusion, there would be unacceptable harm through noise and disturbance and a loss of privacy to Acorn House, and the effect on the living conditions of neighbouring residents would therefore be unacceptable. The

proposal conflicts with saved policy EN27 of the Local Plan which requires that, amongst other things, new development should not have an unacceptable adverse impact on the privacy and amenities of adjoining developments.”

Paragraph 32. “However, the proposal would relate poorly to its surroundings, and would also harm the living conditions of neighbouring residential occupants. It would therefore fail to achieve development that functions well and adds to the overall quality of the area. It would conflict with the objective, set out in the Framework, of achieving well-designed places and I attach substantial weight to the harm that would arise, in consequence. Overall, even taking account of the significant shortfall in housing land supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development does not apply. This would be the case even if I were to find that the effect on nearby habitats sites does not provide a clear reason for refusing the development and that the circumstances set out in paragraph 177 of the Framework do not obtain.”

12. The situation in the South Street application is similar to that of the Buxted Appeal Decision and would cause the same harm. The proposed development would not match the existing properties in terms of the size of their gardens which is an important feature of this rural village. It would also have a significant adverse impact on the privacy and amenities of the South Street homes. These matters apply equally to the new application and Wealden should reject it accordingly.

Hop Garden Appeal Decision

13. The Hop Garden, Halland lies within the Parish of East Hoathly with Halland. An Appeal for 21 Houses was dismissed under APP/1435/W/19/3226973 (Appendix 8). Many of the reasons for dismissal also apply to the current application for 74 houses in East Hoathly and Village Concerns wishes to cite the precedents set in Hop Garden Appeal Decision to reject the South Street application.

14. The key points made in the Appeal Decision and cited from Appendix 8 were:

Paragraph 7. *“The Council state that the site is not located within any defined development boundary (DB) in the adopted development plan. The DB for Halland was removed by Policy WCS6 of the Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan, 2013 (CS). The DB was removed to restrict further growth in this settlement, because the village was designated as one where further development was considered unsustainable.”*

The Development boundary was also removed for East Hoathly in Core Strategy 2013. This had followed the building of 75 homes in 2004. East Hoathly was designated as an Neighbourhood Settlement and further development was deemed unsustainable. In the Emerging Local Plan this site is outside the proposed Development Boundary for East Hoathly.

Paragraph 9. *“As such, although the site is located on the edge of a village, due to its location outside any DB, in planning policy terms, it is located within the countryside. Saved Policies GD2 and DC17 within the Wealden Local Plan 1998 (LP) generally resist new housing development in the countryside which is not essential for agriculture or forestry needs or has some other similar justification for a rural location (such as rural affordable housing exception sites). The proposal is not a rural affordable housing exception site.”*

This site is also on the edge of East Hoathly and outside the Development Boundary.

Paragraph 12. *“Policies SP07 and SP08 of the CS encourage the reduction in the need to travel by car and a network of villages to support the day-to-day needs of rural communities and accord with the National Planning Policy Framework (Framework) policies on rural housing.”*

Paragraph 13. *“There is little in the way of day to day services and facilities within Halland, which includes*

Staverton Nursery (a garden nurse and farm shop), two public houses (one includes a restaurant and B&B accommodation), a garage and a chapel. The village of East Hoathly, approximately 2km away, has a primary school, and the nearest station is Uckfield Railway Station, situated around 3.2 miles from the site. Although there are bus services to larger local towns, given the relative distances to nearby larger settlements, and the limited range of services and facilities in Halland, future occupiers of the development would nevertheless be largely reliant on the private motor car to access shops, services, facilities and employment. This is supported by the appellant's Transport Report⁶ which states that the development would likely give rise to increased traffic to/from the site with 86 daily two way trips over a typical 12 hour day (0700-1900 hours)."

East Hoathly has similar facilities to those of Halland. East Hoathly only has one pub compared with the 2 in Halland Both have a shop with limited essentials and whereas East Hoathly has a Post Office, Halland has the Garden Centre and a wide range of fresh greengrocery. East Hoathly does have a Primary School but this is little importance to potential new developments as it has been full for the last decade with no plans to expand. New residents in East Hoathly would be equally reliant on the private motor car to access schools, services, shops, leisure and employment.

Paragraph 16. *"However, the proposed development would not provide a suitable location for housing having regard to local and national policies, the accessibility of services and facilities and policies concerned with rural housing. Therefore, it would not accord with Saved Policies GD2 and DC17 of the LP, and Policies WCS4, WCS6, and SP07 of the CS. Amongst other things, these seek to preclude residential development outside development boundaries and in the countryside unless in accordance with specific policies in the Plan and seek a reduction in the need to travel by car. These policies generally accord with the Framework and therefore I attach significant weight to them."*

Exactly the same arguments also apply to the proposed development in East Hoathly.

Paragraph 22. *“The Council consider that the ‘tilted balance’ under Paragraph 11d(ii) of the Framework should not apply due to the likely effect on SPA and SACs. However, even when applying the tilted balance, the development would be contrary to the development plan and the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. 23. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed, and planning permission refused.”*

Exactly the same arguments also apply to the proposed development in East Hoathly.

15. These points apply equally to the new application and Wealden should reject it accordingly.

Evidence supporting the Protection of the Green Gap on South Street.

16. The Green Gap on South Street is identified in the Submission Wealden Local Plan at Paragraph 25.216 at:

“The development boundary at East Hoathly seeks to prevent significant outward encroachment of development into the surrounding open countryside. To the south, the development boundary follows the clear physical edge to development backed by Moat Wood and open fields. The isolated ribbon of development fronting the A22 to the south of Park Lodge has been excluded since the intervening open land is considered to be an important and integral part of the countryside surrounding East Hoathly where any extension or consolidation of development would be harmful to the character and landscape setting of the village.”

17. This has been the case in all Wealden characterisations of the village since at least the Wealden Local Plan 1998. This is supported in the

Landscape and Visual Assessments and Landscape Character Assessments done as part of the Strategic Housing and Economic Land Availability Assessment (SHELAA).

18. The protection of Green Gaps in relation to Development Boundaries is clearly supported in Wealden's Submission Local Plan and other examples are:

Paragraph 20.19 - Wadhurst. "It is important to continue to maintain the existing separation of Durgates and Sparrows Green from Wadhurst, as the characters of these two settlements are distinctly different. Separate development boundaries are drawn to prevent any intensification of the existing development north of the High Street or an encroachment of new development into the more rural area to the south around Wadhurst Castle, which would lead to coalescence of the settlements. Any proposals for development in this gap will be strongly resisted."

Paragraph 20.12 - Wadhurst. "The primary school's playground and playing fields have not been included in view of their more open aspect, which makes an important contribution to the gap between Durgates and the High Street."

Paragraph 27.66 - Laughton. "This gives the settlement two distinct character areas, with significant gaps in development affording attractive views across the farmland and woods of the Low Weald. The village owes much of its charm to this unspoilt countryside setting, which is enhanced by extensive tree groups and mature hedgerows."

The Green Gap on South Street fulfils all the criteria discussed above and should be given the same level of protection to prevent it being included in any future development.

19. The Green Gap on South Street provides a corridor of access linking the wildlife of the Ancient Woodland to the West in Moat Wood to the open countryside to the East and South of the Village. If the land is developed it would close this corridor and isolate this wildlife.

20. The Green Gap on South Street should therefore be protected from any development and Wealden should reject the new application accordingly.

Evidence relating to the East Hoathly Sewage Plant.

21. Wealden quite rightly identify in Appendix 1 that the Bat foraging, commuting and activity on the proposed site has not been surveyed and that: *“The severing of important bat commuting routes has the potential to affect local populations of bat species.”* What has not been mentioned is the importance of the adjacent Sewage Plant to the local bat population. Surveys by the local bat group have shown the Sewage Plant to be the most important location for the numbers and variety of bats in the Parish.

22. It is clear that building a housing development adjacent to such an important part of the bats environment would have a detrimental effect on the bats commuting routes and activity. The potential of light pollution and other emissions from any development may also have an adverse effect on the bats.

23. The Sewage Plant smells and attracts flies which is evidenced by the significant amount of bat activity. The odour varies dependant on the temperature, proximity and wind direction.

24. Wealden correctly identify the problems with any potential development adjacent to the Sewage Plant when it graded the land to the East of the Sewage Plant as an Unsuitable Site in the SHELAA:

Submission Library Document A29. SHELAA Page 108. *“The site is an agricultural field isolated and detached from any identified settlement or local facilities and amenities located to the edge of the village close to the A22 access. The site would require third party land to provide suitable access and owing to its isolation this site is unsuitable and development would be out of keeping with the surrounding land uses. Site 782/1950 is located to the west of the site and is in the same ownership. The site is divided from site 782/1950 by a stream and dense belt of woodland and the land slopes to the east and north-east. The elevated parts of the site are open and exposed in long range views to the south. Due to the contours it would not be possible to mitigate the effect of development here, which would be elevated and imposing in the landscape. The sewage treatment works are to the west, albeit set amongst the trees. These are likely to present an odour constraint, particularly to the elevated land adjacent. Ancient woodland is located along the western boundary of the site and would command a further 15m buffer into any developable area.”*

25. The proposed development site is equally adjacent to the Sewage Plant and would suffer the same odour constraint yet the SHELAA report for this site states:

Submission Library Document A29. SHELAA Page 346. "A public footpath runs from South Street (close to 115 and 117) and through the southern extent of the site and a sewage treatment works is situated at the sites south eastern boundary on adjacent land. Further odour assessments would be required to assess any impact on proposed development and appropriate mitigation incorporated into any development."

26. It is self evident that if one site fails the smell test the other must also fail and Wealden is asked to reject the proposed new application on the same grounds. It should also reject the new application because of the importance of the Sewage Plant to local bats as a feeding resource and the routes commuting to and from it some of which pass over the proposed site.