

LEWES DISTRICT LOCAL PLAN PART 2: SITE ALLOCATIONS AND
DEVELOPMENT MANAGEMENT POLICIES DPD

REGULATION 22(d) STATEMENT OF REPRESENTATIONS

Volume 3

Representation ID: REP/368/E1Representor Details:

Representor ID:	REP/368
Name:	Stuart Ridley
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I have seen in my local paper a article about the proposed development in the Tide Mills area. My particular concern is for the area marked E1. I am a volunteer with the Friends of Tide Mills and know this part fairly well as it is one of the areas that I go to for our monthly litter-pick. I was very surprised that part of the section is now included for development on the District Local Plan. This is one of the few "wild" places between Seaford and Brighton and a considerable numbers of the UK`s flora and fauna have made it their home. Many bird species use it either to raise families or to feed up before migrating to distant lands. I feel strongly that it should continue as such and not be developed for industrial use and hope my comments will be recorded.	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?
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Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: STUART RIDLEY [REDACTED]
Sent: 02 November 2018 16:02
To: ldf
Subject: Tide Mills Development Plan Reference E1

Categories: LPP2 comment to code - stakeholder details have been added

Hello,

I have seen in my local paper a article about the proposed development in the Tide Mills area. My particular concern is for the area marked E1.

I am a volunteer with the Friends of Tide Mills and know this part fairly well as it is one of the areas that I go to for our monthly litter-pick. I was very surprised that part of the section is now included for development on the District Local Plan. This is one of the few "wild" places between Seaford and Brighton and a considerable numbers of the UK's flora and fauna have made it their home. Many bird species use it either to raise families or to feed up before migrating to distant lands. I feel strongly that it should continue as such and not be developed for industrial use and hope my comments will be recorded.

Kind regards,

Stuart Ridley

Representation ID: REP/369/E1Representor Details:

Representor ID:	REP/369
Name:	Carol Roberts
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Newhaven developpe should not go ahead . Because this is the only sanded beach people can enjoy . This development would cause pollution and will not be monitored in away . The traffic along this road is back up already causing long delays and accidents...	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	
Why do you feel it is necessary to participate at the Examination in Public?	

--

Thea Davis

From: Carol Roberts <[REDACTED]>
Sent: 31 October 2018 10:21
To: ldf
Subject: Newhaven developpe should not go ahead . Because this is the only sanded beach people can enjoy . This development would cause pollution and will not be monitored in away . The traffic along this road is back up already causing long delays and accidents...

Categories: LPP2 comment to code - stakeholder details have been added

Sent from my Samsung Galaxy smartphone.

Representation ID: REP/370/E1Representor Details:

Representor ID:	REP/370
Name:	R Roberts
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I have just seen the news item in the recent Sussex Express about the Lewes District Local Plan, Policy E1, that proposes the use of an area of Tidemills to the east of Newhaven Harbour for industrial development. I strongly object to the inclusion of this area in the plan for the following reasons: * This area is enjoyed by hundreds of people throughout the year for exercise and	

recreation in the fresh sea air.

- * It contains an area of vegetated shingle which is of national importance.
 - * It is currently a haven for wildlife and many different species of birds can be observed here.
 - * The proposed area contains the ground nesting site for rare ringed plovers.
 - * It encompasses part of the World War 1 seaplane base which is of historical importance.
 - * Part of the seaplane base is used as a helipad for the coastguard during local emergencies.
 - * It borders the South Downs National Park in one of the few areas where it meets the sea.
 - * This is one of the few undeveloped areas of coast in Sussex and should be preserved.
- If this Policy is allowed to proceed then it will be yet another nail in Newhaven's coffin.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Dick Roberts <[REDACTED]>
Sent: 04 November 2018 10:13
To: ldf
Subject: Lewes District Local Plan: Policy E1

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sirs

I have just seen the news item in the recent Sussex Express about the Lewes District Local Plan, Policy E1, that proposes the use of an area of Tidemills to the east of Newhaven Harbour for industrial development. I strongly object to the inclusion of this area in the plan for the following reasons:

1. This area is enjoyed by hundreds of people throughout the year for exercise and recreation in the fresh sea air.
2. It contains an area of vegetated shingle which is of national importance.
3. It is currently a haven for wildlife and many different species of birds can be observed here.
4. The proposed area contains the ground nesting site for rare ringed plovers.
5. It encompasses part of the World War 1 seaplane base which is of historical importance.
6. Part of the seaplane base is used as a helipad for the coastguard during local emergencies.
7. It borders the South Downs National Park in one of the few areas where it meets the sea.
8. This is one of the few undeveloped areas of coast in Sussex and should be preserved.

If this Policy is allowed to proceed then it will be yet another nail in Newhaven's coffin.

Yours sincerely
R J Roberts

[REDACTED]

Representation ID: REP/371/RG01/ARepresentor Details:

Representor ID:	REP/371
Name:	Matthew Roberts
Organisation:	Croudace Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	matthew.roberts@croudace.co.uk
Address:	Croudace House Tupware Lane Caterham CR3 6XQ

Representation:

Policy/Section:	RG01 - Caburn Field
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Effective Not Consistent with national policy
Representation: Unrealistic deliverability or RG01 There is very little flexibility to accommodate the windfall sites, draft policy is restrictive and inconsistent with the NPPF.	

What changes do you suggest to make the document legally compliant or sound?

Allocate further housing at Broyle Farm - to ensure deliverability of housing in Ringmer.

Allocating further housing will ensure Lewes wont be left with a shortfall.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/371/RG01/BRepresentor Details:

Representor ID:	REP/371
Name:	Matthew Roberts
Organisation:	Croudace Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	matthew.roberts@croudace.co.uk
Address:	Croudace House Tupwood Lane Caterham Surrey CR3 6XQ

Representation:

Policy/Section:	RG01 - Caburn Field
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
* Introduction	
1.1. These representations have been prepared by Croudace Homes in support of our site at Broyle Gate Farm, Ringmer. A site location plan has been attached to our representation which identifies the location/extent of the site; these representations have been submitted in addition to the completed questionnaire. Broyle Gate Farm has been	

promoted through the Local Plan process for a mixed use development and it was considered Suitable, Available and Achievable in the SHLAA (June 2014).

Subsequently, a planning application/appeal was submitted and later refused/dismissed (ref – LW/14/0947) for the erection of up to 70 dwellings (Including affordable housing), a sports and community building, tennis courts, synthetic turf playing pitch, amenity open space, formation of vehicular access, parking and associated landscaping, see attached plan (Page 6). The site is allocated for sport and recreation facilities, through the Ringmer Neighbourhood Plan and the Lewes Local Plan (Policy RG3). However, we consider that the scheme could deliver the objectives of Policy RG3 and help meet the remaining/future housing requirements of Ringmer; as either an alternative for Caburn Field or a Reserve Site.

1.2. The Lewes Local Plan Part 2 seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. Through, identifying and allocating additional sites to meet development growth identified in Local Plan Part 1 and by setting out detailed (non-strategic) development management policies to guide development and change.

1.3. The purpose of our representations is to review and consider the proposed allocation at Caburn Fields, Ringmer. They highlight why policy RGO1 is not consistent with policies set out in the Local Plan Part 1 and how this could jeopardise the spatial strategy of the Lewes Local Plan. They will also underline how Broyle Gate Farm provides an alternative, available, achievable and deliverable opportunity; to meet the needs of Lewes Borough Council and Ringmer Parish.

* The NPPF Tests of Soundness

2.1. Pursuant to the provisions at paragraph 214 of the recent revision to the National Planning Policy Framework ("NPPF") (published 24th July 2018), it is acknowledged that the policies of the previous NPPF (March 2012) will apply for the purpose of examining local plans, where those plans are submitted on or before 24 January 2019. Accordingly, if the Pre-Submission Lewes Local Plan Part 2 is not submitted by this date, it will fall to be examined on the basis of the revised NPPF.

2.2. Assuming the Local Plan is submitted by 24th January 2019, the provisions of the previous NPPF (March 2012) will apply and we have prepared our response(s) on this basis.

2.3. However, as the housing delivery test and new NPPF kick in Lewes will need to review their Local Plan and Plan for a much higher level of housing under the standard method than this plan allocates.

2.4. The previous NPPF sets out the principal components to be included in local plans. Paragraph 182 requires that to be "sound" a DPD should be positively prepared, justified, effective and consistent with national policy.

2.5. In order to be justified the Local Plan must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives. Effective means the document must be deliverable, flexible and be able to be monitored.

2.6. Our suggested amendments, which we consider necessary to make the Plan "sound", may be summarised as relating to the following:

2.6.1. Remove Policy RG01, as it is not consistent with the Local Plan Part 1 and clearly not deliverable, resulting in a shortfall;

2.6.2. Very little flexibility to accommodate development, as it is left unclear where the additional 468 'windfall' dwellings are to be provided. Draft policy is too restrictive and inconsistent with national policy; the NPPF seeks only to recognise the intrinsic character of the countryside.

2.6.3. Increase the level of housing provision in Ringmer, through allocating Broyle Gate Farm ;

2.6.4. Meet existing housing needs in the earlier part of the plan period, with an acknowledgement that the existing supply of housing commitments are insufficient in both quantum and delivery phasing to meet these more immediate needs;

* Draft Policy RG01 – Caburn Field

3.1. Caburn Field is allocated for residential development providing a minimum of 90 net additional dwellings subject to compliance with all appropriate development plan policies and a replacement playing field of equivalent area and quality is available and ready for use at an acceptable location in Ringmer before development takes place.

3.2. During the plan period 2010 – 2030, the planned level of growth for Ringmer is 385 dwellings, housing is required to assist, maintain and enhance the village's community services and facilities. However, at the time of the Local Plan Part 1 Examination there was shortfall of 32 net additional dwellings and Caburn Field (Policy RG01) is required to meet that shortfall.

3.3. Caburn Field is currently home to Ringmer Football Club, a Southern Combination Division One team. The club is conveniently located at the very centre of the village, making it within easy walking distance for many of the local players, staff and supporters.

3.4. Policy RG01 requires an equivalent quality and size playing field to be made available, in an acceptable location, prior to the start of development. However, the site is situated at the heart of Ringmer, which is well located and accessible. Sporting facilities are an important resource for the village of Ringmer, which is a village that already lacks such amenities. The shortfall of outdoor sports areas is identified in The Topic Paper 'Outdoor Playing Space in the Lewes District'. For the site to come forward it is reliant on an adequate replacement being identified. However, given the apparent lack of suitable playing pitches available within Ringmer, it is unlikely a suitable alternative will be identified. If the site cannot be brought forward it could potentially jeopardise the 5 year land supply of Lewes and undermine the Local Plan.

3.5. Policy RG01 has a minimum requirement of 90 net additional dwellings. Due to the small scale of the site and a high minimum requirement of 90 dwellings, a density of 47dph is required. Such a high density is not in keeping with the surrounding area. The majority of the surrounding houses are two storey/detached properties at a low density

of between 15dph to 22dph (as referenced with Housing Site Options Background Report November 2017). The purpose of Core Policy 2 is to conserve and enhance the high quality and character of towns and villages, maintaining the local vernacular and 'sense of place'. Such high densities in the centre of Ringmer would be contrary to Policy 2 of the Core strategy.

3.6. The Local Plan and Neighbourhood Plan have identified/allocated Land adjacent to Ringmer Community College (Policy RG3) for recreation purposes only. However, this site has been promoted as a mixed use scheme (including recreation space and facilities) and has not been made available by the land owner for the sole use of recreation purposes. Therefore, Lewes and the Parish of Ringmer are unable to rely on this land coming forward for exclusively recreational purposes; further undermining the shortfall of outdoor sports areas in Ringmer.

3.7. Given that Caburn Field has been allocated for a considerable period of time, originally through the Core Strategy which was published in 2003, there is no current planning application to support the continued allocation of this site and thus it is questioned whether the site is available, achievable and deliverable. It is our view the further consideration should be given to alternative sites that can deliver during the Plan period. One such site is Broyle Gate Farm, the benefits of which will be summarised in the next section.

* Broyle Gate Farm

4.1. The site has previously been promoted for a mixed use development and was considered Suitable, Available and Achievable in the SHLAA (June 2014). In December 2014, an application (ref – LW/14/0947) was submitted for the erection of up to 70 dwellings (Including affordable housing), a sports and community building, tennis courts, synthetic turf playing pitch, amenity open space, formation of vehicular access, parking and associated landscaping, see attached plan (page 6). This was refused in May 2017. Subsequently, an appeal was submitted and this was dismissed in September 2016. It was concluded that Lewes had an up-to-date 5 Year Land Supply and the proposal would conflict with the recently adopted development Plan.

4.2. The site provides a mixed-use opportunity; which would be of benefit to all the local community. This includes sport and community buildings of circa 850m², tennis courts, an all-weather pitch and sports pitches. No other site in Ringmer can offer these benefits in such a sustainable/suitable location. The proposal would have benefits in terms of economic and social roles of sustainable development, through the delivery of housing (affordable) and the delivery of sports facilities. It is crucial that the Core Strategy Part 2 make best use of such opportunities to ensure the successful delivery of its Vision, Objectives and Spatial Strategy.

4.3. To conclude, Caburn Field (Policy RG01) has a number of key issues including concerns around density and deliverability. Due to the small scale of the site and a high minimum requirement of 60 dwellings, a density of 46dph is required. However, such a high density is not in keeping with Ringmer or Core Policy 2. The site has been allocated for a considerable period of time, originally through the Core Strategy which was

published in 2003. There is no current planning application to support the continued allocation of this site and thus it is questioned whether the site is available, achievable, deliverable or able to provide the required sports facilities. Conversely, Broyle Gate Farm is readily available, deliverable and achievable. It can effectively deliver much needed sports/recreation facilities, whilst delivering residential housing that is policy compliant. We consider Broyle Gate Farm to be a suitable alternative for Caburn Field and/or a potential reserve site that could be delivered at the Council's need; helping to maintain Lewes Borough Council's 5 Year Land Supply.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

LEWES DISTRICT COUNCIL

LOCAL PLAN PART 2 - Pre Submission Version (26th September to 5th November 2018)

REPRESENTATIONS

PREPARED BY CROUDACE HOMES

IN SUPPORT OF

BROYLE GATE FARM, RINGMER

November 2018



1. Introduction

- 1.1. These representations have been prepared by Croudace Homes in support of our site at Broyle Gate Farm, Ringmer. A site location plan has been attached to our representation which identifies the location/extent of the site; these representations have been submitted in addition to the completed questionnaire. Broyle Gate Farm has been promoted through the Local Plan process for a mixed use development and it was considered Suitable, Available and Achievable in the SHLAA (June 2014). Subsequently, a planning application/appeal was submitted and later refused/dismissed (ref – LW/14/0947) for the erection of up to 70 dwellings (Including affordable housing), a sports and community building, tennis courts, synthetic turf playing pitch, amenity open space, formation of vehicular access, parking and associated landscaping, see attached plan (Page 6). The site is allocated for sport and recreation facilities, through the Ringmer Neighbourhood Plan and the Lewes Local Plan (Policy RG3). However, we consider that the scheme could deliver the objectives of Policy RG3 and help meet the remaining/future housing requirements of Ringmer; as either an alternative for Caburn Field or a Reserve Site.
- 1.2. The Lewes Local Plan Part 2 seeks to deliver the strategic objectives and spatial strategy of the Local Plan Part 1. Through, identifying and allocating additional sites to meet development growth identified in Local Plan Part 1 and by setting out detailed (non-strategic) development management policies to guide development and change.
- 1.3. The purpose of our representations is to review and consider the proposed allocation at Caburn Fields, Ringmer. They highlight why policy RGO1 is not consistent with policies set out in the Local Plan Part 1 and how this could jeopardise the spatial strategy of the Lewes Local Plan. They will also underline how Broyle Gate Farm provides an alternative, available, achievable and deliverable opportunity; to meet the needs of Lewes Borough Council and Ringmer Parish.

2. The NPPF Tests of Soundness

- 2.1. Pursuant to the provisions at paragraph 214 of the recent revision to the National Planning Policy Framework (“NPPF”) (published 24th July 2018), it is acknowledged that the policies of the previous NPPF (March 2012) will apply for the purpose of examining local plans, where those plans are submitted on or before 24 January 2019. Accordingly, if the Pre-Submission Lewes Local Plan Part 2 is not submitted by this date, it will fall to be examined on the basis of the revised NPPF.
- 2.2. Assuming the Local Plan is submitted by 24th January 2019, the provisions of the previous NPPF (March 2012) will apply and we have prepared our response(s) on this basis.
- 2.3. However, as the housing delivery test and new NPPF kick in Lewes will need to review their Local Plan and Plan for a much higher level of housing under the standard method than this plan allocates.
- 2.4. The previous NPPF sets out the principal components to be included in local plans. Paragraph 182 requires that to be “sound” a DPD should be positively prepared, justified, effective and consistent with national policy.
- 2.5. In order to be justified the Local Plan must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives. Effective means the document must be deliverable, flexible and be able to be monitored.
- 2.6. Our suggested amendments, which we consider necessary to make the Plan “sound”, may be summarised as relating to the following:
 - 2.6.1. Remove Policy RG01, as it is not consistent with the Local Plan Part 1 and clearly not deliverable, resulting in a shortfall;
 - 2.6.2. Very little flexibility to accommodate development, as it is left unclear where the additional 468 ‘windfall’ dwellings are to be provided. Draft policy is too restrictive and inconsistent with national policy; the NPPF seeks only to recognise the intrinsic character of the countryside.
 - 2.6.3. Increase the level of housing provision in Rimgmer, through allocating Broyle Gate Farm ;
 - 2.6.4. Meet existing housing needs in the earlier part of the plan period, with an acknowledgement that the existing supply of housing commitments are insufficient in both quantum and delivery phasing to meet these more immediate needs;

3. Draft Policy RG01 – Caburn Field

- 3.1. Caburn Field is allocated for residential development providing a minimum of 90 net additional dwellings subject to compliance with all appropriate development plan policies and a replacement playing field of equivalent area and quality is available and ready for use at an acceptable location in Ringmer before development takes place.
- 3.2. During the plan period 2010 – 2030, the planned level of growth for Ringmer is 385 dwellings, housing is required to assist, maintain and enhance the village's community services and facilities. However, at the time of the Local Plan Part 1 Examination there was shortfall of 32 net additional dwellings and Caburn Field (Policy RG01) is required to meet that shortfall.
- 3.3. Caburn Field is currently home to Ringmer Football Club, a Southern Combination Division One team. The club is conveniently located at the very centre of the village, making it within easy walking distance for many of the local players, staff and supporters.
- 3.4. Policy RG01 requires an equivalent quality and size playing field to be made available, in an acceptable location, prior to the start of development. However, the site is situated at the heart of Ringmer, which is well located and accessible. Sporting facilities are an important resource for the village of Ringmer, which is a village that already lacks such amenities. The shortfall of outdoor sports areas is identified in The Topic Paper 'Outdoor Playing Space in the Lewes District'. For the site to come forward it is reliant on an adequate replacement being identified. However, given the apparent lack of suitable playing pitches available within Ringmer, it is unlikely a suitable alternative will be identified. If the site cannot be brought forward it could potentially jeopardise the 5 year land supply of Lewes and undermine the Local Plan.
- 3.5. Policy RG01 has a minimum requirement of 90 net additional dwellings. Due to the small scale of the site and a high minimum requirement of 90 dwellings, a density of 47dph is required. Such a high density is not in keeping with the surrounding area. The majority of the surrounding houses are two storey/detached properties at a low density of between 15dph to 22dph (as referenced with Housing Site Options Background Report November 2017). The purpose of Core Policy 2 is to conserve and enhance the high quality and character of towns and villages, maintaining the local vernacular and 'sense of place'. Such high densities in the centre of Ringmer would be contrary to Policy 2 of the Core strategy.
- 3.6. The Local Plan and Neighbourhood Plan have identified/allocated Land adjacent to Ringmer Community College (Policy RG3) for recreation purposes only. However, this site has been promoted as a mixed use scheme (including recreation space and facilities) and has not been made available by the land owner for the sole use of recreation purposes. Therefore, Lewes and the Parish of Ringmer are unable to rely on this land coming forward for exclusively recreational purposes; further undermining the shortfall of outdoor sports areas in Ringmer.

3.7. Given that Caburn Field has been allocated for a considerable period of time, originally through the Core Strategy which was published in 2003, there is no current planning application to support the continued allocation of this site and thus it is questioned whether the site is available, achievable and deliverable. It is our view the further consideration should be given to alternative sites that can deliver during the Plan period. One such site is Broyle Gate Farm, the benefits of which will be summarised in the next section.

4. Broyle Gate Farm

- 4.1. The site has previously been promoted for a mixed use development and was considered Suitable, Available and Achievable in the SHLAA (June 2014). In December 2014, an application (ref – LW/14/0947) was submitted for the erection of up to 70 dwellings (Including affordable housing), a sports and community building, tennis courts, synthetic turf playing pitch, amenity open space, formation of vehicular access, parking and associated landscaping, see attached plan (page 6). This was refused in May 2017. Subsequently, an appeal was submitted and this was dismissed in September 2016. It was concluded that Lewes had an up-to-date 5 Year Land Supply and the proposal would conflict with the recently adopted development Plan.
- 4.2. The site provides a mixed-use opportunity; which would be of benefit to all the local community. This includes sport and community buildings of circa 850m², tennis courts, an all-weather pitch and sports pitches. No other site in Ringmer can offer these benefits in such a sustainable/suitable location. The proposal would have benefits in terms of economic and social roles of sustainable development, through the delivery of housing (affordable) and the delivery of sports facilities. It is crucial that the Core Strategy Part 2 make best use of such opportunities to ensure the successful delivery of its Vision, Objectives and Spatial Strategy.
- 4.3. To conclude, Caburn Field (Policy RG01) has a number of key issues including concerns around density and deliverability. Due to the small scale of the site and a high minimum requirement of 60 dwellings, a density of 46dph is required. However, such a high density is not in keeping with Ringmer or Core Policy 2. The site has been allocated for a considerable period of time, originally through the Core Strategy which was published in 2003. There is no current planning application to support the continued allocation of this site and thus it is questioned whether the site is available, achievable, deliverable or able to provide the required sports facilities. Conversely, Broyle Gate Farm is readily available, deliverable and achievable. It can effectively deliver much needed sports/recreation facilities, whilst delivering residential housing that is policy compliant. We consider Broyle Gate Farm to be a suitable alternative for Caburn Field and/or a potential reserve site that could be delivered at the Council's need; helping to maintain Lewes Borough Council's 5 Year Land Supply.



Representation ID: REP/372/INT/A

Representor Details:

Representor ID:	REP/372
Name:	Sarah Roberts
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	What is the role of Neighbourhood Plans
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Effective
Representation: LDC have repeatedly developed residential sites along Valebridge Road in the area they refer to as 'Edge of Burgess Hill' or Theobalds. These sites are all within the designated Neighbourhood Plan Area for the Wivelsfield Neighbourhood Plan. However, they were not allocated within the WNP and they do not adhere to the general development	

policies agreed and adopted by the Wivelsfield Neighbourhood Plan.

What changes do you suggest to make the document legally compliant or sound?

Firstly, refrain from referring in the Plan to farthest North Eastern reaches of the Parish of Wivelsfield as Edge of Burgess Hill or Theobalds. This is disingenuous and misleading.

The Plan should instead refer to this community as Edge of Wivelsfield, always 'of' the Parish of Wivelsfield. Our train station is Wivelsfield. We are not in Burgess Hill, Edge of Burgess Hill or to be referred to as Theobalds.

All future development in this area, designated and adopted in the Neighbourhood Plan Area as the whole Parish of Wivelsfield, should adhere to WNP planning and development policies. The 5 year housing allocation for REP will have been met by December so the WNP Plan continues to lead policy.

Where the Council sees fit to develop land within the WNP Area but on the County boundary, greater cooperation is needed with Mid Sussex District Council to manage the increased burden on Mid Sussex rate payers and their highways of development in this region. The duty to cooperate has been updated in the NPPF with a Statement of Common Ground. In the case of the north western Edge of Wivelsfield the two district councils need to cooperate in their re-evaluation of the impact of development in this area, taking into account 3,500 homes approved in the Northern Ark will go along way to meeting development needs in this region albeit on the Mid Sussex side of the counties' boundary.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/372/INT/B

Representor Details:

Representor ID:	REP/372
Name:	Sarah Roberts
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	What is the role of Neighbourhood Plans
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No
Representation: It states in 1.7 that "Where a town or parish council is developing a neighbourhood plan that will include site allocations for specific uses, the District Council is not proposing to allocate sites or identify site specific policies in the Local Plan Part 2." In complete contradiction with this statement, the Local Plan Part II includes Nuggets for an allocation of 14 residential units (the Planning Application itself is for 25 units) yet this is not in the WNP, the site was not allocated by the WPC nor the current planning	

application for Nuggets supported by WP Council.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/372/DTC

Representor Details:

Representor ID:	REP/372
Name:	Sarah Roberts
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Duty to Co-operate
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective
Representation:	
LDC's duty to cooperate with Mid Sussex in planning developments on the county boundary at North West Wivelsfield is questionable. CIL seems to be the only area of cooperation or discussion. Strategic co-operation in the planning and delivery of new developments within the region does not go beyond or any deeper than the tolerated	

identification and allocation of controversial on-boundary sites and subsequent CIL payments. When do Mid Sussex and Lewes cooperate to identify and agree the 'types' of residential homes needed (according to statistical forecasts in the changes to our population) in the region and concomitant services and infrastructure in light of the fact that all residents in the North West of Wivelsfield look to Burgess Hill and Mid Sussex District Council to meet their needs.

What changes do you suggest to make the document legally compliant or sound?

A transparent public Statement of Common Ground.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/373/GT01Representor Details:

Representor ID:	REP/373
Name:	Alan Robinson
Organisation:	The St Helena Farm Partnership
Consultation Body:	General
Stakeholder Type:	Local Business / employer

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	St Helena Farm St Helena Lane Plumpton Green BN7 3DH

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Alan Robinson [REDACTED]
Sent: 04 November 2018 21:37
To: ldf
Cc: [REDACTED]
Subject: Proposed Gypsy Site Plumpton Green

Categories: GT01, Vanessa to deal with

Dear Sir/Madam,

The St Helena Farm Partnership, St Helena Farm, St Helena Lane Plumpton Green BN7 3DH wishes to submit its observations and objections to the proposed Gypsy Site next to the Old Brickworks, Plumpton Green.

- The proposal would completely change the character and rural setting of St Helena Lane and the lane down to Plumpton Green from the Plough Inn.
- The nature of the proposal to have both permanent and mobile homes situated on the site will inevitably create an untenable amount of vehicle movements.
- The vehicle movements, as pointed out above, will occur at all hours of the day and night notwithstanding the fact that the council would impose movement restrictions to certain times, which in practice would not be monitored satisfactorily, no matter how well intentioned the District Council might be.
- Although views are not a reason to be taken into consideration for planning, it is important to be aware of the concerns of the neighbouring properties and the unfair devaluation of their homes.
- Regardless of any approval to use the site in an orderly manner, by virtue of mobile vehicles the site will become a hotchpotch of unsightly, unregulated positioning.
- By nature of the site, and the flexibility of the proposal, it could in all probability, become a far larger development than at present envisaged.
- By virtue of the change of use from agricultural land, it could lead to a substantial permanent housing development which would be quite unacceptable in such a precious rural landscape.
- The occupants of ten caravans would put an enormous strain on local services, particularly the school.

We trust that the above points will be taken into consideration.

Yours faithfully

Alan L. Robinson

Partner.



Alan Robinson
[REDACTED]

Representation ID: REP/374/GT01Representor Details:

Representor ID:	REP/374
Name:	Mark and Carolyn Robinson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>We would like to add our names to the list of those objecting to the proposed traveller sites in Plumpton Green. It makes little sense to change an agricultural field, already turned down for residential land development, into a residential place for travellers and gypsies. The site is outside the village, with no paths, and so unsafe to walk to the village from there. Given that the village school is supposed to be one of the many reasons why the site has been proposed, there is no safe way to get children there, other than by car. The village already has an action plan and at the time of submitting it, had not been identified as somewhere for travellers to reside. We urge you to identify</p>	

and build on a site where they have access to proper and existing facilities rather than on the fringes of small village where the location lacks needed amenities.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: [REDACTED]
Sent: 04 November 2018 14:13
To: ldf
Cc: Mum
Subject: Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sirs,

We would like to add our names to the list of those objecting to the proposed traveller sites in Plumpton Green.

It makes little sense to change an agricultural field, already turned down for residential land development, into a residential place for travellers and gypsies.

The site is outside the village, with no paths, and so unsafe to walk to the village from there. Given that the village school is supposed to be one of the many reasons why the site has been proposed, there is no safe way to get children there, other than by car.

The village already has an action plan and at the time of submitting it, had not been identified as somewhere for travellers to reside.

We urge you to identify and build on a site where they have access to proper and existing facilities rather than on the fringes of small village where the location lacks needed amenities.

Kind regards,

Mark & Carolyn Robinson
[REDACTED]

Representation ID: REP/375/HPCRepresentor Details:

Representor ID:	REP/375
Name:	
Organisation:	Fairfax Acquisitions Limited
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	Tim Rodway
Organisation:	Rodway Planning

Contact Details:

Email Address:	tim@rodwayplanning.co.uk
Address:	

Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Rodway Planning Consultancy Limited represents our clients, Fairfax Acquisitions Limited, who have control of development land opportunities in Plumpton and Newick. Both sites that are under our client's control are located adjacent to the existing settlements.</p> <p>Both sites have been assessed by the District Council as part of the Strategic Housing Land Availability Assessment (SHLAA), the latest version of which is dated August 2017.</p> <p>The Plumpton site comprises land at Noland's Farm, Station Road and at North Barnes Lane (rear of the school) (SHLAA references 10PL and 21PL/02PL).</p>

The Newick site comprises land at 45 Allington Road (SHLAA reference 20NW).

Both sites have been promoted to the Council, and it has been confirmed via a range of technical survey work and assessments, that the sites are suitable, available and deliverable. The sites therefore have the ability to make a significant, and meaningful contribution to meeting the District Councils objectively assessed housing need (OAHN).

On behalf of our clients, we have, in late 2017, submitted Outline planning applications to the District Council in respect of both sites. The relevant application reference numbers are as follows:

- * • LW/17/0885: Land at Nolands Farm, Plumpton - 45 new dwellings; and,
- * • LW/17/0905: Land at 45 Allington Road, Newick – 20 new dwellings.

The technical details and reports that accompany these applications highlight both sites suitability to accommodate new development. We would be grateful if this consultation representation could be read alongside this previously submitted documentation. The Newick application has been withdrawn, whilst the Plumpton application remains under consideration. A revised scheme for the Newick site is to be resubmitted imminently.

2

As set out in our representations made in January 2018 in respect of the LPP2, we consider that this DPD provides an opportunity to boost the housing supply within the District over and above that required by the Part 1 Plan. This would comply with the intentions of the NPPF, whilst also according with the increased housing needs as set out in the Government's recent consultation document. Such an approach would also demonstrate flexibility to allow for greater number of housing to be provided, as the OAHN and unmet need of other authorities combine to demonstrate that an even greater housing number is required. We consider that a failure to do this would represent a failure of the Part 2 Local Plan. We do not consider that this issue can wait for the overriding strategic Part 1 plan to be updated. We consider that the Part 2 plan can provide this function, and this would allay a delay in the actual housing supply needs of the District being satisfactorily met. If this is not acted upon now, then it is likely that cumulative impact will be that there is an even greater housing need being established in Lewes District in the future, with an associated failure of the District to adequately meet their 5-year housing land supply requirements, which in itself will render the Development Plan (insofar as it relates to the supply of housing) being out of date, irrespective of when it was adopted.

On behalf of Fairfax, we can confirm our support for the focus of new development being on sustainable locations in Lewes District. This would direct future growth to the existing towns and villages in the District, which have the greatest range of jobs, services and facilities.

We are disappointed that the Local Plan Part 2 does not focus any further growth over and above that already identified as part of the Neighbourhood Plan process at either Newick or Plumpton Green.

The Local Plan Part 1 has already identified both settlements as being sustainable

locations suitable for accommodating new housing growth. However, the Part 2 Plan does not seek to increase the housing that is set out within the Neighbourhood Plans, and instead chooses to focus development on land in the main towns, and a smaller number of units at a variety of other villages where there is no Neighbourhood Plan.

In summary, it is evident that the LPP2 Pre-Submission Version has not been materially altered following our previous representations in January 2018. This is disappointing. We can reiterate that our client's sites can bring forward a notable number of dwellings in acknowledged sustainable locations, adjacent to the main villages of Newick and Plumpton Green. Both locations have access to key services, facilities, public transport and an economic base. With sensitive design, the sites can be delivered immediately without adverse landscape impacts. In policy terms, these sites are acceptable and offer development opportunities which are deliverable and can make a valuable contribution towards housing provision in the District over the Plan period.

3

Given the OAHN, and the requirement to also take account of the unmet need of nearby authorities, we consider that the Local Plan Part 2 must be amended so as to provide for a greater number of homes than the minimum set out in the Local Plan Part 1. This Part 2 Plan provides an opportunity to strengthen the District's housing supply position moving forward – which given the likely increased OAHN as identified by the Government in Autumn 2017, would help overcome any future supply issues that are likely to arise.

What is clear is that a number of housing allocations are required, and these must include the allocation of sustainable greenfield sites. We consider that the Local Plan Part 2 does not go far enough in this respect. We consider that further meaningful housing allocations are required now, and these should include land that is within a Neighbourhood Plan area where a Neighbourhood Plan has been 'made'.

In this respect our client's land at Newick and Plumpton Green are ideally positioned, and with the intention of delivering housing within the short term, tangible benefits will be provided not only in terms of assisting in meeting the Council's OAHN requirements, but also in terms of the community and infrastructure benefits that will come with the proposed quantum of development.

In conclusion, our client's sites are eminently suitable for consideration in terms of housing delivery, as they would provide multiple housing and infrastructure benefits to the District as required by the NPPF, and opportunities of this nature will be required to fulfil OAHN. We consider that both sites should be allocated in the Local Plan Part 2, and also the Plan should be updated so as to provide a flexible approach to new housing development proposals on unallocated land located outside the defined built-up areas.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB

5th November 2018

Dear Sirs

**Public Consultation Representations
Lewes District Local Plan Part 2: Site Allocations and Development Management
Policies DPD - Pre-Submission version**

Rodway Planning Consultancy Limited represents our clients, Fairfax Acquisitions Limited, who have control of development land opportunities in Plumpton and Newick. Both sites that are under our client's control are located adjacent to the existing settlements.

Both sites have been assessed by the District Council as part of the Strategic Housing Land Availability Assessment (SHLAA), the latest version of which is dated August 2017.

The Plumpton site comprises **land at Nolands Farm, Station Road and at North Barnes Lane** (rear of the school) (*SHLAA references 10PL and 21PL/02PL*).

The Newick site comprises land at **45 Allington Road** (*SHLAA reference 20NW*).

Both sites have been promoted to the Council, and it has been confirmed via a range of technical survey work and assessments, that the sites are suitable, available and deliverable. The sites therefore have the ability to make a significant, and meaningful contribution to meeting the District Councils objectively assessed housing need (OAHN).

On behalf of our clients, we have, in late 2017, submitted Outline planning applications to the District Council in respect of **both** sites. The relevant application reference numbers are as follows:

- LW/17/0885: Land at Nolands Farm, Plumpton - 45 new dwellings; and,
- LW/17/0905: Land at 45 Allington Road, Newick - 20 new dwellings.

The technical details and reports that accompany these applications highlight both sites suitability to accommodate new development. We would be grateful if this consultation representation could be read alongside this previously submitted documentation. The Newick application has been withdrawn, whilst the Plumpton application remains under consideration. A revised scheme for the Newick site is to be resubmitted imminently.

As set out in our representations made in January 2018 in respect of the LPP2, we consider that this DPD provides an opportunity to boost the housing supply within the District over and above that required by the Part 1 Plan. This would comply with the intentions of the NPPF, whilst also according with the increased housing needs as set out in the Government's recent consultation document. Such an approach would also demonstrate flexibility to allow for greater number of housing to be provided, as the OAHN and unmet need of other authorities combine to demonstrate that an even greater housing number is required. We consider that a failure to do this would represent a failure of the Part 2 Local Plan. We do not consider that this issue can wait for the overriding strategic Part 1 plan to be updated. We consider that the Part 2 plan can provide this function, and this would allay a delay in the actual housing supply needs of the District being satisfactorily met. If this is not acted upon now, then it is likely that cumulative impact will be that there is an even greater housing need being established in Lewes District in the future, with an associated failure of the District to adequately meet their 5-year housing land supply requirements, which in itself will render the Development Plan (insofar as it relates to the supply of housing) being out of date, irrespective of when it was adopted.

On behalf of Fairfax, we can confirm our support for the focus of new development being on sustainable locations in Lewes District. This would direct future growth to the existing towns and villages in the District, which have the greatest range of jobs, services and facilities.

We are disappointed that the Local Plan Part 2 does not focus any further growth over and above that already identified as part of the Neighbourhood Plan process at either Newick or Plumpton Green.

The Local Plan Part 1 has already identified both settlements as being sustainable locations suitable for accommodating new housing growth. However, the Part 2 Plan does not seek to increase the housing that is set out within the Neighbourhood Plans, and instead chooses to focus development on land in the main towns, and a smaller number of units at a variety of other villages where there is no Neighbourhood Plan.

In summary, it is evident that the LPP2 Pre-Submission Version has not been materially altered following our previous representations in January 2018. This is disappointing. We can reiterate that our client's sites can bring forward a notable number of dwellings in acknowledged sustainable locations, adjacent to the main villages of Newick and Plumpton Green. Both locations have access to key services, facilities, public transport and an economic base. With sensitive design, the sites can be delivered immediately without adverse landscape impacts. In policy terms, these sites are acceptable and offer development opportunities which are deliverable and can make a valuable contribution towards housing provision in the District over the Plan period.

Given the OAHN, and the requirement to also take account of the unmet need of nearby authorities, we consider that the Local Plan Part 2 must be amended so as to provide for a greater number of homes than the minimum set out in the Local Plan Part 1. This Part 2 Plan provides an opportunity to strengthen the District's housing supply position moving forward – which given the likely increased OAHN as identified by the Government in Autumn 2017, would help overcome any future supply issues that are likely to arise.

What is clear is that a number of housing allocations are required, and these must include the allocation of sustainable greenfield sites. We consider that the Local Plan Part 2 does not go far enough in this respect. We consider that further meaningful housing allocations are required now, and these should include land that is within a Neighbourhood Plan area where a Neighbourhood Plan has been 'made'.

In this respect our client's land at Newick and Plumpton Green are ideally positioned, and with the intention of delivering housing within the short term, tangible benefits will be provided not only in terms of assisting in meeting the Council's OAHN requirements, but also in terms of the community and infrastructure benefits that will come with the proposed quantum of development.

In conclusion, our client's sites are eminently suitable for consideration in terms of housing delivery, as they would provide multiple housing and infrastructure benefits to the District as required by the NPPF, and opportunities of this nature will be required to fulfil OAHN. We consider that both sites should be allocated in the Local Plan Part 2, and also the Plan should be updated so as to provide a flexible approach to new housing development proposals on unallocated land located outside the defined built-up areas.

Yours faithfully,

Tim Rodway
Director

c.c. Fairfax Acquisitions Limited

Representation ID: REP/376/E1Representor Details:

Representor ID:	REP/376
Name:	Ann Roe
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I am writing to express my objections in the strongest possible terms to this new policy.. The people of Newhaven and Seaford appear to be being treated with utter contempt and disdain. No sooner has one unwelcome and destructive plan been passed than we are informed of another- slowly chipping away at the beautiful and much appreciated open space between the 2 towns. This area is wholly unsuitable for further development in my opinion. I have made regular use of the area until recently when I am too upset by the	

desecration and destruction to visit.

My main interest in the area is in the wildlife and natural environment- I and many others visit to walk and photograph a truly amazing array of flora and fauna, much of it migratory and transitory..

The site hosts the threatened habitat of vegetated shingle- a habitat rapidly declining and of which this is a very fine example.

I have also used the beach very regularly- Newhaven has already been deprived of the use of one beach and now this too is under threat. It is the only sandy beach for miles in either direction. I take both my elderly mother as it is the only place she and other older or disabled people can get in the sea which is important for both physical and mental health- and also my grandchildren to swim and play.

Newhaven is a deprived area with few amenities- this area is one where families can access fresh air and exercise easily.

Additionally, the area is basically beach, at or below sea level. I cannot understand how it can be considered suitable for development.

Traffic flow through Newhaven is currently so bad that I avoid going there if at all possible. Traffic is almost always delayed and in peak times there are terrible hold ups.

Any further traffic coming on to the A259 will only exacerbate the situation. This appears not to have been taken into consideration at all and no alternatives offered.

Air quality is poor and having worked in Child Health in the area , I am aware that children's hospital admissions for respiratory problems are already above the national average.

Please consider the people who live here, the natural environment and agree that enough is enough.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Kemp, Emma

From: [REDACTED]
Sent: 28 October 2018 19:07
To: ldf
Subject: Tide Mills -new policy E1
Categories: LPP2 comment to code - stakeholder details have been added

To whom it may concern

I am writing to express my objections in the strongest possible terms to this new policy..

The people of Newhaven and Seaford appear to be being treated with utter contempt and disdain.

No sooner has one unwelcome and destructive plan been passed than we are informed of another- slowly chipping away at the beautiful and much appreciated open space between the 2 towns.

This area is wholly unsuitable for further development in my opinion.

I have made regular use of the area until recently when I am too upset by the desecration and destruction to visit.

My main interest in the area is in the wildlife and natural environment- I and many others visit to walk and photograph a truly amazing array of flora and fauna, much of it migratory and transitory..

The site hosts the threatened habitat of vegetated shingle- a habitat rapidly declining and of which this is a very fine example.

I have also used the beach very regularly- Newhaven has already been deprived of the use of one beach and now this too is under threat. It is the only sandy beach for miles in either direction. I take both my elderly mother as it is the only place she and other older or disabled people can get in the sea which is important for both physical and mental health- and also my grandchildren to swim and play.

Newhaven is a deprived area with few amenities- this area is one where families can access fresh air and exercise easily.

Additionally, the area is basically beach, at or below sea level. I cannot understand how it can be considered suitable for development.

Traffic flow through Newhaven is currently so bad that I avoid going there if at all possible. Traffic is almost always delayed and in peak times there are terrible hold ups.

Any further traffic coming on to the A259 will only exacerbate the situation. This appears not to have been taken into consideration at all and no alternatives offered.

Air quality is poor and having worked in Child Health in the area , I am aware that children's hospital admissions for respiratory problems are already above the national average.

Please consider the people who live here, the natural environment and agree that enough is enough.

Ann Roe

Representation ID: REP/377/GT01
--

Representor Details:

Representor ID:	REP/377
Name:	Alan Rogers
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I wish to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have detrimental effect on the whole village. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.</p> <p>The village agree to an expansion of the village under the neighbourhood plan, this is outside of the scope of the agreed plan and therefore should not be built.</p> <p>As it is a dangerous site which has already been refused planning permission for</p>

residential houses, due to the busy road, therefore why should a Gypsy site be any less dangerous? This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the likelihood of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site. I have driven on this to road many times and it would work to put a foot path is going to very difficult as new drainage coverts would be required, resiting of telephone poles would need to happen and where the verge is next to someone hedge the land would need to be purchased. Also during this work access to Plumpton using this road would be very restricted as this will required barriers to placed on the road protecting the workmen.

If the footpath was going to use the road therefore restricting the width of the road, this will make the road even more dangerous as presently there is room for two cars or a lorry and a car, restricting the width would cause major congestion issues as cars will not be able to pass properly.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, I have been told that all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business to the local shop. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning [REDACTED] Once there, who would be responsible for containing and managing this site?

At a village meeting the council was asked how much this would cost and there were not prepared. However, with the purchase of the land , the legal costs, the building costs, implementing of the footpath and the management of the site, these costs are going to be considerable. How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

There must be more suitable site that could be considered elsewhere, instead of potentially ruining this Village.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Kemp, Emma

From: Alan cxzczx <[REDACTED]>
Sent: 22 October 2018 20:09
To: ldf
Subject: Fw: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN
Categories: LPP2 comment to code - stakeholder details have been added

From: Alan cxzczx
Sent: 22 October 2018 19:08
To: ldf@lewses.gov.uk
Subject: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN
Subject: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN
[REDACTED]

I wish to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have detrimental effect on the whole village. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.

The village agree to an expansion of the village under the neighbourhood plan, this is outside of the scope of the agreed plan and therefore should not be built.

As it is a dangerous site which has already been refused planning permission for residential houses, due to the busy road, therefore why should a Gypsy site be any less dangerous? This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the likelihood of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site. I have driven on this to road many times and it would work to put a foot path is going to very difficult as new drainage coverts would be required, resiting of telephone poles would need to happen and where the verge is next to someone hedge the land would need to be purchased. Also during this work access to Plumpton using this road would be very restricted as this will required barriers to placed on the road protecting the workmen.

If the footpath was going to use the road therefore restricting the width of the road, this will make the road even more dangerous as presently there is room for two cars or a lorry and a car, restricting the width would cause major congestion issues as cars will not be able to pass properly.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, I have been told that all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business to the local shop. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning [REDACTED]. Once there, who would be responsible for containing and managing this site?

At a village meeting the council was asked how much this would cost and there were not prepared. However, with the purchase of the land , the legal costs, the building costs, implementing of the footpath and the management of the site, these costs are going to be considerable. How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

There must be more suitable site that could be considered elsewhere, instead of potentially ruining this Village.

Representation ID: REP/378/GT01Representor Details:

Representor ID:	REP/378
Name:	Catherine Rogers
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I am emailing to object about the proposed Gypsy site in Plumpton Green. This will have a negative effect on this quiet country village, by damaging the rural character of the village.</p> <p>This site had already been refused planning permission for residential houses, as it is dangerous due to the 60 MPH busy country road. Therefore this site is also dangerous for a gypsy site. Access to the site would be hazardous, and there would be a risk of</p>	

accidents on this dangerous road. Also the site is dangerous because there is no pavement or street lighting for access to the site or to the village by foot.

The Gypsy site would have a negative effect on Plumpton Green's economy. Apparently all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. This totals a loss of approximately 50 jobs in the area and the Brickworks landlord would lose all their income, as it is unlikely that they would attract other businesses to the area. There would also be loss of business to the local shop.

The site is proposed as 5 pitches for up to 10 caravans, however once the area has become a Gypsy site it is likely that it would expand, either via further planning [REDACTED] [REDACTED]. Once there who would be responsible for containing and managing this site?

How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Catherine Rogers [REDACTED]
Sent: 04 November 2018 10:27
To: ldf
Subject: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN

Categories: LPP2 comment to code - stakeholder details have been added



I am emailing to object about the proposed Gypsy site in Plumpton Green. This will have a negative effect on this quiet country village, by damaging the rural character of the village.

This site had already been refused planning permission for residential houses, as it is dangerous due to the 60 MPH busy country road. Therefore this site is also dangerous for a gypsy site. Access to the site would be hazardous, and there would be a risk of accidents on this dangerous road. Also the site is dangerous because there is no pavement or street lighting for access to the site or to the village by foot.

The Gypsy site would have a negative effect on Plumpton Green's economy. Apparently all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. This totals a loss of approximately 50 jobs in the area and the Brickworks landlord would lose all their income, as it is unlikely that they would attract other businesses to the area. There would also be loss of business to the local shop.

The site is proposed as 5 pitches for up to 10 caravans, however once the area has become a Gypsy site it is likely that it would expand, either via further planning or [REDACTED]. Once there who would be responsible for containing and managing this site?

How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

Regards

Catherine Rogers

Representation ID: REP/379/GT01Representor Details:

Representor ID:	REP/379
Name:	Christine Rogers
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I wish to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have detrimental effect on the whole village. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.</p> <p>As it is a dangerous site which has already been refused planning permission for residential houses, due to the busy road, therefore why should a Gypsy site be any less</p>

dangerous? This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the likelihood of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, I have been told that all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business to the local shop. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning [REDACTED]. Once there who would be responsible for containing and managing this site?

How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

There must be more suitable site that could be considered elsewhere, instead of potentially ruining this Village.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Christine Rogers [REDACTED]
Sent: 21 October 2018 11:18
To: ldf
Subject: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN

Categories: LPP2 comment to code - stakeholder details have been added



I wish to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have detrimental effect on the whole village. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.

As it is a dangerous site which has already been refused planning permission for residential houses, due to the busy road, therefore why should a Gypsy site be any less dangerous? This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the likelihood of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, I have been told that all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business to the local shop. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning or [REDACTED]

[REDACTED] Once there who would be responsible for containing and managing this site?

How does Lewes Council have the resources to fund the purchase of the land and conversion to the Gypsy site, when funding is so tight and cuts are being made to services? I consider this is a very bad use of our Council Tax.

There must be more suitable site that could be considered elsewhere, instead of potentially ruining this Village.

Mrs Christine Rogers

Representation ID: REP/380/GT01Representor Details:

Representor ID:	REP/380
Name:	Timothy Rogers
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I want to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have bad effect on Plumpton Green. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.</p> <p>I noticed the proposed site is at the bottom of a hill near to a pond, there is a likelihood of flooding.</p> <p>Also the site has already been refused planning permission for residential houses, due</p>

to the dangerous busy road. This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the possibility of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site. If a new footpath was being built it would be very expensive and make the already narrow/dangerous road worse.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, apparently all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business tax. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning [REDACTED] Once there who would be responsible for containing and managing this site?

This is a very bad use of our Council Tax, when Lewes has very limited funds.

There must be a more suitable site that could be considered elsewhere, rather than Plumpton Green.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Tim Rogers [REDACTED]
Sent: 04 November 2018 14:28
To: ldf
Subject: Re: OBJECTIONS TO PROPOSED GYPSY SITE IN PLUMPTON GREEN

Categories: LPP2 comment to code - stakeholder details have been added

[REDACTED]

I want to object to the proposed Gypsy site at the top of Station Rd, Plumpton Green, since this will have bad effect on Plumpton Green. Plumpton is a green field site in a quiet location; the proposed Gypsy would damage the rural character of the village.

I noticed the proposed site is at the bottom of a hill near to a pond, there is a likelihood of flooding.

Also the site has already been refused planning permission for residential houses, due to the dangerous busy road. This is 60 MPH country road and any access in or out of the site would be very hazardous, the with the possibility of accidents on an already dangerous road.

There is no pavement or street lighting meaning that access to the site or to the village by foot would be dangerous for anyone living on the site. If a new footpath was being built it would be very expensive and make the already narrow/dangerous road worse.

The Gypsy site would have a very damaging effect on Plumpton Green's economy, apparently all 19 businesses presently at the Old Brickworks would leave, if the Gypsy site goes ahead. Which means a loss of about 50 jobs in the area and also loss of business tax. The Brickworks landlord also would lose all their income, as it is very unlikely that they would attract other businesses to the area.

Although it is only proposed as 5 pitches for up to 10 caravans (5 static/5 mobile) once the area has become a Gypsy site it is likely that it would expand, either via further planning or [REDACTED]
[REDACTED] Once there who would be responsible for containing and managing this site?

This is a very bad use of our Council Tax, when Lewes has very limited funds.

There must be a more suitable site that could be considered elsewhere, rather than Plumpton Green.

Mr Timothy J Rogers

Representation ID: REP/381/E1Representor Details:

Representor ID:	REP/381
Name:	Ruth Rose
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Planning Objection: E1 Newhaven Port and Tide Mills.</p> <p>From the all year sea swimmers</p> <p>* The plan varies from the original proposals to develop only that land to the north of the proposed Port access road (PAR). The inclusion of land on the seaward side, right up to the Tide Mills access path, will destroy habitat that is currently of natural importance and it will displace Skylark ground nesting (two nests observed with skylarks this summer), a</p>

pair of nightingales (frequently observed and heard this year) and an egret which I observed in the creek only this morning. The closeness of the development to the beach will threaten the well established Seal family that I and my swimming companions often observe in that area (There were three seal pups born this spring)

* The plan fails to limit the size and nature of the industrial estate development industries and Buildings.

Because this is proposed to be within an area of Outstanding Natural Beauty and on part of the South Downs National Park, at the very least, building heights should be restricted to two stories or 13 Metres.

For the same reason, only 'clean and green' industries should be permitted to occupy space. There should be a height restriction on exterior structures and mobile machinery on the site at 13 Metres maximum.

* Drainage will be a very important issue on this site. The only natural drainage is into the creek. Sewage and surface water from concrete areas and roofs will need to be pumped back to the sewage processing plant nearby. Will it have the capacity to deal with the extra load? There needs to be very clear restrictions on disposal of industrial liquid waste. The use of accidental spillage bunds and double chamber waste traps where oils are being used must be added to the overall regulatory requirements that are to be included in the planning permission of the site.

* The argument that Newhaven needs more industrial development to provide more employment in the area is very questionable. The genuine need for jobs by local residents is small because two or three manufacturing employers in the town have a policy of taking on casual workers, as and when they apply. The effect of creating hundreds of new jobs will bring an influx of workers from other places and exacerbate the already serious traffic problems created by the one-way system's pedestrian crossing lights and the river bridge. Thus this development will be detrimental to the township as a whole.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Ruth Rose [REDACTED] >
Sent: 05 November 2018 18:45
To: Idf; Ruth Rose
Subject: Planning Policy. Area E! Newhaven
Attachments: Seal at Tide Mills 30 10 2018.png; Seal close inshore at Tide Mills 30 10 2018 .png
Categories: Vanessa to deal with

Dear Sirs.

Planning Objection: E1 Newhaven Port and Tide Mills.
From the all year sea swimmers

1. The plan varies from the original proposals to develop only that land to the north of the proposed Port access road (PAR). The inclusion of land on the seaward side, right up to the Tide Mills access path, will destroy habitat that is currently of natural importance and it will displace Skylark ground nesting (two nests observed with skylarks this summer), a pair of nightingales (frequently observed and heard this year) and an egret which I observed in the creek only this morning. The closeness of the development to the beach will threaten the well established Seal family that I and my swimming companions often observe in that area (There were three seal pups born this spring)
2. The plan fails to limit the size and nature of the industrial estate development industries and Buildings.
Because this is proposed to be within an area of Outstanding Natural Beauty and on part of the South Downs National Park, at the very least, building heights should be restricted to two stories or 13 Metres.
For the same reason, only 'clean and green' industries should be permitted to occupy space. There should be a height restriction on exterior structures and mobile machinery on the site at 13 Metres maximum.
3. Drainage will be a very important issue on this site. The only natural drainage is into the creek. Sewage and surface water from concrete areas and roofs will need to be pumped back to the sewage processing plant nearby. Will it have the capacity to deal with the extra load? There needs to be very clear restrictions on disposal of industrial liquid waste. The use of accidental spillage bunds and double chamber waste traps where oils are being used must be added to the overall regulatory requirements that are to be included in the planning permission of the site.
4. The argument that Newhaven needs more industrial development to provide more employment in the area is very questionable. The genuine need for jobs by local residents is small because two or three manufacturing employers in the town have a policy of taking on casual workers, as and when they apply. The effect of creating hundreds of new jobs will bring an influx of workers from other places and exacerbate the already serious traffic problems created by the one-way system's pedestrian crossing lights and the river bridge. Thus this development will be detrimental to the township as a whole.

Ruth Rose
[REDACTED]

Ruth Rose is the Leader of the 'Seaford Mermaids' all year round daily sea swimming group (Membership now 30 and increasingly popular) .





Representation ID: REP/382/E1Representor Details:

Representor ID:	REP/382
Name:	Crispin Rose-Innes
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified
Representation:	
Stop it!	
What changes do you suggest to make the document legally compliant or sound?	
Stop it. Newhaven does not need this ridiculous development which will not contribute any positive attributes to the town except to destroy what little remains of the	

surrounding natural environment. STOP IT!	
Do you consider it necessary to participate at the Examination in Public?	Yes
Why do you feel it is necessary to participate at the Examination in Public? Because this will have a huge effect on local nature and the well being of the people who live nearby. This increase in road traffic with heavy trucks is not sustainable and will be detrimental to this local environment.	

Representation ID: REP/383/E1Representor Details:

Representor ID:	REP/383
Name:	Megan Rowse
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Consistent with national policy
Representation: The E1 area was put in at a late stage. I believe the area E1 should be kept at a designated wildlife area and shouldn't be allowed to be developed.	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public? No	
Why do you feel it is necessary to participate at the Examination in Public?	

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Representation ID: REP/384/GT01Representor Details:

Representor ID:	REP/384
Name:	Nick Rse
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified
Representation:	
We object on the following grounds:- The site is a greenfield site outside the boundary of Plumpton Green village itself, and the rural nature of this area would inevitably be compromised by the addition of the proposed 5 permanent pitches and toilet block.	

There is no main drainage to the site and no prospect of such being installed. This will require the installation of a sewage treatment plant. The restricted size of the site for the number of residents, the heavy clay soil and the low-lying position and, therefore, likely high water table, mean it would be impractical to install a soakaway that meets the requirements of BS 6297:2007 and discharge must, therefore, be to the stream to the south of the site. This discharges into the Longford Stream, home of several protected species. As proposed, there will be no resident warden on the site and no individual resident responsible for the running of the sewage treatment plant. It is likely that any failure of the plant causing a non-compliant discharge will not become apparent to the residents until long after the failure.

The 21 businesses at The Old Brickworks feel that they would want to relocate, or, at least, that additional security measures would be necessary. Loss of such businesses would be a major blow to the local economy.

As the site is for travellers, it is inevitable that large, cumbersome, slow-moving and possibly muddy and slippery towed units will frequently enter and leave the site. This means the requirements for a safe entrance need to be more stringent than for any other entrance to the road and this will be difficult to achieve.

What changes do you suggest to make the document legally compliant or sound?

Find an alternative site that does not have the above problems

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/385/E1Representor Details:

Representor ID:	REP/385
Name:	Tessa Russell
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
I would like to register my concern about the proposed E1 policy in the Lewes District Local Plan which would allow industrial development on Tide Mills beach.	
I believe it's vital to protect the beach for wildlife and for people and to prevent pollution.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Tessa Russell <[REDACTED]>
Sent: 02 November 2018 18:16
To: ldf
Subject: Reference E1

Categories: LPP2 comment to code - stakeholder details have been added

I would like to register my concern about the proposed E1 policy in the Lewes District Local Plan which would allow industrial development on Tide Mills beach.

I believe it's vital to protect the beach for wildlife and for people and to prevent pollution.

Tessa Russell
[REDACTED]
[REDACTED]
[REDACTED]

Representation ID: REP/386/GT01Representor Details:

Representor ID:	REP/386
Name:	Sharon Sansom
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>We feel that the proposed site in Plumpton green has not been thought about for the safety of</p> <p>People either living on the site or people passing the site. We have no street lights in Plumpton</p> <p>And there are no speed restrictions on the road going up to the plough public house or down into the village . Visibility at twilight is very restrictive .</p> <p>Plumpton as a village is growing at such a rate and we feel that this site should have been added to the neighbourhood plan and not just another add on</p>	

This is a greenfield site and therefore should remain one .

Does the council have enough money set aside to maintain this development as we think

This could be costly and ongoing

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Sharon Sansom [REDACTED]
Sent: 05 November 2018 18:27
To: ldf
Subject: Proposed gypsy site in Plumpton green

Categories: GT01, Vanessa to deal with

We feel that the proposed site in Plumpton green has not been thought about for the safety of People either living on the site or people passing the site. We have no street lights in Plumpton And there are no speed restrictions on the road going up to the plough public house or down into the village . Visibility at twilight is very restrictive .
Plumpton as a village is growing at such a rate and we feel that this site should have been added to the neighbourhood plan and not just another add on

This is a greenfield site and therefore should remain one .

Does the council have enough money set aside to maintain this development as we think This could be costly and ongoing

Regards. Mr and Mrs Sansom

Sent from my iPad

Representation ID: REP/387/GT01Representor Details:

Representor ID:	REP/387
Name:	Lee Saunders
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation: This is a green field site in a quiet location and the proposed site would damage the Rural character of the village and fail to preserve the open space. Also the site was not included and allocated in the neighbourhood plan. And there is also inadequate pedestrian access to the village. No footpath. Therefore dangerous to both pedestrians and car drivers especially at night when not light.	

What changes do you suggest to make the document legally compliant or sound?

No development should be allowed.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/388/GT01Representor Details:

Representor ID:	REP/388
Name:	D Scarlett
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I would like to point out my personal concerns and questions regarding the above proposal and the introduction of Gypsies and/or Travellers into our village community.</p> <p>* The term "Gypsy" is used but will any people privileged to have residential access to this site be Gypsies or will they all be Travellers a contradiction of terms if they are to become residents on this site.</p> <p></p> <p></p> <p></p> <p>* Have the effects on the community been properly considered and is it felt that the infra structure is appropriate bearing in mind the heavy plant and large caravans some of</p>	

these families have. Will the village Primary School be expected to accommodate children from these families often on a short term basis and the disruption that can bring? Has the School been consulted?

* It is stated that there will be 5 permanent caravan pitches. Who will manage this and has there been any consideration that there could very soon, very very soon be an influx of other Travellers encroaching on the surrounding field area? Should this happen who will be charged with the task of ensuring the site is returned to 5 pitches? We are all aware of reports by the media that it can take a long, long time to remove encroachers and can be unpleasant with Police involvement. The village can do without this.

* How is the development of this site being funded?

* Should the toilet block within the proposal be [REDACTED] freezes up during winter months who is responsible for its maintenance and for any repairs and what becomes of the Travellers toiletry needs in the meantime?

* Will there be any control by Lewes District Council [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

* Have you considered the effects on the businesses adjacent to the proposed site, the village shop and the 2 local pubs and have they been consulted?

* If, heaven forbid, this proposal was to go ahead and it clearly doesn't work will REP be prepared to step in, [REDACTED] and return things to how they were?

* This plan has never been mentioned in the Neighbourhood Plan

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: D SCARLETT <[REDACTED]>
Sent: 31 October 2018 14:04
To: ldf
Subject: Proposed Gypsy Site in Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

Proposal for Gypsy and Travellers Site in Plumpton Green Dear Sirs I would like to point out my personal concerns and questions regarding the above proposal and the introduction of Gypsies and/or Travellers into our village community.

- The term "Gypsy" is used but will any people privileged to have residential access to this site be [REDACTED] Gypsies or will they all be [REDACTED] Travellers a contradiction of terms if they are to become residents on this site. [REDACTED]

- Have the effects on the community been properly considered and is it felt that the infra structure is appropriate bearing in mind the heavy plant and large caravans some of these families have. Will the village Primary School be expected to accommodate children from these families often on a short term basis and the disruption that can bring? Has the School been consulted?

- It is stated that there will be 5 permanent caravan pitches. Who will manage this and has there been any consideration that there could very soon, very very soon be an influx of other Travellers encroaching on the surrounding field area? Should this happen who will be charged with the task of ensuring the site is returned to 5 pitches? We are all aware of reports by the media that it can take a long, long time to remove encroachers and can be unpleasant with Police involvement. The village can do without this.

- How is the development of this site being funded?

- Should the toilet block within the proposal [REDACTED] or freezes up during winter months who is responsible for its maintenance and for any repairs and what becomes of the Travellers toiletry needs in the meantime?

- Will there be any control by Lewes District Council [REDACTED]

- Have you considered the effects on the businesses adjacent to the proposed site, the village shop and the 2 local pubs and have they been consulted?

- If, heaven forbid, this proposal was to go ahead and it clearly doesn't work will LDC be prepared to step in, [REDACTED] and return things to how they were?

- This plan has never been mentioned in the Neighbourhood Plan

Regards

Representation ID: REP/389/GT01/ARepresentor Details:

Representor ID:	REP/389
Name:	Gordon Scourfield
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I was horrified to learn of your intention to provide the above site with 5 permanent caravan pitches. Before moving to the tranquil village of Plumpton Green, we lived in north Brighton. During that time, I had personal experience of these people. While working in Asda Hollingbury, I experienced first hand I also witnessed the from both Patcham and Ditchling Road grass land.	

My wife who currently works part time in a restaurant in Patcham has also experienced first hand [REDACTED]

Namely: [REDACTED]

This village has a lot of elderly vulnerable residents. For you to allow this to go ahead will give them unfair potential stress.

Incidentally, If you push this through, I think the "5 pitches" will treble by the time their "Family and friends" turn up.

If you insist on proceeding along this route, you should hold a meeting with all residents and take their true feelings into account.

* This is without consideration of the detrimental impact on nearby housing developments.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/389/GT01/BRepresentor Details:

Representor ID:	REP/389
Name:	Gordon Scourfield
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Further to my Email to you dated 24th April 2018 objecting to the above proposed Gypsy site where I listed my personal experiences with Gypsies (which you will view as discriminatory, but based on my experiences are the real world) I would also object for the following reasons. 1) Perceived decline in property values and potential buyers possibly being put off. 2) Assuming children will be on the site, there's a danger of walking to the village centre as there is no walkway and is outside of the 30mph speed limit on a bending road. 3) This was not included in the Neighbourhood Plan.	

4) I would not be surprised if a lot of the adjacent businesses moved away fearing loss of customers and increased security needs.

Finally, I would have thought that any proposed site must cover all health and safety issues for the occupants including schools, Doctors Surgeries etc plus reliable regular transport.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: GORDON SCOURFIELD <[REDACTED]>
Sent: 24 September 2018 07:49
To: ldf
Cc: office@lewesconservatives.com
Subject: Proposed permanent Gypsy and Travellers site adjacent to "The Old Brickworks" in Plumpton Green.

Categories: LPP2 comment to code - stakeholder details have been added

I was horrified to learn of your intention to provide the above site with 5 permanent caravan pitches.

Before moving to the tranquil village of Plumpton Green, we lived in north Brighton.

During that time, I had personal experience of these people.

While working in Asda Hollingbury, [REDACTED]
I also witnessed the [REDACTED] from both Patcham and Ditchling Road grass land.

My wife who currently works part time in a restaurant in Patcham has also experienced first hand [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
This village has a lot of elderly vulnerable residents. For you to allow this to go ahead will give them unfair potential stress.

Incidentally, If you push this through, I think the "5 pitches" will treble by the time their "Family and friends" turn up.

If you insist on proceeding along this route, you should hold a meeting with all residents and take their true feelings into account.

Respectfully yours,
Gordon Scourfield.

PS. This is without consideration of the detrimental impact on nearby housing developments.

Hodgson, Lilly

From: GORDON SCOURFIELD <[REDACTED]>
Sent: 19 October 2018 12:02
To: ldf
Cc: office@lewesconservatives.com
Subject: Proposed Gypsy Site In Plumpton Green.

Categories: LPP2 comment to code - stakeholder details have been added

Further to my Email to you dated 24th April 2018 objecting to the above proposed Gypsy site where I listed

my personal experiences with Gypsies (which you will view as discriminatory, but based on my experiences are the real world)

I would also object for the following reasons.

- 1) Perceived decline in property values and potential buyers possibly being put off.
- 2) Assuming children will be on the site, there's a danger of walking to the village centre as there is no walkway and is outside of the 30mph speed limit on a bending road.
- 3) This was not included in the Neighbourhood Plan.
- 4) I would not be surprised if a lot of the adjacent businesses moved away fearing loss of customers and increased security needs.

Finally, I would have thought that any proposed site must cover all health and safety issues for the occupants including schools,

Doctors Surgeries etc plus reliable regular transport.

Representation ID: REP/390/E1Representor Details:

Representor ID:	REP/390
Name:	Peter Sharp
Organisation:	Lewes District Council
Consultation Body:	General
Stakeholder Type:	Other Local Authority

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	peter.sharp@lewes-eastbourne.gov.uk
Address:	Southover House Southover Road Lewes East Sussex BN7 1AB

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation: We are supportive of Policy E1 - land at Newhaven Port. It is considered essential to maintain the economic viability and sustainability of the Port as a key driver of the local Newhaven economy. We support expansion of the Port within the area identified in Policy E1. However, we are mindful of environmental concerns and would only support further expansion if a robust business case is presented, together with appropriate	

mitigations	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	

Representation ID: REP/391/GT01Representor Details:

Representor ID:	REP/391
Name:	John Sheeran
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I wish to comment on the section of Lewes District Local Plan Part 2 relating to gypsy and traveller accommodation on land south of the Plough. This is an objection on several grounds, some of which are detailed below. The location is unsuitable: The location is on an unlit country lane with no pavement to local amenities. This would be dangerous for any future residents without motor transport, particularly the young and	

elderly.

I gather Highways have objected in the past to this site and there is no reason why such objections should not also prevail now.

This development will be ribbon developement - past applications for further linear development of the village has been discouraged and refused as contrary to the letter and spirit of planning regulations. This is no different. On this basis alone it should be refused. Approval would be discriminatory against all other previous proposals for further ribbon development.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: John Sheeran <[REDACTED]>
Sent: 04 November 2018 22:09
To: ldf
Subject: Lewes District Local Plan Part 2
Categories: GT01, Vanessa to deal with

I wish to comment on the section of Lewes District Local Plan Part 2 relating to gypsy and traveller accommodation on land south of the Plough.

This is an objection on several grounds, some of which are detailed below.

The location is unsuitable:

The location is on an unlit country lane with no pavement to local amenities. This would be dangerous for any future residents without motor transport, particularly the young and elderly.

I gather Highways have objected in the past to this site and there is no reason why such objections should not also prevail now.

This development will be ribbon development - past applications for further linear development of the village has been discouraged and refused as contrary to the letter and spirit of planning regulations. This is no different. On this basis alone it should be refused. Approval would be discriminatory against all other previous proposals for further ribbon development.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

John

Representation ID: REP/392/GT01Representor Details:

Representor ID:	REP/392
Name:	Louise Sheeran
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I wish to comment on the section of Lewes District Local Plan Part 2 relating to gypsy and traveller accommodation on land south of the Plough.</p> <p>Traffic in Plumpton Green has increased a lot since I moved to the village 14 years ago. The village has many parked cars all the way up through the village making it difficult to get through at times. Increasing this traffic by having additional traffic from travellers with</p>

caravans is undesirable. Furthermore, the junction at the top of Station Road, by the Plough, has very limited visibility making pulling out with caravans difficult.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Louise Sheeran [REDACTED]
Sent: 04 October 2018 12:46
To: ldf
Subject: Lewes District Local Plan Part 2

Categories: LPP2 comment to code - stakeholder details have been added

Hello,

I wish to comment on the section of Lewes District Local Plan Part 2 relating to gypsy and traveller accommodation on land south of the Plough.

Traffic in Plumpton Green has increased a lot since I moved to the village 14 years ago. The village has many parked cars all the way up through the village making it difficult to get through at times. Increasing this traffic by having additional traffic from travellers with caravans is undesirable. Furthermore, the junction at the top of Station Road, by the Plough, has very limited visibility making pulling out with caravans difficult.

Kind regards, Louise Sheeran

Representation ID: REP/393/GT01
--

Representor Details:

Representor ID:	REP/393
Name:	Nicola Shefras
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<p><i>Do you consider the document to be:</i></p> <p>Legally Compliant:</p> <p>Sound:</p>	
<p>Representation:</p> <p>I write in connection with the above, I have examined the policy, know the site well and I wish to express my concern and object strongly to Lewes District Council's proposal to provide 5 permanent travellers pitches on the land south of the Plough, Plumpton Green as outlined in their Policy GT01 within the LDC Local Plan, Part 2 - Site Allocations and Development Policies Pre-submission Document September 2018.</p>	

Plumpton is a dispersed settlement where development proposals should be considered very carefully as they could ruin the character of the village and the protection of visual, natural and archaeological qualities must be considered. Whilst I understand and appreciate that the government has a requirement to provide suitable housing and accommodation however this should not be to the detriment to; travelling families that will live there, the countryside or existing neighbouring communities and businesses.

I object to this proposal based upon the following points:

I. The proposed siting of the development is particularly ill-considered: it is on a greenfield site. This would set a new and dangerous precedence on future housing and other accommodation developments within the county, and for other village neighbourhood plans going forward. Furthermore, the site is appreciated by many villagers, locals and tourists alike, and building here would diminish the striking view, and the natural beauty and charm of the area would be immediately impacted. Something seems sorely wrong when the only site proposed is a green field site.

II. With regards to development of land that has previously been refused planning, it begs the question of what future developments might happen on this green field site, or indeed within the wider county. Again, this sets a dangerous precedence for additional development of the site or potential other types of development in future years.

III. The core policy criteria appears to have changed to accommodate this site. Local Plan Part 1 judged that there were no suitable pitches for allocation, yet in the ensuing Core Policy 3 criteria, land south of the Plough, Plumpton Green did not have the highest score and consequently, was not the most appropriate location for gypsy and travellers' pitches. Strangely, it now appears to be the only choice within East Sussex and Lewes District Council proposals.

IV. Cost to develop such a green field site is considerable. Of great concern is the fact that Lewes District Council is already suffering funding cuts and tasked with making additional ones. To buy, develop and then to create an infrastructure solely to provide 5 permanent travellers pitches on a green field site with zero amenities seems highly unfitting and a huge waste of resource under an already heaving budget.

V. The lack of a footpath, as well as safe access for pedestrians and disabled people needs to taken into consideration.

VI. There are no amenities in the area within walking distance, and traffic would increase.

VII. The local biodiversity and wildlife would be immediately and detrimentally impacted by the proposed development of this 0.69-hectare green field site (in GT01).

VIII. This site will have a direct impact on the local economy and trade and commerce with many businesses in The Old Brickworks adjacent to the site having expressed their wish to leave the area should the site be approved.

I understand that the Parish Council ,and much of the local community share these concerns and hope that they will be treated with the due consideration that they deserve.

Please do not hesitate to contact me should you require any further clarification.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

**Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB**

17th October 2018

Dear Sir/Madam

Re: LDC Local Plan 2 Policy GT01 – Land South of the Plough, Plumpton Green

I write in connection with the above, I have examined the policy, know the site well and I wish to express my concern and object strongly to Lewes District Council's proposal to provide 5 permanent travellers pitches on the land south of the Plough, Plumpton Green as outlined in their Policy GT01 within the LDC Local Plan, Part 2 - Site Allocations and Development Policies Pre-submission Document September 2018.

Plumpton is a dispersed settlement where development proposals should be considered very carefully as they could ruin the character of the village and the protection of visual, natural and archaeological qualities must be considered. Whilst I understand and appreciate that the government has a requirement to provide suitable housing and accommodation however this should not be to the detriment to; travelling families that will live there, the countryside or existing neighbouring communities and businesses.

I object to this proposal based upon the following points:

- I. The proposed siting of the development is particularly ill-considered: it is on a greenfield site. This would set a new and dangerous precedence on future housing and other accommodation developments within the county, and for other village neighbourhood plans going forward. Furthermore, the site is appreciated by many villagers, locals and tourists alike, and building here would diminish the striking view, and the natural beauty and charm of the area would be immediately impacted. Something seems sorely wrong when the only site proposed is a green field site.
- II. With regards to development of land that has previously been refused planning, it begs the question of what future developments might happen on this green field site, or indeed within the wider county. Again, this sets a dangerous precedence for additional development of the site or potential other types of development in future years.
- III. The core policy criteria appears to have changed to accommodate this site. Local Plan Part 1 judged that there were no suitable pitches for allocation, yet in the ensuing Core Policy 3 criteria, land south of the Plough, Plumpton Green did not have the highest score and consequently, was not the most appropriate location for gypsy and travellers' pitches. Strangely, it now appears to be the only choice within East Sussex and Lewes District Council proposals.
- IV. Cost to develop such a green field site is considerable. Of great concern is the fact that Lewes District Council is already suffering funding cuts and tasked with making additional ones. To buy, develop and then to create an infrastructure solely to provide 5 permanent travellers pitches on a green field site with zero amenities seems highly unfitting and a huge waste of resource under an already heaving budget.
- V. The lack of a footpath, as well as safe access for pedestrians and disabled people needs to be taken into consideration.
- VI. There are no amenities in the area within walking distance, and traffic would increase.
- VII. The local biodiversity and wildlife would be immediately and detrimentally impacted by the proposed development of this 0.69-hectare green field site (in GT01).
- VIII. This site will have a direct impact on the local economy and trade and commerce with many businesses in The Old Brickworks adjacent to the site having expressed their wish to leave the area should the site be approved.

NICOLA SHEFRAS

I understand that the Parish Council ,and much of the local community share these concerns and hope that they will be treated with the due consideration that they deserve.

Please do not hesitate to contact me should you require any further clarification.

Yours sincerely

Nicola Shefras

Representation ID: REP/394/GT01Representor Details:

Representor ID:	REP/394
Name:	Orry Sheridan
Organisation:	Heritage Testing
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I am writing to put forward my objection to the proposed gypsy site in Plumpton Green.</p> <p>I have worked at the Old Brickworks in Plumpton Green for over five years and if this site goes ahead then in all likelihood I would lose my job. The director of my company has already stated that he will move his business on to another location if this happens, and as a result my job is in real jeopardy.</p> <p>I also feel that the site would ruin the rural setting of the area - In and age where new</p>	

developments are springing up left right and centre, Plumpton Green is one of the few areas left that has been unspoiled by the housing development industries insatiable appetite for profit over conservation. It would be completely out of character with the area and would stick out like a sore thumb! Also, there would be the potential for the site to expand rapidly. Planning permission for an estate would never be granted, so why is this any different?

I am also informed that as a result of the site there would be increased security at the old brickworks - this would be very disruptive / intrusive to our daily lives, and I value the privacy that this industrial estate provides.

One other concern is that to my knowledge it would be incredibly difficult to control what happens on the site - indeed, are the council going to be able to manage the gypsy community?

[REDACTED]. Because of this I think that the overall community would end up segregated and divided, [REDACTED]

In Summary, I think that this proposal is fraught with negativity and potential problems, and I hope that the decision to stop the development of the site from proceeding is made so that both communities can continue to do what is best for them in the long run.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: [REDACTED]
Sent: 05 November 2018 11:00
To: ldf
Subject: Proposed Gypsy Site in Plumpton Green - Objection
Categories: GT01, Vanessa to deal with

To whom it may concern,

I am writing to put forward my objection to the proposed gypsy site in Plumpton Green.

I have worked at the Old Brickworks in Plumpton Green for over five years and if this site goes ahead then in all likelihood I would lose my job. The director of my company has already stated that he will move his business on to another location if this happens, and as a result my job is in real jeopardy.

I also feel that the site would ruin the rural setting of the area - In an age where new developments are springing up left right and centre, Plumpton Green is one of the few areas left that has been unspoiled by the housing development industries insatiable appetite for profit over conservation. It would be completely out of character with the area and would stick out like a sore thumb! Also, there would be the potential for the site to expand rapidly. Planning permission for an estate would never be granted, so why is this any different?

I am also informed that as a result of the site there would be increased security at the old brickworks - this would be very disruptive / intrusive to our daily lives, and I value the privacy that this industrial estate provides.

One other concern is that to my knowledge it would be incredibly difficult to control what happens on the site - indeed, are the council going to be able to manage the gypsy community? [REDACTED]

[REDACTED] Because of this I think that the overall community would end up segregated and divided, [REDACTED]

In Summary, I think that this proposal is fraught with negativity and potential problems, and I hope that the decision to stop the development of the site from proceeding is made so that both communities can continue to do what is best for them in the long run.

Kind Regards,

Orry Sheridan
Laboratory Manager

Heritage Testing Ltd.

[REDACTED]



Representation ID: REP/395/GT01Representor Details:

Representor ID:	REP/395
Name:	Sarmed Sheridan
Organisation:	Vista Partitions Ltd
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i> Legally Compliant: Sound:	
Representation: I wish to formally object to Policy GT01. I am the director of a successful partitions company, Vista Systems which we brought from the UK to the United Arab Emirates (UAE) several years ago. Whilst in the UAE, we have developed and patented several innovative partitions products that have been extremely well received in the UAE and have the potential to revolutionise the partitions	

market worldwide. We are now looking further afield and when we took our products into Egypt they were extremely well received and quickly became established as the leading partitions systems.

We now wish to bring our innovative patented products back to the UK. After much research we selected The Old Brickworks in Plumpton Green as our sales centre and this is where we have registered our UK division "Vista Partitions Limited" (company number 11456768). We have strong environmental and sustainability policies and we feel that The Old Brickworks in Plumpton Green suits our ethical policies. It also suits the 'green' image that we wish to portray to our customers both in the UK and abroad of being sited amongst "England's pleasant pastures". This 'soft' commercial site is perfectly placed for us and there is even an attractive public house (The Plough) and a racetrack nearby where we could take our investors, customers and visitors both from the UK and abroad. Our business will employ local people and contribute substantially to the local economy, without making a huge impact on local resources.

If Policy GT01 were to go ahead we would have to look elsewhere, we would certainly not wish to base our business adjacent adjacent to the proposed gypsy and traveller site. The reasons for this are:

- * It would destroy the open 'greenfield' space immediately adjacent The Old Brickworks and change the rural character and setting of the immediate locality and we feel that this would not be conducive to our desired company image and needs as stated above.
- * We have assessed the current security at The Old Brickworks (in the absence of Policy GT01) to be suitable for our needs. Should Policy GT01 be approved, we feel that the current level of security would have to be increased substantially in order to provide reassurance for our insurers, workers, and investors. This would change the character of The Old Brickworks dramatically and would make it a much less attractive site for us.
- * When we assessed Plumpton Green as a viable base for our sales operations, we inspected the local Neighbourhood plan and there was no mention whatsoever of a local need, requirement or provision for a permanent Gypsy and Traveller site. This sudden proposed allocation at short notice by Lewes District Council was a surprise to us and does not appear to be in keeping with the wishes of the local community.
- * The dubious main reason for allocation of Policy GT01 appears to be that it is "the only available site" out of a list of many, and it was a rather mediocre choice - certainly not the best site on the list. Would it not be better to wait for a better site to be put forward so that it can be allocated on its own merit rather than being the "only available site"?
- * We feel that the allocation Policy GT01 paves the way for future expansion of the site to include more permanent gypsy and traveller pitches, which will cause even more damage. Given that it was chosen because it was "the only available site" rather than the best site for both the proposed occupants and the local community, we feel that there is a very real danger that inclusion of Planning Policy GT01 will pave the way for future expansion on exactly the same basis. Bad planning on a smaller scale will pave the way for more bad planning on a large scale, with associated detrimental effect on the green belt and the local community and businesses - and the gypsy and traveller

community itself.

Our business will not only bring many positive aspects to the local community but has the potential to bring employment to the Lewes and East Sussex area in general. Having spent so much time planning our launch, I do not wish to have further delays whilst we look for a new sales centre however will have no alternative if Policy GT01 - Land south of The Plough is approved. We feel that there is substantial potential for harm to the local character, setting, economy, and community of The Old Brickworks and Plumpton Green simply so that Lewes District Council can 'tick the box' and fulfil their five remaining permanent pitches.

For the above reasons we would urge Lewes District Council to remove "Policy GT01 - Land south of The Plough" from their Local Plan Part 2 and to wait until a more suitable site is available.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Sarmed Sheridan [REDACTED]
Sent: 05 November 2018 23:08
To: ldf
Subject: Subject: Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD - Pre-Submission version - Comment on Policy GT01 - Land south of The Plough

Categories: LPP2 comment to code - stakeholder details have been added, GT01, Vanessa to deal with

Subject: Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD - Pre-Submission version - Comment on Policy GT01 - Land south of The Plough

I wish to formally object to Policy GT01.

I am the director of a successful partitions company, Vista Systems which we brought from the UK to the United Arab Emirates (UAE) several years ago. Whilst in the UAE, we have developed and patented several innovative partitions products that have been extremely well received in the UAE and have the potential to revolutionise the partitions market worldwide. We are now looking further afield and when we took our products into Egypt they were extremely well received and quickly became established as the leading partitions systems.

We now wish to bring our innovative patented products back to the UK. After much research we selected The Old Brickworks in Plumpton Green as our sales centre and this is where we have registered our UK division "Vista Partitions Limited" (company number 11456768). We have strong environmental and sustainability policies and we feel that The Old Brickworks in Plumpton Green suits our ethical policies. It also suits the 'green' image that we wish to portray to our customers both in the UK and abroad of being sited amongst "England's pleasant pastures". This 'soft' commercial site is perfectly placed for us and there is even an attractive public house (The Plough) and a racetrack nearby where we could take our investors, customers and visitors both from the UK and abroad. Our business will employ local people and contribute substantially to the local economy, without making a huge impact on local resources.

If Policy GT01 were to go ahead we would have to look elsewhere, we would certainly not wish to base our business adjacent adjacent to the proposed gypsy and traveller site. The reasons for this are:

1. It would destroy the open 'greenfield' space immediately adjacent The Old Brickworks and change the rural character and setting of the immediate locality and we feel that this would not be conducive to our desired company image and needs as stated above.
2. We have assessed the current security at The Old Brickworks (in the absence of Policy GT01) to be suitable for our needs. Should Policy GT01 be approved, we feel that the current level of security would have to be increased substantially in order to provide reassurance for our insurers, workers, and investors. This would change the character of The Old Brickworks dramatically and would make it a much less attractive site for us.
3. When we assessed Plumpton Green as a viable base for our sales operations, we inspected the local Neighbourhood plan and there was no mention whatsoever of a local need, requirement or provision for a permanent Gypsy and Traveller site. This sudden proposed allocation at short notice by Lewes District Council was a surprise to us and does not appear to be in keeping with the wishes of the local community.
4. The dubious main reason for allocation of Policy GT01 appears to be that it is "the only available site" out of a list of many, and it was a rather mediocre choice - certainly not the best site on the list. Would it

not be better to wait for a better site to be put forward so that it can be allocated on its own merit rather than being the "only available site"?

5. We feel that the allocation Policy GT01 paves the way for future expansion of the site to include more permanent gypsy and traveller pitches, which will cause even more damage. Given that it was chosen because it was "the only available site" rather than the best site for both the proposed occupants and the local community, we feel that there is a very real danger that inclusion of Planning Policy GT01 will pave the way for future expansion on exactly the same basis. Bad planning on a smaller scale will pave the way for more bad planning on a large scale, with associated detrimental effect on the green belt and the local community and businesses - and the gypsy and traveller community itself.

Our business will not only bring many positive aspects to the local community but has the potential to bring employment to the Lewes and East Sussex area in general. Having spent so much time planning our launch, I do not wish to have further delays whilst we look for a new sales centre however will have no alternative if Policy GT01 - Land south of The Plough is approved. We feel that there is substantial potential for harm to the local character, setting, economy, and community of The Old Brickworks and Plumpton Green simply so that Lewes District Council can 'tick the box' and fulfil their five remaining permanent pitches.

For the above reasons we would urge Lewes District Council to remove "Policy GT01 - Land south of The Plough" from their Local Plan Part 2 and to wait until a more suitable site is available.

Regards,

Sarmed Sheridan
Director

[Redacted signature block]

UK Manager: Daniel Booth, mobile:- 07904965332, Email:- daniel@vistasystems.co

[Redacted signature block]

سرمد شريدان
Sarmed Sheridan

[Redacted contact information]



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mea
Business Awards
2018

Representation ID: REP/396/GT01Representor Details:

Representor ID:	REP/396
Name:	Eli Sheridan
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I am 18 years old and have spent most my time growing up in Plumpton, so I care very much for the village. I am concerned about the potential creation of a permanent gypsy site in Plumpton. I also work at the Plumpton Brickworks, if the gypsy site was to go ahead so close to the brickworks and the Plough pub, this may affect all of the local businesses and tourism which will affect the economy of Plumpton. The proposed site is adjacent to the brickworks and all of the businesses that operate here [REDACTED] [REDACTED] the company I work for is even considering relocation, which will have a direct impact on my job; I am therefore afraid that as a result of this I will lose my job. [REDACTED] [REDACTED]</p>

<div data-bbox="164 174 1374 300" style="background-color: black; height: 56px; width: 100%;"></div> <p>Plumpton is well known for its beautiful scenery, adding a permanent traveller site will change the character and landscape which will put off the many cyclists, walkers and other tourists who use Plumpton and its pubs (including the Plough pub) as a focal point for their country walks and visits. In my opinion I believe that the negatives outweigh the positives of this decision and that providing an area of land for five families in this particular location is not suitable. If possible I would appreciate if you would not publish my personal details.</p>
What changes do you suggest to make the document legally compliant or sound?
Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Eli Sheridan [REDACTED]
Sent: 02 November 2018 10:50
To: ldf
Subject: Lewes District Plan Part 2: Site allocations and Development

Categories: LPP2 comment to code - stakeholder details have been added

Dear planning, policy team

I am 18 years old and have spent most my time growing up in Plumpton, so I care very much for the village. I am concerned about the potential creation of a permanent gypsy site in Plumpton. I also work at the Plumpton Brickworks, if the gypsy site was to go ahead so close to the brickworks and the Plough pub, this may affect all of the local businesses and tourism which will affect the economy of Plumpton. The proposed site is adjacent to the brickworks and all of the businesses that operate here have [REDACTED], the company I work for is even considering relocation, which will have a direct impact on my job; I am therefore afraid that as a result of this I will lose my job. [REDACTED]

[REDACTED] Plumpton is well known for its beautiful scenery, adding a permanent traveller site will change the character and landscape which will put off the many cyclists, walkers and other tourists who use Plumpton and its pubs (including the Plough pub) as a focal point for their country walks and visits. In my opinion I believe that the negatives outweigh the positives of this decision and that providing an area of land for five families in this particular location is not suitable. If possible I would appreciate if you would not publish my personal details.

Many thanks, Eli

Representation ID: REP/397/E1Representor Details:

Representor ID:	REP/397
Name:	Helen Short
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I refer to the above document as a local resident of Seaford I regularly use the western end of Seaford Bay for walking, swimming, exploring wildlife and visiting the Tidemills Village ruins.</p> <p>The Newhaven Boundary Fence eastward to South Downs runs very close to this Old Village.</p> <p>Destruction of coastline and the western end of Seaford Bay</p>	

There must be a need to preserve this designated local wildlife site for nature

Local plans by law I believe must contribute to sustainable development this plan DOES NOT

There will be a loss of biodiversity including the internationally rare vegetated shingle

Traffic and Air Pollution again will be increased. We are already at a standstill in our cars between seaford and newhaven and there seems no readings available to the public for these areas? Pollution will increase again with lorries using the ferry port and viola traffic to the incinerator and also yet another industrial proposed site?

Policy does not reflect clean green marine vision of the enterprise zone or renewable energy cluster of the Port masterplan.

Representation is not clear in the official consultation documents.

On a personal note it saddens me that we should be custodians of the coast and keeping areas of outstanding natural beauty for future generations . Lewes District Council planned the one way system around Newhaven and you have caused no end of misery for residents and motorists alike and it seems continue to do so! There is no contingency for improving the roads into and out of Newhaven and Seaford.

Not in my back yard!!!!

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: [REDACTED]
Sent: 03 November 2018 20:13
To: ldf
Subject: LDC Local Plan Part 2 Site allocation and Development Mangement Policies Pre-Submission Doc

Categories: LPP2 comment to code - stakeholder details have been added

I refer to the above document as a local resident of Seaford I regularly use the western end of Seaford Bay for walking, swimming, exploring wildlife and visiting the Tidemills Village ruins.

The Newhaven Boundary Fence eastward to South Downs runs very close to this Old Village.
Destruction of coastline and the western end of Seaford Bay
There must be a need to preserve this designated local wildlife site for nature
Local plans by law I believe must contribute to sustainable development this plan DOES NOT
There will be a loss of biodiversity including the internationally rare vegetated shingle
Traffic and Air Pollution again will be increased. We are already at a standstill in our cars between seaford and newhaven and there seems no readings available to the public for these areas? Pollution will increase again with lorries using the ferry port and viola traffic to the incinerator and also yet another industrial proposed site? Policy does not reflect clean green marine vision of the enterprise zone or renewable energy cluster of the Port masterplan.
Representation is not clear in the official consutltation documents.
On a personal note it saddens me that we should be custodians of the coast and keeping areas of outstanding natural beauty for future generations . Lewes District Council planned the one way system around Newhaven and you have caused no end of misery for residents and motorists alike and it seems continue to do so! There is no contingency for improving the roads into and out of Newhaven and Seaford.

Not in my back yard!!!!
Regards
Helen Short

Representation ID: REP/398/GT01Representor Details:

Representor ID:	REP/398
Name:	Rosalie Sinclair-Smith
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Having lived 60 years in [REDACTED], I have seen the village expand enormously. Already the Village plan includes many more houses + the congestion by the shop on the brow of the hill is getting dangerous.</p> <p>The road through Plumpton is narrow, with a pavement also narrow and only on the west side which stops before the hill going up towards The Plough Inn.</p> <p>It is essential for wild life + especially pollinating insects, to leave meadows where ever possible for their use. Many recent farming methods have had detrimental effect on bees + other insects, resulting in our having to import more food.</p> <p>We ignore the fact to our detriment that insects are in decline the world over. (Radio 4</p>	

Farming today) + are in decline warming does not help.

I have no objection to Travellers, it is the isolated site + we would not be able to get to know them.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

To Lewes District Council.

Having lived ^{60 years} in [REDACTED]

[REDACTED] I have seen the village expand enormously.

1. Already the village plan includes many more houses & the congestion by the shop on the brow of the hill is getting dangerous.
2. The road through Plumpton is narrow, with a pavement also narrow & only on the west side which stops before the hill going up towards the Plough Inn.
3. It is essential for wild life & especially pollinating insects, to leave meadows where ever possible for their use. Many recent farming methods have had a detrimental effect on bees & other insects, resulting in our having to import more food.
4. We ignore the fact to our detriment that insects are in decline the world over. (Radio 4 Farming today) & Global Warming does not help.
5. I have no objection to Travellers, it is the isolated site & we would not be able to get to know them.

[REDACTED]



Representation ID: REP/399/E1Representor Details:

Representor ID:	REP/399
Name:	Nicola Singleton
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Consistent with national policy
Representation: These plans will contribute to sustainable development as they will contribute to more road traffic in an area which is already extremely congested and reduced air quality. It will also negatively impact on the environment and a loss of biodiversity through the loss of venerated shingle, which is an internationally rare habitat. There has been a lot of industrial development in the area and it is important to protect the remaining open spaces that are important not just for Newhaven residents but also residents in Lewes	

District more generally.

What changes do you suggest to make the document legally compliant or sound?

By deleting the element E1 recently introduced allowing the development of Tidemills for employment uses.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/400/E1Representor Details:

Representor ID:	REP/400
Name:	Martin Sinnock
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I wish to register my objection to Policy E1 and specifically the proposal to develop the area of Newhaven adjacent to Tide Mills.</p> <p>This is one of the few stretches of accessible unspoilt coastline. There are plenty of other areas in the district that are available and more suitable for development and Job Creating.</p>	

The Port Authority is already decimating part of Newhaven's East Beach. Let's not spoil the rest of it.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Martin Sinnock [REDACTED]
Sent: 23 October 2018 07:44
To: ldf
Subject: Policy E1

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir

I wish to register my objection to Policy E1 and specifically the proposal to develop the area of Newhaven adjacent to Tide Mills.

This is one of the few stretches of accessible unspoilt coastline. There are plenty of other areas in the district that are available and more suitable for development and Job Creating.

The Port Authority is already decimating part of Newhaven's East Beach. Let's not spoil the rest of it.

Yours faithfully

Martin Sinnock

[REDACTED]

[REDACTED]

Representation ID: REP/401/E1Representor Details:

Representor ID:	REP/401
Name:	jim skinner
Organisation:	Chair of the Friends of Tide Mills
Consultation Body:	General
Stakeholder Type:	Local group or organisation

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation: We, the Friends of Tide Mills, are concerned regarding the LDC District Local Plan Part 2 in how it affects Tide Mills open space. Specifically and currently it is the open space that sits to the east of the existing port security fence up to the SDNP boundary that concerns here. Given that it looks as though the PAR road is now to proceed then in that case it is the land to the east of the	

PAR footprint that we would like excluded from allocation for future development.

We strongly request that all land to the east of the PAR footprint is now taken out of the development plan altogether and formally re-registered as open space, it is after all now a part of the newly designated Tide Mills Local Wildlife Site (LWS).

The other point here is that the, again newly designated "Newhaven Port Nature Reserve", a part of the mitigation for Port expansion, just commenced, appears to lie within the land area of concern, although this isn't clear from the map. So, given this anomaly, another good reason why all the the land (i.e to the east of the PAR footprint) should now be designated as open space. If not we would seek further mitigation against loss of this nature reserve..... Thank you, Jim Skinner Chair of the Friends of Tide Mills.

What changes do you suggest to make the document legally compliant or sound?

Change of Development Land boundary, re-designation of excluded land as open space.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/402/E1Representor Details:

Representor ID:	REP/402
Name:	Ruth Skinner
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I strongly object to plan E1 for Tide Mills. This is the only usable safe beach for Newhaven residents as they are unable to use the East Beach, and who lives in a seaside town and cannot swim or have any form of beach to enjoy.</p> <p>It is the only safe swimming area for children in Newhaven and Seaford, the other areas being too deep and shelving with currents. The area also attracts migrating birds and various reptiles and amphibians, what will happen to them.</p> <p>The development would be a total eyesore when there are plenty of unutilised industrial sites already in Newhaven. Fill these before you build another white elephant.</p> <p>Anybody with their right mind would not want a business in Newhaven as the road</p>	

infrastructure cannot cope now with the cars trying to get through at the present time. Also the town has nothing to attract anybody to it.

The road to nowhere would also be useless as the vehicles would still have to use the A259 at some point, which means more queueing traffic Think before you act.

Newhaven is sick of being a dumping ground. Only a complete demolition and rebuild will help Newhaven centre, which may then attract tourists and business IF the A259 also is sorted out.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Ruth Skinner [REDACTED]
Sent: 03 November 2018 15:26
To: ldf
Subject: E1

Categories: LPP2 comment to code - stakeholder details have been added

I strongly object to plan E1 for Tide Mills. This is the only usable safe beach for Newhaven residents as they are unable to use the East Beach, and who lives in a seaside town and cannot swim or have any form of beach to enjoy.
It is the only safe swimming area for children in Newhaven and Seaford, the other areas being too deep and shelving with currents. The area also attracts migrating birds and various reptiles and amphibians, what will happen to them.
The development would be a total eyesore when there are plenty of unutilised industrial sites already in Newhaven. Fill these before you build another white elephant.
Anybody with their right mind would not want a business in Newhaven as the road infrastructure cannot cope now with the cars trying to get through at the present time. Also the town has nothing to attract anybody to it.
The road to nowhere would also be useless as the vehicles would still have to use the A259 at some point, which means more queueing traffic. Think before you act. Newhaven is sick of being a dumping ground. Only a complete demolition and rebuild will help Newhaven centre, which may then attract tourists and business IF the A259 also is sorted out.

Sent from my iPad

Representation ID: REP/403/DM35Representor Details:

Representor ID:	REP/403
Name:	Chris Smith
Organisation:	Open Spaces Society
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM35: Footpath, Cycle and Bridleway Network
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I am the local correspondent for the Society and this representation is made on the Society's behalf. I write in support of the objections to draft policy DM35 on footpaths etc. made by Ringmer Parish Council. The policy is imprecise and will lead to dispute. There are footpaths, bridleways and byways recorded on a definitive map of public rights of way resulting from legislation in 1949. However a significant number of urban twittens and other ways were and are not recorded on this definitive map. This may be because they were overlooked or because they have come into being as part of new developments. The society has identified a	

number of these in Lewes (although the town is not part of this consultation) and Peacehaven/Telscombe Cliffs. Our preliminary research suggests that there are also a significant number of unregistered twittens in Newhaven, Seaford and Ringmer.

As far as I am aware there is no statutory definition of footpaths bridleways or byways other than in the definitive map legislation.

Our experience is that these unrecorded twittens and paths can often be the subject of planning applications. The document should make clear whether or not the policy refers only to routes that are on the definitive map or not. The Society believes that it should be made clear that these unrecorded routes are covered by DM35.

I also write to object to the proposals to zone part of the beach west of Tidemills in Newhaven as suitable for port-related industrial development. This area is extensively used as an open space for public recreation and is potentially an important part of the regeneration of Newhaven as part of a potential tourist offer. Additionally access to one of the few sandy beaches in East Sussex would be further restricted. In general the Society supports the objections made by Community Action Newhaven.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: chris smith [REDACTED]
Sent: 04 November 2018 13:14
To: ldf
Subject: Response to consultation on Lewes District Local Plan Part 2 by the Open Spaces Society

Categories: LPP2 comment to code - stakeholder details have been added

I am the local correspondent for the Society and this representation is made on the Society's behalf.

I write in support of the objections to draft policy DM35 on footpaths etc. made by Ringmer Parish Council.

The policy is imprecise and will lead to dispute. There are footpaths, bridleways and byways recorded on a definitive map of public rights of way resulting from legislation in 1949. However a significant number of urban twittens and other ways were and are not recorded on this definitive map. This may be because they were overlooked or because they have come into being as part of new developments. The society has identified a number of these in Lewes (although the town is not part of this consultation) and Peacehaven/Telscombe Cliffs. Our preliminary research suggests that there are also a significant number of unregistered twittens in Newhaven, Seaford and Ringmer.

As far as I am aware there is no statutory definition of footpaths bridleways or byways other than in the definitive map legislation.

Our experience is that these unrecorded twittens and paths can often be the subject of planning applications. The document should make clear whether or not the policy refers only to routes that are on the definitive map or not. The Society believes that it should be made clear that these unrecorded routes are covered by DM35.

I also write to object to the proposals to zone part of the beach west of Tidemills in Newhaven as suitable for port-related industrial development. This area is extensively used as an open space for public recreation and is potentially an important part of the regeneration of Newhaven as part of a potential tourist offer. Additionally access to one of the few sandy beaches in East Sussex would be further restricted. In general the Society supports the objections made by Community Action Newhaven.

Chris Smith
Open Spaces Society correspondent for Lewes District
[REDACTED]

Representation ID: REP/404/E1Representor Details:

Representor ID:	REP/404
Name:	Smithson smithson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified Not Effective Not Consistent with national policy
Representation:	I believe this will fundamentally change the are for the worse, and degrade the environment for Seaford, newhaven, Bishopstone and Heighton. It's an erosion of 'what most people though was nature reserve and still wish it to be so. This area of coast

is important for leisure, sport and is a veg/shingle habitat important for flora and fauna.
'noise and dust caused by the development and the road congestion is not worth the destruction of a unique area.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/405/GT01Representor Details:

Representor ID:	REP/405
Name:	Susan Smyth
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I would like to object to the proposed Travellers site in Plumpton Green on two counts...</p> <p>First...The site is on a very busy road, with no pavement or lighting, and as a driver I would find it very difficult to see walkers on the road, especially in the dark evenings...the Travellers would be obliged to walk to the village or the pub and I can foresee a very dangerous situation...</p>

Second...It would be necessary to build a sewage facility which would not be in keeping with a rural site, and would be very expensive to build...who is going to pay for it?

I hope you will take my very strong objection into consideration and find an alternative site which is in a more suitable area.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Susan Smyth [REDACTED]
Sent: 29 September 2018 16:54
To: ldf
Subject: Objection to Travellers site in Plumpton Green
Categories: LPP2 comment to code - stakeholder details have been added

I would like to object to the proposed Travellers site in Plumpton Green on two counts...

First...The site is on a very busy road, with no pavement or lighting, and as a driver I would find it very difficult to see walkers on the road, especially in the dark evenings...the Travellers would be obliged to walk to the village or the pub and I can foresee a very dangerous situation...

Second...It would be necessary to build a sewage facility which would not be in keeping with a rural site, and would be very expensive to build...who is going to pay for it?

I hope you will take my very strong objection into consideration and find an alternative site which is in a more suitable area.

Yours sincerely

Susan Smyth
[REDACTED]

Sent from my iPad

Representation ID: REP/406/GT01Representor Details:

Representor ID:	REP/406
Name:	Barnaby Smythe
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Policy GT01 - Land South of the Plough</p> <p>Please note my objections below to the proposed permanent Gypsy / Traveller site to the north of Plumpton Green, as outlined in Policy GT01:</p> <p>* Access - The proposed access to the site is located on a stretch of road where the national speed limit (60mph) applies. Visibility is very limited and in my opinion entrance</p>

to, and more importantly exit from the site via the proposed access point would be extremely dangerous, as cars regularly travel down that stretch of road at speeds in excess of 60mph. I can speak with some authority as I have lived for the last 4 years in Sevelands Farm, which is located about 100m north of the proposed access point, on the same stretch of road. It would be particularly dangerous to manoeuvre large caravans in and out through the proposed access point.

* Sustainability - The proposed site is situated approximately 650m north of the village. As mentioned above, the national speed limit (60mph) applies to the stretch of road between the proposed site and the village. There is no footpath until you reach the village and there is no street lighting. Therefore, access to the village by foot is dangerous, especially at night or in low visibility conditions. Whilst there is a bus stop located approximately 150m to the north of the site, the service is very infrequent. This would mean that the vast majority of access to the village would need to be by vehicle, which would increase traffic congestion in the village. I understand that this site has previously been deemed unsuitable for residential development and I see no reason why that should be any different now? In fact it could be construed to be discriminatory to the Gypsy & Traveller community to suggest that a site which is deemed unsuitable for others to live on, is suitable for them.

* Impact on Local Economy - the proposed site lies immediately adjacent to the Old Brickworks, a business park which is home to 21 small local businesses. I have spoken to the owner of the Old Brickworks and she has informed me that all 21 of her tenants have strongly suggested that they would look to relocate their businesses in the event that the Gypsy / Traveller site was implemented. Were this to happen, it would have an extremely negative effect on the local economy. In the event that some businesses remained (or indeed new businesses took over the leases),

. In addition to the Old Brickworks, the Plough pub is situated some 200m north of the proposed site and there is a genuine concern that if the Gypsy / Traveller site was approved, it would result in a significant loss of earnings for the Plough.

I would be most grateful if you could acknowledge receipt via return email.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Barney Smythe <[REDACTED]>
Sent: 20 October 2018 12:05
To: ldf
Cc: Annabelle Smythe; Smythe, Barney
Subject: Consultation Response to Lewes District Local Plan Part 2: Site Allocations & Development Management Policies DPD - Pre-Submission version

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir / Madam,

Policy GT01 - Land South of the Plough

Please note my objections below to the proposed permanent Gypsy / Traveller site to the north of Plumpton Green, as outlined in Policy GT01:

- **Access** - The proposed access to the site is located on a stretch of road where the national speed limit (60mph) applies. Visibility is very limited and in my opinion entrance to, and more importantly exit from the site via the proposed access point would be extremely dangerous, as cars regularly travel down that stretch of road at speeds in excess of 60mph. I can speak with some authority as I have lived for the last 4 years in Sevelands Farm, which is located about 100m north of the proposed access point, on the same stretch of road. It would be particularly dangerous to manoeuvre large caravans in and out through the proposed access point.
- **Sustainability** - The proposed site is situated approximately 650m north of the village. As mentioned above, the national speed limit (60mph) applies to the stretch of road between the proposed site and the village. There is no footpath until you reach the village and there is no street lighting. Therefore, access to the village by foot is dangerous, especially at night or in low visibility conditions. Whilst there is a bus stop located approximately 150m to the north of the site, the service is very infrequent. This would mean that the vast majority of access to the village would need to be by vehicle, which would increase traffic congestion in the village. I understand that this site has previously been deemed unsuitable for residential development and I see no reason why that should be any different now? In fact it could be construed to be discriminatory to the Gypsy & Traveller community to suggest that a site which is deemed unsuitable for others to live on, is suitable for them.
- **Impact on Local Economy** - the proposed site lies immediately adjacent to the Old Brickworks, a business park which is home to 21 small local businesses. I have spoken to the owner of the Old Brickworks and she has informed me that all 21 of her tenants have strongly suggested that they would look to relocate their businesses in the event that the Gypsy / Traveller site was implemented. Were this to happen, it would have an extremely negative effect on the local economy. In the event that some businesses remained (or indeed new businesses took over the leases), [REDACTED]

[REDACTED] In addition to the Old Brickworks, the Plough pub is situated some 200m north of the proposed site and there is a genuine concern that if the Gypsy / Traveller site was approved, it would result in a significant loss of earnings for the Plough.

I would be most grateful if you could acknowledge receipt via return email.

Yours faithfully,

Representation ID: REP/407/GT01Representor Details:

Representor ID:	REP/407
Name:	N Southin
Organisation:	Eagle Boat Windows
Consultation Body:	General
Stakeholder Type:	Local Business / employer

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	sales@eagleboatwindows.co.uk
Address:	Unit 19, The Old Brickworks Station Road Plumpton Green East Sussex BN7 3DF

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation: We, Eagle Boat Windows, are writing to express our strong objection to Lewes District Council's proposal to create a permanent gypsy and traveller site on land south of the	

Plough in Plumpton Green.

The proposed site is adjacent to our business premises which is located in the Old Brickworks industrial area.

In August 2017 we took ownership of Eagle Boat Windows, which specialises in the refurbishment of marine windows and hatches, and chose to site the business in the Old Brickworks, Plumpton Green.

We were pleased to find these business units available as we liked the location, its accessibility for suppliers and the quality of the other businesses on site. We felt that this location would be a place that customers would be happy to leave their items and presented the right image for our company.

If the proposed Gypsy site had been in place in 2017 we would not have chosen these premises. Whilst we are being asked to believe that a Gypsy site poses no risk to security this is not necessarily everyone's perception and thus we are concerned that customers will choose to take their business elsewhere.

[REDACTED] we would need to make alterations to the fabric of our premises [REDACTED], however this is not viable given that they are old timber buildings. We would therefore move our business from Plumpton Green.

There is a great sense of business community and support for each other here at the Old Brickworks. From discussions that have already taken place we understand that other businesses will also move away. Once more we are concerned that due to public perception, the Old Brickworks will not be a site that business owners would choose to move to, leaving empty units and that sense of business community will be lost. This will impact numerous other local businesses that benefit from trade with businesses on the Old Brickworks site including the post office, the village shop, couriers, hauliers, pubs, etc.

We fail to see how placing a permanent Gypsy site next to business premises fits with LDC's aims to encourage and support small local businesses and provide appropriate business premises.

What changes do you suggest to make the document legally compliant or sound?

Lewes District Council need to re-examine available sites throughout the Lewes District. It appears to us from LDS's presentation at the recent Plumpton Parish Council (PPC) meeting that this was the only site that got re-examined, then reduced in size and further re-examined to try and make it fit their requirement. Why was this not done for all potential sites and then a re-scoring for all sites carried out ?

Furthermore, LDC made a comment at the PPC meeting that to find potential sites they just 'asked around' to see what was available. They even asked at the same meeting if

anyone knew of any other available sites. This is hardly due diligence.

A proper and thorough search needs to be carried out to identify all potential land (rather than just asking around) in LDC..

A full & proper analysis should be carried out similar to the resizing, re-examining and rescoring which was done for the Plumpton site.

Then all sites should be rescored and compared.

It beggars belief that this, a large greenfield site should possibly considered for this use which will create an eyesore and ongoing risk to all local business and property for years to come.

Do you consider it necessary to participate at the Examination in Public?	No
--	-----------

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/408/GT01Representor Details:

Representor ID:	REP/408
Name:	Kelvin Speirs
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation: The site is available for 10 homes, 1 permanent and one travelling caravan per pitch, with an unknown number of occupants. Given limited resources how can effective management be guaranteed? At the Plumpton PC meeting, LDC representatives said the speed limit could be reduced. ESCC have consistently failed to support Plumpton PC in a speed reduction so	

isn't this a form of prejudice against the resident population?

It is unlikely any future occupants, particularly children, would walk to the village amenities (school, shop, recreation ground) because there is no pavement and it is about 1 Km distance.

This site is a considerable distance from any A roads unlike most other similar sites. The one at Maresfield referred to in the Q & A is only a short distance from the A22.

The 21 businesses in the adjacent site have already indicated they will leave, which will have a detrimental effect on the local economy in terms of jobs and use of local pubs, including The Plough Inn and village shop.

The site was not identified in the recent Neighbourhood Plan and is a greenfield site in a quiet location.

The cost is unknown both in terms of purchase and making it usable. How can any authority know it is achievable without these details. The authority doesn't have any of its own money it is all taxpayers money

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/409/BA01
--

Representor Details:

Representor ID:	REP/409
Name:	Robin St Clair Jones
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BA01 - Land at Hillside Nurseries, High Street
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	No
Representation:	
Please can you explain why BA01 is Brown Field, I can find no historical reason for this.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/409/BA02
--

Representor Details:

Representor ID:	REP/409
Name:	Robin St Clair Jones
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BA02 - Land adjacent to the High Street
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Thank you for inviting us to respond to the proposed developments in Barcombe Cross which are as follows: 2.57 Barcombe Cross is a rare survival of a hill top village. The visual impact of any potential development has always taken this historical significance into consideration. This is why site BA02 is protected on three sides by a conservation to and save it from	

over development.

2.58 Any development on BA02 will drastically affect the visual amenity and approach to Barcombe. Planning applications for BA02 have repeatedly been turned down to protect the visual approach to Barcombe Cross and keep it as a hill top village. The proposed 30+ dwellings could be achieved by infill in the timeframe allocated.

2.68 Please see response 2.57. This is a historically important approach to the village which has hardly ever changed. See Fig 1

Fig 1

2.68 The slope is quite steep, steep enough for cyclist to dismount and push their bikes. This site will not be suitable for the elderly and infirm due to the slope.

2.69 BA02 is protected on three sides by conservation areas, any development here will compromise the conservation areas.

2.71 BA02 is frequented by a large owl population that use Hillside as a hunting ground. We have identified 5 different species of owl in this area. There is also 6 buzzards that appear to hunt in this area.

2.72 Does not take into account flash floods, No local residents near this proposed development have been consulted. As we live in the Old Station we are very concerned of run off of water from this site. In the last 10 years we have noted a dramatic increase in flooding of our land and on one occasion the property.

2.73 We are very concerned about sewage flooding as the capacity for the local sewer drainage is insufficient. The hard surfaces will only increase the risk of floods into our property.

2.75 Access to BA03, no local residents have been consulted, we are aware of at least 6 incidents in recent years involving the junction and cars going into Willow Cottage and Bridge House as well as cars running into vehicles exiting Bridgelands. The bridge on the High Street has a hump that obscures views and a blind corner further up the road. We do not see how changes to this junction will make this any safer. The proposed development will more than double the amount of traffic through Bridgelands which will be a significant impact for the residents.

2.76 The proposed 7 dwellings for BA03 do not take into account the existing houses with regard to density or design. The proposed buildings impinge of the privacy of the existing houses particularly Plot 1 House D which is not only very small but also overlooks the Old Station.

2.77 The southern boundary of site BA03 abuts a conservation area. Development of this site will disrupt a wildlife corridor, which presently connects this conservation area to the "Wild about Barcombe" reserve and beyond. It is recognised that isolated conservation areas are of very limited. ecological value and that corridors allowing free movement of wildlife are essential to ecological integrity. Site BA03 currently supports a diverse range of wildlife including grass snakes, slow worms, several species of bats and owls, glow worms, frogs, toads and newts. The suggested 7 dwellings on this site

would decimate these species.

2.79 Flood risk, we have read all the reports relating to flood risk and can find no reference to the flash flood the residents of Bridgelands suffer from. Flash flood are becoming more common and no local residents have been contacted about this. All houses in Bridgelands have suffered with floods, this is a low lying area mostly on clay with nowhere for the water to go and surface water run off from all the proposed development sites will exacerbate this.

In the Housing Options Document

Page 21 point H you refer to a density of 10dph, this does not take into account the Old Station, when included the dph drops to 5dph.

Page 22 point H refers to retaining the boundary trees, however the proposed development suggests a substantial amount of these tree will be removed.

Page 22 point J please can you explain why development is considered to have a neutral impact on the historical environment? It is noted that access is substandard. It is worth noting that two cars can not pass on Bridgelands, that to increase the width of the road would impinge on the conservation area. The document again refers to the importance of the boundary trees hedge which according to plans submitted will be cut back and removed.

4.8 Please can you explain why BA01 is Brown Field, I can find no historical reason for this.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

RESONSE TO LEWES DISTRICT PLAN PART 2 – BARCOMBE CROSS

Thank you for inviting us to respond to the proposed developments in Barcombe Cross which are as follows:

2.57 Barcombe Cross is a rare survival of a hill top village. The visual impact of any potential development has always taken this historical significance into consideration. This is why site BA02 is protected on three sides by a conservation to and save it from over development.

2.58 Any development on BA02 will drastically affect the visual amenity and approach to Barcombe. Planning applications for BA02 have repeatedly been turned down to protect the visual approach to Barcombe Cross and keep it as a hill top village. The proposed 30+ dwellings could be achieved by infill in the timeframe allocated.

2.68 Please see response 2.57. This is a historically important approach to the village which has hardly ever changed. See Fig 1



Fig 1

2.68 The slope is quite steep, steep enough for cyclist to dismount and push their bikes. This site will not be suitable for the elderly and infirm due to the slope.

2.69 BA02 is protected on three sides by conservation areas, any development here will compromise the conservation areas.

2.71 BA02 is frequented by a large owl population that use Hillside as a hunting ground. We have identified 5 different species of owl in this area. There is also 6 buzzards that appear to hunt in this area.

2.72 Does not take into account flash floods, No local residents near this proposed development have been consulted. As we live in the Old Station we are very concerned of run off of water from this site. In the last 10 years we have noted a dramatic increase in flooding of our land and on one occasion the property.

2.73 We are very concerned about sewage flooding as the capacity for the local sewer drainage is insufficient. The hard surfaces will only increase the risk of floods into our property.

2.75 Access to BA03, no local residents have been consulted, we are aware of at least 6 incidents in recent years involving the junction and cars going into Willow Cottage and Bridge House as well as cars running into vehicles exiting Bridgelands. The bridge on the High Street has a hump that obscures views and a blind corner further up the road. We do not see how changes to this junction will make this any safer. The proposed development will more than double the amount of traffic through Bridgelands which will be a significant impact for the residents.

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2.77 The southern boundary of site BA03 abuts a conservation area. Development of this site will disrupt a wildlife corridor, which presently connects this conservation area to the "Wild about Barcombe" reserve and beyond. It is recognised that isolated conservation areas are of very limited ecological value and that corridors allowing free movement of wildlife are essential to ecological integrity. Site BA03 currently supports a diverse range of wildlife including grass snakes, slow worms, several species of bats and owls, glow worms, frogs, toads and newts. The suggested 7 dwellings on this site would decimate these species.

2.79 Flood risk, we have read all the reports relating to flood risk and can find no reference to the flash flood the residents of Bridgelands suffer from. Flash flood are becoming more common and no local residents have been contacted about this. All houses in Bridgelands have suffered with floods, this is a low lying area mostly on clay with nowhere for the water to go and surface water run off from all the proposed development sites will exacerbate this.

In the Housing Options Document

Page 21 point H you refer to a density of 10dph, this does not take into account the Old Station, when included the dph drops to 5dph.

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4.8 Please can you explain why BA01 is Brown Field, I can find no historical reason for this.

Robin and Anne St. Clair Jones



Pauline and Richard Cranfield



5th November 2018

Representation ID: REP/410/GT01Representor Details:

Representor ID:	REP/410
Name:	Oliver St John
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I would like to add my objection to the many others you will have received about the proposed Gypsy and Travellers' Site adjacent to The Old Brickworks in Plumpton.</p> <p></p>

<div data-bbox="162 174 1396 430" data-label="Text"><p>[REDACTED]</p></div>
<div data-bbox="162 443 1316 526" data-label="Text"><p>[REDACTED]</p></div> <div data-bbox="159 481 1430 607" data-label="Text"><p>I do not understand why we might want to offer them a site which is so far from local amenities when there are already existing sites elsewhere in the County.</p></div> <div data-bbox="159 622 1356 790" data-label="Text"><p>As for gaining permission for the site, would a local resident be allowed to set up 5 permanent pitches for caravans on their property within the Parish? I suspect many residents who have tried to create an annex on their property will be watching your decision with great interest.</p></div>
What changes do you suggest to make the document legally compliant or sound?
Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Oliver St.John <[REDACTED]>
Sent: 24 September 2018 17:36
To: ldf
Subject: Gypsy and Travellers' Site Plumpton
Categories: LPP2 comment to code - stakeholder details have been added

Sirs

I would like to add my objection to the many others you will have received about the proposed Gypsy and Travellers' Site adjacent to The Old Brickworks in Plumpton.

[REDACTED]

[REDACTED] I do not understand why we might want to offer them a site which is so far from local amenities when there are already existing sites elsewhere in the County.

As for gaining permission for the site, would a local resident be allowed to set up 5 permanent pitches for caravans on their property within the Parish? I suspect many residents who have tried to create an annex on their property will be watching your decision with great interest.

Best regards
Oliver St.John

[REDACTED]



Virus-free. www.avg.com

Representation ID: REP/411/GT01Representor Details:

Representor ID:	REP/411
Name:	Caroline Standen
Organisation:	LETCHMORE BROILER COMPANY LIMITED
Consultation Body:	General
Stakeholder Type:	Local Business / employer

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	The Old Brickworks Industrial Estate & Business Park Plumpton Green BN7 3DF

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I wish to register that I am very strongly in opposition to the proposed permanent Gypsy & Traveller Site on land south of The Plough public house outside Plumpton Green Village.</p> <p>I am a Director of the Old Brickworks Industrial Estate and Business Park which is sited immediately to the south of, and adjacent to, the proposed development. My family have owned this site since 1957, and up until 1990 the buildings were used for Broiler Breeding, i.e. the production of fertile hatching eggs. By the 1990's the demand for</p>	

British produce was much reduced owing to competition from cheap imports, and it became increasingly hard to secure contracts for continued poultry production. The company were granted Change of Use planning consent to convert the redundant agricultural buildings at the Old Brickworks into commercial premises. A programme of investment has taken place over a period of about twenty years with the farm buildings being converted into quality workshops, offices, business units and storage facilities. Today there are no less than 21 businesses operating from the Old Brickworks, creating a now well established, and thriving business community in our rural area. These businesses support about 30 hard-working families, and provide additional valuable employment for a further 53 people in our rural community.

I would like to draw the Council's attention to the following:

Objection 1.

Core Policy 4, Encouraging Economic Development and Regeneration which requires (among other criteria):

- * The safeguarding of existing employment sites from other competing uses
- * Support for economic growth in rural areas

ALL THE TENANTS AT THE OLD BRICKWORKS HAVE TOLD ME THAT THEY WILL NOT BE WILLING TO STAY ON IF THE NEIGHBOURING FIELD IS TO BE DEVELOPED INTO A PERMANENT GYPSY AND TRAVELLER SITE. This would not only remove a valuable economic resource from our rural community, but would seriously jeopardise the possibility of local jobs for the 53 people at present employed at The Old Brickworks. You can argue that this is the "wrong" attitude, but it is these people's livelihoods that are at stake here. These businesses have specialist equipment, valuable precision tools, stocks of chemicals, complicated machinery, 3 phase power saws, expensive computers, and custom built vehicles, and they cannot possibly afford to ignore the undoubted threat that the proposed development would pose to the site's security. If they have to choose between running their businesses next door to a traveller site, or moving and being able to operate where there is none, you cannot blame them for choosing the latter. I believe that the Council has a duty of care towards these individuals, their businesses and the employment they generate. Absolutely the best way to safeguard this valuable existing employment resource in our rural area would be to relocate the proposed Gypsy & Traveller Site – assuming that there is a genuine need for such a development – elsewhere, and well away from any business park or industrial estate.

At the Plumpton Parish Council meeting on 9th October it was apparent that representatives from Lewes District Council were trying to make light of the job losses that will undoubtedly arise if this proposed development of a permanent Gypsy & Traveller site goes ahead. But the reality is this: without any tenants the site will be forced to close. On our own payroll, including company directors, office staff, and maintenance workers, that will mean 6 redundancies. Many other of our site workforce, who live in Plumpton and its immediate surrounds, are currently able to travel to work by bicycle or on foot, and would be unable to access their jobs once the Old Brickworks

businesses had relocated elsewhere. This is a very real threat to our rural community.

It is my view that Lewes District Council should be doing all they can to protect this minority community of honest hard-working, taxpaying businesses in order to sustain economic growth and employment in our rural area.

Objection 2.

Core Policy 10, Natural Environment & Landscape Character which requires (among other criteria):

The Green Field Site of the Proposed Development

6 Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristics of the district etc

* Maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks, and avoiding habitat fragmentation in both rural and urban areas.

The proposed development is in direct conflict with the above criteria of Core Policy 10. The field in question is a rather wild and unkempt permanent pasture, situated in an attractive rural area, and home to a host of vulnerable wildlife, including (in the neighbouring woodland) nightingales and glow worms. Over the past 60 years we have done all that we can to protect our existing wildlife and the rural landscape, evidenced by our tree planting scheme, the care that we have taken to preserve our areas of woodland, and the 48 nest boxes that can be found around our property perimeter. Any development would jeopardise the fragile ecosystems that are currently present, fragment the habitats of the existing indigenous wildlife, and have a detrimental effect on the heritage quality of the landscape. Furthermore, as the immediate neighbour to the proposed development, we would have no alternative but to erect two metre high steel palisade security fencing around the entire site, and install security lights and CCTV in order to try and protect our own property and the property of our tenants, despite the detrimental effect this would have on our own rural outlook, let alone the outlook and quality of darkness at present enjoyed by our neighbours. Core Policy 3 states that new development should not "adversely affect the character of the area" and it is apparent that this proposal fails totally in this respect.

The proposed development is in direct conflict with Core Policies 3 and 10, and is therefore totally unsustainable.

Objection 3.

Core Policy 11, Built and Historic Environment and High Quality Design which requires (among other criteria):

* The design of the development provides a satisfactory environment for existing and future occupants including, in relation to housing development, adequate provision for day light, sunlight, privacy, private outdoor space and/or communal amenity areas.

I consider that the proposed development is also in direct conflict with the above criteria of Core Policy 11. The proposed site is for mobile homes and caravans - insubstantial by

design in noise insulation - to be situated less than 20 metres away from a busy industrial estate yard and business park where there are day long articulated lorry movements, bleeping fork lift trucks, and a constant flow of vehicles, trade deliveries and general traffic, and where there would be no allowance whatsoever for peace and privacy. The site opens at 7am, six days a week, and it is inconceivable that the council are proposing a permanent residential development of any sort could be positioned in such close proximity to such a busy commercial hub.

Objection 4.

Core Policy 6, Retail and Sustainable Town and Local Centres which requires, among other criteria:

3 Support for the rural economy

4 Support and retention of local shops

5 Ensure local shopping centres remain a vibrant focus for the local community

As explained above, we have 21 businesses operating at The Old Brickworks. This means that, with office workers and maintenance staff, we have around 70 to 100 people working on the site each day. All of these people use the local services, the pubs, the post office and the village shop, and contribute to village life and our rural economy. One of our tenants tells me that his regular bill in the village shop is around £1,000 a month. If the proposed development goes ahead then all of these businesses will be relocating elsewhere and taking with them the revenue that they are currently contributing to the local economy. Far from being in support of Core Policy 4, this proposed development would have a devastating effect on the rural economy of Plumpton village, on the continued successful operation of our local shop, and may possibly even threaten its future operation, thus destroying completely its value as a focus for our local community.

Summary

To sum up, I object strongly to the proposed development.

I believe it would have a devastating effect on local employment in a rural area.

I also believe it would have an equally devastating effect on our rural economy.

The proposal flies in the face of the above Core Policies, and is therefore totally unsustainable.

If there is a need for more traveller sites, as is alleged, the council must look for other more suitable sites.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

--

From: Caroline Standen [REDACTED]
Sent: 04 November 2018 21:27
To: ldf
Subject: Lewes DC Plan Part 2 - Policy GT1 - Land south of The Plough, Plumpton Green
Categories: GT01, Vanessa to deal with

THE OLD BRICKWORKS
(Company Registration No. 598835)
The Old Brickworks Industrial Estate & Business Park
Plumpton Green, Lewes, East Sussex BN8 3DF
Site Tel: 01273 891110 Office Tel: 01797 260868
[REDACTED]

Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB

4th November 2018

To whom it may concern

Lewes District Council Plan Part 2

Policy GT1 – Land south of The Plough, Plumpton Green

I wish to register that I am very strongly in opposition to the proposed permanent Gypsy & Traveller Site on land south of The Plough public house outside Plumpton Green Village.

I am a Director of the Old Brickworks Industrial Estate and Business Park which is sited immediately to the south of, and adjacent to, the proposed development. My family have owned this site since 1957, and up until 1990 the buildings were used for Broiler Breeding, i.e. the production of fertile hatching eggs. By the 1990's the demand for British produce was much reduced owing to competition from cheap imports, and it became increasingly hard to secure contracts for continued poultry production. The company were granted Change of Use planning consent to convert the redundant agricultural buildings at the Old Brickworks into commercial premises. A programme of investment has taken place over a period of about twenty years with the farm buildings being converted into quality workshops, offices, business units and storage facilities. Today there are no less than 21 businesses operating from the Old Brickworks, creating a now well established, and thriving business community in our rural area. These businesses support about 30 hard-working families, and provide additional valuable employment for a further 53 people in our rural community.

I would like to draw the Council's attention to the following:

Objection 1.

Core Policy 4, Encouraging Economic Development and Regeneration which requires (among other criteria):

1. The safeguarding of existing employment sites from other competing uses
2. Support for economic growth in rural areas

ALL THE TENANTS AT THE OLD BRICKWORKS HAVE TOLD ME THAT THEY WILL NOT BE WILLING TO STAY ON IF THE NEIGHBOURING FIELD IS TO BE DEVELOPED INTO A PERMANENT GYPSY AND TRAVELLER SITE. This would not only remove a valuable economic resource from our rural community, but would seriously jeopardise the possibility of local jobs for the 53 people at present employed at The Old Brickworks. You can argue that this is the "wrong"

attitude, but it is these people's livelihoods that are at stake here. These businesses have specialist equipment, valuable precision tools, stocks of chemicals, complicated machinery, 3 phase power saws, expensive computers, and custom built vehicles, and they cannot possibly afford to ignore the undoubted threat that the proposed development would pose to the site's security. If they have to choose between running their businesses next door to a traveller site, or moving and being able to operate where there is none, you cannot blame them for choosing the latter. I believe that the Council has a duty of care towards these individuals, their businesses and the employment they generate. Absolutely the best way to safeguard this valuable existing employment resource in our rural area would be to relocate the proposed Gypsy & Traveller Site – assuming that there is a genuine need for such a development – elsewhere, and well away from any business park or industrial estate.

At the Plumpton Parish Council meeting on 9th October it was apparent that representatives from Lewes District Council were trying to make light of the job losses that will undoubtedly arise if this proposed development of a permanent Gypsy & Traveller site goes ahead. But the reality is this: without any tenants the site will be forced to close. On our own payroll, including company directors, office staff, and maintenance workers, that will mean 6 redundancies. Many other of our site workforce, who live in Plumpton and its immediate surrounds, are currently able to travel to work by bicycle or on foot, and would be unable to access their jobs once the Old Brickworks businesses had relocated elsewhere. This is a very real threat to our rural community.

It is my view that Lewes District Council should be doing all they can to protect this minority community of honest hard-working, taxpaying businesses in order to sustain economic growth and employment in our rural area.

Objection 2.

Core Policy 10, Natural Environment & Landscape Character which requires (among other criteria):



The Green Field Site of the Proposed Development

6 Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristics of the district etc

7. Maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks, and avoiding habitat fragmentation in both rural and urban areas.

The proposed development is in direct conflict with the above criteria of Core Policy 10. The field in question is a rather wild and unkempt permanent pasture, situated in an attractive rural area, and home to a host of vulnerable wildlife, including (in the neighbouring woodland) nightingales and glow worms. Over the past 60 years we have done all that we can to protect our existing wildlife and the rural landscape, evidenced by our tree planting scheme, the care that we have taken to preserve our areas of woodland, and the 48 nest boxes that can be found around our property perimeter. Any development would jeopardise the fragile ecosystems that are currently present, fragment

the habitats of the existing indigenous wildlife, and have a detrimental effect on the heritage quality of the landscape. Furthermore, as the immediate neighbour to the proposed development, we would have no alternative but to erect two metre high steel palisade security fencing around the entire site, and install security lights and CCTV in order to try and protect our own property and the property of our tenants, despite the detrimental effect this would have on our own rural outlook, let alone the outlook and quality of darkness at present enjoyed by our neighbours. Core Policy 3 states that new development should not “adversely affect the character of the area” and it is apparent that this proposal fails totally in this respect.

The proposed development is in direct conflict with Core Policies 3 and 10, and is therefore totally unsustainable.

Objection 3.

Core Policy 11, Built and Historic Environment and High Quality Design which requires (among other criteria):

6. The design of the development provides a satisfactory environment for existing and future occupants including, in relation to housing development, adequate provision for day light, sunlight, privacy, private outdoor space and/or communal amenity areas.

I consider that the proposed development is also in direct conflict with the above criteria of Core Policy 11. The proposed site is for mobile homes and caravans - insubstantial by design in noise insulation - to be situated less than 20 metres away from a busy industrial estate yard and business park where there are day long articulated lorry movements, bleeping fork lift trucks, and a constant flow of vehicles, trade deliveries and general traffic, and where there would be no allowance whatsoever for peace and privacy. The site opens at 7am, six days a week, and it is inconceivable that the council are proposing a permanent residential development of any sort could be positioned in such close proximity to such a busy commercial hub.

Objection 4.

Core Policy 6, Retail and Sustainable Town and Local Centres which requires, among other criteria:

3 Support for the rural economy

4 Support and retention of local shops

5 Ensure local shopping centres remain a vibrant focus for the local community

As explained above, we have 21 businesses operating at The Old Brickworks. This means that, with office workers and maintenance staff, we have around 70 to 100 people working on the site each day. All of these people use the local services, the pubs, the post office and the village shop, and contribute to village life and our rural economy. One of our tenants tells me that his regular bill in the village shop is around £1,000 a month. If the proposed development goes ahead then all of these businesses will be relocating elsewhere and taking with them the revenue that they are currently contributing to the local economy. Far from being in support of Core Policy 4, this proposed development would have a devastating effect on the rural economy of Plumpton village, on the continued successful operation of our local shop, and may possibly even threaten its future operation, thus destroying completely its value as a focus for our local community.

Summary

To sum up, I object strongly to the proposed development.

I believe it would have a devastating effect on local employment in a rural area.

I also believe it would have an equally devastating effect on our rural economy.

The proposal flies in the face of the above Core Policies, and is therefore totally unsustainable.

If there is a need for more traveller sites, as is alleged, the council must look for other more suitable sites.

Yours sincerely

LETCHMORE BROILER COMPANY LIMITED

C S Standen

DIRECTOR

The Old Brickworks Industrial Estate & Business Park

Representation ID: REP/412/GT01Representor Details:

Representor ID:	REP/412
Name:	John Staplehurst
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Dear sirs, please note our objections to your proposed Gypsy and Traveller site for five pitches at land south of The Plough, Station Road, Plumpton Green.</p> <p>As we understand it this land has had planning turned down before on several grounds some being:-</p> <p>A lack of infrastructure, i.e. No mains drainage, No mains gas, No street lighting etc. It should be noted nothing has changed.</p>	

It is also a greenfield not previously developed and is not within walking distance of the village shop,

post office or school, there are no footpaths north or south immediately outside the site for safe pedestrian use particularly as there's also no street lighting.

The believe the council have asked if any other suggestive sites were available I propose they investigate a plot of land at the junction of Oxbottom Lane and Station Road, Newick, grid ref. 50.970986-0.001933 which would be much more suitable as their infrastructure has much more to offer with more shops, chemist, post office, bakery, doctor's surgery, all accessible by ready-made footpaths or short drive, there is also a bus service to main line railway services.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Planning Policy Dept.
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

5th November 2018

Dear sirs, please note our objections to your proposed Gypsy and Traveller site for five pitches at land south of The Plough, Station Road, Plumpton Green.

As we understand it this land has had planning turned down before on several grounds some being:-

A lack of infrastructure, i.e. No mains drainage, No mains gas, No street lighting etc. It should be noted nothing has changed.

It is also a greenfield not previously developed and is not within walking distance of the village shop, post office or school, there are no footpaths north or south immediately outside the site for safe pedestrian use particularly as there's also no street lighting.

The believe the council have asked if any other suggestive sites were available I propose they investigate a plot of land at the junction of Oxbottom Lane and Station Road, Newick, grid ref. 50.970986-0.001933 which would be much more suitable as their infrastructure has much more to offer with more shops, chemist, post office, bakery, doctor's surgery, all accessible by ready-made footpaths or short drive, there is also a bus service to main line railway services.

Yours sincerely

J. A. & S. A. Staplehurst



Representation ID: REP/413/E1

Representor Details:

Representor ID:	REP/413
Name:	Joy Stephenson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Effective
Representation: Referring to Policy E1 Land at East Quay, Newhaven Port: This is a well-used public open space and its loss will have a detrimental impact on the health, happiness and well-being of local people. The extra traffic will also have an adverse effect on air quality which again impacts on	

the health of local people.

Newhaven has the potential for tourism and Tidemills is an important attraction which will be ruined by the proposed development.

Newhaven has sufficient employment space to meet the business needs arising from future growth scenarios to 2030 (Source: Newhaven Employment Land Review July 2017). There is no justification for removing this asset from public access.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/414/GT01Representor Details:

Representor ID:	REP/414
Name:	Paul Stevens
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Consistent with national policy
Representation: For the reasons set out in the response of Plumpton Parish Council. In addition, the underlying needs assessment appears arbitrary, as does the split of sites between SDNPA and REP, and the allocation of pitches to Plumpton in the absence of any evidence that the site will be used by travellers with a meaningful connection to LDC.	

What changes do you suggest to make the document legally compliant or sound?

Policy GT01 should be either removed from the document pending a proper consideration of the issues, or amended to clearly state that it is draft.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/415/GT01Representor Details:

Representor ID:	REP/415
Name:	Leila Stevens
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Consistent with national policy
Representation: LDC appears to have ignored the requirements of the PPTS in regard to engagement with the settled community. The site is clearly inappropriate, especially with a site already existing within 3 miles (common sense suggests that extension of an existing site is preferable, even if it may be in the SDNPA jurisdiction).	

What changes do you suggest to make the document legally compliant or sound?

Remove GT01 pending review.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/416/E1Representor Details:

Representor ID:	REP/416
Name:	Lisa Still
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation:	
Its not relevant, not passive for Newhaven and residents do NOT want it.	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	

--

Representation ID: REP/417/E1Representor Details:

Representor ID:	REP/417
Name:	Mike Stoakes
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: i am writing to oppose the proposed development of east quay site at newhaven. this would be a massive loss to the region in terms of an amenity that people come from miles around to enjoy as well as a loss of an important biodiverse area (including internationally rare vegetated shingle). it is important to preserve this designated local wildlife site for nature and leisure for the enjoyment and use for present generation and those to come. with all the housing already allocated for newhaven there are concerns to local people about volumes of traffic and air quality with such a massive developement. i have friends who live right opposite the site and the impact on their quality of life is going to be	

enormous.

living up the road in saltdean i often visit the area to walk and enjoy the particular nature of this wild esturine zone.

the development will massively increase the scale of industrial activity wthin the town above a sustainable or manageable level and should be withdrawn as a plan forthwith.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Mike Stoakes <[REDACTED]>
Sent: 07 October 2018 10:35
To: ldf
Subject: east quay newhaven

Categories: LPP2 comment to code - stakeholder details have been added

dear planning committee,

i am writing to oppose the proposed development of east quay site at newhaven. this would be a massive loss to the region in terms of an amenity that people come from miles around to enjoy as well as a loss of an important biodiverse area (including internationally rare vegetated shingle). it is important to preserve this designated local wildlife site for nature and leisure for the enjoyment and use for present generation and those to come.

with all the housing already allocated for newhaven there are concerns to local people about volumes of traffic and air quality with such a massive developement. i have friends who live right opposite the site and the impact on their quality of life is going to be enormous.

living up the road in saltdean i often visit the area to walk and enjoy the particular nature of this wild esturine zone.

the development will massively increase the scale of industrial activity wthin the town above a sustainable or manageable level and should be withdrawn as a plan forthwith.

yours,

mike stoakes

Representation ID: REP/418/GT01Representor Details:

Representor ID:	REP/418
Name:	Anita Stokes
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I write to formally object to the proposal for a gypsy / traveller site in Plumpton Green. My objection is based on the following...</p> <ul style="list-style-type: none">* The site would create risk for the 20 or so businesses using the neighbouring business site at the Old Brickworks.* The proposed site was not allocated within the Neighbourhood plan* There is no adequate, safe pedestrian footway to the facilities in the village* The site is a greenfield site and development of any sort at the extremity of the green	

space surrounding the village will damage the open space and rural character of the village

* If a precedent for development is set, it provides for further inappropriate expansion at later dates which would further damage the green space

* The affordability of the proposed site will be very poor because it relies on a private sale.

* Development of existing sites would provide a more cost effective solution.

* Mains services are not in place, nor easily achieved

* The development would consume a significant taxpayer budget for very modest gain

Please do not circulate / share any of my personal information.

I would be grateful if you would acknowledge receipt of this email

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Kemp, Emma

From: [REDACTED] >
Sent: 05 November 2018 13:00
To: ldf
Subject: Objection to the proposed gypsy/traveller site in Plumpton Green
Categories: GT01, Vanessa to deal with

Dear Sir / Madam

I write to formally object to the proposal for a gypsy / traveller site in Plumpton Green.

My objection is based on the following...

- The site would create risk for the 20 or so businesses using the neighbouring business site at the Old Brickworks.
- The proposed site was not allocated within the Neighbourhood plan
- There is no adequate, safe pedestrian footway to the facilities in the village
- The site is a greenfield site and development of any sort at the extremity of the green space surrounding the village will damage the open space and rural character of the village
- If a precedent for development is set, it provides for further inappropriate expansion at later dates which would further damage the green space
- The affordability of the proposed site will be very poor because it relies on a private sale.
- Development of existing sites would provide a more cost effective solution.
- Mains services are not in place, nor easily achieved
- The development would consume a significant taxpayer budget for very modest gain

Please do not circulate / share any of my personal information.

I would be grateful if you would acknowledge receipt of this email

Yours sincerely
MA Stokes

[REDACTED]
[REDACTED]

Representation ID: REP/419/GT01Representor Details:

Representor ID:	REP/419
Name:	David Stokes
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I write to formally object to the proposal for a gypsy / traveller site in Plumpton Green. My objection is based on the following...</p> <ul style="list-style-type: none">* The site would create risk for the 20 or so businesses using the neighbouring business site at the Old Brickworks.* The proposed site was not allocated within the Neighbourhood plan* There is no adequate, safe pedestrian footway to the facilities in the village	

* The site is a greenfield site and development of any sort at the extremity of the green space surrounding the village will damage the open space and rural character of the village

* If a precedent for development is set, it provides for further inappropriate expansion at later dates which would further damage the green space

* The affordability of the proposed site will be very poor because it relies on a private sale.

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* Mains services are not in place, nor easily achieved

* The development would consume a significant taxpayer budget for very modest gain

Please do not circulate / share any of my personal information.

I would be grateful if you would acknowledge receipt of this email

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: David Stokes [REDACTED]
Sent: 04 November 2018 09:48
To: ldf
Subject: Objection to the proposed gypsy / traveller site in Plumpton Green
Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir / Madam

I write to formally object to the proposal for a gypsy / traveller site in Plumpton Green.

My objection is based on the following...

- The site would create risk for the 20 or so businesses using the neighbouring business site at the Old Brickworks.
- The proposed site was not allocated within the Neighbourhood plan
- There is no adequate, safe pedestrian footway to the facilities in the village
- The site is a greenfield site and development of any sort at the extremity of the green space surrounding the village will damage the open space and rural character of the village
- If a precedent for development is set, it provides for further inappropriate expansion at later dates which would further damage the green space
- The affordability of the proposed site will be very poor because it relies on a private sale.
- Development of existing sites would provide a more cost effective solution.
- Mains services are not in place, nor easily achieved
- The development would consume a significant taxpayer budget for very modest gain

Please do not circulate / share any of my personal information.

I would be grateful if you would acknowledge receipt of this email

Yours sincerely
Dr DT Stokes

[REDACTED]
[REDACTED]

Representation ID: REP/420/GT01Representor Details:

Representor ID:	REP/420
Name:	David J Stone
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I strongly object to your intention of establishing a permanent Trvellers Site at Plumpton Green, this is a blatant intrusion on Green Belt Land. Once established, I then see it as a precedent to further expansion with resultant damage to the environment. I feel that there are Brown field sites within the Lewes area which would be far more suitable .There will be far more objections from our Parish Council with which I fully concur.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: David J. Stone [REDACTED]
Sent: 28 October 2018 22:39
To: ldf
Subject: Proposed Gypsy site at Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

Sirs
I strongly object to your intention of establishing a permanent Trvellers Site at Plumpton Green, this is a blatant intrusion on Green Belt Land. Once established, I then see it as a precedent to further expansion with resultant damage to the environment. I feel that there are Brown field sites within the Lewes area which would be far more suitable .There will be far more objections from our Parish Council with which I fully concur.
David J. Stone [REDACTED]

Representation ID: REP/421/GT01Representor Details:

Representor ID:	REP/421
Name:	D Stuart
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I would like to register my objection to the proposed Gypsy/Traveller site.</p> <p>I live on St.Helena Lane directly opposite the gate access to this field. I have no knowledge of planning specifics which I understand are the only objections that are considered by yourselves. Suffice to say I do not understand why you're even giving any consideration since it is 'green belt'. I understand the current owner purchased it with a view to obtaining planning permission for any structure to set a president.</p> <p>We moved here 15 years ago to be amid countryside and green fields. I really do not think the proposed site is suitable for development of any description since it will effect the Old Brickworks who currently have 21 businesses that have warned of abandoning</p>	

the site because of security issues. This will have a profound knock-on effect to the economy of the village, the shop and possible locally employed redundancies at the Brickworks.

I strongly urge this proposal be abandoned and more time given to search a more suitable site that would offer the occupants more in the way of amenities, i.e. closer to a Town and preferably a brown-field site.

Thank you for your attention.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Debbie Stuart <[REDACTED]>
Sent: 03 November 2018 14:43
To: ldf
Subject: Proposed Gypsy/Traveller site in Plumpton

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir/Madam,

I would like to register my objection to the proposed Gypsy/Traveller site.

I live on St.Helena Lane directly opposite the gate access to this field. I have no knowledge of planning specifics which I understand are the only objections that are considered by yourselves. Suffice to say I do not understand why you're even giving any consideration since it is 'green belt'. I understand the current owner purchased it with a view to obtaining planning permission for any structure to set a president.

We moved here 15 years ago to be amid countryside and green fields. I really do not think the proposed site is suitable for development of any description since it will effect the Old Brickworks who currently have 21 businesses that have warned of abandoning the site because of security issues. This will have a profound knock-on effect to the economy of the village, the shop and possible locally employed redundancies at the Brickworks.

I strongly urge this proposal be abandoned and more time given to search a more suitable site that would offer the occupants more in the way of amenities, i.e. closer to a Town and preferably a brown-field site.

Thank you for your attention.

Regards

Mrs. D.A. Stuart

[REDACTED]

Representation ID: REP/422/E1Representor Details:

Representor ID:	REP/422
Name:	Lynne Sturland
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Lewes District Council - YOU - are well known for duplicitous behaviour. The residents of Newhaven have been violated too often and it is now affecting surrounding areas including Peacehaven and Seaford. Ignorant and reckless behaviour concerning a natural resource and historic site not least of which has had considerable money pumped into it by the European Community to protect the immediate environment.</p> <p>SHAME ON YOU in the name of local residents</p> <p>Lewes might be the county town but we would remind you that you represent all coastal areas - something you frequently forget and this does not go unnoticed</p> <p>Wake up!!!! You are being so very very selfish. You have wrecked Newhaven already.</p>	

How dare you! ?

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Lynne Sturland [REDACTED]
Sent: 31 October 2018 17:57
To: ldf
Subject: YOU KNOW YOU SHOULD NOT BE DOING THIS!!!!

Categories: LPP2 comment to code - stakeholder details have been added

Lewes District Council - YOU - are well known for duplicitous behaviour. The residents of Newhaven have been violated too often and it is now affecting surrounding areas including Peacehaven and Seaford. Ignorant and reckless behaviour concerning a natural resource and historic site not least of which has had considerable money pumped into it by the European Community to protect the immediate environment.
SHAME ON YOU in the name of local residents Lewes might be the county town but we would remind you that you represent all coastal areas - something you frequently forget and this does not go unnoticed

Hodgson, Lilly

From: Lynne Sturland [REDACTED]
Sent: 31 October 2018 18:04
To: ldf
Subject: WHAT ARE YOU DOING!

Categories: LPP2 comment to code - stakeholder details have been added

Wake up!!!! You are being so very very selfish. You have wrecked Newhaven already. How dare you! ?

Representation ID: REP/423/E1

Representor Details:

Representor ID:	REP/423
Name:	Claire Sumners
Organisation:	Plastic Free Seaford
Consultation Body:	General
Stakeholder Type:	Local group or organisation

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	plasticfreeseaford@gmail.com
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Local plans by law must 'contribute to sustainable development' this plan shows no evidence of doing so, there will be loss of biodiversity (including internationally rare vegetated shingle) and evidence can be proved of this; I have sincere worries about traffic and air quality, Newhaven is already gridlocked with traffic and fumes; with all the housing already allocated for Newhaven, this would be too much development, can no one on the LDC Planning Committee see sense?; the need to preserve this designated Local Wildlife Site for nature / leisure for cyclists, walking the dog as a family, children having access to green spaces.</p> <p>The policy does not reflect the 'clean green marine' vision of the enterprise zone or</p>

'renewable energy cluster' of the port masterplan, clearly the maps of the area were NOT CLEAR in the official consultation documents.

Speaking on behalf of my campaign, Plastic Free Seaford, myself and all supporters are AGAINST the Lewes District Local Plan.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Claire Sumners <plasticfreeseaford@gmail.com>
Sent: 05 November 2018 18:24
To: ldf
Subject: Controversial New Policy E1

Categories: Vanessa to deal with

Sirs

Local plans by law must 'contribute to sustainable development' this plan shows no evidence of doing so, there will be loss of biodiversity (including internationally rare vegetated shingle) and evidence can be proved of this; I have sincere worries about traffic and air quality, Newhaven is already gridlocked with traffic and fumes; with all the housing already allocated for Newhaven, this would be too much development, can no one on the LDC Planning Committee see sense?; the need to preserve this designated Local Wildlife Site for nature / leisure for cyclists, walking the dog as a family, children having access to green spaces.

The policy does not reflect the 'clean green marine' vision of the enterprise zone or 'renewable energy cluster' of the port masterplan, clearly the maps of the area were NOT CLEAR in the official consultation documents.

Speaking on behalf of my campaign, Plastic Free Seaford, myself and all supporters are AGAINST the Lewes District Local Plan.

Regards

Claire Sumners

--

Claire Sumners
Lead - Plastic Free Seaford
Regional Rep for Surfers Against Sewage
tel: 07734 617 296

Plastic Free Seaford Campaign
Facebook: Plastic Free Seaford

Please consider the environment, only print out this email if absolutely necessary.

Representation ID: REP/424/DM1Representor Details:

Representor ID:	REP/424
Name:	Sarah Sutcliffe
Organisation:	Thakeham Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	sarah.sutcliffe@thakeham.com
Address:	Thakeham House, Summers Place Stane Street Billingshurst West Sussex RH14 9GN

Representation:

Policy/Section:	DM1: Planning Boundary
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation: Policy DM1: Planning Boundary Policy DM1 states that within the development boundaries, as defined on the Proposals Maps, development will be permitted providing it accords with the policies of the development plan. Accompanying the LPP2, Lewes District Council have published revised proposals maps which have sought to amend the planning boundaries to include	

the allocations specified within the LPP1, the LPP2 and made neighbourhood plans. We support the revision of the settlement Planning Boundaries.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/424/DM15
--

Representor Details:

Representor ID:	REP/424
Name:	Sarah Sutcliffe
Organisation:	Thakeham Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	sarah.sutcliffe@thakeham.com
Address:	Thakeham House, Summers Place Stane Street Billingshurst West Sussex RH14 9GN

Representation:

Policy/Section:	DM15: Provision for Outdoor Playing Space
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No
Representation: Policy DM15: Provision of Outdoor Playing Space & Policy DM16: Children's Play Space in New Housing Development Policy DM15 sets out the requirements for the provision of outdoor playing space, including outdoor sports, equipped/designated children's playing space and MUGAs and skateboard parks.	

Policy DM16 provides a requirement for the provision of on-site Children's Play space, for developments of 20 or more units in accordance with the minimum standards set out in Policy DM15.

Whilst as a housing developer we fully support the inclusion of children's play space within new housing development, in our view this policy is overly prescriptive and lacks flexibility. On a small site which may be able to accommodate 20 units, the provision of an on-site play area to the standards set out in Policy DM15 may jeopardise the delivery of much needed housing, in our view a threshold of 20 units seems quite low and an unreasonable requirement.

Additionally, the policy needs to provide clarity regarding the existing local provision and the need for on-site provision if this is deemed to be sufficient or can be upgraded to provide a wider betterment to the existing and future communities

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/424/DM16
--

Representor Details:

Representor ID:	REP/424
Name:	Sarah Sutcliffe
Organisation:	Thakeham Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	sarah.sutcliffe@thakeham.com
Address:	Thakeham House, Summers Place Stane Street Billingshurst West Sussex RH14 9GN

Representation:

Policy/Section:	DM16: Children's Play Space in New Housing Development
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No
Representation: Whilst as a housing developer we fully support the inclusion of children's play space within new housing development, in our view this policy is overly prescriptive and lacks flexibility. On a small site which may be able to accommodate 20 units, the provision of an on-site play area to the standards set out in Policy DM15 may jeopardise the delivery of much needed housing, in our view a threshold of 20 units seems quite low and an	

unreasonable requirement.

Additionally, the policy needs to provide clarity regarding the existing local provision and the need for on-site provision if this is deemed to be sufficient or can be upgraded to provide a wider betterment to the existing and future communities

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/424/OM/ARepresentor Details:

Representor ID:	REP/424
Name:	Sarah Sutcliffe
Organisation:	Thakeham Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	sarah.sutcliffe@thakeham.com
Address:	Thakeham House, Summers Place Stane Street Billingshurst West Sussex RH14 9GN

Representation:

Policy/Section:	Housing Policy Context, Bishops Lane, Ringmer
<i>Do you consider the document to be:</i> Legally Compliant: Sound:	
Representation: (See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/424/OM/BRepresentor Details:

Representor ID:	REP/424
Name:	Sarah Sutcliffe
Organisation:	Thakeham Homes
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	sarah.sutcliffe@thakeham.com
Address:	Thakeham House, Summers Place Stane Street Billingshurst West Sussex RH14 9GN

Representation:

Policy/Section:	Housing Policy Context, Lewes Road, Ringmer
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
(See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?



THAKEHAM

Planning Policy
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB

5th November 2018

Dear Sir/Madam,

**Lewes Local Plan Part 2: Site Allocations and Development Management Policies
Development Plan Document – Pre-Submission version – Representation**

Re: Bishops Lane, Ringmer

Introduction

Thakeham Homes Ltd are submitting representations to the Lewes Local Plan Part 2: Site Allocations and Development Management Policies ('LPP2') as local stakeholders. Thakeham are a house builder based in Sussex with a track record for delivering high quality, sustainable schemes across the south east. We are progressing a number of potential development sites within this district at varying stages of the planning process, therefore our representations relate to the role of the emerging Local Plan in the delivery of the District's adopted housing objectives over the plan period.

We have made representations now on Local Plan Part 1 and recently on Local Plan Part 2: Site Allocations and Development Management policies (Regulation 18) dated 24th January 2018. We therefore have a long-standing interest in the Local Plan preparation which we support.

Local Plan Part 2 must have due regard to the primary document which is Local Plan Part 1, given it forms a strategic level plan for the whole district. We have concerns that this has not occurred.

These representations are submitted in respect of Thakeham Homes' interests at Bishops Lane, Ringmer ('the site'). This site is the land immediately to the east of Diplocks Industrial Estate, also known by SHELAA (2018) reference 21RG, for 75 net additional residential dwellings. A location plan for the site is appended to this representation at Appendix 1.

We confirm within these representations that this site is available and deliverable within the next five years and is set within highly sustainable locations. As such we wish to make representations on the policies contained within the Draft LPP2

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We wish to support the progression of the LPP2 and make comments within our representations on the basis that the site allocations document should be prepared to ensure conformity with the spatial requirements of the adopted Lewes Core Strategy: Local Plan Part 2 ('LPP1') and further site allocations should be sought to ensure that the requirements of the National Planning Policy Framework (NPPF) are met.

NPPF, paragraphs 10 and 11 set out the presumption in favour of sustainable development, with Paragraph 11(a) identifying a requirement for Local Planning Authorities '*to positively seek opportunities to meet the development needs of their area*'. Whilst Paragraph 119 states that "*Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs*".

Para 120 states that Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability."

Paragraph 9 also comments that, "Planning policies and decisions should play an active role in guiding development towards sustainable solutions"

In addition to our comments regarding spatial requirements we also wish to make representations to the proposed changes to the planning boundaries and the proposed 'Provision of Outdoor Playing Space' and 'Children's Play Space in New Housing Development' policy. As such, these representations also respond to Policy DM1, DM15 and DM16 of the Draft LPP2.

Spatial Distribution

Table 3 (Residential site allocations) of the Draft LPP2 provides an indication of the planned level of housing in the District, outside of the National Park:

Table 3 Planned level of housing, outside the National Park

Settlement	SP2 Planned housing growth	Neighbourhood Plan housing (adopted and emerging)	Residual housing growth to be identified in LPP2
Nashdown	425	425	-
Peacehaven & Telscombe	255	255	-
Seaford	185	185	-
Edge of Burgess Hill (within Weymouth Parish)	100	0	100
Sercombe Chase	30	0	30
North Chawley	30	0	30
South Chawley	10	0	10
Cockbridge	50	0	50
Norick	100	100	-
Plumpton Green	50	50	-
Burgmer & Braye Side	215	181	34
Weymouth Green	30	34	-
To be determined	200	-	200
Total	1,660	1,260	400

KEY

- Housing growth to be delivered through neighbourhood plans
- Housing growth identified in 'made' neighbourhood plans
- Housing growth identified in Local Plan Part 2

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Table 3 provides the residual housing growth to be identified in LPP2, which in the case of Ringmer and Broyle Side is 32 net additional dwellings.

Although this has increased from previously being 12 (as stated in our earlier representation in January 2018) it is still unacceptably low as these figures are a minimum and all sites should be assumed to come forward.

Whilst Spatial Policy 2 of the adopted LPP1 makes clear that all planned housing growth numbers are stipulated as minimums, and the LPP2 does state at paragraph 2.7 that ‘It should be borne in mind that the figures contained within the Spatial Policy 2 are expressed as minimums and where appropriate growth should exceed this minimum figure’, in our view the above table does not address these figures as minimum requirements.

It is clear from Table 2 that most parishes designated to produce a neighbourhood plan, have not sought to exceed their minimum requirements within adopted and emerging Neighbourhood Plans. The Council has not sought to allocate sites within the LPP2 over and above the housing growth identified within these adopted and emerging Neighbourhood Plans, thus only meeting the minimum requirement for most settlements. In our view, this falls short of the requirements of the NPPF as the Plan has not been positively prepared to meet the District’s development needs. Additionally, and with particular relevance to Thakeham Homes’ interests at Lewes Road, Ringmer, the Ringmer Neighbourhood Plan was adopted prior to the Core Strategy. Therefore, as the latest development plan adopted, we would continue to maintain that the Core Strategy requirements should take precedent.

This is particularly since Regulation 18 stage of LPP2, there has been the publication of the revised NPPF (July 2018) which provides additional weight to promoting house building and in maintaining a sufficient supply and delivery of homes. Specifically, Paragraph 59 states:-

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Paragraph 16 (a and b) of the NPPF states that Local Plans should “be prepared with the objective of contributing to the achievement of sustainable development and be prepared positively, in a way that is aspirational but deliverable”, whilst Paragraph 11(a) makes clear that Local Plans should ensure flexibility to adapt to rapid change. The LPP2 has identified at Table 5 that most parishes have not sought to exceed their minimum requirements within adopted and emerging Neighbourhood Plans. The Council has not sought to allocate sites within the LPP2 over and above the housing growth identified within these adopted and emerging Neighbourhood Plans, thus only meeting the minimum requirement for most settlements. In our view, this falls short of the requirements of the NPPF as the plan has not been positively prepared to meet the district’s development needs. Additionally, some Neighbourhood Plans, such as the Ringmer Neighbourhood Plan were adopted prior to the Core Strategy. Therefore, as the latest development plan adopted, the Core Strategy requirements should take precedent.

Table 3 shows that Ringmer has a shortfall of 32 dwellings. As all the requirements are minimums it could be questioned as to why the council are not seeking more sites or pursuing opportunities where more sites are available for development.

There is a small difference of 32 dwellings within the Ringmer Neighbourhood Plan once the overlap with commitments in Local Plan Part 1 (Table 5, p53) and the strategic allocation Spatial Policy 6: Land north of Bishops Lane, have been taken into account. A detailed explanation is provided within the Ringmer and Broyle Side section (paragraphs 2.118 to 2.121).

'2.118 Spatial Policy 2 of the Local Plan Part 1 sets the requirement for a minimum 215 net additional dwellings to be provided within Ringmer and Broyle Side. Ringmer Parish Council has a 'made' neighbourhood plan which contains a number of housing policies and allocations. A number of these allocated sites have since gained planning permission.

2.119 As referred to earlier in paragraph 2.8, a number of sites within Policy 6.4 of the Ringmer Neighbourhood Plan (RNP) overlap with commitments or the strategic allocation, Land north of Bishops Lane, identified in Spatial Policy 2 and Table 5 of Local Plan Part 1. The removal of these duplications results in a total of 183 net additional dwellings identified within the RNP; a shortfall of 32 net additional dwellings, against the planned housing growth figure of minimum 215 net additional dwellings.

2.120 The shortfall was recognised and discussed at the Local Plan Part 1 Examination, during which it was agreed that the retained 'saved' 2003 Lewes District Local Plan housing allocation RG1: Caburn Field was highly likely to deliver above the original target minimum of 40 dwellings (the number contained within the commitments figure for Spatial Policy 2). An additional 20 dwellings, thereby providing a total of 60 net additional dwellings, was considered at that time to be a reasonable anticipated capacity for an eventual proposal.

2.121 The increase in capacity was partly due to the inclusion of adjacent Lewes District Council owned land. A further 12 dwellings, however, is still required to meet the minimum of 215 net additional dwellings. Progress has since been made on the development proposals for this site, which indicate a yield of 96 dwellings. It is therefore proposed to allocate Caburn Field for approximately 90, meeting the shortfall of 32 and providing an additional 18 over the minimum of 215 net additional dwellings. This represents an uplift of 50 over and above the 'saved' 2003 allocation.

Paragraph 2.124. then goes on to state that 'The housing growth and Ringmer and Broyle Side, as identified within Local Plan Part 1, is limited due to current highways constraints of the B2192. Current identified junction improvements, to be delivered by the strategic site at Bishops Lane, allow for a total of 385 net additional dwellings to be accommodated within the settlement. Due to the junction capacity constraints there is effectively a cap on development in Ringmer and Broyle Side beyond the planned 385 net additional dwellings. This is even allowing for the planned junction improvements that will be delivered through the strategic allocation at Bishops Lane.'

Paragraph 2.11 discussed the overall requirements for the LPP2 following the assessment of individual settlement requirements. *"The Local Plan Part 2 is therefore required to deliver a minimum 127 net additional dwellings. In respect to Table 5 it shows that Local Plan Part 2 is*

meeting the minimum required figures". Again, this should not address minimum requirements as there is no flexibility should development not come forward for a whole variety of reasons.

It is noted in respect to Table 5 that in the case of Ringmer and Broyle Side that 50 no. units are allocated in LPP2. It should in fact be upwards of this number to take full account of national planning policy.

Land at Bishops Lane, Ringmer is a sustainable site and its inclusion as an additional allocation would enable LPP2 to be more robust in its approach to housing delivery. This would ensure that LPP2 has been more positively prepared for the robustness of the Plan at Examination. We would reiterate that the Council should seek to increase the provision of housing in the LPP2 to ensure a robust strategy for housing delivery which conforms with the requirements of SP2 and the NPPF.

Policy DM1: Planning Boundary

Policy DM1 states that within the development boundaries, as defined on the Proposals Maps, development will be permitted providing it accords with the policies of the development plan.

Accompanying the LPP2, Lewes District Council have published revised proposals maps which have sought to amend the planning boundaries to include the allocations specified within the LPP1, the LPP2 and made neighbourhood plans. We support the revision of the settlement Planning Boundaries to include all allocations.

Policy DM15: Provision of Outdoor Playing Space & Policy DM16: Children's Play Space in New Housing Development

Policy DM15 sets out the requirements for the provision of outdoor playing space, including outdoor sports, equipped/designated children's playing space and MUGAs and skateboard parks.

Policy DM16 provides a requirement for the provision of on-site Children's Play space, for developments of 20 or more units in accordance with the minimum standards set out in Policy DM15.

Whilst as a housing developer we fully support the inclusion of children's play space within new housing development, in our view this policy is overly prescriptive and lacks flexibility. On a small site which may be able to accommodate 20 units, the provision of an on-site play area to the standards set out in Policy DM15 may jeopardise the delivery of much needed housing, in our view a threshold of 20 units seems quite low and an unreasonable requirement. Additionally, the policy needs to provide clarity regarding the existing local provision and the need for on-site provision if this is deemed to be sufficient or can be upgraded to provide a wider betterment to the existing and future communities.

Bishops Lane, Ringmer

Thakeham Homes recommends the site for residential development and as such seeks to promote the site in its entirety for residential development. The red line for the site has been appended to this representation in Appendix 1.

Land north of Bishops Lane is included in the Lewes District Council SHELAA (2018) under reference 21RG. The site is around 2.5 ha in size and a yield of 75 dwellings is suggested, the site has been assessed as 'suitable, available and achievable' with the rationale for this assessment stating:

'Site is actively being promoted through Part 2 of Local Plan. Greenfield site adjacent to planning boundary, within walking distance of bus stop and local shops. Area of potential archaeological interest. ESCC landscape architect considers that the area north of Bishops Lane should be assessed as a unit to identify developable areas and suitable landscape setting to redefine village edge. LCS concludes wider landscape character area to have medium capacity for change. Relocation of right of way required. Significant development in Ringmer would impact upon Earwig Corner junction. Based on current information and views of ESCC highways this is considered possible and achievable. Access can be achieved independently or through one of the adjacent sites. Development of this scale is likely to require an upgrade to the Neaves Lane Waste Water Treatment Works, which is considered deliverable within the next five years, which is considered deliverable within the next five years. Site is not identified for housing within the Ringmer Neighbourhood Plan.'

As per the Council's own SHELAA assessment, the site is considered to be available, suitable and achievable, with no evident constraints that would prevent the delivery of housing on the site, and therefore considered deliverable. As such, we consider that the whole of the site could provide much needed housing development within the plan period, helping to provide the Local Plan with sufficient flexibility to be able to adapt to rapid change in accordance with the NPPF and support the provision of housing in accordance with policy SP2 of the adopted LPP1.

Conclusions

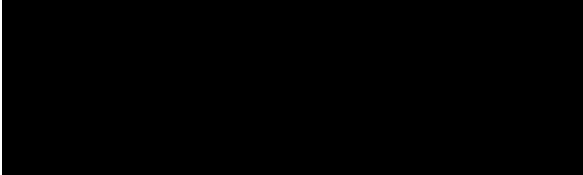
In conclusion, it is clear the identified housing growth within the Spatial Policy 2 of the adopted LPP1 stipulates minimum requirements. Consequently, in our view the Council should seek to increase the provision of housing in the LPP2 to ensure a robust strategy for housing delivery which conforms with the requirements of SP2 and the NPPF.

We support the revision of the proposals map in accordance with the spatial requirements for housing delivery and would suggest that the council needs to revisit the requirements stipulated in policies DM15 and DM16 to ensure that these represent a feasible approach.

As detailed above, we are actively promoting the site for residential development and we have therefore demonstrated within these representations that we consider the site to be achievable, suitable and available for residential development.

We trust that these representations will be useful and clear and we would be grateful for confirmation of receipt. In the meantime, please do not hesitate to contact me if you have any queries or require any further information.

Yours Sincerely,



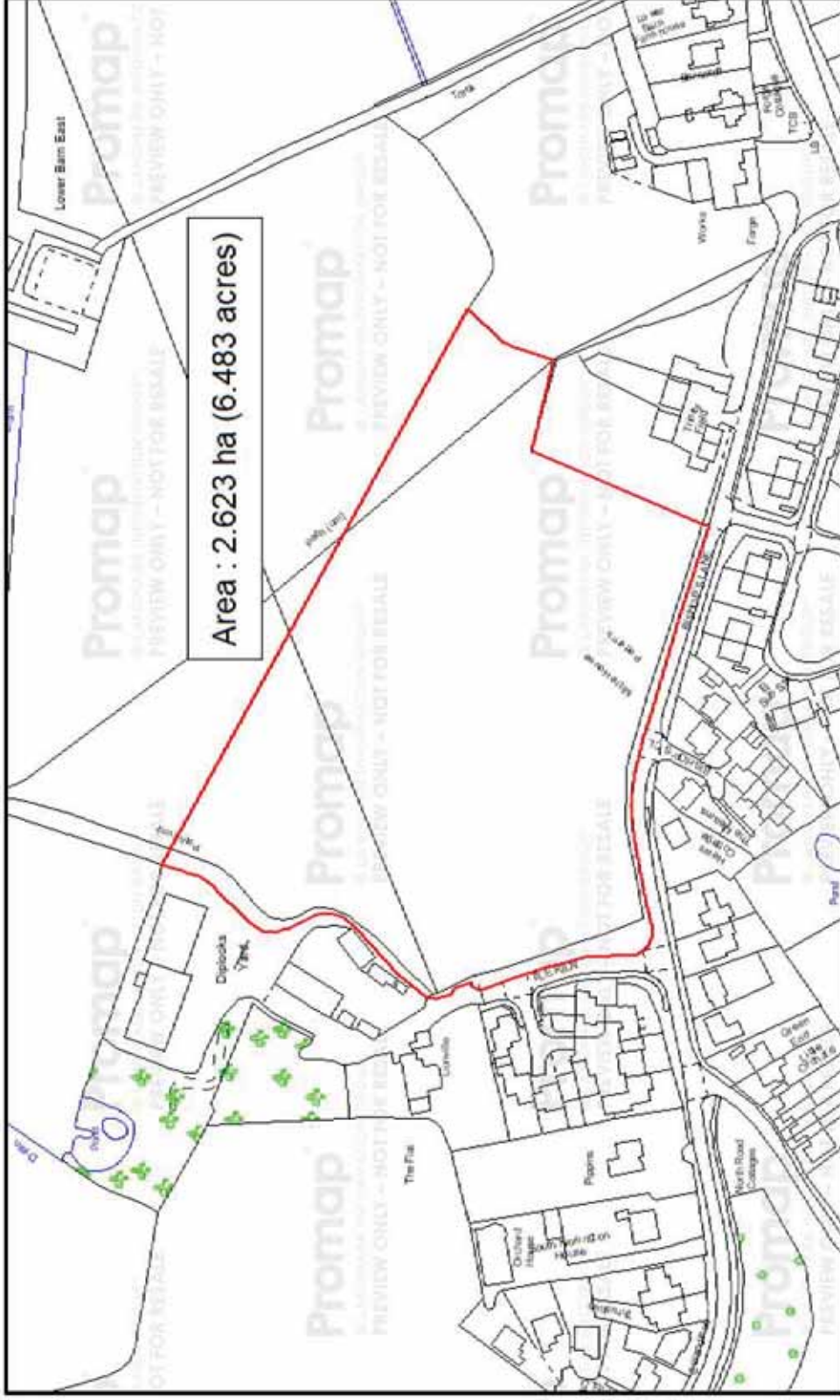
Rachel Richardson

Senior Planner

Enc. Appendix 1 - Location Plan



THAKEHAM



Land at Bishops Lane, Ringmer



THAKEHAM

Planning Policy
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB

5th November 2018

Dear Sir/Madam,

Lewes Local Plan Part 2: Site Allocations and Development Management Policies Development Plan Document Consultation (Regulation 18) – Representation

Re: Land at Lewes Road, Ringmer

Introduction

Thakeham Homes Ltd are submitting representations to the Lewes Local Plan Part 2: Site Allocations and Development Management Policies ('LPP2') as local stakeholders. Thakeham are a house builder based in Sussex with a track record for delivering high quality, sustainable scheme across the south east. We are progressing a number of potential development sites within this district at varying stages of the planning process, therefore our representations relate to the role of the emerging Local Plan in the delivery of the District's adopted housing objectives over the plan period.

We have made representations now on Local Plan Part 1 and recently on Local Plan Part 2: Site Allocations and Development Management policies (Regulation 18) dated 24th January 2018. We therefore have a long-standing interest in the Local Plan preparation which we support.

Local Plan Part 2 must have due regard to the primary document which is Local Plan Part 1, given it forms a strategic level plan for the whole district. We have concerns that this has not occurred.

These representations are submitted in respect of Thakeham Homes' interests at Lewes Road, Ringmer ('the site'). Thakeham has a developer interest in a site north of Lewes Road available for development that is approximately 4.8 ha in size. A location plan for the site is appended to this representation at Appendix 1.

We confirm within these representations that this site is available and deliverable within the next five years and are set within highly sustainable locations. As such we wish to make representations on the policies contained within the Draft LPP2.

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We wish to support the progression of the LPP2 and make comments within our representations on the basis that the site allocations document should be prepared to ensure conformity with the spatial requirements of the adopted Lewes Core Strategy: Local Plan Part 1 ('LPP1') and further site allocations should be sought to ensure that the requirements of the National Planning Policy Framework (NPPF) are met.

NPPF, paragraphs 10 and 11 set out the presumption in favour of sustainable development, with Paragraph 11(a) identifying a requirement for Local Planning Authorities '*to positively seek opportunities to meet the development needs of their area*'. Whilst Paragraph 119 states that "*Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs*".

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Paragraph 9 also comments that, "Planning policies and decisions should play an active role in guiding development towards sustainable solutions"

In addition to our comments regarding spatial requirements we also wish to make representations to the proposed changes to the planning boundaries and the proposed 'Provision of Outdoor Playing Space' and 'Children's Play Space in New Housing Development' policy. As such, these representations also respond to Policy DM1, DM15 and DM16 of the Draft LPP2.

Spatial Distribution

Table 3 (Residential site allocations) of the Draft LPP2 provides an indication of the planned level of housing in the District, outside of the National Park:

Table 3 Planned level of housing, outside the National Park

Settlement	SPZ Planned housing: growth	Neighbourhood Plan housing (adopted and emerging)	Residual housing growth to be identified in LPP2
Nouhaston	425	300	-
Proachaven & Telcombe	255	200	-
Swalford	185	80	-
Edge of Burgess Hill (within Wivernfield Parish)	150	0	150
Barcombe Chase	30	0	30
North Chawley	30	0	30
South Chawley	40	0	40
Cockbridge	30	0	30
Narwell	100	100	-
Pumpkin Green	50	50	-
Binger & Broyle Ends	215	133	82
Wivernfield Green	30	30	-
To be determined	200	-	200
Total	1,660	1,269	432

KEY

- Housing growth to be delivered through neighbourhood plans
- Housing growth identified in 'made' neighbourhood plans
- Housing growth identified in Local Plan Part 2

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Table 3 provides the residual housing growth to be identified in LPP2, which in the case of Ringmer and Broyle Side is 32 net additional dwellings.

Although this has increased from previously being 12 (as stated in our earlier representation in January 2018) it is still unacceptably low as these figures are a minimum and all sites should be assumed to come forward.

Whilst Spatial Policy 2 of the adopted LPP1 makes clear that all planned housing growth numbers are stipulated as minimums, and the LPP2 does state at paragraph 2.7 that ‘It should be borne in mind that the figures contained within the Spatial Policy 2 are expressed as minimums and where appropriate growth should exceed this minimum figure’, in our view the above table does not address these figures as minimum requirements.

It is clear from Table 2 that most parishes designated to produce a neighbourhood plan, have not sought to exceed their minimum requirements within adopted and emerging Neighbourhood Plans. The Council has not sought to allocate sites within the LPP2 over and above the housing growth identified within these adopted and emerging Neighbourhood Plans, thus only meeting the minimum requirement for most settlements. In our view, this falls short of the requirements of the NPPF as the Plan has not been positively prepared to meet the District’s development needs. Additionally, and with particular relevance to Thakeham Homes’ interests at Lewes Road, Ringmer, the Ringmer Neighbourhood Plan was adopted prior to the Core Strategy. Therefore, as the latest development plan adopted, we would continue to maintain that the Core Strategy requirements should take precedent.

This is particularly since Regulation 18 stage of LPP2, there has been the publication of the revised NPPF (July 2018) which provides additional weight to promoting house building and in maintaining a sufficient supply and delivery of homes. Specifically, Paragraph 59 states:-

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

Paragraph 16 (a and b) of the NPPF states that Local Plans should “be prepared with the objective of contributing to the achievement of sustainable development and be prepared positively, in a way that is aspirational but deliverable”, whilst Paragraph 11(a) makes clear that Local Plans should ensure flexibility to adapt to rapid change. The LPP2 has identified at Table 5 that most parishes have not sought to exceed their minimum requirements within adopted and emerging Neighbourhood Plans. The Council has not sought to allocate sites within the LPP2 over and above the housing growth identified within these adopted and emerging Neighbourhood Plans, thus only meeting the minimum requirement for most settlements. In our view, this falls short of the requirements of the NPPF as the plan has not been positively prepared to meet the district’s development needs. Additionally, some Neighbourhood Plans, such as the Ringmer Neighbourhood Plan were adopted prior to the Core Strategy. Therefore, as the latest development plan adopted, the Core Strategy requirements should take precedent.

Table 3 shows that Ringmer has a shortfall of 32 dwellings. As all the requirements are minimums it could be questioned as to why the council are not seeking more sites or pursuing opportunities where more sites are available for development.

There is a small difference of 32 dwellings within the Ringmer Neighbourhood Plan once the overlap with commitments in Local Plan Part 1 (Table 5, p53) and the strategic allocation Spatial Policy 6: Land north of Bishops Lane, have been taken into account. A detailed explanation is provided within the Ringmer and Broyle Side section (paragraphs 2.118 to 2.121).

'2.118 Spatial Policy 2 of the Local Plan Part 1 sets the requirement for a minimum 215 net additional dwellings to be provided within Ringmer and Broyle Side. Ringmer Parish Council has a 'made' neighbourhood plan which contains a number of housing policies and allocations. A number of these allocated sites have since gained planning permission.

2.119 As referred to earlier in paragraph 2.8, a number of sites within Policy 6.4 of the Ringmer Neighbourhood Plan (RNP) overlap with commitments or the strategic allocation, Land north of Bishops Lane, identified in Spatial Policy 2 and Table 5 of Local Plan Part 1. The removal of these duplications results in a total of 183 net additional dwellings identified within the RNP; a shortfall of 32 net additional dwellings, against the planned housing growth figure of minimum 215 net additional dwellings.

2.120 The shortfall was recognised and discussed at the Local Plan Part 1 Examination, during which it was agreed that the retained 'saved' 2003 Lewes District Local Plan housing allocation RG1: Caburn Field was highly likely to deliver above the original target minimum of 40 dwellings (the number contained within the commitments figure for Spatial Policy 2). An additional 20 dwellings, thereby providing a total of 60 net additional dwellings, was considered at that time to be a reasonable anticipated capacity for an eventual proposal.

2.121 The increase in capacity was partly due to the inclusion of adjacent Lewes District Council owned land. A further 12 dwellings, however, is still required to meet the minimum of 215 net additional dwellings. Progress has since been made on the development proposals for this site, which indicate a yield of 96 dwellings. It is therefore proposed to allocate Caburn Field for approximately 90, meeting the shortfall of 32 and providing an additional 18 over the minimum of 215 net additional dwellings. This represents an uplift of 50 over and above the 'saved' 2003 allocation.

Paragraph 2.124. then goes on to state that *'The housing growth and Ringmer and Broyle Side, as identified within Local Plan Part 1, is limited due to current highways constraints of the B2192. Current identified junction improvements, to be delivered by the strategic site at Bishops Lane, allow for a total of 385 net additional dwellings to be accommodated within the settlement. Due to the junction capacity constraints there is effectively a cap on development in Ringmer and Broyle Side beyond the planned 385 net additional dwellings. This is even allowing for the planned junction improvements that will be delivered through the strategic allocation at Bishops Lane.'*

Paragraph 2.11 discussed the overall requirements for the LPP2 following the assessment of individual settlement requirements. *"The Local Plan Part 2 is therefore required to deliver a minimum 127 net additional dwellings. In respect to Table 5 it shows that Local Plan Part 2 is meeting the minimum required figures".* Again, this should not address minimum requirements as there is no flexibility should development not come forward for a whole variety of reasons.

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It is noted in respect to Table 5 that in the case of Ringmer and Broyle Side that 50 no. units are allocated in LPP2. It should in fact be upwards of this number to take full account of national planning policy.

Land at Lewes Road, Ringmer is a sustainable site and its inclusion as an additional allocation would enable LPP2 to be more robust in its approach to housing delivery. This would ensure that LPP2 has been more positively prepared for the robustness of the Plan at Examination. We would reiterate that the Council should seek to increase the provision of housing in the LPP2 to ensure a robust strategy for housing delivery which conforms with the requirements of SP2 and the NPPF. This site could deliver an additional 90 houses which would only seek to strengthen the Council's position in terms of their housing land supply.

Policy DM1: Planning Boundary

Policy DM1 states that within the development boundaries, as defined on the Proposals Maps, development will be permitted providing it accords with the policies of the development plan.

Accompanying the LPP2, Lewes District Council have published revised proposals maps which have sought to amend the planning boundaries to include the allocations specified within the LPP1, the LPP2 and made neighbourhood plans. We support the revision of the settlement Planning Boundaries.

Policy DM15: Provision of Outdoor Playing Space & Policy DM16: Children's Play Space in New Housing Development

Policy DM15 sets out the requirements for the provision of outdoor playing space, including outdoor sports, equipped/designated children's playing space and MUGAs and skateboard parks.

Policy DM16 provides a requirement for the provision of on-site Children's Play space, for developments of 20 or more units in accordance with the minimum standards set out in Policy DM15.

Whilst as a housing developer we fully support the inclusion of children's play space within new housing development, in our view this policy is overly prescriptive and lacks flexibility. On a small site which may be able to accommodate 20 units, the provision of an on-site play area to the standards set out in Policy DM15 may jeopardise the delivery of much needed housing, in our view a threshold of 20 units seems quite low and an unreasonable requirement. Additionally, the policy needs to provide clarity regarding the existing local provision and the need for on-site provision if this is deemed to be sufficient or can be upgraded to provide a wider betterment to the existing and future communities.

Land at Lewes Road, Ringmer

Thakeham Homes recommends the sites for residential development and as such seeks to promote the sites in their entirety for residential development. The site has been assessed in

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the Council's latest SHELAA (2018) as not deliverable or developable, however in our view the assessment raises no constraints which could not be suitably overcome as part of any future planning application. The site north of Lewes Road we believe is suitable, available and achievable. The red line for the sites has been appended to this representation in Appendix 1.

Availability, Suitability and Achievability

We wish to promote the site in its entirety for residential development and can confirm that the site is Available, Suitable, Achievable and therefore deliverable within the next 5 years.

Availability

As highlighted within this and previous representations, the site is controlled by Thakeham Homes Ltd and are actively being promoted for residential development.

Thakeham has a proven track record for delivering a number of high quality residential schemes across Surrey, Sussex and Hampshire and will be seeking to deliver a range of dwellings on the sites.

Suitability

The site is located on the north eastern edge of Ringmer village and is within walking distance of the various local amenities of Ringmer. Ringmer falls in the third tier of the settlement hierarchy and is therefore considered to have a range of services and facilities to meet the needs of the existing community as well as providing key services for surrounding rural villages. The site has good transport links, with a frequent bus service available from a number of stops around the village.

Achievability

Given the acute housing need within the District and the location of the site, it is considered that there is a reasonable prospect of residential development being achieved in the next five years.

As stated above, Thakeham has a proven track record for delivering schemes of a similar size and scale throughout Surrey, Sussex and Hampshire, and has the capacity to deliver the development of the site to provide much needed new homes within the first 5 years of the plan period.

Deliverability

For the reasons above, the site is considered to be available, suitable and achievable, and therefore deliverable in accordance with the NPPG. As such, we consider that the site could provide much needed housing development within the plan period, help provide the Local Plan with sufficient flexibility to be able to adapt to rapid change in accordance with the NPPF and support the provision of housing in accordance with policy SP2 of the adopted LPP1.

Conclusions

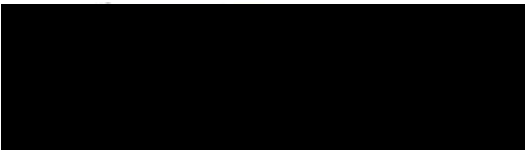
In conclusion, it is clear the identified housing growth within the Spatial Policy 2 of the adopted LPP1 stipulates minimum requirements. Consequently, in our view the Council should seek to increase the provision of housing in the LPP2 to ensure a robust strategy for housing delivery which conforms with the requirements of SP2 and the NPPF.

We support the revision of the proposals map in accordance with the spatial requirements for housing delivery and would suggest that the Council needs to revisit the requirements stipulated in policies DM15 and DM16 to ensure that these represent a feasible approach.

As detailed above, we are actively promoting the site for residential development and we have therefore demonstrated within these representations that we consider the site to be achievable, suitable and available for residential development.

We trust that these representations will be useful and clear and we would be grateful for confirmation of receipt. In the meantime, please do not hesitate to contact me if you have any queries or require any further information.

Yours Sincerely,



Rachel Richardson

Senior Planner

Enc. Appendix 1 - Location Plan



THAKEHAM



Land at Lewes Road, Ringmer


Representation ID: REP/425/GT01Representor Details:

Representor ID:	REP/425
Name:	Deborah Swaine
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public


Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

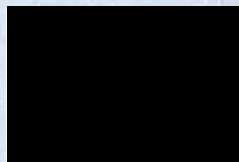
Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Having reviewed information given to Streat residents by Plumpton Council and the LDC website, I wish to strongly object to the above.</p> <p>Local villages have been advised to construct a Local Plan the contents of which were voted on by residents. I understand no mention was made of Travellers sites in this plan. I'm not sure it is possible for LDC to override the plan.</p> <p>There is a business park near the proposed site </p>	

<div style="background-color: black; width: 600px; height: 20px; margin-bottom: 5px;"></div> <p>These business bring in work to local residents.</p> <p>I would have thought that Travellers sites would be best situated in Semi Rural or Urban areas.</p> <p>National government policy in this area is aimed at ensuring equal and fair treatment of travellers "whilst respecting the interests of the settled community". I do not think this proposal does the local community</p>
What changes do you suggest to make the document legally compliant or sound?
Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Customer First

22 OCT 2018

Received



20th October 2018

Planning Policy Team
Lewes District Council
Southover House
Lewes
East Sussex
BN7 1AB



Dear Sirs

Lewes District Council proposal to construct/operate (via Licence) a permanent Travellers' site in Plumpton Green.

Having reviewed information given to Streat residents by Plumpton Council and the LDC website, I wish to strongly object to the above.

Local villages have been advised to construct a Local Plan the contents of which were voted on by residents. I understand no mention was made of Travellers' sites in this plan. I'm not sure it is possible for LDC to override this plan.

There is a business park near the proposed site

local residents.

These businesses bring in work to

I would have thought that Travellers' sites would be best situated in semi rural or urban areas.

National government policy in this area is aimed at ensuring equal and fair treatment of travellers "whilst respecting the interests of the settled community". I do not think this proposal does respect the local community.

Yours faithfully,

[Redacted signature]

Deborah G Swaine (Mrs)


Representation ID: REP/426/GT01Representor Details:

Representor ID:	REP/426
Name:	George Swaine
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>As a resident of that part of Streat within the boundaries of the South Downs National Park (SDNP), my attention has been drawn by our neighbours in Plumpton Parish Council to the above proposal. Having reviews relevant available data, I consider this matter is likely to adversely affect not only the immediate environs of Plumpton Green, but this adjacent SDNP area as well. I wish to record my objection to the proposal.</p> <p>General: As I understand it, national government policy in this area is aimed at ensuring</p>

fair and equal treatment for travellers, whilst respecting the interests of the settled community. Patently the latter requirement is not the case in this instance for the following reasons.

- a. Spatial Policy 2 of the Local Plan already shows an allocation of fifty additional dwellings within the Plumpton Green area alone, not taking into account additional contiguous area housing allocations.
- b. The proposal was not included in the neighbourhood plan
- c. There already exists a business park at or next to the proposed site with a considerable economic input to the village and surrounding area economy. Unquestionably the development in question will have serious adverse consequences, possibly to the extent of complete relocation of affected companies.
- d. From a traffic management viewpoint, the site in question is very close to what is at times a busy junction joining Burgess Hill and the A272 at Chailey as well as side roads to Wivelsfield and Plumpton Green. Traffic is quite intense at certain times in this very rural area and there are no footpaths or pedestrians facilities in the vicinity.
- e. Planning development must take into account the clearly defined distinction between urban and rural areas, in the latter case development being acceptable only in clearly defined circumstances. when the intrinsic character and beauty of the surrounding area is considered, the presumption must be that this should not be disturbed or put more at risk than I already is by allowing this proposal to go ahead.
- f. Previous experience indicates that permanent sites of this nature are better sited in urban or semi urban areas where the site monitoring required by law is easier to enforce, bearing in mind the limited funds available to local authorities. Perhaps some of the sites currently under consideration for development in and around Lewes might be suitable.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Planning Policy Team

Lewes District Council

Southover House, Lewes BN7 1A

Received

22 OCT 2018

Customer First



Dear Sirs



Lewes District Council proposal to construct/operate (via licence) a permanent travellers' site in Plumpton Green

As a resident of that part of Streat within the boundaries of the South Downs National Park (SDNP), my attention has been drawn by our neighbours in Plumpton Parish Council to the above proposal. Having reviewed relevant available data, I consider this matter is likely to adversely affect not only the immediate environs of Plumpton Green, but this adjacent SDNP area as well. I wish to record my objection to the proposal.

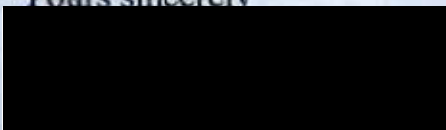
General. As I understand it, national government policy in this area is aimed at ensuring fair and equal treatment for travellers, whilst respecting the interests of the settled community. Patently the latter requirement is not the case in this instance for the following reasons.

- a. Spatial Policy 2 of the Local Plan already shows an allocation of fifty additional dwellings within the Plumpton Green area alone, not taking into account additional contiguous area housing allocations.
- b. The proposal was not included in the Neighbourhood Plan
- c. There already exists a business park at or next to the proposed site with a considerable economic input to the village and surrounding area economy. Unquestionably the development in question will have serious

adverse consequences, possibly to the extent of complete relocation of the affected companies.

- d. From a traffic management viewpoint, the site in question is very close to what is at times a busy junction joining Burgess Hill and the A272 at Chailey as well as side roads to Wivelsfield and Plumpton Green. Traffic is quite intense at certain times in this very rural area and there are no footpaths or pedestrian facilities in the vicinity.
- e. Planning developments must take into account the clearly defined distinction between urban and rural areas, in the latter case development being acceptable only in clearly defined circumstances. When the intrinsic character and beauty of the surrounding area is considered, the presumption must be that this should not be disturbed or put more at risk than it already is by allowing this proposal to go ahead.
- f. Previous experience indicates that permanent sites of this nature are better sited in urban or semi urban areas where the site monitoring required by law is easier to enforce, bearing in mind the limited funds available to local authorities. Perhaps some of the sites currently under consideration for development in and around Lewes might be suitable.

Yours sincerely



George Swaine

cc Clerk, Streat Parish Meeting

Clerk Plumpton Parish Council

Representation ID: REP/427/BH01Representor Details:

Representor ID:	REP/427
Name:	Ellen Sykes
Organisation:	Theobalds Road Residents Association
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BH01 - Land at The Nuggets, Valebridge Road
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation:	
Lewes DC continuous development 'dump on' land deemed countryside.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	


Representation ID: REP/428/GT01Representor Details:

Representor ID:	REP/428
Name:	V J Taplin
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Formal Objection to the proposed plans for a permanent Travellers Site.</p> <p>Objections are as follows:</p> <p>Highway safety: poor visibility onto station road, no footpath access into village</p> <p>Environmental Issues: no main drainage, who will monitor site? and control illegal movement into site, noise pollution to neighbouring businesses and residents, negative</p>

impact on local pub 'The Plough'

General Issues: brings no advantages to town, not in character of village, unknown number of vans per pitch, rotation of travellers, Drop in house prices

Please see attached document for full details of the objection. This is just a very short summary of LDC received.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

30 September 2018

Dear Sir/Madam

Re: Proposed Permanent Travellers Site

**Site 1 – Land between the Plough and the Old Brickworks, Station Road, Plumpton, East Sussex
Local Plan Part 2 Ref LP2**

I would like to make a formal objection to the above proposed plans for a permanent Travellers Site at the above address.

My objections and concerns are as follows:

Highway safety –

- Poor visibility onto Station Road from the site – already highlighted by ES Highways and reason for which past housing application failed.
- No footpath access into the village with no street lamps for safety.

Environmental issues –


- No main drainage - who will pay for the installation of this facility and the maintenance of?
- Who will monitor the sewage treatment on site?
- Who will control any illegal movement on the site?
- Protection of the environment – accumulation of rubbish.
- Possible impact on adjacent local industrial businesses if noise issues from industrial site affects residents on travellers' site, therefore two sites should not be next to each other.
- Impact on local public house, The Plough, as customers may be deterred from using amenity due to travellers' site.

General issues –


- Brings no advantages or contribution to the village, would be drain on resources.
- Not in character with the village and visual impact would be degrading to area.
- Unknown number of vans per pitch and the potential for application to expand by land owner.
- Rotation of travellers on site giving security fears of not knowing who will be living in the area.
- Building on land outside the village envelope.



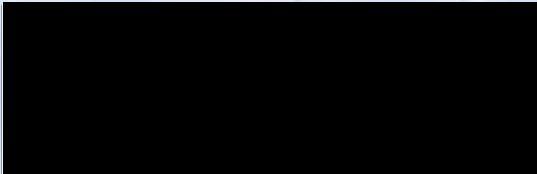
Although I gather that you are not prepared to take into consideration the potential drop in house prices or the issues of neighbouring properties and residents potentially unable to sell their houses, I feel that these issues are a reality and should not be ignored.



On a personal note, the Travellers have decided to opt for the lifestyle they have, i.e. "Travelling" and I found it hard to believe that Councils have a duty to provide permanent land for them at taxpayers' expense. If they wish to settle down, perhaps they should do what we all have to do, find some money and buy their own house.



Yours faithfully



Mrs V J Taplin


Representation ID: REP/429/GT01Representor Details:

Representor ID:	REP/429
Name:	B Taplin
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No
Representation: I would like to make a formal objection to the above proposed plans for a permanent Travellers Site at the above address on the grounds of poor visibility onto Station Road from the site and the fact that there are no footpaths from the site to the village which poses a threat for safety. My other concerns are: - That the site is not keeping with the local area visually	

- The fact that although it is a permanent site, the travellers will, as stated in your meeting at Plumpton, be moving on from time to time therefore impossible to vet the residents on site

- After attending the meeting at Plumpton I have no confidence in the officer who looks after these sites which makes me wonder [REDACTED]

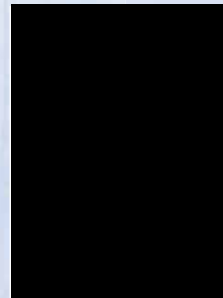
[REDACTED].

I hope that you take into consideration the concerns of the village make the right decision to scrap these plans.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?



31st October 2018

Dear Sir/Madam

Re: Proposed Permanent Travellers Site

**Site 1 – Land between the Plough and the Old Brickworks, Station Road, Plumpton, East Sussex
Local Plan Part 2 Ref LP2**

I would like to make a formal objection to the above proposed plans for a permanent Travellers Site at the above address on the grounds of poor visibility onto Station Road from the site and the fact that there are no footpaths from the site to the village which poses a threat for safety.

My other concerns are:

That the site is not in keeping with the local area visually.

The fact that although it is a permanent site, the travellers will, as stated in your meeting at Plumpton, be moving on from time to time therefore impossible to vet the residents on site.

After attending the meeting at Plumpton I have no confidence in the officer who looks after these sites which makes me wonder [REDACTED]

I hope that you take into consideration the concerns of the villages make the right decision to scrap these plans.

Yours faithfully,

[REDACTED]

Mr B J Taplin

Representation ID: REP/430/E1

Representor Details:

Representor ID:	REP/430
Name:	Sue Taplin
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation:	
This area is enviromentally important and should be kept in its present state	
What changes do you suggest to make the document legally compliant or sound?	
The planning for housing is not appropriate and not in keeping with the area	
Do you consider it necessary to participate at the Examination in Public?	No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/431/E1

Representor Details:

Representor ID:	REP/431
Name:	Eve Taylor
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified
Representation: THE EAST BEACH AND TIDE MILLS 'As custodians of our local environment, our coastline and Tide Mills, it is imperative that it is protected from further development both now and for future generations. 'Any industrialisation will destroy habitat, erode the precious coastline, which is already	

unstable, plus cause geological damage.

'Lewes District Council and East Sussex Council are also guardians of these areas and should consider the damage that will be inflicted by increasing industrialisation. The industries that are currently planned will destroy the natural breathing space between Newhaven and Seaford. This area of natural vegetation and archaeology must be protected for children's education now and future generations.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/432/GT01Representor Details:

Representor ID:	REP/432
Name:	Natalie Taylor
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I have thought long and hard before deciding to contact you about this proposal. I am against NIMBYism in principle, however I feel that that this proposal is not in the interests of the Gypsies and Travellers or the local community.</p> <p>Firstly the site proposed is fairly remote and doesn't provide shops and other amenities for the travellers to use. Public transport to more affordable and a variety of shops and amenities is even more infrequent from this end of the village than in the south end. It is a long and fairly dangerous walk to the village shop and school.</p> <p>Plumpton Green is a traditional village and has a close community. I fear that gypsies</p>	

and travellers will not be made welcome in the community and in the local school.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Natalie Taylor <[REDACTED]>
Sent: 04 October 2018 10:47
To: ldf
Subject: Proposed Permanent Traveller site in Plumpton Green
Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir/Madam

I have thought long and hard before deciding to contact you about this proposal. I am against NIMBYism in principle, however I feel that that this proposal is not in the interests of the Gypsies and Travellers or the local community.

Firstly the site proposed is fairly remote and doesn't provide shops and other amenities for the travellers to use. Public transport to more affordable and a variety of shops and amenities is even more infrequent from this end of the village than in the south end. It is a long and fairly dangerous walk to the village shop and school.

Plumpton Green is a traditional village and has a close community. I fear that gypsies and travellers will not be made welcome in the community and in the local school.

Regards

Natalie Taylor
[REDACTED]

Representation ID: REP/433/E1

Representor Details:

Representor ID:	REP/433
Name:	Kate Taylor
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I am strongly against any development happening on or near tide mills beach.</p> <p>I feel it would be such a destructive move for wildlife and wild flowers. It would be a sad loss for many people and families that use this beach regularly.</p>
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	
Why do you feel it is necessary to participate at the Examination in Public?	

--

Hodgson, Lilly

From: kate Taylor <[REDACTED]>
Sent: 02 November 2018 20:57
To: ldf
Subject: E1 tide mills

Categories: LPP2 comment to code - stakeholder details have been added

I am strongly against any development happening on or near tide mills beach.
I feel it would be such a destructive move for wildlife and wild flowers. It would be a sad loss for many people and families that use this beach regularly.

Regards

Kate Taylor

Sent from my iPhone

Representation ID: REP/434/GT01Representor Details:

Representor ID:	REP/434
Name:	Rosemary Tether
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
I received notice of the proposed traveller site adjacent to The Old Brickworks in Plumpton.	
I wish to appeal against this proposal for the following reasons:-	
There is no pedestrian access to the village amenities, which could be extremely dangerous for both pedestrians and road users.	
There is very poor access onto Station Road, and with its 60mph speed limit this would be an accident waiting to happen.	
The complete lack of services, especially the lack of mains drainage means its not a	

habitable site.

This proposed site is outside the development of a greenfield site and well outside the village planning envelope.

My company have only just moved the business from Scaynes Hill to The Old Brickworks, bringing in new trade and jobs for the local community, including for myself, but sadly due to the risk to the business the owners have stated that they would not be prepared to stay on if the proposal were to go ahead, and would have to relocate the business elsewhere.

The other tenants at The Old Brickworks have voiced their intention to leave. This would have a marked effect on the economy of the local area.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Richard Tether [REDACTED]
Sent: 02 October 2018 12:16
To: ldf
Subject: Objection to proposed travellers site

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir\Madam

I received notice of the proposed traveller site adjacent to The Old Brickworks in Plumpton.

I wish to appeal against this proposal for the following reasons:-

There is no pedestrian access to the village amenities, which could be extremely dangerous for both pedestrians and road users.

There is very poor access onto Station Road, and with its 60mph speed limit this would be an accident waiting to happen.

The complete lack of services, especially the lack of mains drainage means its not a habitable site.

This proposed site is outside the development of a greenfield site and well outside the village planning envelope.

My company have only just moved the business from Scaynes Hill to The Old Brickworks, bringing in new trade and jobs for the local community, including for myself, but sadly due to the risk to the business the owners have stated that they would not be prepared to stay on if the proposal were to go ahead, and would have to relocate the business elsewhere.

The other tenants at The Old Brickworks have voiced their intention to leave. This would have a marked effect on the economy of the local area.

Yours sincerely

Rosemary Tether

Representation ID: REP/435/E1Representor Details:

Representor ID:	REP/435
Name:	Raina Thompson-Brody
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I am writing in response to Policy E1 in the Lewes District Local Plan, and to request the removal of this policy. The area around Tide Mills Beach is an important local wildlife area with unique habitat, and a popular area for recreation for the local community. I am a surfer, I live locally and visit this area often. Each time I visit I see countless other surfers, beachgoers, dog walkers, walkers, bikers, kiteboarders, kayakers, people fishing and otherwise enjoying this special area. I see families and single people out enjoying nature and the seaside, and allowing this development to go ahead would	

mean the destruction of this beautiful spot, and a huge loss for Newhaven, Seaford, and communities for miles around. I also see people touring the historic area of Tide Mills, which was an example of one of our early uses of hydropower in the late 1700's (thus the name 'Tide Mills', for the historic wheat mills powered by the in and outgoing tides). Destroying the area surrounding Tide Mills would mean the destruction of history along with unique shingle habitat for rare plants and animals (which you can learn more about here [http://www.sussex.ac.uk/geography/researchprojects/BAR/publish/shingle_bio-and-habitat_disturbance.pdf]). Allowing development here would essentially obliterate the area, for the people, the plants, the animals and for future generations.

By law, local plans by law must 'contribute to sustainable development', and this very clearly does not. It violates several principals:

- * Objective 8. To conserve and enhance the biodiversity of the Plan Area. (Biodiversity)
- * This plan would allow destruction of a local wildlife site (formerly SNCI) which contains nationally important habitat.
- * Objective 9. To protect, enhance and make accessible the Plan Area's countryside and historic environment. (Environment)
- * Development here would destroy an important historic area (hydropower in the 1700's! How cool is that!?). It is used by countless people for recreation, is crossed by official public footpaths, borders the National park, and also has significant wartime history on the site (e.g. the WW1 air station - see <https://tidemills.webs.com/theww1airstation.htm>).
- * Objective 13. To improve the Plan Area's air quality. (Air quality)
- * The extra traffic generated by new development would deplete air quality in an area of high environmental sensitivity, and in addition would further exacerbate the existing air quality problems at the nearby Newhaven AQMA.
- * Objective 15. To ensure that the Plan Area is prepared for the impacts of coastal erosion and tidal flooding. (Coastal Erosion)
- * The shingle beach here plays a well established and important role in protection against coastal flooding as well as erosion of cliffs. It should be noted that the chalk cliffs either side of Seaford Bay where this shingle site lies have been subject to a number of high-profile recent cliff falls. There has apparently been no analysis of the impact on flooding or erosion as a result of policy E1, let alone assessment of the future impact, taking into consideration the likely rise in sea levels. However it is very unlikely that there is 'no likely affect' as assessed here, and in the absence of evidence to the contrary it seems this objective should be rated at least Amber.
- * Objective 18. To encourage the growth of a buoyant and sustainable tourism sector. (Tourism)
- * Tide Mills is a tourist destination. I regularly see cars with registration from other countries in the car park, so removal of part of the present beach site will clearly have a negative impact on tourism. Additionally, the proximity of the National Park and the importance of sustainable tourism for Newhaven, including as a gateway to the National

Park as set out in the draft South Downs Local Plan (see below for more info) means that this objective is not 'of no likely effect' This is not sustainable development, this is the rape of the land, wildlife and community for the benefit of a few. I implore you to remove Policy E1 and leave the historic and natural area around Tide Mills alone, and to protect this unique area for future generations. Thank you for your time and attention, and I hope this has given you food for thought, and that over the coming days you will mull it over, and decide to remove Policy E1, for this and future generations. It is in your hands, please do the right thing. We're all watching, and we're all counting on you.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Raina Brody [REDACTED]
Sent: 05 November 2018 13:18
To: LDF@lewes-eastbourne.co.uk; ldf
Subject: Response to Policy E1 in the Lewes District Local Plan,

Categories: Vanessa to deal with

Dear Council Official,

I am writing in response to Policy E1 in the Lewes District Local Plan, and to request the removal of this policy. The area around Tide Mills Beach is an important local wildlife area with unique habitat, and a popular area for recreation for the local community. I am a surfer, I live locally and visit this area often. Each time I visit I see countless other surfers, beachgoers, dog walkers, walkers, bikers, kiteboarders, kayakers, people fishing and otherwise enjoying this special area. I see families and single people out enjoying nature and the seaside, and allowing this development to go ahead would mean the destruction of this beautiful spot, and a huge loss for Newhaven, Seaford, and communities for miles around. I also see people touring the historic area of Tide Mills, which was an example of one of our early uses of hydropower in the late 1700's (thus the name 'Tide Mills', for the historic wheat mills powered by the in and outgoing tides). Destroying the area surrounding Tide Mills would mean the destruction of history along with unique shingle habitat for rare plants and animals (which you can [learn more about here](#)). Allowing development here would essentially obliterate the area, for the people, the plants, the animals and for future generations.

By law, local plans by law must 'contribute to sustainable development', and this very clearly does not. It violates several principals:

- **Objective 8. To conserve and enhance the biodiversity of the Plan Area. (Biodiversity)**
 - This plan would allow destruction of a local wildlife site (formerly SNCI) which contains nationally important habitat.
- **Objective 9. To protect, enhance and make accessible the Plan Area's countryside and historic environment. (Environment)**
 - Development here would destroy an important historic area (hydropower in the 1700's! How cool is that!?). It is used by countless people for recreation, is crossed by official public footpaths, borders the National park, and also has significant wartime history on the site (e.g. the WW1 air station - see <https://tidemills.webs.com/theww1airstation.htm>).
- **Objective 13. To improve the Plan Area's air quality. (Air quality)**
 - The extra traffic generated by new development would deplete air quality in an area of high environmental sensitivity, and in addition would further exacerbate the existing air quality problems at the nearby Newhaven AQMA.
- **Objective 15. To ensure that the Plan Area is prepared for the impacts of coastal erosion and tidal flooding. (Coastal Erosion)**

- The shingle beach here plays a well established and important role in protection against coastal flooding as well as erosion of cliffs. It should be noted that the chalk cliffs either side of Seaford Bay where this shingle site lies have been subject to a number of high-profile recent cliff falls. There has apparently been no analysis of the impact on flooding or erosion as a result of policy E1, let alone assessment of the future impact, taking into consideration the likely rise in sea levels. However it is very unlikely that there is 'no likely affect' as assessed here, and in the absence of evidence to the contrary it seems this objective should be rated at least Amber.

- **Objective 18. To encourage the growth of a buoyant and sustainable tourism sector. (Tourism)**

- Tide Mills is a tourist destination. I regularly see cars with registration from other countries in the car park, so removal of part of the present beach site will clearly have a negative impact on tourism. Additionally, the proximity of the National Park and the importance of sustainable tourism for Newhaven, including as a gateway to the National Park as set out in the draft South Downs Local Plan (see below for more info) means that this objective is not 'of no likely effect'

This is not sustainable development, this is the rape of the land, wildlife and community for the benefit of a few. I implore you to remove Policy E1 and leave the historic and natural area around Tide Mills alone, and to protect this unique area for future generations.

Thank you for your time and attention, and I hope this has given you food for thought, and that over the coming days you will mull it over, and decide to remove Policy E1, for this and future generations. It is in your hands, please do the right thing. We're all watching, and we're all counting on you.

Kind regards,

Mrs. Raina Thompson-Brody

[REDACTED]
[REDACTED]

Representation ID: REP/436/E1Representor Details:

Representor ID:	REP/436
Name:	emily ticehurst
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
I believe this planning issue to be a total sham and it mocks our democratic process. The area in issue was already planned out and inviting the public to speak and hear their	

opinions was just lip service. I am shocked and saddened that this will go ahead.... the bridge is already over budget, I hear, the plans for which purposely underestimated the costs!! I am merely a member of the public who has no say except to write a few words here.

'I believed this area was an environmentally sensitive area. I understand the need for construction materials but this is not needed!! The area under planning is home to a diverse unique habitat. It is a famous landscape which is visited regularly on the tourist route. I can't comprehend how this has been allowed to go through?

'The people of Newhaven have already the poorest street in East Sussex, they already live with the ferry terminal, the waste recycling centre.... this will be another scar on the landscape.

'We have a unique bay which is home for seals, fish, other wildlife.

'What happened to this proposal last year??

'The investment referred to a multimillion plan to revitalise the town of Newhaven.....NOT invite bloody cement factories!

"Leader of Lewes District Council, Cllr Andy Smith, welcomed the investment into Newhaven and said it was an important step in the town's regeneration.

"The port continues to be a magnet for the whole of Europe,' Cllr Smith explained

'Well it won't be if directors from large companies continue to S****T on the landscape!!

What changes do you suggest to make the document legally compliant or sound?

A public debate with a carefully selected panel. An equal panel including environmental, wellbeing, tourist officers, locals.

If there is a pot of money for regeneration the right people should know about it. It should not got to tender!

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

I don't understand what this means, I need more clarity with this question

Representation ID: REP/437/E1Representor Details:

Representor ID:	REP/437
Name:	John Tidey
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Hi my name is John Tidey and I've lived in Seaford since 1972, my parents moved down when I was 2 years old.</p> <p>As I've grown up I've seen many changes in the area that I live. Many schools have closed and their grounds sold and turned into housing developments. Common land built on, land given to the people of Seaford built on by the council against people's wishes. Farm land developed. Why is it that developments of that size over the years haven't</p>	

occurred in Lewes? Is it because there are too many people in Lewes that influence decisions and they choose to do it to every other town apart from their own? Not in our back yard but everywhere else is fine !! I'm well aware how things work and how developments get the go ahead.

Recently I've seen a lot of people on social media talking about the proposed development at Tidemills. In my opinion this is already a done deal and probably has been for years, it's just getting near to the final date now so the council is calling it 'proposed' as they will have no intention of stopping it.

What a shame another piece of countryside is being developed, for who? The French ? The same people who have ignored the wishes of local people with regards to the sandy beach between the 2 piers. Areas of old wharfs have been cleared and left for years looking unsightly. The area in question is a big area, tucked out of the way that isn't visited by many people. The few people that visit it are lovers of the outdoors and appreciate what we have around our area and how lucky we are to be surrounded by this. I thought that the beach had a unique environment with regards to vegetation and wildlife. Surfers have used the area for years as well, another group of people whose wishes will be ignored.

How long before the area between Newhaven and Seaford will be built on, the area that was changed into a nature reserve nearly 20 years ago.

The infrastructure around the port is poor already. What would the proposed route be ? The existing Beach Road or the new road at the back of Halfords industrial retail park. Hardly big enough for heavy lorries to be using it in on a regular basis. As it is that area is already busy. Would a new road be put in? What about the railway line and old river? New bridge?

That E1 proposed development wouldn't stop there, would it. Eventually that whole area would be developed. The cost of putting in a bridge to give access to a relatively small area doesn't make any sense. Further development would definitely happen and that is the goal. At the moment this is being denied.

Hopefully somebody that actually cares will read this and try to prevent further development.

People with money and influence versus the public. Who wins ? Say no more !!

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: John Tidey <[REDACTED]>
Sent: 04 November 2018 09:32
To: ldf
Subject: Policy E1

Categories: LPP2 comment to code - stakeholder details have been added

Hi my name is John Tidey and I've lived in Seaford since 1972, my parents moved down when I was 2 years old.

My address is;

[REDACTED]

As I've grown up I've seen many changes in the area that I live. Many schools have closed and their grounds sold and turned into housing developments. Common land built on, land given to the people of Seaford built on by the council against people's wishes. Farm land developed. Why is it that developments of that size over the years haven't occurred in Lewes? Is it because there are too many people in Lewes that influence decisions and they choose to do it to every other town apart from their own? Not in our back yard but everywhere else is fine !! I'm well aware how things work and how developments get the go ahead.

Recently I've seen a lot of people on social media talking about the proposed development at Tidemills. In my opinion this is already a done deal and probably has been for years, it's just getting near to the final date now so the council is calling it 'proposed' as they will have no intention of stopping it.

What a shame another piece of countryside is being developed, for who? The French ? The same people who have ignored the wishes of local people with regards to the sandy beach between the 2 piers. Areas of old wharfs have been cleared and left for years looking unsightly. The area in question is a big area, tucked out of the way that isn't visited by many people. The few people that visit it are lovers of the outdoors and appreciate what we have around our area and how lucky we are to be surrounded by this. I thought that the beach had a unique environment with regards to vegetation and wildlife. Surfers have used the area for years as well, another group of people whose wishes will be ignored.

How long before the area between Newhaven and Seaford will be built on, the area that was changed into a nature reserve nearly 20 years ago.

The infrastructure around the port is poor already. What would the proposed route be ? The existing Beach Road or the new road at the back of Halfords industrial retail park. Hardly big enough for heavy lorries to be using it in on a regular basis. As it is that area is already busy. Would a new road be put in? What about the railway line and old river? New bridge?

That E1 proposed development wouldn't stop there, would it. Eventually that whole area would be developed. The cost of putting in a bridge to give access to a relatively small area doesn't make any sense. Further development would definitely happen and that is the goal. At the moment this is being denied.

Hopefully somebody that actually cares will read this and try to prevent further development.

People with money and influence versus the public. Who wins ? Say no more !!

Regards,

John Tidey

Sent from my iPhone

Representation ID: REP/438/GT01/ARepresentor Details:

Representor ID:	REP/438
Name:	Drew Timmins
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I would like to raise my concern and object to the proposal for 5 permanent gypsy and travellers sites at Plumpton Green.</p> <p>- Plumpton Green is a lovely and beautiful village, for which we as owners a property have to pay a premium for in order to live here. By putting a number permanent sites by the village this have a huge impact on the attractiveness of the village and impact house</p>

prices.

- The sites are opposite a number of businesses that have been local to the village for a long time. They are valued members of our community [REDACTED]

- There have been a number of small fights near the local pub over the last few months with a small number of travellers who arrive with their dogs on chained leads, this is not something that has happened before they have started visiting. [REDACTED]

[REDACTED] This is not something that Lewes district council should be inflicting on a very respected and lovely village. There are many much more suitable sites, not ones close to million pound properties for which people have worked very very hard to afford.

Please stop with the application and think of the hundreds and hundreds of villagers in Plumpton who moved here because it was a [REDACTED] beautiful place to live.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/438/GT01/BRepresentor Details:

Representor ID:	REP/438
Name:	Drew Timmins
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified Not Effective
Representation:	<p>Plumpton Green is a beautiful quiet sussex village, where people move to (at a premium) because of the friendly and safe atmosphere the locals have worked hard to build.</p>

<div style="background-color: black; height: 100px; width: 100%;"></div>	
<p>Property prices will fall with the introduction of this site, yet people have saved up years to be able to afford a place in this beautiful village. This is not in the best interest of the village or it's residence, something the council NEED to protect if we wish this village to stay [REDACTED] nice.</p>	
What changes do you suggest to make the document legally compliant or sound?	
Do not build permanent gipsy sites in a peaceful sussex affluent village!!!	
Do you consider it necessary to participate at the Examination in Public?	Yes
Why do you feel it is necessary to participate at the Examination in Public?	

Hodgson, Lilly

From: Drew Timmins [REDACTED]
Sent: 24 September 2018 17:31
To: ldf
Subject: proposed gypsy and travellers site - Plumpton Green
Categories: LPP2 comment to code - stakeholder details have been added

Hello,

I would like to raise my concern and object to the proposal for 5 permanent gypsy and travellers sites at Plumpton Green.

- Plumpton Green is a lovely and beautiful village, for which we as owners a property have to pay a premium for in order to live here. By putting a number permanent sites by the village this have a huge impact on the attractiveness of the village and impact house prices.

- The sites are opposite a number of businesses that have been local to the village for a long time. They are valued members of our community [REDACTED]

s

- There have been a number of small fights near the local pub over the last few months with a small number of travellers who arrive with their dogs on chained leads, this is not something that has happened before they have started visiting. [REDACTED]

[REDACTED]. This is not something that Lewes district council should be inflicting on a very respected and lovely village. There are many much more suitable sites, not ones close to million pound properties for which people have worked very very hard to afford.

Please stop with the application and think of the hundreds and hundreds of villagers in Plumpton who moved here because it was a [REDACTED] beautiful place to live.

many thanks
Drew

Representation ID: REP/439/E1Representor Details:

Representor ID:	REP/439
Name:	Tony Titchener
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I am objecting to the application by Newhaven Port and Properties for planning permission to develop the block of land between on the east side of the River Ouse between the Mill Creek and the beach. Most of this is at present open grassland used as an amenity by local residents. Its development would deny them access to the town's only remaining beach, following the closure of the West Beach several yeears ago, also by Newhaven Port and Properties.	

The part of this land not already built on should remain as it is.

Apart from the buildings on it that are already in use, it cannot be argued that this land is a contiguous part of the port. It is not adjacent to the quayside and is unlikely to be essential to the port's operations. The loss of public amenity cannot therefore be justified.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Tony Titchener [REDACTED]
Sent: 25 October 2018 01:27
To: ldf
Subject: Planning application E1

Categories: LPP2 comment to code - stakeholder details have been added

I am objecting to the application by Newhaven Port and Properties for planning permission to develop the block of land between on the east side of the River Ouse between the Mill Creek and the beach.

Most of this is at present open grassland used as an amenity by local residents. Its development would deny them access to the town's only remaining beach, following the closure of the West Beach several yeears ago, also by Newhaven Port and Properties. The part of this land not already built on should remain as it is.

Apart from the buildings on it that are already in use, it cannot be argued that this land is a contiguous part of the port. It is not adjacent to the quayside and is unlikely to be essential to the port's operations. The loss of public amenity cannot therefore be justified.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Representation ID: REP/440/E1

Representor Details:

Representor ID:	REP/440
Name:	Alun Tlusty-Sheen
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes Not Justified
Representation:	
Threat to area of natural beauty and amenity for local population and visitors	
What changes do you suggest to make the document legally compliant or sound?	
the proposal to allocate E1 East Quay at Newhaven would undermine the adjacent beach and Tide Mills Area	

Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	

Representation ID: REP/441/E1Representor Details:

Representor ID:	REP/441
Name:	Isia Tlusty-Sheen
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
Tide Mills Beach -Protect This Area	
I am writing to you as a resident of Seaford to express my opinion on "allowing industrial development" at Tide Mills Beach	
I am strongly against this proposal which would scar the site and completely destroy wildlife as well as the landscape enjoyed by all residents	
We have a responsibility to protect our coastline for future generations and this proposal	

would change the beach for the foreseeable future

I urge you to reject policy E1 and listen to the voices of local residents

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Isia Tlusty-Sheen [REDACTED]
Sent: 02 November 2018 13:45
To: ldf
Subject: E1

Categories: LPP2 comment to code - stakeholder details have been added

Tide Mills Beach -Protect This Area

I am writing to you as a resident of Seaford to express my opinion on "allowing industrial development" at Tide Mills Beach

I am strongly against this proposal which would scar the site and completely destroy wildlife as well as the landscape enjoyed by all residents

We have a responsibility to protect our coastline for future generations and this proposal would change the beach for the foreseeable future

I urge you to reject policy E1 and listen to the voices of local residents

Dr Isia Tlusty-Sheen
[REDACTED]

Representation ID: REP/442/E1Representor Details:

Representor ID:	REP/442
Name:	Catherine Tonge
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Effective Not Consistent with national policy
Representation:	<p>This policy is based on an earlier policy which is now inappropriate and against community wishes as it is contra to the agreed vision for the area, including in the South Downs National Park draft Local Plan which recognises the importance of Newhaven as a gateway for sustainable tourism for the entire area. Policy E1 therefore threatens the</p>

regeneration of the town and will lead to an overall loss of jobs. The policy does not contribute to sustainable development and undermines the government commitment to promote biodiversity and public access to nature for health & wellbeing.

What changes do you suggest to make the document legally compliant or sound?

Policy E1 to be removed. Failing that, the area it relates to must be substantially reduced and the wording altered so it reflects saved policy NH20 and/or the vision for Newhaven laid out in the Core Strategy Part 1, the Port Masterplan, the draft SDNP L

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/443/E1

Representor Details:

Representor ID:	REP/443
Name:	David Treadwell
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Consistent with national policy
Representation:	
Loss of biodiversity	
Increased HGV traffic volume and associated pollution	
What changes do you suggest to make the document legally compliant or sound?	
The plan must contribute to Sustainable Development and concrete works do not	

comply with either of these.	
Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	

Representation ID: REP/444/E1Representor Details:

Representor ID:	REP/444
Name:	Lorraine Trenchard
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
Subject: Objection to development proposals (Newhaven)	
I am registering my concern at the proposed development of newhaven harbour and Tidemills area.	
Taken as a whole Newhaven is shouldering more than it's fair share of new residential development (potentially +11,000 units), at the same time as the town centre is being developed (including a hostel and demolition of the local swimming/gym) and the development of business/industrial areas. The extension of harbour development to include part of the Tidemills area is particularly concerning.	
As a dog walker I regularly use this area. It is enjoyed by both the animals and myself. I	

value the fresh sea air, and my dogs love the mixed environment.

As residents cannot easily access the beach on the west of the harbour, Newhaven has become a seaside town with no access to the sea.

Health, especially for young and older people (I am retired and have a lung condition) is likely to be impacted through the development phase of all of the Newhaven proposals, by the increased traffic and not mitigated by local natural areas (as being reduced by the Tidemills proposals).

Please do not let the proposals go ahead!

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: lorraine trenchard [REDACTED] >
Sent: 03 November 2018 11:08
To: ldf
Subject: Objection to development proposals (Newhaven)
Categories: LPP2 comment to code - stakeholder details have been added

I am registering my concern at the proposed development of newhaven harbour and Tidemills area.

Taken as a whole Newhaven is shouldering more than it's fair share of new residential development (potentially +11,000 units), at the same time as the town centre is being developed (including a hostel and demolition of the local swimming/gym) and the development of business/industrial areas. The extension of harbour development to include part of the Tidemills area is particularly concerning.

As a dog walker I regularly use this area. It is enjoyed by both the animals and myself. I value the fresh sea air, and my dogs love the mixed environment.

As residents cannot easily access the beach on the west of the harbour, Newhaven has become a seaside town with no access to the sea.

Health, especially for young and older people (I am retired and have a lung condition) is likely to be impacted through the development phase of all of the Newhaven proposals, by the increased traffic and not mitigated by local natural areas (as being reduced by the Tidemills proposals).

Please do not let the proposals go ahead!

Lorraine Trenchard
[REDACTED]

Sent from my iPhone

Representation ID: REP/445/E1Representor Details:

Representor ID:	REP/445
Name:	Edward Tuckley
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: the extent of the land marked on your plan for future development by Newhaven Port is too great and extends too far into the special buffer between Seaford and Newhaven. The port should have to work creatively with the brownfield land it has rather than swallowing up more green space around the Creek which has considerable natural beauty. Once developed that area will be gone forever in terms of its availability for biodiversity and wildlife habitat. The Port stands to benefit but they never put anything back into the community (infact they only remove access to our beaches). The token offer of a nature reserve at Tidemills is a cynical attempt to reduce the the area that can be protected from their assault on nature.	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?
--

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Edward Tuckley [REDACTED]
Sent: 03 November 2018 07:35
To: ldf
Subject: Comment on E1 in local plan

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sirs, the extent of the land marked on your plan for future development by Newhaven Port is too great and extends too far into the special buffer between Seaford and Newhaven. The port should have to work creatively with the brownfield land it has rather than swallowing up more green space around the Creek which has considerable natural beauty. Once developed that area will be gone forever in terms of its availability for biodiversity and wildlife habitat. The Port stands to benefit but they never put anything back into the community (infact they only remove access to our beaches). The token offer of a nature reserve at Tidemills is a cynical attempt to reduce the the area that can be protected from their assault on nature.

Regards

Edward Tuckley, [REDACTED]

Representation ID: REP/446/E1Representor Details:

Representor ID:	REP/446
Name:	Carol Turley
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Please can you consider my objections to allow development of a large area of Tidemills Beach as part of the above consultation. I have read the submitted application papers and reports on the above new policy E1. It will undoubtedly have negative impacts on residents, biodiversity and recreation from Newhaven to Seaford and hamlets in-between) in an area of outstanding beauty and amenity. For these reasons I strongly object to the proposal. Please consider my objections on these grounds:	

- * Over development and unsustainability: especially considering all the housing already allocated for Newhaven;
- * Loss of biodiversity (including internationally rare vegetated shingle): the National Park and Tide Mills SNCI are in close vicinity to the proposed site and there is a need to preserve this designated Local Wildlife Site for nature and the bay itself is an important fisheries and fisheries nursery ground;
- * Increased traffic and reduced air quality: the environmental footprint and consequences would be substantial;
- * Loss of quality of life: Seaford Bay and Tide Mills is a site of great recreational enjoyment including adults and children enjoying the sandy beach (the only such one accessible in the area), fishermen, bird watchers, surfers and walkers the new policy would impact their quality of life;
- * Contrary to the 'clean green marine' vision of the enterprise zone and renewable energy cluster of the port masterplan.

I therefore strongly request that Lewes District Council reject this request.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Carol Turley <[REDACTED]>
Sent: 04 November 2018 13:09
To: ldf
Subject: Consultation on Local Plan - new policy E1 allowing development at Tide Mills Beach

Importance: High

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sir or Madam

Please can you consider my objections to allow development of a large area of Tidemills Beach as part of the above consultation. I have read the submitted application papers and reports on the above new policy E1. It will undoubtedly have negative impacts on residents, biodiversity and recreation from Newhaven to Seaford and hamlets in-between) in an area of outstanding beauty and amenity. For these reasons I strongly object to the proposal. Please consider my objections on these grounds:

1. Over development and unsustainability: especially considering all the housing already allocated for Newhaven;
2. Loss of biodiversity (including internationally rare vegetated shingle): the National Park and Tide Mills SNCI are in close vicinity to the proposed site and there is a need to preserve this designated Local Wildlife Site for nature and the bay itself is an important fisheries and fisheries nursery ground;
3. Increased traffic and reduced air quality: the environmental footprint and consequences would be substantial;
4. Loss of quality of life: Seaford Bay and Tide Mills is a site of great recreational enjoyment including adults and children enjoying the sandy beach (the only such one accessible in the area), fishermen, bird watchers, surfers and walkers the new policy would impact their quality of life;
5. Contrary to the 'clean green marine' vision of the enterprise zone and renewable energy cluster of the port masterplan.

I therefore strongly request that Lewes District Council reject this request.

Yours sincerely

Dr Carol Turley OBE

[REDACTED]

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Representation ID: REP/447/GT01Representor Details:

Representor ID:	REP/447
Name:	Chris Turner
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Please note that I am writing to state my objection to the proposed Gypsy/Traveller site which has been earmarked for Plumpton Green. I cannot see how this site is at all suitable for a proposal of this nature, the road alone is extremely unsafe with vehicles travelling at speeds of 60 miles per hour, there are no pavements or street lighting either. Anyone without a car has absolutely no chance of settling there as the bus service is non-existent, the local shop is 1 mile away and most of the walk there would have to be done potentially in the dark on unlit, unpaved roads, the nearest school is even further away and there is no secondary school in the village. There is a driver training school situated in the village that specialise in providing training	

for HGV'S and other large vehicles and their only access is past the proposed site which means any access to and from the site would be especially dangerous as these vehicles would struggle to pass anyone walking.

I believe that the government's stance on these sites is that they are not situated close to other housing and this is simply not the case here, at the meeting the representative of the council stated that the site in Maresfield is in the centre of the village and close to housing where it is in fact close to a refuse site and nowhere near any other properties.

It would appear that this site has been very poorly planned and that Lewes district council are trying to shoehorn this through by giving the public very little time to respond to the proposal , if LDC are trying to find a site for the travellers surely there is a better site that does not put the occupants in danger.

Having walked close to this land for many years I can also confirm that with the heavy rainfall that this area has experienced recently the land does become very waterlogged and again this would not make this a viable option for potential habitation on this scale.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Chris Turner <[REDACTED]>
Sent: 05 November 2018 18:13
To: ldf
Subject: Proposed Traveller/Gypsy Site in Plumpton Green

Categories: GT01, Vanessa to deal with

Dear Sirs,

Please note that I am writing to state my objection to the proposed Gypsy/Traveller site which has been earmarked for Plumpton Green.

I cannot see how this site is at all suitable for a proposal of this nature, the road alone is extremely unsafe with vehicles travelling at speeds of 60 miles per hour, there are no pavements or street lighting either. Anyone without a car has absolutely no chance of settling there as the bus service is non-existent, the local shop is 1 mile away and most of the walk there would have to be done potentially in the dark on unlit, unpaved roads, the nearest school is even further away and there is no secondary school in the village.

There is a driver training school situated in the village that specialise in providing training for HGV'S and other large vehicles and their only access is past the proposed site which means any access to and from the site would be especially dangerous as these vehicles would struggle to pass anyone walking.

I believe that the government's stance on these sites is that they are not situated close to other housing and this is simply not the case here, at the meeting the representative of the council stated that the site in Maresfield is in the centre of the village and close to housing where it is in fact close to a refuse site and nowhere near any other properties.

It would appear that this site has been very poorly planned and that Lewes district council are trying to shoehorn this through by giving the public very little time to respond to the proposal , if LDC are trying to find a site for the travellers surely there is a better site that does not put the occupants in danger.

Having walked close to this land for many years I can also confirm that with the heavy rainfall that this area has experienced recently the land does become very waterlogged and again this would not make this a viable option for potential habitation on this scale.

Kind regards

CJ Turner



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Representation ID: REP/448/GT01Representor Details:

Representor ID:	REP/448
Name:	Martin Turner
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
1 SCOPE OF THESE COMMENTS	
<p>These comments relate specifically and exclusively to Policy GT01 – Land south of The Plough. They are the principal reasons why I object to the proposed development. In this instance, the time allowed to consider the policy and make a response has been unacceptably short - a matter of a few weeks – and accordingly these hurried comments must be submitted today to Lewis District Council. However, for me there will remain a serious concern as to how effective and meaningful this rushed and time-pressured</p>	

consultation exercise can be.

2 COMMENTS

2.1 Pedestrian Access

Access by foot from the proposed site to the local services and facilities of Plumpton Green is both impractical and unsafe.

□ Between the proposed site access and the northern edge of the village – a distance of about 600 m – there is no pedestrian pavement on the unlit, national speed limit road; at one point walkers must traverse an S-bend where drivers are unsighted.

□ The distance between the proposed site access and the closest of the local facilities (the village shop and Post Office) is approximately 1,450 m, a 'round trip' of about 3 km.

□ Buses (with the service under some threat of closure) from a stop approximately 180 m further north of the site, run only during the working day and on average less frequently than every two hours, and not at weekends.

2.2 Vehicle Access

Access to the proposed site would be on Station Road – an unlit road with, at that point, no local speed restriction - some way north of the entrance to the current Old Brickworks industrial park. It would thus be closer to the incline and bend that lie towards South Road causing visibility for drivers of southbound vehicles coming from South Road to be more restricted. There will be an undoubted impact on road safety.

2.3 Greenfield Site

There has recently been much effort expended on finding essential housing development sites within the village boundaries. There can be little if any justification for allowing residential development on a green field site outside the village to the detriment of the rural character – particularly given that there is not even pedestrian access to local facilities.

2.4 Local Economy

A number of local businesses have announced that they would be compelled to move to new premises or close down should the proposed development go ahead; they are

o all businesses based at The Old Brickworks industrial park (to the south of the proposed site), and

o The Plough Inn – Harvey & Sons – (to the north of the proposed site).

Should that happen there will inevitably be job losses, and the effect on the local economy will undoubtedly be significant.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

To: Lewes District Council

From: Martin Turner, [REDACTED]

Date: 5th November, 2018

Subject: Comments on “*Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD - Pre-Submission version*”, specifically “*Policy GT01 - Land south of The Plough*”

1 SCOPE OF THESE COMMENTS

These comments relate specifically and exclusively to ***Policy GT01 – Land south of The Plough***. They are the principal reasons why I object to the proposed development.

In this instance, the time allowed to consider the policy and make a response has been unacceptably short - a matter of a few weeks – and accordingly these hurried comments must be submitted today to Lewes District Council.

However, for me there will remain a serious concern as to how effective and meaningful this rushed and time-pressured consultation exercise can be.

2 COMMENTS

2.1 Pedestrian Access

Access by foot from the proposed site to the local services and facilities of Plumpton Green is both impractical and unsafe.

- Between the proposed site access and the northern edge of the village – a distance of about 600 m – there is no pedestrian pavement on the unlit, national speed limit road; at one point walkers must traverse an S-bend where drivers are unsighted.
- The distance between the proposed site access and the closest of the local facilities (the village shop and Post Office) is approximately 1,450 m, a ‘round trip’ of about 3 km.
- Buses (with the service under some threat of closure) from a stop approximately 180 m further north of the site, run only during the working day and on average less frequently than every two hours, and not at weekends.

2.2 Vehicle Access

Access to the proposed site would be on Station Road – an unlit road with, at that point, no local speed restriction - some way north of the entrance to the current Old Brickworks industrial park. It would thus be closer to the incline and bend that lie towards South Road causing visibility for drivers of southbound vehicles coming from South Road to be more restricted. There will be an undoubted impact on road safety.

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2.4 Local Economy

A number of local businesses have announced that they would be compelled to move to new premises or close down should the proposed development go ahead; they are

- all businesses based at The Old Brickworks industrial park (to the south of the proposed site), and
- The Plough Inn – Harvey & Sons – (to the north of the proposed site).

Should that happen there will inevitably be job losses, and the effect on the local economy will undoubtedly be significant.

Representation ID: REP/449/GT01Representor Details:

Representor ID:	REP/449
Name:	April Turville
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I'm a new resident to Plumpton Green.</p> <p>We moved to the village from Brighton this weekend. The village itself is lovely and quiet and has a great village feel to it.</p> <p>We have been informed that you are proposing a permanent gypsy and travellers site south of the plough pub.</p> <p>Me and my family would strongly disagree with this site going ahead.</p> <p>It would be lovely to keep this village as it is.</p>	

If this site goes ahead I would worry the [REDACTED]
caravans would be an eye saw.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: April Turville <[REDACTED]>
Sent: 24 September 2018 15:40
To: ldf
Subject: Objecting to the traveller site- Plumpton Green
Categories: LPP2 comment to code - stakeholder details have been added

Hello,

I'm a new resident to Plumpton Green.

We moved to the village from Brighton this weekend. The village itself is lovely and quiet and has a great village feel to it.

We have been informed that you are proposing a permanent gypsy and travellers site south of the plough pub.

Me and my family would strongly disagree with this site going ahead.
It would be lovely to keep this village as it is.

If this site goes ahead I would worry [REDACTED] would be an eye saw.

Regards
Miss April Turville
[REDACTED]

Sent from my Samsung Galaxy smartphone.

Representation ID: REP/450/E1Representor Details:

Representor ID:	REP/450
Name:	Ingrid Venus
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I am writing to object to the above proposed development at Tidemills. This is too valuable an area in terms of wildlife habitat to be industrialised and would be a severe loss to the local community. Unspoiled green spaces should be protected for everyone's benefit.	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Laurence Venus <[REDACTED]>
Sent: 05 November 2018 15:28
To: ldf
Subject: Reference E1

Categories: Vanessa to deal with

I am writing to object to the above proposed development at Tidemills. This is too valuable an area in terms of wildlife habitat to be industrialised and would be a severe loss to the local community. Unspoiled green spaces should be protected for everyone's benefit.

Yours sincerely

Ingrid Venus

Representation ID: REP/451/E1Representor Details:

Representor ID:	REP/451
Name:	Laurence Venus
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: With regard to the additional development area between Newhaven and Tidemills. This area is outstanding for its biodiversity and should be protected from any further development. I wish to object to the proposed 'E1' area being developed in any way as it is of so much value to the many people that enjoy it and the rare fauna and flora that it supports.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Laurence Venus [REDACTED]
Sent: 05 November 2018 15:10
To: ldf
Subject: Tidemills/Newhaven 'Reference E1' proposed development area
Categories: Vanessa to deal with

This area is outstanding for its biodiversity and should be protected from any further development. I wish to object to the proposed 'E1' area being developed in any way as it is of so much value to the many people that enjoy it and the rare fauna and flora that it supports.

Thank you,

Laurence Venus.

Representation ID: REP/452/E1Representor Details:

Representor ID:	REP/452
Name:	D and L Vincent
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>We are objecting most strongly to this policy on the expansion of east quay.</p> <p>Its another case of people's opinions being totally ignored in the pursuit of profit. Its one thing having to put up with the awful prospect of a noisy dirty concrete plant, and a ghastly ugly flyover ruining what is a natural beautiful area. Its entirely another thing to then see this expanding into this lovely area even more, ruining what is the last area of natural coast land for miles along the Sussex Coast. Besides the wildlife in the area, its very well used by families, dog walkers, kite surfers and others. And will it stop there, very soon there will only be a tiny part of the beach which is part of the South Downs National Park left. Please have some common sense and decency and disallow this</p>	

awful policy to go ahead. We will fight this tooth and nail along with others to protect our last natural bit of coast. We live in Bishopstone and look directly down onto the harbour. The thought of even more ugly industrial buildings being built fills us with absolute horror.

PLEASE, PLEASE, PLEASE THINK AGAIN.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: [REDACTED]
Sent: 23 October 2018 15:47
To: ldf
Subject: Reference. Policy E1

Categories: LPP2 comment to code - stakeholder details have been added

To whomever it may concern,
We are objecting most strongly to this policy on the expansion of east quay.
Its another case of people's opinions being totally ignored in the pursuit of profit. Its one thing having to put up with the awful prospect of a noisy dirty concrete plant, and a ghastly ugly flyover ruining what is a natural beautiful area. Its entirely another thing to then see this expanding into this lovely area even more, ruining what is the last area of natural coast land for miles along the sussex coast. Besides the wildlife in the area, its very well used by families, dog walkers, kite surfers and others. And will it stop there, very soon there will only be a tiny part of the beach which is part of the South Downs National Park left. Please have some common sense and decency and disallow this awful policy to go ahead. We will fight this tooth and nail along with others to protect our last natural bit of coast. We live in Bishopstone and look directly down onto the harbour. The thought of even more ugly industrial buildings being built fills us with absolute horror.
PLEASE, PLEASE, PLEASE THINK AGAIN.

Mr. D. an Mrs L. Vincent. [REDACTED]

Representation ID: REP/453/E1Representor Details:

Representor ID:	REP/453
Name:	Elizabeth Walker
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified
Representation: I am concerned by the continued desire to urbanise and industrialise the land between East Beach, Newhaven and Tide Mills. This is a special area of natural beauty where landscape meets seascape within the sweep of Seaford Bay. ESCC should not be trying to build here any further - local people have already made their feelings regarding this quite clear.	

'Our roads cannot support more vehicles and industrialisation means more lorries dominating the area with increased noise and air pollution.

'ESCC needs to protect the countryside surrounding Newhaven (on the edge of the National Park) and make it an attractive place for tourists - which will bring money along with business into the area.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/454/BH01
--

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BH01 - Land at The Nuggets, Valebridge Road
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
	Not Positively Prepared
	Not Justified
	Not Effective
	Not Consistent with national policy
Representation:	
Edge of Burgess Hill ^{2.43} This once again states that the 100 units allocated to 'Edge of Burgess Hill' are beyond the scope of what should have been covered in the adopted	

Wivelsfield Neighbourhood Plan; they are not, however, outside the area of that plan, as implied here by the incorrect statement that the WNP 'allocates housing only for the settlement of Wivelsfield Green'. It may do so, but it is not the remit of the plan. As such, the adoption of that plan by REP precluded meaningful discussion on the suitability (or not) of placing the 100 additional units within the WNP geographical area but outside of the WNP plan. 2.44 This references the SHEELA 2018 document. The WNP document states that it allocates the full contribution to housing development that is allocated to Wivelsfield Parish through 2030. Yet SHEELA 2018 (Section 3.13, table 4 - included for reference)

' Includes 6 sites as 'deliverable', plus 4 as 'developable', not to mention a further 6 as 'Not deliverable or developable'; this totals 434 units in the 'deliverable plus developable' category. These are not small infills on brownfield land; the 'Deliverable' category indicates over 50 units per site. This is four times the total stated in section 2.44 as being included in SHEELA 2018. According to 2.45 the 'following site' - i.e. Nuggets, BH01 - is 'is the remaining identified deliverable site in the 2018 SHEELA' however, as this lies in Wivelsfield Parish, and is not identified in the WNP, clearly it is not. Note that all references to the Nuggets development (BH/A01) in this LPP2 refer to it as being suitable for 14 units, yet the current planning application (LW/18/0566) is for 25 units, covering only the western half of the identified plot. The summary guidelines in 2.45 include that properties should 'reflect the local character in terms of mass, height and form'. From the planning papers this is clearly not the case, as the buildings fronting Valebridge Road are detached bungalows. Separate notification has been made to this planning permission but there has to be a realistic evaluation of these sites within the LPP2 process, the re-doing of the WNP and the consideration of SHEELA 2018. For REP to get to the point of publishing this planning permission, despite the fact that the density is already almost twice the allocated density, just occupying the western half of this plot, which implies a subsequent planning application for a similar additional volume, is at the least disingenuous and opens the application to legal challenge. 2.52a No reference is made in the LPP2 about provision of resources to support all this development. Yet, as the LW/18/0566 application makes clear, the assumption is that schools, dental and GP facilities, recreation and sporting resources, will all be provided by Burgess Hill - and thus funded by Mid Sussex council tax payers, to the extent they are not centrally funded. Burgess Hill itself is undergoing yet more major development; the 'northern Arc' is designated for major residential additions. All of this will require extra school, primary medical and other facilities, not to mention additional strain on emergency services. To the extent the infrastructure is funded by CIL from Mid Sussex property developments and future council tax revenue from the properties, it is a reasonable approach and additional housing is required. However, for REP blithely to continue to identify multiple sites, in various stages of deliverability, in LPP2 and SHEELA 2018, without accepting responsibility to address the issue of the burden on resources in Mid Sussex, is entirely inappropriate and, as with so much, invites legal challenge. Wivelsfield Green 2.130

'Table 5 in SHEELA excludes sites that have 'Extant planning permission and strategic site allocation'. This totals 1 site with 101 dwellings still to be added; this means that 5

sites totalling 318 units have been allocated within Wivelsfield Parish.(WV code). They are summarized in SHEELA as:

'A comparison of the site maps contained in SHELAA 2018 with the WNP and the outline map at the beginning of this consultation document, indicates most, If not all, of these sites are within the boundaries of Wivelsfield Parish and yet are not covered by or included in the WNP.

'This means:1. The adopted Wivelsfield Neighbourhood Plan should have included (inter alia) an analysis of the area defined as 'Edge of Burgess Hill'; 2. there are several additional sites which are identified as 'Deliverable' in SHEELA 2018 which are not in the WNP3. The WNP contains several provisions which should be adopted under the LPP2 and SHEELA 2018. Regardless of whether it was legally acceptable for REP to adopt the WNP, given that it did not evaluate the additional areas, any development of those areas must follow the guidelines laid down in WNP for all developments that lie within the geographical area identified as being covered by it. Notably, these include (but are not limited to) the following:I. Over 95% of the respondents considered that total development of 70 residential units or fewer for Wivelsfield Parish was sufficient to 2030II. Nearly $\frac{34}{100}$ indicated a preference for brownfield sites and/or small infills on vacant plots within existing developments were preferable.III. Less than 5% considered greenfield developments on the edges of Parish settlements were acceptable.IV.

Objectives included to develop an overall approach to housing that respects the views of the community, and to propose where, when and how the requirements for new housing should be met.V. To liaise with relevant focus groups to determine what social requirements (specifically including schools and doctors) should be providedVI. Resist large scale housing; enough houses have been built in Wivelsfield ParishVII.

Employment within the WNP area is very limited and individuals mainly travel for work to Burgess Hill and Haywards Heath, or commute to London. VIII. Retain the pleasant rural character of the village and the Parish.IX. Ensure improvements are made to infrastructure and facilities whilst retaining the 'village' feel. X. Cycle paths to be introduced to link up existing cycle routes; Theobalds Road, as an established bridleway, should perhaps be a part of this processXI. That new developments should not impinge detrimentally on the curtilage of historic buildingsXII. Historic landscape features (including ancient hedgebanks and trackways) should be retained and safeguardedXIII. Work with bridleway association to ensure that routes are well maintained and signedXIV. Protect footpaths and minimise conflict between usersXV.

There should be no net loss of green spaceXVI. All new developments to demonstrate that existing provision of energy supply and drainage are adequate prior to granting approvalXVII. Small scale developments where possible; 4/5 housesXVIII. The Parish council and local community maintain their objections to the proposals of LDP1 and SPP2 for a minimum of 100 homes at Burgess Hill within the Parish. That proposal is not considered sustainable with regard to its traffic implications for the local area and the impact this scale of development to the integrity of the green gap between Burgess Hill and Wivelsfield. The proposal is unacceptable to the local community and therefore no provision is made for it in the WNP. Should the proposal remain... a planning application should be considered in relation to Policy 5 of the WNP...XIX. Policy 5 of the WNP in

turn states: Development proposals will be supported provided their scale, density, massing, height, landscape design, layout and materials... reflect and enhance the character and scale of the surrounding buildings and o distinctive local landscape features, including trees, hedgerows, moats, boundary ditches, ancient hedge banks, trackways... and where possible, should provide linkages to existing public access routes and nearby green spaces.XX. Policy 6 of the WNP is linked to LDLP1 and mandates the 'Protection and enhancement of the key features of the Parish landscape.. such as farmlands, woodlands, hedges... wildlife corridors. It also encourages landowners to maintain and manage woods, hedges, ditches and habitats, and to maintain public bridleways and encourage the public to use them.

'These points are made at this stage in the context both of the recent destruction of Manor Nursery, on Theobalds Road without any consultation, the attempts by REP to re-define that part of Theobalds Road which lies in East Sussex as a highway (note that the part which lies in West Sussex is unarguably bridleway, identified on the West Sussex map as such, and there is no ambiguity on this), and the outlining of plots in SHELAA 2018 (identified as WV06) which, although defined as 'undeliverable' at present, should be definitively removed form consideration, under LDC's own policies.

What changes do you suggest to make the document legally compliant or sound?

LDC and Mid Sussex must develop a combined plan, whereby the thousands of additional houses that will be added to the "Northern Arc in Burgess Hill" are considered in the overall context of the resources, including public transport and additional traffic, before any more housing is accepted in this area.

Given that, as noted elsewhere, the housing already allocated or built provides well in excess of the mandated additions for Wivelsfield Parish though 2030, there is plenty of time to make this combined plan, and meanwhile place a complete moratorium on ANY new development not identified in the WNP.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC has not done a proper job, this plan is not sustainable and it is absolutely clear that LDC has no interest in a reasonable distribution of housing within the overall LDC area. Therefore, they should be challenged on this.

Representation ID: REP/454/DM1Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM1: Planning Boundary
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Consistent with national policy
Representation: 4.5 Planning boundaries identified in LPP1 should be respected. 4.7 Development outside the Planning boundaries is only acceptable to support vital rural communities.	

What changes do you suggest to make the document legally compliant or sound?

The plans in LDPP2 and SHELLA 2018 are well beyond the identified boundaries of LPP1 without any justification. There is certainly no possible "support for vital rural communities" in this plan; quite the opposite, as it serves to compress and reduce the countryside and removes vital community green spaces.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

As noted previously, LDC should be challenged to develop a plan that is compliant with national guidelines

Representation ID: REP/454/DM6Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM6: Equestrian Development
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Effective
Representation: 4.23 - Equestrian development. Most of this relates to the addition of equestrian facilities - such as stables, sand schools and jumps, which should be managed carefully. However it notes 'Horse riding and other equestrian activities are increasingly popular form of recreation in the countryside'. This implies that the maintenance and enhancement of established bridleways (of which the whole of Theobalds Road is an	

example, both in East Sussex and West Sussex), to gain access to that countryside, is important and should be managed properly.

What changes do you suggest to make the document legally compliant or sound?

This section should also include the issue of bridleways, which under national legislation should be protected - yet REP has quite improperly and without justification attempted to re-designate the Theobalds Road bridleway in East Sussex, which is a designated bridleway, as a public highway, without any evidence and in direct conflict with its own assessment of Theobalds Road as being a bridleway in the early 2000s

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC must be held accountable for the incompleteness, inconsistencies and inaccuracies in its plan

Representation ID: REP/454/DM14

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	DM14: Multi-functional Green Infrastructure
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
Representation: 4.48 Green Infrastructure; the plan mandates: It also provides us with cultural services, such as access to the wider countryside, and health and well-being benefits through opportunities for walking, cycling and other activities, 'This should be taken into consideration, given the increased pressure on Valebridge Road with additional housing along it, and the attempts by LDC to re-categorise that part	

of the Theobalds Road bridleway lying in East Sussex as a highway, with what looks like a clear intent to facilitate the eventual approval of the tow southern blocks of WV06 from SHEELA 2018.

'4.49 This policy states 'Unless development is carefully managed, there is a risk that it could result in increased pressure on existing green infrastructure resources and contribute to the future fragmentation, loss and deterioration of the district's habitats and species.'

'This is critical and the unsustainable and dense developments identified in that area broadly defined as 'Burgess Hill in Wivelsfield Parish' are clearly in direct conflict with it and should be rejected.

What changes do you suggest to make the document legally compliant or sound?

This section clearly mandates that any future development, as identified in SHELAA, in the area identified as "Edge of Burgess Hill in Wivelsfield Parish" is in direct and irrevocable conflict with these provisions.

A clear statement should be included in this plan and in SHELAA 2018 to the effect that this area is now saturated and no further development will be considered.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC cannot promote or approve developments that are in clear conflict with its own (and national) development policies. Between LDC and East Sussex Highways, the current, clearly identified status of Theobalds Road as a bridleway should be unambiguously re-confirmed, consistent with LDC's own assessments.

Representation ID: REP/454/DM25
--

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM25: Design
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Effective
Representation:	
4.85 Design.	
'I note that developments in conflict with	
'there will be no unacceptable adverse impact on the amenities of neighbouring	

properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels;

'will be rejected.

'In the context of the scale of development proposed around the 'Burgess Hill within Wivelsfield Parish' it is clearly the responsibility of LDC to demonstrate that this requirement is met, and not the obligation of the residents in neighbouring properties to explain why it is not.

'Specifically, in the context of the use of the unadopted public bridleway of Theobalds Road (both in West Sussex and East Sussex) as a route to any development, this cannot be considered to be possible without significant adverse impact in terms of privacy and activity levels.

What changes do you suggest to make the document legally compliant or sound?

Developments that do not comply with this should be removed altogether from LDPP2 and form SHELAA 2018

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

As previously noted, LDC has a policy which it is ignoring in its determination to carry out extensive development dumping on the Mid Sussex border, and this should be challenged legally

Representation ID: REP/454/DM33
--

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM33: Heritage Assets
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
	Not Positively Prepared
	Not Justified
	Not Consistent with national policy
Representation:	
There are three historic elements within the Theobalds Road bridleway area; the bridleway itself, Grade II* listed Theobalds Farm, and Grade II listed Ansty House. The	

plan should respect these sites, yet what has been identified does exactly the opposite.

Footpath, Cycle and Bridleway Network

I note that it is LDC policy 'to ensure that the existing footpath, cycle and bridleway network is adequately protected'

When the development identified in SHELAA 2018 as 04WV was initially mooted,

The topic of the suitability (or, in the event, not) of Theobalds Road (TR) as an access route for additional housing came up during the extended discussions and the public enquiry which took place before the development was finally approved

I should remind the authors of this plan that LDC's Director of Planning issued a very well researched report into the housing considerations to be adhered to by any developer of this site, in June, 2004.

The map included in that report unambiguously identified TR as a bridleway. It also made the following points, which I quote verbatim (highlights are mine)

The development must place particular attention to providing access through the Downscroft Estate and also providing adequate buffers on the edges of the site.

The site is surrounded by open countryside on its eastern and southern boundaries.

there is a bridleway to the north of the site and a footpath, which starts at the north eastern corner of the site. There are bus stops on Valebridge Road just north of Theobald's Road, it is therefore important to maintain links from the site to the bridleway along Theobald's road (See plan A).

Access to the site must be via the Downscroft Estate. Access via Theobalds Road would require road improvements on third party land under multiple ownership.

Theobalds Road also joins Valebridge Road near to the brow of a hill, which would have safety implications.

In the context of Lewes District, the site is relatively well located in relation to urban services and facilities, employment sources and reasonably frequent public transport (both buses and trains). Although development here would extend the urban area into a generally undeveloped zone the site is fairly well self-contained visually and, with careful attention to the retention of trees and vegetation, need not affect the setting of Theobalds, a listed building.

The bridlepath to the north of the site, which links Valebridge road and the bus stop should be upgraded for pedestrian, horse and cycle use by the developer.

On this final point: this did not happen. Maintenance of this (i.e. TR) to Bridleway standards happened entirely at the expense of TR residents. TRRA would be more than happy to send the bill to the Downlands developer.

What changes do you suggest to make the document legally compliant or sound?

LDC's own documents identify critical issues with this area and the need to protect its distinctive character. LDC should clearly work in a self-consistent way and

unambiguously:

1. reject any attempts to change the status of Theobalds Road in Est Sussex, and ensure that it remains a bridleway, as it is today and has always been identified as such.
2. recognize that any future development within the area informally identified as "East of Burgess Hill in Wivelsfield Parish" that goes beyond the areas in SHELAA already marked in green is completely incompatible with LDC's responsibility under Policy DM33

Do you consider it necessary to participate at the Examination in Public?

Yes

Why do you feel it is necessary to participate at the Examination in Public?

From the evidence, LDC is not a competent authority and its plans should be challenged legally.

Representation ID: REP/454/DM36
--

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM36: Station Parking
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Effective
Representation:	Station Parking 4.117 As has been noted elsewhere, any and all developments in Wivelsfield Parish, given the shortage of employment within the Parish, will result in increased requirements

for people to travel to work in West Sussex. This will either be on bus or - more realistically - either car, this increasing the congestion on the road network, or by train.

Potential train stations are identified as:

Wivelsfield - in West Sussex

Burgess Hill - in West Sussex

Haywards Heath - in West Sussex.

Of these three, there is no practical parking facility at Wivelsfield or Burgess Hill stations (only limited drop-off) and whilst the level of parking at Haywards Heath has recently been significantly extended, in practical terms, it is not possible to be assured of a parking place as a casual user of the station, as it is already over-crowded.

Thus, although this section refers to the loss of pre-existing parking space at stations, given that the only stations identified in planning documents are in West Sussex, it is not possible to exclude the issue of a long-term negative net change in parking availability, not as a result of removal of supply, but from addition to demand.

This section should take this into account.

What changes do you suggest to make the document legally compliant or sound?

This plan should also take into account the significant impact the already approved developments will have in terms of increased imbalance between demand and supply of the currently available station parking space - effectively limited to Haywards Heath. This applies not only to the various schemes outlined for "edge of Burgess Hill" and "Haywards Heath"

Do you consider it necessary to participate at the Examination in Public?

Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC has mis-framed this issue in the context of sacrificing station parking space; planning documents for Nuggets (inter alia) demonstrate LDC's complacency concerning the provision of travel resources in Mid Sussex. Apart from Lewes itself and East Grinstead, there are no realistic main line stations into London in the plan area, and therefore the issue of additional burdens is far more relevant.



Representation ID: REP/454/INT/ARepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Figure 1
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Effective Not Consistent with national policy
Representation:	
Figure 1	
The map indicates:	

that the western limit of the adopted Wivelsfield Neighbourhood Plan (WNP) is coincident with the western boundary of the Local Plan Part 2 overall area

this is consistent with the map of East Sussex available from <http://www.eastsussexinfigures.org.uk> (Districts in East Sussex, dated September, 2014)

this is consistent with the map included in the WNP document available on <https://www.lewes-eastbourne.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=259480>

that the Wivelsfield Neighbourhood Plan has been adopted

Since there are conflicting notes in other documents, this will be taken as the accurate representation in the following comments.

What changes do you suggest to make the document legally compliant or sound?

TTThis document should indicate that the WNP doe snot address the issue of housing allocation beyond the village areas and mandate that is should be updated to reflect the impact of planning considerations for the whole of Wivelsfield Parish.

It is also noted that the housing sites identified within the WNP, whilst being inconsistent in places, together with the sites identified in green in the SHELAA, result in a total housing commitment well in excess of the numbers mandated through to 2030 by REP.

Therefore, given that Wivelsfield Parish, via the WNP together with the plots already identified in green lying predominantly on the edges of East Sussex, should at this stage be mandated to have provided well in excess of the total commitment required.

There will remain a question (to be mentioned later) about the habit of REP to do development dumping along the border with Mid Sussex, such that MDSC is expected to provide the community resources but without financial compensation, beyond the ability to tender for a proportion of CIL payments.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

I see the documents are inconsistent, that the WNP has been adopted whilst not addressing the issue of developments along the Mid Sussex boundary mandated in SHELAA and in part the subject of this process.

I also see that the areas already under development, delivered, categorized as green on SHELAA or identified in the WNP, provides well in excess of the mandated totals - themselves representing >40% increase in housing in Wivelsfield Parish. Wivelsfield has therefore provided sufficient housing increase to go bell beyond 2030.

I therefore do not believe this plan has been prepared competently or carefully and I feel it is legitimate to demand, given the housing already identified above, why REP has failed to identify sufficient locations outside the WNP area to provide its 5-year rolling plan.

Representation ID: REP/454/INT/B

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	Evidence Base
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
Representation:	
Evidence Base	
1.17 This section states explicitly that the findings and provisions included in the SHELAA - dated September, 2018, are taken into consideration and included in this plan. The SHELAA is therefore explicitly to be taken into consideration in providing responses to this consultation.	

'However, the published map covering Wivelsfield Parish dates from 2015 and is clearly inaccurate.

What changes do you suggest to make the document legally compliant or sound?

Completing LDPP2 whilst SHELAA 2018 is open means that the 2015 plan must be incorporated, giving people a chance to comment on its' contents.

For example, WV06, three parcels of land that surround Theobalds Road and could only be accessed through Theobalds Road are clearly inappropriate at many levels, including lack of access (the bridleway being the only visible potential route); however, they are unnecessary under the total requirement of the plan, as noted above. They should be removed.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC is not a competent or sound body as the inconsistencies and inaccuracies in the plan demonstrates. They should be challenged on this.

Representation ID: REP/454/INT/C

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Evidence Base
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
	Not Positively Prepared
	Not Justified
Representation:	
1.7 It is noted that under the LPP2 provisions, LDC will NOT be allocating sites anywhere within the area covered by the WNP, this specifically includes the 'Edge of Burgess Hill'. Any attempt to do so is contrary to LDC's own planning process as identified in this section and would thus be open to legal challenge. The plan to develop	

Nuggets (BH01) is thus explicitly in conflict with LDC's statement above.

What changes do you suggest to make the document legally compliant or sound?

The LPP2 and WNP should be made consistent, and must include the issue of housing both along Valebridge Road and South of Hayward's Heath.

As noted above, it should be identified that the housing provided already exceeds the requirements to 2030 and no future loss of greenfield sites should be permitted.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

As before, LDC's preparation is inconsistent and they should be challenged on it.

Representation ID: REP/454/INT/DRepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	What is the Lewes District Plan
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Consistent with national policy
Representation:	<p>The document as outlined, with attachments, includes reference to, and is mandated to be aligned with, the Strategic Housing and Economic Land Availability Assessment (hereafter referred to as SHELLA), however this is not included in the document. The version published separately (which has maps dating from 2015) is inaccurate and out of</p>

date in terms of the status, availability development status of land parcels.

'No invitation to comment on the SHELLA is available at this stage, yet it is referred to and accepted as a guiding plan. Therefore, comments in this section, where necessary, reference the documents extant.

What changes do you suggest to make the document legally compliant or sound?

It is recognized that SHELLA is currently open for land submission, but the extant version should be incorporated into this plan

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/454/INT/ERepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	What is the role of Neighbourhood Plans
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Consistent with national policy
Representation:	
4.1 This explicitly identifies that the WNP policies should form part of the consideration for new developments	
4.3 There is a presumption in favour of sustainable development. Not in favour of any development, regardless.	

What changes do you suggest to make the document legally compliant or sound?

Make all planning documents consistent, and make sustainability (including sustainability for future necessary community resources) something that is dealt with properly, not ignored as at present.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

The evidence of LDPP2 is that LDC is not a competent body or has not developed the plan in a competent way. Therefore, they should be challenged on it.

Representation ID: REP/454/INT/F

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	What is the role of Neighbourhood Plans
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation:	
1.5 Given the geographical coverage of the Wivelsfield Neighbourhood Plan (WNP) includes the area designated in LDLPP2 as 'Edge of Burgess Hill', the issue of the level of boundary development which will rely on Mid-Sussex funded resources should have been considered in the plan, given that a disproportionate volume of currently identified	

and future proposed housing is observed to lie in this area.

'LDC's adoption of this plan is thus potentially open to legal challenge, as, whilst development within the whole area of the WNP must follow the general principles outlined in that plan (as it has been adopted), it is incorrect to state that the 'edge of Burgess Hill' lies outside of the plan boundaries, even if this issue has not been addressed.

What changes do you suggest to make the document legally compliant or sound?

There must be a recognition that the extensive ribbon development already realized, approved or pending planning approval must include either (a) a plan for the provision of community resources (including schooling, public transport, doctor and dental practices and emergency services) from Lewes District Council, or (b) a plan and realistic formula to enable Mix Sussex DC to secure a large proportion of the current and future council taxes to enable it to provide those services on behalf of LDC.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

I have asked this question of councillors both in Mid Sussex and East Sussex (including LDC). From Mid Sussex I received a response that the only mechanism was the ability to tender for a proportion of CIL Payments (i.e. no guarantee, and only a part), but no continuing payments.

LDC simply ignored my emails. I therefore do not consider this topic has even been raised, let alone addressed to the satisfaction of Mid Sussex Council tax payers.

Representation ID: REP/454/HPCRepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
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Address:	[REDACTED]

Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Justified
Representation: 2.5 Table 3. This identified 100 properties to be allocated in the area described as 'Edge of Burgess Hill (Within Wivelsfield Parish)', but there is a separate line for 'Wivelsfield Green' where	

34 (vs. plan for 30) are identified as being part of a Neighbourhood Plan. As explained previously, this is incorrect. Both of these elements should have been included in the relevant (Wivelsfield) Neighbourhood plan, as both of them are unarguably covered by the geographical area of the Wivelsfield Neighbourhood Plan (WNP).

Section 3.20 of the WNP identifies historical housing within its area, including what is referred to as 'Orchard Close' - in other words, 04WV. It also identified Peak Nursery in Theobalds Road as a potential site. Both of these areas are therefore explicitly within the WNP remit.

By separating out the 100 units, despite the fact they should have been included in the WNP, and are within the area covered by that plan, gives the impression this allocation is not subject to that plan, which opens the way to a potential legal challenge.

2.6. 'Edge of Burgess Hill', according to LDC's own maps, is NOT a separate area. It is, or should be, covered by the adopted WNP. See provision 1.7 of this document. For the avoidance of doubt, I quote:

1.7 Within the area covered by the Local Plan Part 2, six neighbourhood plans have been 'made' (adopted) and six towns or parishes have been formally designated as neighbourhood areas for the purpose of preparing neighbourhood plans. These are illustrated in Figure 1. Where a town or parish council is developing a neighbourhood plan that will include site allocations for specific uses, the District Council is not proposing to allocate sites or identify site specific policies in the Local Plan Part 2.

There have been representations made to LDC concerning the inaccurate statements made concerning the required scope of the WNP and any update to that plan to address this clear shortfall has been rejected by LDC. This creates a clear shortfall in legal compliance on the part of LDC.

2.10 Table 4:

This incorrectly defines 'Edge of Burgess Hill' as being beyond the area covered by a Neighbourhood Plan. It nevertheless identifies 81 properties as 'Allocated/Delivered' and 19 further to be allocated.

This is in clear legal conflict with 1.7 as noted above.

2.11 Table 5:

This references the 19 'to be allocated in LPP2', again in conflict with provision 1.7, and identified 14 as 'units allocated'. This is presumed to be the Nuggets development.

2.14 Figure 2 - 'East of Burgess Hill' is identified as being in LPP2 and not in a Neighbourhood plan. It is clearly, therefore a requirement that the WNP be updated to reflect the requirements allocated to it. This is implicit in section 2.15. The mechanism to achieve this is quoted in 2.16:

The Council will closely monitor the progress of the neighbourhood plans. Should any concerns arise regarding timings then the Council will consider what, if any, measures are needed to resolve the issue(s). These measures might include provision of additional support or the Council recovering the role of identifying allocations through a

subsequent development plan document or a future review of the Local Plan.

Therefore, LDC's obligation is to identify allocations 'through a subsequent development plan document'. Failure to do so opens the potential of a legal challenge.

What changes do you suggest to make the document legally compliant or sound?

LDC should mandate that the WNP should be updated to reflect the entirety of its geographical remit.

SHELAA 2018 should take into account the housing already provided or outline approved and consistency with WNP checked.

LDPP2 should then accurately reflect the updated WNP and the SHELAA 2018

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC is not a competent authority, as the widespread inaccuracies reflects, and should be challenged on their plans

Representation ID: REP/454/HSA/A

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Housing Site Allocations
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Consistent with national policy
Representation:	
2.22 This makes all development in the area subject to any policies contained in neighbourhood plans, where sufficient weight can be given. Despite the failure of the Wivelsfield Neighbourhood Plan (WNP) to consider the full requirements for housing within the identified area covered by the WNP, nevertheless, it is an adopted plan and	

thus the provisions and policies adopted by it must be respected. Failure to do so opens the door to legal challenges.

What changes do you suggest to make the document legally compliant or sound?

Plots identified in SHELAA (the original, published, 2015 map) are inconsistent with the adopted WNP; these should be updated and all additional plots removed as they are inconsistent with the adopted WNP, being large scale developments on greenfield site

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

The issue of the need for housing is clear; however, LDP, in focusing such a high proportion of its future sides into large development on greenfield land where the necessary community resources are advertised as being provided by Mid Sussex, LDC has shown that it has not made a sustainable plan at all.

Representation ID: REP/454/HSA/B

Representor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Wivelsfield Green
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared
Representation:	
<p>The WNP also includes the Springfield Industrial estate, a brownfield site that is variously identified as undeliverable on SHELAA, available in WNP and is under final planning approval. development now. The totals from "Wivelsfield village" do not seem to include the ~30 houses here.</p>	

What changes do you suggest to make the document legally compliant or sound?

WNP must be updated, and re-adopted by LDC.

Do you consider it necessary to participate at the Examination in Public?	Yes
--	-----

Why do you feel it is necessary to participate at the Examination in Public?

LDC should be legally challenged on their plans

Representation ID: REP/454/DTCRepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Duty to Co-operate
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No
Representation:	
Duty to Co-operate	
1.14 the explicit plans (various parcels of land running north along Valebridge Road, including Nuggets, noted previously, which has been approved based primarily on the availability of resources in Burgess Hill), states that the issue of housing provision along the East/West Sussex border 'has been fully scoped and agreed'.	

Yet when I wrote, both to Mid Sussex District Council, and Lewes District council, via email, to ask about LDC's contribution to funding for the additional resources that must be provided by MDC (i.e. paid for by Mid Sussex residents), I received a reply from Mid Sussex that the only mechanism was tendering for a one-off payment from the CIL, whilst from REP, no response at all.

Given the scale of proposed additional building in an area (including the outlined WV06), as well as Nuggets) which will be additional to the extensive growth planned along the 'Northern Arc' within Burgess Hill (which is noted, but the council tax for such developments will go to MSDC and hence fund the resources), this is a significant issue for Mid Sussex council tax payers.

Since no acceptable answer has been forthcoming from MDSC, and no answer at all forthcoming from REP, clearly the statement in 1.14 is incorrect, and thus open to legal challenge and review.

What changes do you suggest to make the document legally compliant or sound?

No evidence of the duty to co-operate has been presented; indeed, quite clearly, the opposite is true from the evidence.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

As on other topics, LDC cannot be trusted to make sound decisions and I would want to see them publicly challenged.

Representation ID: REP/454/SARepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	Sustainability Appraisal
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Consistent with national policy
Representation: 1.18 This references and incorporates the various parallel documents identified as 'Sustainability Appraisal' and states that LPP2 will adopt these sustainability objectives in order to ensure consistency. Policies, statements and objectives that are inconsistent are therefore open to legal challenge. As there is no single 'Sustainability Appraisal' on	

the referenced location, but a set of sustainability documents related to 'sustainability' is available. These include, inter alia: Sustainable Economic Growth; Healthy, sustainable communities; Protecting and enhancing the distinctive quality of the environment; and Sustainable travel.

'These will be commented on in the relevant sections. However, it is clear that the plan has NOT been prepared with sustainability in mind.

What changes do you suggest to make the document legally compliant or sound?

It should recognize that the plan is not sustainable and in conflict with national policy, and either rejected or changes to comply

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

LDC had not done its job properly and should be challenged on its findings.

Representation ID: REP/454/HRARepresentor Details:

Representor ID:	REP/454
Name:	Robin Walker
Organisation:	Theobalds Road Residents' Association
Consultation Body:	General
Stakeholder Type:	Residents Association

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	Habitats Regulation Assessment
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective
Representation:	
Habitats Regulation Assessment	
'1.19 The HRA includes the Ashdown Forest SAC/SPA (AFSPA) in the assessment; the	

map of the 7km radius away from the AFSPA covers a small part of LDC's North Eastern area, whilst the 14km radius goes well into West Sussex and covers all of Haywards Heath and most of Burgess Hill. The 7km radius does not impact almost all of LDC's area north of the South Downs park area (i.e. the area covered by LPP2).

What changes do you suggest to make the document legally compliant or sound?

The full 7km radius should be taken into account and efforts be made to identify other sites outside this area.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/455/E1

Representor Details:

Representor ID:	REP/455
Name:	Maurice Waller
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Consistent with national policy
Representation: I feel any further encroachment would ruin the character of the area in question. It is an area of historical interest as well as an essential conservation habitat for bird life. Many people use the area for walking and bird watching. To change the character of the area any more than has already been done would be an affront to all those people who use the area for recreational purposes. Newhaven has already been ruined by the inclusion	

of an incinerator and any further encroachment east of the harbour would be catastrophic for the area.

What changes do you suggest to make the document legally compliant or sound?

I would recommend the area in question is left as it is.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/456/GT01Representor Details:

Representor ID:	REP/456
Name:	Jacqui and Stuart Wallis
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	<div>No</div> <div>Not Positively Prepared</div> <div>Not Justified</div> <div>Not Effective</div> <div>Not Consistent with national policy</div>
Representation:	
I am a resident of Plumpton and wish to make representations in relation to proposed Policy GT01 on the basis that it is not "sound", and in particular in that it is not positively	

prepared, justified, effective and/or consistent with national policy.

The reasons are listed below

B: Policy Requirements

6. Provision for traveller sites ought to comply with the requirements of the Department for Communities and Local Government "Planning Policy for traveller sites" dated August 2015 ("PPTS"). This accompanies the March 2012 National Planning Policy Framework and must be taken into consideration in preparing local plans and making planning decisions.

The government's overarching aim is stated to be "to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community".

"to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure"

This aim is elaborated upon at paragraph 13 PPTS as follows:

"Local planning policies should ensure that traveller sites are sustainable economically, socially, and environmentally. Local planning authorities should therefore ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long- distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development
- f) avoid placing pressure on local infrastructure and services
- g) do not locate sites in areas at risk of high flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability"

Paragraph 25 PPTS states in terms that LPAs should "very strictly limit new traveller site developments in open countryside that is away from existing settlements or outside areas allocated in the development plan".

Further, paragraph 26 PPTS states that weight should be attached to inter alia "effective

use of previously developed (brownfield) untidy or derelict land".

The commentary states as follows:

"ESCC Highway Authority assessed two potential access points, the first fronting St Helena Lane, west of the site, and the second from Station Road in the east, at an existing field entrance in the south east corner of the site.

..... The achievement of required visibility splays on Station Road is also a highway concern due to ... obstructions from a bus shelter, slight curve and uphill gradient of road to the north of the considered access point.

Due to the site's rural and isolated location it is over a kilometre from a Primary Route Network.

The village of Plumpton Green, as a local village, to the south of the site has some key services including primary school, convenience store and post office. Further services can be accessed via bus from within 800m of the site, or bus and train from Plumpton Green.

.....

The main constraint to development of this site is the lack of suitable access as the required visibility splays are not considered achievable. The site is also considered isolated in terms of access to facilities.

E:Assessment of the Site

The site is isolated, and is over 0.5km from a local settlement (Plumpton Green).

E.1Transport

The nearest bus stop is almost 1km away, along a busy road without pavements or lighting.

There is only one bus every 2 hours from the relevant bus stop, on schooldays only, using Route 166. The earliest bus to Lewes departs at 07.22, and the latest at 18.53. Services to Haywards Heath also run at limited times, with the earliest departure being at 07.58 and the latest 18.13.

Plumpton train station is around 2.5km away, and the first 1km of that journey is again along a busy road without pavements or lighting. There is a pavement from the beginning of the main section of Plumpton Green, but there are no lights at all in the village.

E.2 Access to facilities

As was acknowledged within the Assessment, the Site is isolated in terms of access to facilities.

Plumpton Green has limited facilities, namely a small village school and a convenience store/post office. Both are around 2km from the Site, with the first 1km of that journey again being along a busy road without pavements or lighting, and the balance along unlit pavements.

From late October to early February any journeys from Plumpton Village Primary School to the site in the afternoons would be carried out in twilight, or even darkness.

There is no senior school in Plumpton Green. Access to secondary education cannot be readily achieved from the Site due to (1) its isolated nature; (2) limited services from the nearest bus stop; and (3) the lengthy walk to the nearest train station.

The convenience store/post office is far too expensive for a weekly shop. The nearest branches of major supermarkets such as Tesco and Aldi are in Lewes, a journey or around 30 minutes using the 166 bus route, which as stated above operates every 2 hours on schooldays only.

The alternative means of access to Lewes would be the circa 2km walk to Plumpton train station, taking a train into Lewes, walking circa 0.5km from Lewes train station to the supermarket and then taking the same journey back carrying shopping.

E.3 Access to Healthcare and welfare facilities

The nearest GP's surgery which is accessible using route 166 is in Hassocks. The journey means changing at the bottom of Plumpton Lane in order to use the 167 bus.

The nearest alternative surgery is in South Chailey. That can only be reached by taking the train or bus into Lewes, and then catching a further bus to reach the surgery.

The nearest hospital offering antenatal care is on the outskirts of Lewes, again necessitating a 30 minute journey on the 166 bus (on schooldays only).

Welfare facilities are not available in Plumpton Green.

E.4 Access to employment infrastructure

There are none, or none significant, employment opportunities in Plumpton Green or Plumpton. Access to employment infrastructure is also adversely affected by the isolated nature of the Site and limited public transport referred to in Sections E.1 to E.4 above.

E.5 Flood Risk

The Site is in an area with between a 1 in 30 and 1 in 100 year flood risk.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Jacqui Wallis [REDACTED] >
Sent: 04 November 2018 18:40
To: ldf
Cc: Stuart Wallis
Subject: Policy GT01 proposed site for Gypsy, Traveller and Travelling Showpeople - Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

SUMMARY OF REPRESENTATIONS
IN RELATION TO LEWES DISTRICT COUNCIL
LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT
MANAGEMENT POLICIES – PRE-SUBMISSION DOCUMENT POLICY GT01
PROPOSED SITE FOR GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE
AT LAND SOUTH OF THE PLOUGH IN PLUMPTON GREEN

I am a resident of Plumpton and wish to make representations in relation to proposed Policy GT01 on the basis that it is not “sound”, and in particular in that it is not positively prepared, justified, effective and/or consistent with national policy.

The reasons are listed below

B: Policy Requirements

6. Provision for traveller sites ought to comply with the requirements of the Department for Communities and Local Government “Planning Policy for traveller sites” dated August 2015 (“PPTS”). This accompanies the March 2012 National Planning Policy Framework and must be taken into consideration in preparing local plans and making planning decisions.

The government’s overarching aim is stated to be “to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community”.

“to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure”

This aim is elaborated upon at paragraph 13 PPTS as follows:

“Local planning policies should ensure that traveller sites are sustainable economically, socially, and environmentally. Local planning authorities should therefore ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long- distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development
- f) avoid placing pressure on local infrastructure and services
- g) do not locate sites in areas at risk of high flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability”

Paragraph 25 PPTS states in terms that LPAs should “very strictly limit new traveller site developments in open countryside that is away from existing settlements or outside areas allocated in the development plan”.

Further, paragraph 26 PPTS states that weight should be attached to inter alia “effective use of previously developed (brownfield) untidy or derelict land”.

The commentary states as follows:

“ESCC Highway Authority assessed two potential access points, the first fronting St Helena Lane, west of the site, and the second from Station Road in the east, at an existing field entrance in the south east corner of the site.

..... The achievement of required visibility splays on Station Road is also a highway concern due to ... obstructions from a bus shelter, slight curve and uphill gradient of road to the north of the considered access point.

Due to the site's rural and isolated location it is over a kilometre from a Primary Route Network.

The village of Plumpton Green, as a local village, to the south of the site has some key services including primary school, convenience store and post office. Further services can be accessed via bus from within 800m of the site, or bus and train from Plumpton Green.

.....

The main constraint to development of this site is the lack of suitable access as the required visibility splays are not considered achievable. The site is also considered isolated in terms of access to facilities.

E:Assessment of the Site

The site is isolated, and is over 0.5km from a local settlement (Plumpton Green).

E.1Transport

The nearest bus stop is almost 1km away, along a busy road without pavements or lighting.

There is only one bus every 2 hours from the relevant bus stop, on schooldays only, using Route 166. The earliest bus to Lewes departs at 07.22, and the latest at 18.53. Services to Haywards Heath also run at limited times, with the earliest departure being at 07.58 and the latest 18.13.

Plumpton train station is around 2.5km away, and the first 1km of that journey is again along a busy road without pavements or lighting. There is a pavement from the beginning of the main section of Plumpton Green, but there are no lights at all in the village.

E.2 Access to facilities

As was acknowledged within the Assessment, the Site is isolated in terms of access to facilities.

Plumpton Green has limited facilities, namely a small village school and a convenience store/post office. Both are around 2km from the Site, with the first 1km of that journey again being along a busy road without pavements or lighting, and the balance along unlit pavements.

From late October to early February any journeys from Plumpton Village Primary School to the site in the afternoons would be carried out in twilight, or even darkness.

There is no senior school in Plumpton Green. Access to secondary education cannot be readily achieved from the Site due to (1) its isolated nature; (2) limited services from the nearest bus stop; and (3) the lengthy walk to the nearest train station.

The convenience store/post office is far too expensive for a weekly shop. The nearest branches of major supermarkets such as Tesco and Aldi are in Lewes, a journey of around 30 minutes using the 166 bus route, which as stated above operates every 2 hours on schooldays only.

The alternative means of access to Lewes would be the circa 2km walk to Plumpton train station, taking a train into Lewes, walking circa 0.5km from Lewes train station to the supermarket and then taking the same journey back carrying shopping.

E.3Access to Healthcare and welfare facilities

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The nearest alternative surgery is in South Chailey. That can only be reached by taking the train or bus into Lewes, and then catching a further bus to reach the surgery.

The nearest hospital offering antenatal care is on the outskirts of Lewes, again necessitating a 30 minute journey on the 166 bus (on schooldays only).

Welfare facilities are not available in Plumpton Green.

E.4 Access to employment infrastructure

There are none, or none significant, employment opportunities in Plumpton Green or Plumpton. Access to employment infrastructure is also adversely affected by the isolated nature of the Site and limited public transport referred to in Sections E.1 to E.4 above.

E.5Flood Risk

The Site is in an area with between a 1 in 30 and 1 in 100 year flood risk.

Yours sincerely,

Jacqui and Stuart Wallis

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Representation ID: REP/457/E1Representor Details:

Representor ID:	REP/457
Name:	T & C Walton
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>We strongly object to the development being planned for Tidemills.</p> <p>We don't have much of a beach at Newhaven, the sandy one being taken over by the French! The beach at Tidemills has always been the best bit of beach available to the people of Newhaven.</p> <p>We are also worried about traffic and air quality, the Drove area of the town already being clogged with traffic at certain times and therefore highly polluted. Also, with the housing already allocated to Newhaven this would be much too much over development.</p> <p>Local plans by law must 'contribute to sustainable development' and this development</p>	

does not. The maps of the area weren't clear in the official consultation documents

We need to preserve this designated wildlife site for nature, and for leisure. This also does not reflect the clean green marine vision of the enterprise zone or renewable energy cluster of the port masterplan.

Newhaven has already been spoilt beyond reason, what was once a nice little town has become a dumping ground for anything LDC don't want in their back yard.

Of course, as with the incinerator, we in Newhaven will get no say in what goes in our town!

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Carol Walton [REDACTED]
Sent: 31 October 2018 14:52
To: ldf
Subject: Tidemills

Categories: LPP2 comment to code - stakeholder details have been added

Dear LDC

We strongly object to the development being planned for Tidemills.

We don't have much of a beach at Newhaven, the sandy one being taken over by the French! The beach at Tidemills has always been the best bit of beach available to the people of Newhaven.

We are also worried about traffic and air quality, the Drove area of the town already being clogged with traffic at certain times and therefore highly polluted. Also, with the housing already allocated to Newhaven this would be much too much over development.

Local plans by law must 'contribute to sustainable development' and this development does not. The maps of the area weren't clear in the official consultation documents

We need to preserve this designated wildlife site for nature, and for leisure. This also does not reflect the clean green marine vision of the enterprise zone or renewable energy cluster of the port masterplan.

Newhaven has already been spoilt beyond reason, what was once a nice little town has become a dumping ground for anything LDC don't want in their back yard.

Of course, as with the incinerator, we in Newhaven will get no say in what goes in our town!

Yours
T & C Walton

Representation ID: REP/458/E1Representor Details:

Representor ID:	REP/458
Name:	Katherine Ward
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I would like to register my concerns over the plans within Lewes District Local Plan to develop Tide Mills beach: a valuable and much-loved site, which benefits wildlife and provides a peaceful and unspoilt area for locals and tourists to enjoy. The Sussex coast is almost entirely developed. Destroying one of the few remaining coastal wild areas through industrialising the west end of Tide Mills beach will cause a loss of biodiversity, and remove internationally important and rare habitats, such as	

areas of vegetated shingle. Access to the proposed site will introduce heavy traffic into this tranquil area. The noise, air pollution and dust will negatively impact the wildlife even in those areas that are not directly physically disturbed by development at the site. The area around Tide Mills needs to be conserved and protected; as such the current plans do not constitute sustainable development of the site, nor do they align with Newhaven's aspirations to extend its status as a renewable energy hub through regenerating in a green and sustainable way.

I live in Lewes, and visit Tide Mills perhaps a couple of times a month on average, sometimes in the summer but more often in the autumn and winter. An early-morning trip to Tide Mills (often before sunrise) has become a Christmas Day tradition in our family. The two car parks are always busy, and the beach and network of paths through the abandoned village are very popular with dog walkers. There is obviously no shortage of beach venues for me to choose to visit but, other than Tide Mills, all possibilities within half-an-hour's drive are developed promenades – Seaford, the Undercliff beaches at Saltdean, Rottingdean and Ovingdean, as well as the beaches at Brighton and Hove. The unspoilt area around Cuckmere Haven does not allow ready access to the sea. While the beach at Tide Mills is not itself a pristinely wild place, the way that nature is reclaiming the abandoned buildings adds to the sense of wilderness. With the salt spray in the air, the iconic views of Seaford Head and a back drop free of industry and housing, there is no better place to enjoy a bracing walk on a windy day. If the numbers of cars in the car parks is anything to go by, I am not alone in this opinion. Please do not allow the destruction of this unique place.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: KATE WARD <[REDACTED]>
Sent: 02 November 2018 22:21
To: ldf
Subject: Lewes District Local Plan Part 2: New policy E1 for Tide Mills beach

Categories: LPP2 comment to code - stakeholder details have been added

To whom it may concern:

I would like to register my concerns over the plans within Lewes District Local Plan to develop Tide Mills beach: a valuable and much-loved site, which benefits wildlife and provides a peaceful and unspoilt area for locals and tourists to enjoy.

The Sussex coast is almost entirely developed. Destroying one of the few remaining coastal wild areas through industrialising the west end of Tide Mills beach will cause a loss of biodiversity, and remove internationally important and rare habitats, such as areas of vegetated shingle. Access to the proposed site will introduce heavy traffic into this tranquil area. The noise, air pollution and dust will negatively impact the wildlife even in those areas that are not directly physically disturbed by development at the site. The area around Tide Mills needs to be conserved and protected; as such the current plans do not constitute sustainable development of the site, nor do they align with Newhaven's aspirations to extend its status as a renewable energy hub through regenerating in a green and sustainable way.

I live in Lewes, and visit Tide Mills perhaps a couple of times a month on average, sometimes in the summer but more often in the autumn and winter. An early- morning trip to Tide Mills (often before sunrise) has become a Christmas Day tradition in our family. The two car parks are always busy, and the beach and network of paths through the abandoned village are very popular with dog walkers. There is obviously no shortage of beach venues for me to choose to visit but, other than Tide Mills, all possibilities within half-an-hour's drive are developed promenades – Seaford, the Undercliff beaches at Saltdean, Rottingdean and Ovingdean, as well as the beaches at Brighton and Hove. The unspoilt area around Cuckmere Haven does not allow ready access to the sea. While the beach at Tide Mills is not itself a pristinely wild place, the way that nature is reclaiming the abandoned buildings adds to the sense of wilderness. With the salt spray in the air, the iconic views of Seaford Head and a back drop free of industry and housing, there is no better place to enjoy a bracing walk on a windy day. If the numbers of cars in the car parks is anything to go by, I am not alone in this opinion. Please do not allow the destruction of this unique place.

Yours faithfully

Dr Katherine Ward

[REDACTED]

[REDACTED]

[REDACTED]

Representation ID: REP/459/GT01Representor Details:

Representor ID:	REP/459
Name:	Simon Ward
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
Having been part of the Steering Group for the Plumpton Neighbourhood Plan, I am amazed that this land has been allocated for gypsy and traveller accommodation. It was	

rejected for housing for the Neighbourhood Plan on the grounds that the land was unsustainable for housing development, and there is no evidence in the Local Plan Part 2 that this situation has changed.

The land is unsustainable for this development because:

- it is not within walking distance of local amenities, being more than 750m from the nominal village centre;
- it does not have safe pedestrian access outside the land and there is no evidence this will be remedied; the national speed limit currently applies outside on this part of the main road;
- it is outside the current parish planning boundary.

This land allocation is contrary to both national and local planning policy and I would suggest it is discriminatory to the gypsy and traveller community to offer this land to them for accommodation when it has been rejected for permanent housing.

What changes do you suggest to make the document legally compliant or sound?

A different land allocation should be made that allows the gypsy and traveller community easy access to amenities and safe pedestrian access. For example, the current traveller site within Lewes town.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/460/GT01Representor Details:

Representor ID:	REP/460
Name:	C Warren
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
RE: Proposed Permanent Traveller Site - Plumpton Green. Lewes District Plan Part 2/Site Allocations and Development	
I am writing to object to the proposal for the site to be used for a permanent travellers' site, The Old Brickworks, Plumpton Green.	
This proposed site was not allocated in the Neighbourhood plan and would damage the	

local economy, impacting negatively on local business, I understand that the current units at the Old Brickworks have notified the landlord that they would be forced to relocate, in turn leading to job losses and losses to the local village economy. [REDACTED]

[REDACTED]

There is currently inadequate pedestrian access to the village from this area, along a fast and dark and busy road.

There is no recommendation to exclude the expansion of this site in the future. This is a green field site in a quiet location and the proposal would damage the rural character of the village and fail to preserve the open space.

I understand that no current agreement has been reached with the landowner, so the current site proposal is not deliverable.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Mrs C Warren

Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB

21 October 2018

Dear Sirs

RE: Proposed Permanent Traveller Site - Plumpton Green. Lewes District Plan Part 2/Site Allocations and Development

I am writing to object to the proposal for the site to be used for a permanent travellers' site, The Old Brickworks, Plumpton Green.

This proposed site was not allocated in the Neighbourhood plan and would damage the local economy, impacting negatively on local business, I understand that the current units at the Old Brickworks have notified the landlord that they would be forced to relocate, in turn leading to job losses and losses to the local village economy. [REDACTED]

There is currently inadequate pedestrian access to the village from this area, along a fast and dark and busy road.

There is no recommendation to exclude the expansion of this site in the future. This is a green field site in a quiet location and the proposal would damage the rural character of the village and fail to preserve the open space.

I understand that no current agreement has been reached with the landowner, so the current site proposal is not deliverable.

Yours sincerely

Mrs Christine Warren

Representation ID: REP/461/GT01Representor Details:

Representor ID:	REP/461
Name:	Richard Watson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I would like to object in ten strongest possible manner to the proposal to create a permanent gypsy and traveller site on the land south of The Plough adjacent to the Old Brickworks business units in Plumpton Green. My reasons for this objection are as follows.</p> <p>* Our local pub, The Plough, would be hugely impacted by the site being located</p>

adjacently. [REDACTED]
[REDACTED].

* The businesses that currently occupy the Old Brickworks would be adversely impacted and this could affect local employment.

* The field in which the development would be contained is very large and there is a very real risk of significant numbers of other travellers locating themselves in the field.

* Putting such a development so close to homes [REDACTED]
[REDACTED].

If this development does go ahead can you guarantee, on the record, that if there are ongoing issues with any of the points mentioned above that the site will be dismantled?

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Richard Watson [REDACTED]
Sent: 10 October 2018 08:43
To: ldf
Subject: Gypsy and Traveller Site
Categories: LPP2 comment to code - stakeholder details have been added

Dear Policy Team,

I would like to object in the strongest possible manner to the proposal to create a permanent gypsy and traveller site on the land south of The Plough adjacent to the Old Brickworks business units in Plumpton Green. My reasons for this objection are as follows.

1. Our local pub, The Plough, would be hugely impacted by the site being located adjacently. [REDACTED].
2. The businesses that currently occupy the Old Brickworks would be adversely impacted and this could affect local employment.
3. The field in which the development would be contained is very large and there is a very real risk of significant numbers of other travellers locating themselves in the field.
4. Putting such a development so close to homes [REDACTED].

If this development does go ahead can you guarantee, on the record, that if there are ongoing issues with any of the points mentioned above that the site will be dismantled?

Yours sincerely,

Richard Watson

[REDACTED]
[REDACTED]
[REDACTED]

Representation ID: REP/462/GT01
--


Representor Details:

Representor ID:	REP/462
Name:	Michael and Linda Watson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public



Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>We are writing to emphatically object to the proposed siting of a permanent Gypsy & Travellers pitch in the village of Plumpton Green</p> <p>in our experience, most traveller pitches are located away from settled communities because </p> 

<div data-bbox="164 174 1356 259" style="background-color: black; height: 38px; width: 100%;"></div> <p>Plumpton Green village is a small community which contains a high proportion of vulnerable elderly people <div data-bbox="531 315 1415 356" style="background-color: black; display: inline-block; width: 554px; height: 18px;"></div>.</p> <p>In conclusion, we regard the proposed location as being a very poor choice indeed.</p>
What changes do you suggest to make the document legally compliant or sound?
Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?



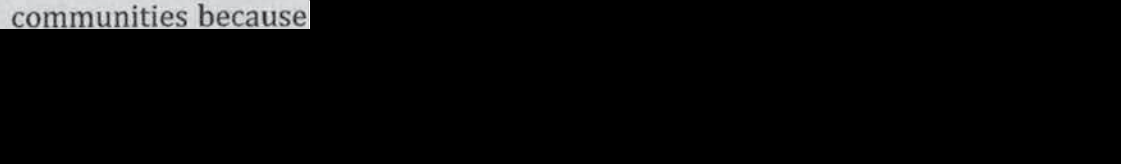
23 September 2018

To : The Planning Policy Team of Lewes District Council

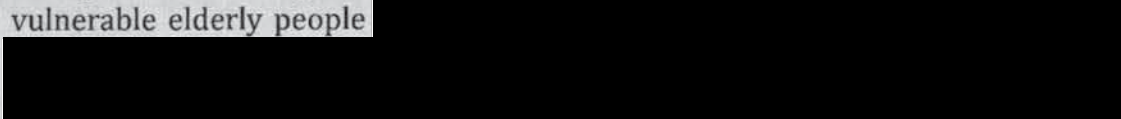
Proposed permanent Gypsy and Travellers site in Plumpton Green

We are writing to emphatically object to the proposed siting of a permanent Gypsy and Travellers pitch in the village of Plumpton Green.

In our experience, most Travellers pitches are located away from settled communities because

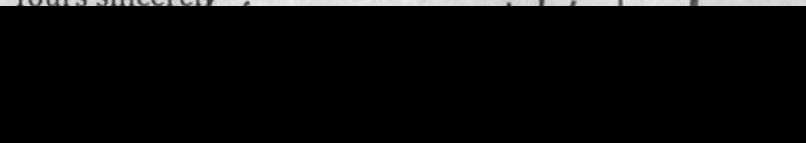


Plumpton Green village is a small community which contains a high proportion of vulnerable elderly people



In conclusion, we regard the proposed location as being a very poor choice indeed.

Yours sincerely



Michael and Linda Watson

Representation ID: REP/463/E1Representor Details:

Representor ID:	REP/463
Name:	Bryony Weaver
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I am writing to object strongly to the plans for Brett to be able to use not only the site known as E1 which has been set aside for building a cement works, but also appears to include part of Tide Mills beach and what was the old Seaplane Landing site.</p> <p>The beach area is the property of the Crown, in the first instance - all areas on the litoral of any beach is Crown property and cannot be sold off without the express consent of the Crown. Secondly, it is in constant public use by numerous members of sporting activity groups - windsurfers, surfers, swimmers, dog walkers, fishermen - and the custom and practice, therefore, is that it cannot be taken out of public use without the approval of the public.</p>	

We have evidence that Brett Aggregates had employees in the area looking over the proposed site 2 YEARS before there was even any hint of public consultation on the project - and the so-called 'public consultation' conducted by Councillor Davies and a nominal spokesperson for the public was not a public consultation at all, as the public who were 'invited' to attend were told they could only do so if they said nothing. This is an infringement of the right to speak out on matters of importance to the community not only of Newhaven, but also Seaford and the surrounding areas and communities.

I do not condone or agree to the sale of public land to a company that could easily have used, instead, the disused cement works already constructed at Lancing.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Bryony Weaver [REDACTED] >
Sent: 04 November 2018 18:29
To: ldf
Subject: Reference E1 - Land Grab at Tide Mills, Newhaven

Categories: LPP2 comment to code - stakeholder details have been added

Dear Madam/ Sir,

I am writing to object strongly to the plans for Brett to be able to use not only the site known as E1 which has been set aside for building a cement works, but also appears to include part of Tide Mills beach and what was the old Seaplane Landing site.

The beach area is the property of the Crown, in the first instance - all areas on the litoral of any beach is Crown property and cannot be sold off without the express consent of the Crown. Secondly, it is in constant public use by numerous members of sporting activity groups - windsurfers, surfers, swimmers, dog walkers, fishermen - and the custom and practice, therefore, is that it cannot be taken out of public use without the approval of the public.

We have evidence that Brett Aggregates had employees in the area looking over the proposed site 2 YEARS before there was even any hint of public consultation on the project - and the so-called 'public consultation' conducted by Councillor Davies and a nominal spokesperson for the public was not a public consultation at all, as the public who were 'invited' to attend were told they could only do so if they said nothing. This is an infringement of the right to speak out on matters of importance to the community not only of Newhaven, but also Seaford and the surrounding areas and communities.

I do not condone or agree to the sale of public land to a company that could easily have used, instead, the disused cement works already constructed at Lancing.

Yours sincerely

Ms Bryony Weaver
[REDACTED]

Representation ID: REP/464/BA01Representor Details:

Representor ID:	REP/464
Name:	Sara Webb Ekstrand
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BA01 - Land at Hillside Nurseries, High Street
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation: I think it would be a shame for the village to loose the status of the BA01 Hillside Nurseries field as an extension of the Recreation ground. The village is in a desperate need of a new playground and this would be a perfect place for it. As the village grows this need will only increase and once this field has been built on we loose that opportunity forever. There are other sites around Barcombe where houses can be built but this is our only chance to extent our Recreation ground and therefore this field	

should belong to the village.

What changes do you suggest to make the document legally compliant or sound?

The BA01 Hillside Nurseries should remain as an extension of the Recreation ground.
No planning permission for houses should be granted on this site.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/465/GT01Representor Details:

Representor ID:	REP/465
Name:	Paul Welch
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>Although I live in Wivelsfield Green I would have grave reservations about the proposed site in any rural village.</p> <p>I appreciate that there is a statutory obligation to provide such sites and I believe that LDC has formerly spent large sums of money on a site that is rarely used.</p> <p>Travelling is a lifestyle choice to which people are entitled</p> <p></p> <p>I would feel inclined to support the reservations of the villagers of Plumpton,</p>	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Sue Welch [REDACTED]
Sent: 13 October 2018 14:05
To: ldf
Subject: Travellers site in Plumpton

Categories: LPP2 comment to code - stakeholder details have been added

Although I live in Wivelsfield Green I would have grave reservations about the proposed site in any rural village.

I appreciate that there is a statutory obligation to provide such sites and I believe that LDC has formerly spent large sums of money on a site that is rarely used.

Travelling is a lifestyle choice to which people are entitled [REDACTED]
[REDACTED].

I would feel inclined to support the reservations of the villagers of Plumpton,
Paul Welch

Representation ID: REP/466/GT01Representor Details:

Representor ID:	REP/466
Name:	Dan Wells
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I would like to make my objections noted for the section Policy GT01 – Land south of The Plough, "Gypsy and Traveller Accommodation" , on page 52 in the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD.</p> <p>My reasons for objecting to the proposed Gypsy and Traveller Accommodation:</p> <p>* The site was never allocated in the Plumpton Neighbourhood Plan</p>

- * This is a green field site
- * No agreement reached with the land owner as of this time
- * Inadequate consultation with residents and businesses
- * 19 businesses based at the Brickworks business site have stated they may leave [REDACTED]
[REDACTED]
- * Poor road access and visibility from site to Station Road
- * No pedestrian access to the village
- * The field is known to flood

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Dan Wells [REDACTED]
Sent: 01 November 2018 10:17
To: ldf
Subject: Objection to Policy GT01 - Land south of The Plough - proposed Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD

Categories: LPP2 comment to code - stakeholder details have been added

For the attention of the Planning Policy Team, LDC.

Hi,

I would like to make my objections noted for the section **Policy GT01 – Land south of The Plough**, “Gypsy and Traveller Accommodation”, on page 52 in the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD.

My reasons for objecting to the proposed Gypsy and Traveller Accommodation:

- The site was never allocated in the Plumpton Neighbourhood Plan
- This is a green field site
- No agreement reached with the land owner as of this time
- Inadequate consultation with residents and businesses
- 19 businesses based at the Brickworks business site have stated they may leave [REDACTED]
[REDACTED]
- Poor road access and visibility from site to Station Road
- No pedestrian access to the village
- The field is known to flood

Best regards

Dan Wells
[REDACTED]

Representation ID: REP/467/GT01Representor Details:

Representor ID:	REP/467
Name:	Ian Weston
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>As a resident, I wish to register my concern with the council proposal to establish a travellers' site to the north of Plumpton Green, East Sussex.</p> <p>My objections are outlined below but the list is not exhaustive.</p> <p>1) The notification of consultation para 2.117 refers to the Newick Neighbourhood plan rather than, I assume, the Plumpton Neighbourhood Plan. Whilst this may be a typographical error, it demonstrates, at best, a lack of intellectual rigour in the consultation process adopted by the council. This surely puts into question the rest of the council's processes and could lead to later legal challenge if the proposal is proceeded with.</p>	

- 2) The site, as proposed, has already been turned down for development under the Plumpton Neighbourhood Plan which must militate against the use of the site for traveller accommodation.
- 3) The site, as proposed, will introduce a large concreted area which will produce the real risk of drainage overflow into the close by water courses. The village of Plumpton already experiences drainage difficulties despite the efforts of the local water authorities. Without significant investment in the local infrastructure, the cost of which will be far in excess of the any possible advantages derived from the proposed site, a real and significant risk of water table contamination will occur.
- 4) The entrance and exit proposed for the site and, indeed, the site itself are far too close to the current junction from the Old Brickworks industrial facility and will introduce a road safety hazard onto an already difficult to negotiate part of Station Road.
- 5) The consultation document refers to the requirement for public transport adjacent to the proposed site, however, no recognition has been given to the fact that there are no such facilities from early evening on a Friday until Monday morning and even this limited service is in doubt in light of proposed cutbacks in council expenditure.
- 6) There has already been expressed a public concern that the establishment of a [REDACTED] within the small, quiet village of Plumpton Green and surrounding areas.
- [REDACTED]

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Ian Weston [REDACTED]
Sent: 05 November 2018 11:13
To: ldf
Subject: Proposed Travellers' Site, Plumpton Green.

Categories: GT01, Vanessa to deal with

Dear Sir,

As a resident, I wish to register my concern with the council proposal to establish a travellers' site to the north of Plumpton Green, East Sussex.

My objections are outlined below but the list is not exhaustive.

- 1) The notification of consultation para 2.117 refers to the Newick Neighbourhood plan rather than, I assume, the Plumpton Neighbourhood Plan. Whilst this may be a typographical error, it demonstrates, at best, a lack of intellectual rigour in the consultation process adopted by the council. This surely puts into question the rest of the council's processes and could lead to later legal challenge if the proposal is proceeded with.
- 2) The site, as proposed, has already been turned down for development under the Plumpton Neighbourhood Plan which must militate against the use of the site for traveller accommodation.
- 3) The site, as proposed, will introduce a large concreted area which will produce the real risk of drainage overflow into the close by water courses. The village of Plumpton already experiences drainage difficulties despite the efforts of the local water authorities. Without significant investment in the local infrastructure, the cost of which will be far in excess of the any possible advantages derived from the proposed site, a real and significant risk of water table contamination will occur.
- 4) The entrance and exit proposed for the site and, indeed, the site itself are far too close to the current junction from the Old Brickworks industrial facility and will introduce a road safety hazard onto an already difficult to negotiate part of Station Road.
- 5) The consultation document refers to the requirement for public transport adjacent to the proposed site, however, no recognition has been given to the fact that there are no such facilities from early evening on a Friday until Monday morning and even this limited service is in doubt in light of proposed cutbacks in council expenditure.
- 6) There has already been expressed a public concern that the establishment of a travellers' site will [REDACTED] within the small, quiet village of Plumpton Green and surrounding areas. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Yours faithfully,
Ian Weston
[REDACTED]

Representation ID: REP/468/GT01Representor Details:

Representor ID:	REP/468
Name:	Russell Wheatland
Organisation:	R W Motor Engineering
Consultation Body:	General
Stakeholder Type:	Local Business / employer

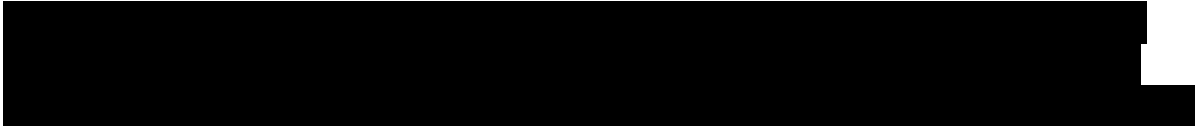
Agent Details:

Name:
Organisation:

Contact Details:

Email Address:
Address: Unit 1 The Old Brickworks Station Road Plumpton Green East Sussex BN7 3DF

Representation:

Policy/Section: GT01 - Land south of The Plough
<i>Do you consider the document to be:</i> Legally Compliant: Sound:
Representation: I own the garage business which is directly next door to the proposed gypsy + Travellers site in Plumpton Green. 

[REDACTED] I feel so strongly about the [REDACTED] position this leaves me in that I will seriously consider terminating my business at its present site and moving away.

I have spoken to other tenants at The Old Brickworks who also have viable business there. They have voiced similar concerns and intent to move their business elsewhere in the event of the close proximity to a travellers encampment. If all the businesses at The Old Brickworks are ended, this will obviously have a detrimental effect to the local economy with a loss of jobs and income for us all. And what for?

I have outlined how this proposition will have potentially extremely negative consequences for me. I would therefore be obliged if the proposer of this ill conceived idea, could tell me, and the rest of the community involved, of any positive effects that will result. I would suggest that there are none.

In addition, I do not understand how planning permission could be given to a greenfield site well outside the village planning envelope which has no main drainage or suitable facilities. [REDACTED]

Incidentally, please do not insult me by mouthing the oft heard platitude of "they've got to go somewhere", or simplistically labelling me a NIMBY.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

3rd October 2018

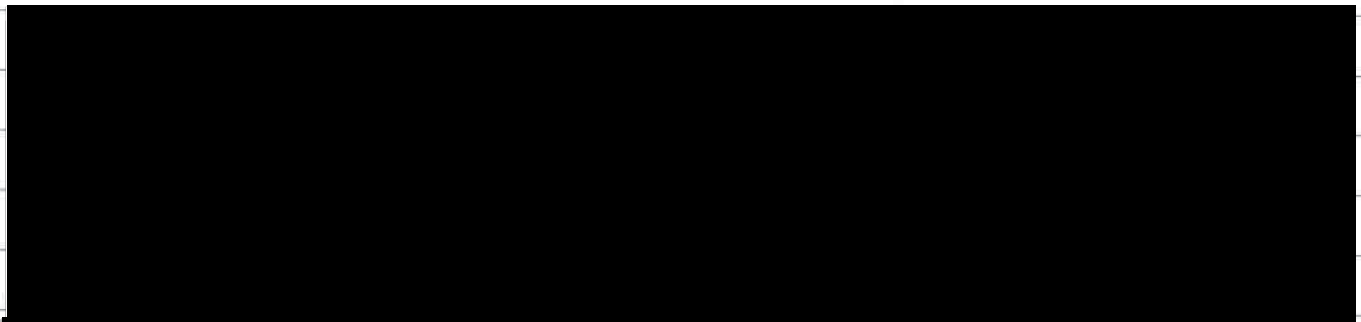
To: The Planning Policy Team
Lewes District Council
Southover House
Southover Road
LEWES BN7 1AB



Dear Sir/Madam

PROPOSED PERMANENT GYPSY & TRAVELLERS SITE IN PLUMPTON GREEN

I own the garage business which is directly next door to the proposed Gypsy & Travellers site in Plumpton Green.



I feel so strongly about the position this leaves me in that I will seriously consider terminating my business at its present site and moving away.

I have spoken to other tenants at The Old Brickworks who also have viable businesses there. They have voiced similar concerns, and intend to move their business elsewhere in the event of the close proximity to a Travellers encampment. If all the businesses at The Old Brickworks are ended, this will obviously have a detrimental effect to the local economy with a loss of jobs and income for us all. And what for?

Continued/....

I have outlined how this proposition will have potentially extremely negative consequences for me. I would therefore be obliged if the proposer of this ill conceived idea, could tell me, and the rest of the community involved, of any positive effects that will result. I would suggest that there are none.

In addition, I do not understand how planning permission could be given to a greenfield site well outside the village planning envelope which has no main drainage or suitable facilities.

Incidentally, please do not insult me by mouthing the oft heard platitude of "they've got to go somewhere", or simplistically labelling me a NIMBY.

Yours faithfully

Russell Wheatland
RW Motor Engineering
Unit 1
The Old Brickworks
Station Road
Plumpton Green
BN7 3DF

Representation ID: REP/469/GT01Representor Details:

Representor ID:	REP/469
Name:	Graham Whittaker
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective
Representation:	
With regard to Policy GT01 this site is ill considered for the following reasons:- 'It is in a village environment with one shop, one primary school, both of which are about	

1 mile away

'leading onto a road with a national speed limit of 60mph where driving has been under the spotlight locally for many years, with exceedingly fast driving, both before and after a busy junction some 500 metres away. There are no pavements leading to either the village or nearest bus stops, where buses are only every hour, assuming they survive any further council cuts. A site closer to a town with more suitable transport communications to shops and a selection of schools would be far more appropriate.

'The proposed site is adjacent to a business park of some 21 units employing approx. 50 people, some of whom are local, and most if not all of these businesses have indicated they will relocate if the site goes ahead, [REDACTED]

[REDACTED] By these businesses relocating local jobs could be lost and business rates would decline as it is doubtful that other businesses would take over the premises.

'Plumpton has only recently completed it's Neighbourhood Plan which was agreed by Lewes District Council and there was no indication from LDC that this site was being proposed during the Plan process, which must be regarded as ill-considered on the part of LDC, who were kept involved at all steps along the way.

What changes do you suggest to make the document legally compliant or sound?

The location of the site needs to be looked at from the site occupants point of view, so that they have easy and safe access to all amenities, schools and a viable and reliable transport hub. It is totally unsuitable for a small village location with hardly any amenities. It also needs to be located in an area where it can be easily managed by the local authority whose responsibility it is to service and police such sites.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/470/E1Representor Details:

Representor ID:	REP/470
Name:	Jo Wightman
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified Not Effective Not Consistent with national policy
Representation:	<p>I am writing because I am concerned that developing Tide Mills is based purely for profit with no regard to the environment and that it will degrade and destroy yet more of our precious coastline. Also, what will happen to the purple sandpiper's</p>

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	No
--	-----------

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/471/BH01
--

Representor Details:

Representor ID:	REP/471
Name:	John Wigzell
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	BH01 - Land at The Nuggets, Valebridge Road
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified
Representation: The plan states "2.43 Spatial Policy 2 of the Local Plan Part 1 sets the requirement for a minimum of 100 net additional dwellings to be provided within the area of Edge of Burgess Hill (within Wivelsfield Parish). Wivelsfield Parish Council has a 'made' neighbourhood plan which allocates housing only for the settlement of Wivelsfield	

Green. It is therefore necessary for LPP2 to identify sites for the edge of Burgess Hill."

'This is not correct. The Wivelsfield Parish Council has a 'made' neighbourhood plan that covers the whole of the parish of Wivelsfield. It is not restricted to Wivelsfield Green, but covers the whole parish. As evidence, it includes the following: "1.3 The Wivelsfield Parish Council (WPC) applied for the whole of the area covering the Parish to be designated as the Neighbourhood Area. This application was approved on 17 July 2013 by the local planning authority, Lewes District Council (LDC), for the purpose of enabling Wivelsfield to prepare the Wivelsfield Parish Neighbourhood Plan (WNP). The Plan A below shows the boundary of the designated Neighbourhood Area." [The plan (Plan A) includes the area described above as 'the area of Edge of Burgess Hill (within Wivelsfield Parish)].

'Please also bear in mind that at the time the Wivelsfield Parish neighbourhood plan was made, the prevailing local plan was the 2013 version, and therefore it did not take account of the 2018 SHELAAH, prepared subsequently to the Wivelsfield Ineighbourhood plan being made.

What changes do you suggest to make the document legally compliant or sound?

Recognise that the Wivelsfield neighbourhood plan covers the whole of the parish, takes no account of the planned housing on the Edge of Burgess Hill, and that this housing proposal is entirely inconsistent with the neighbourhood plan.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/472/E1Representor Details:

Representor ID:	REP/472
Name:	Jane Wilde
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Effective
Representation: are the custodian of our local environment and this is our opportunity to try and save our coastline and the western end of Seaford Bay for future generations. I wish to let Lewes District Council know just how much our local environment, our	

coastline and Tide Mills is valued.

We must save what will be left of Tide Mills after the harbour expansion works currently under way to the south of the harbour towards the East Arm and the East Sussex County Council plan for the Road and Bridge over the Railway Line and Mill Creek and onto Tide Mills. Any further loss of land at Tide Mills would have a catastrophic effect on the western end of Seaford Bay and must be resisted.

What changes do you suggest to make the document legally compliant or sound?

Include a public consultation

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

Because this is a incredibly important historic site

Representation ID: REP/473/GT01Representor Details:

Representor ID:	REP/473
Name:	Claire Williams
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Effective Not Consistent with national policy
Representation:	<p>This policy conflicts with many policies in the Plumpton Neighbourhood plan where this site was considered and rejected for standard housing as it was not developable to sustainable. Lewes District Council provided this advice when the neighbourhood plan</p>

was being constructed. The site is still not developable as there has been no agreement reached with the land owner and it is not sustainable given its distance from local amenities and no footpath on an unlit main road with a national speed limit. There is mention of a bus service to allow transport into the village but this is at best a two hourly service and is hardly practical to visit the local shop for a pint of milk. If the site is allowed for a travellers site then this can only be viewed as discrimination given it was not acceptable for standard housing.

'The proposal is outside of the planning boundary, and therefore not with in Plumpton Parish Neighbourhood Plan policy 1

'It conflicts with policy 2 of the plan - new build environment as it is completely out of character with the rural nature of the site

'It conflicts with policy 5 - New Housing in that it is a site that is not allocated for housing within the plan

'It conflicts with policy 6 — Local employment where the site proposed is adjacent to a light industrial estate with c20 businesses and 50 employees and a number of businesses have indicated they will have to move if the site proposed is approved

'I therefore believe that site GT01 does not adequately address the wider responsibility of the PPTS under policy B Planning for Travellers site (13) to 'ensure that travellers sites are sustainable economically.

What changes do you suggest to make the document legally compliant or sound?

site GT01 is removed from the document

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/474/GT01Representor Details:

Representor ID:	REP/474
Name:	Dominic Williams
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Justified Not Effective
Representation: This site should not be allocated in the plan as it is outside of the made Plumpton Neighbourhood Plan where this side was deemed unsuitable for standard residential housing as it was not deliverable or sustainable. A permanent travellers site should not be treated differently. It is a greenfield site in a rural location and will damage the character of the village as determined in the Neighbourhood Plan and fails to preserve	

open space. Additionally there is no suitable access by foot as there is no pavement in an until road that is a considerable distance from local amenities, shop, train station, recreation ground etc.making journeys by foot unsafe. No agreement has been reached with the landowner therefore the site is not deliverable and should not be included in Lewes District Plan Part 2: site allocations and development

What changes do you suggest to make the document legally compliant or sound?

The site should be removed from the plan

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/475/E1Representor Details:

Representor ID:	REP/475
Name:	Tia Williams
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation:	
I'm not sure if this is where I note that I would like to register my vote of unwillingness to support the development of tide mills. This is an important and beautiful area for wildlife, a wonderful area to walk and it would be an awful thing to develop it.	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/476/E1

Representor Details:

Representor ID:	REP/476
Name:	Faye Willis
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Having spent many summers (since my own childhood over some 40+ years) visiting beautiful tidesmills from neighbouring Lewes with my family, I strongly object to the proposed E1 development. My grounds for objecting are that it will add more traffic to an already overloaded area, destroy the wildlife habitats there and not add any positives to this area at all. It is short sighted of LDC to continue to allow further destruction of Newhaven, with its strangled non existent town, its heavy traffic problems and increased accident risks, as well as taking away a stretch of industry-free shoreline. Would it not be more wise to invest in saving the area in its current state and perhaps instead focus on the poor dead town centre and dealing with the existing traffic problems around Newhaven, towards both Seaford and Peacehaven? LDC seems hell bent on the</p>

continued ruin of Newhaven and I am shocked tidemills is not embraced as an area of historical and natural interest with the focus on its preservation, rather than destruction.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Faye Willis [REDACTED]
Sent: 02 November 2018 17:23
To: ldf
Subject: E1 tidesmills

Categories: LPP2 comment to code - stakeholder details have been added

Dear planners

Having spent many summers (since my own childhood over some 40+ years) visiting beautiful tidesmills from neighbouring Lewes with my family, I strongly object to the proposed E1 development. My grounds for objecting are that it will add more traffic to an already overloaded area, destroy the wildlife habitats there and not add any positives to this area at all. It is short sighted of LDC to continue to allow further destruction of Newhaven, with its strangled non existent town, its heavy traffic problems and increased accident risks, as well as taking away a stretch of industry-free shoreline. Would it not be more wise to invest in saving the area in its current state and perhaps instead focus on the poor dead town centre and dealing with the existing traffic problems around Newhaven, towards both Seaford and Peacehaven? LDC seems hell bent on the continued ruin of Newhaven and I am shocked tidesmills is not embraced as an area of historical and natural interest with the focus on its preservation, rather than destruction.

Faye willis

Representation ID: REP/477/GT01
--

Representor Details:

Representor ID:	REP/477
Name:	thomas wilson
Organisation:	Koop Ltd
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation:	

The old brickworks is a very open industrial estate with soft boundaries and [REDACTED]

Being an open estate it is also a very pleasant place to work with a friendly and open atmosphere, over the last 14 years we have made the old brickworks our home and invested lots of time and money into the local area which, we feel would be jeopardised by housing a gypsy and traveller site in the adjacent field.

Other obvious general concerns to note are the lack of services to the field.

Lack of sewage facilities

Access is often flooded in the winter

Distance from the local school along a 60mph road with no footpath seems extremely hazardous and completely lacks safe pedestrian access, as residents must walk along a national speed limit minor road to reach the village.

We are also aware of the impact on the natural environment as this is a greenfield site with varied habitat living there, so building a toilet complex and parking facilities will have a serious impact.

To summarise, this seems a totally inappropriate site for and accommodation particularly ill suited towards the Gypsy's and Travellers and in our opinion needs careful reconsideration.

If this passes and you go ahead with the site, regrettably we would end up leaving the old brickworks- Currently we spend Around £300 a month in the local village shop, we also use the Plough and the Fountain for business meetings and employ people from the neighbouring area who may not be able to travel to a new workshop site due to distance.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/478/GT01/ARepresentor Details:

Representor ID:	REP/478
Name:	Graham Wimhurst
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I have been a resident of Plumpton Green for 30 years during which time it has inevitably grown from a small village to a much larger community. Unfortunately during this time the infrastructure has not expanded and with many families now having three or more cars the one road through the village, Station Road, becomes very congested at times. With the proposed new developments outlined in the Village plan this situation can only get worse.</p> <p>To add a travellers site to the mix will only exacerbate matters further. I recall from my time working for East Sussex County Council that the most successful travellers sites, such as the one on the outskirts of Lewes, are located well away from the local</p>	

community. I strongly advise against these proposals and suggest another site should be sought out. There are of course many green and brown field sites on the periphery of Plumpton/Green.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/478/GT01/BRepresentor Details:

Representor ID:	REP/478
Name:	Graham Wimhurst
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: As a long time resident of Plumpton Green, thirty years, I am writing to object to the proposed gypsy site adjacent to The Plough Pub. This is a greenfield site and should be retained as such. Any development of the site does not take into account the lack of infrastructure, no adjacent pedestrian access to the village and would impact the local economy as the 21 businesses at The Old Brickworks site would relocate and this would have a knock on effect on the village shop.. I urge you to find a more suitable location.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Graham Wimhurst <[REDACTED]>
Sent: 24 September 2018 12:00
To: ldf
Subject: Proposed Gypsy and Travellers site in Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

Dear Sirs.

I have been a resident of Plumpton Green for 30 years during which time it has inevitably grown from a small village to a much larger community. Unfortunately during this time the infrastructure has not expanded and with many families now having three or more cars the one road through the village, Station Road, becomes very congested at times. With the proposed new developments outlined in the Village plan this situation can only get worse.

To add a travellers site to the mix will only exacerbate matters further. I recall from my time working for East Sussex County Council that the most successful travellers sites, such as the one on the outskirts of Lewes, are located well away from the local community. I strongly advise against these proposals and suggest another site should be sought out. There are of course many green and brown field sites on the periphery of Plumpton/Green.

Yours faithfully.
G. W. Wimhurst.

Hodgson, Lilly

From: Graham Wimhurst [REDACTED]
Sent: 25 October 2018 14:29
To: ldf
Subject: Proposed Gypsy Site in Plumpton Green

Categories: LPP2 comment to code - stakeholder details have been added

Sirs.

As a long time resident of Plumpton Green, thirty years, I am writing to object to the proposed gypsy site adjacent to The Plough Pub. This is a greenfield site and should be retained as such. Any development of the site does not take into account the lack of infrastructure, no adjacent pedestrian access to the village and would impact the local economy as the 21 businesses at The Old Brickworks site would relocate and this would have a knock on effect on the village shop..

I urge you to find a more suitable location.

Yours.

Graham Wimhurst.

Representation ID: REP/479/E1Representor Details:

Representor ID:	REP/479
Name:	Helen Winters
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: I'm emailing to express my dismay at this development at Tidemills. It will mean the loss of the nature reserve, the loss of a community amenity; it is neither 'green nor clean', and won't even bring jobs (Brett Aggregates reckon only about 30 jobs). The impact on the local environment will be HUGE, including new piers for docking, sea defences to make it safer for the boats that will be waiting for the tide, huge elevated escalator tracking for moving aggregate, an overpass for lorries costing over £20 million.	
What changes do you suggest to make the document legally compliant or sound?	

Do you consider it necessary to participate at the Examination in Public?
Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Helen Winters [REDACTED]
Sent: 05 November 2018 11:46
To: ldf
Subject: Planning reference E1

Categories: Vanessa to deal with

To whom it may concern:

I'm emailing to express my dismay at this development at Tidemills. It will mean the loss of the nature reserve, the loss of a community amenity; it is neither 'green nor clean', and won't even bring jobs (Brett Aggregates reckon only about 30 jobs). The impact on the local environment will be HUGE, including new piers for docking, sea defences to make it safer for the boats that will be waiting for the tide, huge elevated escalator tracking for moving aggregate, an overpass for lorries costing over £20 million.

Best wishes.

Helen Winters

Representation ID: REP/480/E1Representor Details:

Representor ID:	REP/480
Name:	Gaye Wolfson
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I am writing against the development for industrial use of the Tide Mills beach.</p> <p>The recent decisions to put a concrete plant and other activities on this site is short sighted and irresponsible.</p> <p>The area is starting to see progress and all along the beach to Seaford communities are improving the look and use of the coastal area .</p> <p>Marine life is present with fish , seals and healthy water . The E1 policy should be changed and the area should be protected not industrialised .</p> <p>This stretch of coast is an asset and should not be missed used. Please can we see</p>	

some long term vision and some real stewardship of our local area . We need a move away from support of businesses who go through the motions and somehow manage to gain council support before there is authentic consultation .

Do the right thing and say no to this company how ever much you are or have been promised.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: gaye wolfson [REDACTED]
Sent: 04 November 2018 18:29
To: ldf
Subject: Tide mills

Categories: LPP2 comment to code - stakeholder details have been added

To whom it concerns

I am writing against the development for industrial use of the Tide Mills beach.

The recent decisions to put a concrete plant and other activities on this site is short sighted and irresponsible.

The area is starting to see progress and all along the beach to Seaford communities are improving the look and use of the coastal area .

Marine life is present with fish , seals and healthy water . The E1 policy should be changed and the area should be protected not industrialised .

This stretch of coast is an asset and should not be missed used. Please can we see some long term vision and some real stewardship of our local area . We need a move away from support of businesses who go through the motions and somehow manage to gain council support before there is authentic consultation .

Do the right thing and say no to this company how ever much you are or have been promised.

GAYE WOLFSON

Representation ID: REP/481/GT01Representor Details:

Representor ID:	REP/481
Name:	Michael Wood
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I have owned a house in Plumpton Green for nearly 35 years. I am concerned about the Lewes District Council's plan, in conjunction with East Sussex County Council planners, to site a new Gypsy and Travellers site on a greenfield site to the North of the Old Brickworks industrial unit for the following reasons:</p> <p>1. The proposed site sits well outside the current village envelope, which has been an issue for LDC with a number of possible housing sites which had been considered under the new Plumpton plan. Why is it now considered permissible by LDF to breach the guidelines for a Gypsy and Traveller site but not for the parish council to propose to do</p>	

so for ordinary housing?

2. the site is a greenfield one with no local infrastructure, such as a footpath. Moreover, it is a further 600 metres plus beyond the current village boundary and, therefore, even further from the station and shops than any proposed northern village housing site.

3. I find it very hard to believe that in such a geographically large county as East Sussex this is the only possible place, as the East Sussex officials told us at the village meeting, to put a Gypsy and Traveller site. Offham already has one. The South Downs National Park has apparently to find locations for a number. Why is another such site to be placed here and not somewhere else, particularly on a brownfield site, in a different general location, rather than concentrating them in the same area of the county?

4. I take exception to remarks made by at least one of the council officials to the effect that were the village not to agree to this proposal then our village plan might be put at risk. This smacked to me of something akin to blackmail.

5. Village development is meant to enhance opportunities for local businesses. The Oldbrickworks Unit current tenants appear to be very concerned about the proposal and may well terminate their leases if it goes ahead, causing damage to the village economy. For all the above reasons, I object to the proposal.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: Michael Wood [REDACTED]
Sent: 05 November 2018 16:18
To: ldf
Subject: Proposed Gypsy and Traveller site at Plumpton Green

Categories: GT01, Vanessa to deal with

To whom it may concern,

I have owned a house in Plumpton Green for nearly 35 years. I am concerned about the Lewes District Council's plan, in conjunction with East Sussex County Council planners, to site a new Gypsy and Travellers site on a greenfield site to the North of the Old Brickworks industrial unit for the following reasons:

1. The proposed site sits well outside the current village envelope, which has been an issue for LDC with a number of possible housing sites which had been considered under the new Plumpton plan. Why is it now considered permissible by LDF to breach the guidelines for a Gypsy and Traveller site but not for the parish council to propose to do so for ordinary housing?
2. the site is a greenfield one with no local infrastructure, such as a footpath. Moreover, it is a further 600 metres plus beyond the current village boundary and, therefore, even further from the station and shops than any proposed northern village housing site.
3. I find it very hard to believe that in such a geographically large county as East Sussex this is the only possible place, as the East Sussex officials told us at the village meeting, to put a Gypsy and Traveller site. Offham already has one. The South Downs National Park has apparently to find locations for a number. Why is another such site to be placed here and not somewhere else, particularly on a brownfield site, in a different general location, rather than concentrating them in the same area of the county?
4. I take exception to remarks made by at least one of the council officials to the effect that were the village not to agree to this proposal then our village plan might be put at risk. This smacked to me of something akin to blackmail.
5. Village development is meant to enhance opportunities for local businesses. The Oldbrickworks Unit current tenants appear to be very concerned about the proposal and may well terminate their leases if it goes ahead, causing damage to the village economy.

For all the above reasons, I object to the proposal.

yours sincerely,
Michael Wood,
[REDACTED]
[REDACTED]

Representation ID: REP/482/GT01Representor Details:

Representor ID:	REP/482
Name:	Wendy Wood
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>As a resident of Plumpton Green for almost 35 years, I find this proposal rather worrying for the following reasons:</p> <p>1) The preparation of our Neighbourhood Plan took years and has, thankfully, been recently passed. I find it extraordinary that this traveller site proposal should only now come to light. This cannot be a "last minute" idea. Why was it not raised some time ago?</p> <p>2) The Lewes District official who attended the Parish Council meeting on 09/10/2018 implied, in an answer to a question from the floor, that should this proposal be turned</p>	

down by the village, then the Neighbourhood Plan could be in jeopardy. This sounds like thinly veiled blackmail!

3) The site is greenfield, so neither infill nor brown field, which were major considerations for the Plan.

4) There is currently no infrastructure to support pedestrians and with the distant from the village shop, residents of the site will drive into the village. Thus adding to traffic congestion which is only going to deteriorate as the Plan developments are completed.

Thank you for your consideration in this matter.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Hodgson, Lilly

From: Mike and Wendy [REDACTED]
Sent: 05 November 2018 11:31
To: ldf
Subject: RE: Plumpton Traveller Site Proposal

Categories: GT01, Vanessa to deal with

To whom it may concern:

As a resident of Plumpton Green for almost 35 years, I find this proposal rather worrying for the following reasons:

- 1) The preparation of our Neighbourhood Plan took years and has, thankfully, been recently passed. I find it extraordinary that this traveller site proposal should only now come to light. This cannot be a "last minute" idea. Why was it not raised some time ago?
- 2) The Lewes District official who attended the Parish Council meeting on 09/10/2018 implied, in an answer to a question from the floor, that should this proposal be turned down by the village, then the Neighbourhood Plan could be in jeopardy. This sounds like thinly veiled blackmail!
- 3) The site is greenfield, so neither infill nor brown field, which were major considerations for the Plan.
- 4) There is currently no infrastructure to support pedestrians and with the distant from the village shop, residents of the site will drive into the village. Thus adding to traffic congestion which is only going to deteriorate as the Plan developments are completed.

Thank you for your consideration in this matter.

Yours sincerely,

Wendy Wood (Mrs.)

[REDACTED]

Representation ID: REP/483/E1

Representor Details:

Representor ID:	REP/483
Name:	Kay Woolner
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>Site E1 is within an area designated as being a Site of Conservation Importance, containing rare variegated shingle beach and adjacent to the South Downs National Park, all of which are indicators of environmental significance and to be protected from industrial development. In the light of recent international surveys (1) (2) (3) (4) which cite the impending catastrophic consequences for the natural (and therefore human) environment as a result of human activity, it seems irrational, irrelevant and perverse to persist in developing this gradually dwindling area of Conservation Importance for short term and limited industrial gain.</p> <p>The new road leading from Halfords towards the site E1 and the shingle beach has been</p>

made ready for commercial/industrial/retail activity since before I moved here 4 years ago. However, the uptake of opportunity on that land is non-existent and the land remains denuded and empty. Industrial units recently erected near the sewage works also remain empty and un-used but have been added to by another building of hangar-like proportions. The lack of occupancy in these buildings in itself raises doubts about the business case for further development of land which is environmentally significant given that the prepared sites are obviously hard to let.

A significant financial contribution of £23,000,000 from ESCC (and further government funding attached to it) for the construction of a flyover, has been criticised as having little economic benefit to the town of Newhaven, economic or otherwise. It appears, in effect, to be a public subsidy which will serve the interests of a private business (Brett Aggregates) and do little if anything to alleviate congestion or improve air quality in an area which regularly exceeds limits for vehicle pollution (5). The rationale for this plan was determined at a time when we were blissfully unaware of the consequences of human industrial activity. We can no longer claim to be unaware.

Economic development in Newhaven must be relevant, rational and mindful of the future consequences as well as need. Proposed activity in E1 including the flyover should be halted immediately, considered for re-location to land which has already been spoiled and denuded through industrial activity and the available millions should be spent on projects which sustain life rather than degrade it.

* [https://www.eea.europa.eu/publications/climate-change-impacts-and-vulnerability-](https://www.eea.europa.eu/publications/climate-change-impacts-and-vulnerability-2016)

*

2016 http://www.sussex.ac.uk/geography/researchprojects/coastview/Policies_and_coastal_defence/Thorburn

* report.pdf [<https://www.eea.europa.eu/publications/climate-change-impacts-and-vulnerability-2016>] <https://saferenvironment.wordpress.com/>

* https://www.nature.com/articles/d41586-018-07250-y?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nature%2Frs%2Fcurrent+%28Nature+-+Issue%29&utm_content=Yahoo+Search+Results

*

https://www.theargus.co.uk/news/16147614.Campaigners_call_planned__23_million_Newhaven_Port_access_road__waste_of_money_/

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

From: kay woolner [REDACTED]
Sent: 05 November 2018 11:31
To: ldf; joanna.glyde@southdowns.gov.uk; michael.gove.mp@parliament.uk; sj@sajidjavid.com
Subject: Objection to Local District Plan E1. Newhaven Tidemills East Sussex
Categories: Vanessa to deal with

Dear Councillors, Joanna Glyde and Right Honourable Members.

Site E1 is within an area designated as being a Site of Conservation Importance, containing rare variegated shingle beach and adjacent to the South Downs National Park, all of which are indicators of environmental significance and to be protected from industrial development. In the light of recent international surveys (1) (2) (3) (4) which cite the impending catastrophic consequences for the natural (and therefore human) environment as a result of human activity, it seems irrational, irrelevant and perverse to persist in developing this gradually dwindling area of Conservation Importance for short term and limited industrial gain.

The new road leading from Halfords towards the site E1 and the shingle beach has been made ready for commercial/industrial/retail activity since before I moved here 4 years ago. However, the uptake of opportunity on that land is non-existent and the land remains denuded and empty. Industrial units recently erected near the sewage works also remain empty and un-used but have been added to by another building of hangar-like proportions. The lack of occupancy in these buildings in itself raises doubts about the business case for further development of land which is environmentally significant given that the prepared sites are obviously hard to let.

A significant financial contribution of £23,000,000 from ESCC (and further government funding attached to it) for the construction of a flyover, has been criticised as having little economic benefit to the town of Newhaven, economic or otherwise. It appears, in effect, to be a public subsidy which will serve the interests of a private business (Brett Aggregates) and do little if anything to alleviate congestion or improve air quality in an area which regularly exceeds limits for vehicle pollution (5). The rationale for this plan was determined at a time when we were blissfully unaware of the consequences of human industrial activity. We can no longer claim to be unaware.

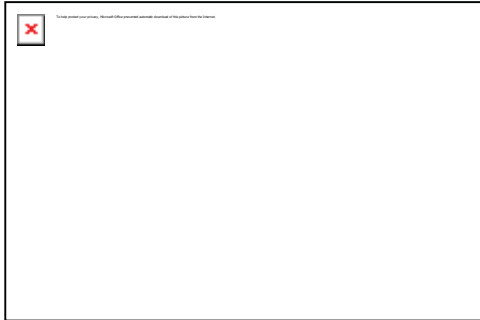
Economic development in Newhaven must be relevant, rational and mindful of the future consequences as well as need. Proposed activity in E1 including the flyover should be halted immediately, considered for re-location to land which has already been spoiled and denuded through industrial activity and the available millions should be spent on projects which sustain life rather than degrade it.

Respectfully yours.

Kay Woolner.

1. <https://www.eea.europa.eu/publications/climate-change-impacts-and-vulnerability->

2. [http://www.sussex.ac.uk/geography/researchprojects/coastview/Policies and coastal defence/Thorburn](http://www.sussex.ac.uk/geography/researchprojects/coastview/Policies_and_coastal_defence/Thorburn)
3. <report.pdfhttps://saferenvironment.wordpress.com/>
4. https://www.nature.com/articles/d41586-018-07250-y?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+nature%2Frss%2Fcurent+%28Nature+-+Issue%29&utm_content=Yahoo+Search+Results
5. [https://www.theargus.co.uk/news/16147614.Campaigners call planned 23 million Newhaven Port access road waste of money /](https://www.theargus.co.uk/news/16147614.Campaigners_call_planned_23_million_Newhaven_Port_access_road_waste_of_money/)



Campaigners call planned £23 million Newhaven Port access

...

Community Action Newhaven has launched a social media campaign with the hashtag #CleanGreenNewhaven to raise awareness about the scheme and force the council into consulting with the community.

www.theargus.co.uk

6.



Daily Briefing: Within two years, we must commit to saving the web of life

We are at a decisive moment to halt wildlife losses. Plus: discover the burgeoning science of mood forecasting.

www.nature.com

Representation ID: REP/484/E1Representor Details:

Representor ID:	REP/484
Name:	Irene Woolway
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No
	Not Justified
Representation:	
I am against any development east of the Port Access Road and Bridge onto Tide Mills once these are built. I understand that both Seaford Town Council & Newhaven Town	

Council (as well as other organisations) also oppose any development & wish to protect this undeveloped & important area of countryside.

What changes do you suggest to make the document legally compliant or sound?

I believe that Lewes District Council should amend the document to support the views of the residents of Seaford & Newhaven & both Town Councils.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/485/E1Representor Details:

Representor ID:	REP/485
Name:	William Wyndham
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
<p>I am writing to express my opposition to the grossly disruptive 'developments' proposed at Tide Mills.</p> <p>I have grown up in the area, using the beach to swim, walk, and enjoy the fresh air for my entire life.</p> <p>Over the years I have seen our town and valley dumped upon mercilessly time and time again, from the unforgivable town planning in the 60s and 70s to the landfill site on Itford hill in the 90s, through to the incinerator, and now this.</p> <p>It seems evident that Newhaven and the Ouse Valley were earmarked as East Sussex's</p>	

dumping ground decades ago.

Any reasonable attempt at fighting for any cause in this area is doomed to failure, and I am holding out no hope this time either.

If there was a real vested interest in the future sustainability of this town, its natural assets (the beaches, Tide Mills, the natural habitats) would be invested in to flourish and become lucrative attractions, not locked up and built on, as is happening now.

Any argument for the creation of jobs is moot. To sacrifice one of the towns few assets for the creation of 30 or so jobs, makes absolutely no sense whatsoever. Far less damaging enterprises could be created in the area to profit off its already natural beauty.

Once this damage is done, there is no turning back.

The Council vampires already have their fangs sharpened and poised to suck more life out of this failing town, the Whipping Boy of East Sussex.

One of the last shining lights of Newhaven will be extinguished forever.

It is clear someone is profiting off of these Joyless schemes, and it certainly isnt the townfolk.

Tide Mills ought to be celebrated as the Ouse Valley's nearest and dearest swimming beach, for the moneyed people of Lewes and beyond. It could be invested in, to create jobs around its unique arrangement as a place to bathe.

Turning it into a place of toxic industry will dash any hopes of a brighter future for this special part of coast, and it's populace whom have been failed by our Council time and time again. This area needs salvation, answers and a sense of true progress. Not This.

Please do not allow this to happen.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Thea Davis

From: Wilby Wyndham [REDACTED] >
Sent: 05 November 2018 14:29
To: ldf
Subject: Tide Mills Beach Development.

Categories: Vanessa to deal with

To whom it may concern,

I am writing to express my opposition to the grossly disruptive 'developments' proposed at Tide Mills.

I have grown up in the area, using the beach to swim, walk, and enjoy the fresh air for my entire life. Over the years I have seen our town and valley dumped upon mercilessly time and time again, from the unforgivable town planning in the 60s and 70s to the landfill site on Itford hill in the 90s, through to the incinerator, and now this.

It seems evident that Newhaven and the Ouse Valley were earmarked as East Sussex's dumping ground decades ago.

Any reasonable attempt at fighting for any cause in this area is doomed to failure, and I am holding out no hope this time either.

If there was a real vested interest in the future sustainability of this town, its natural assets (the beaches, Tide Mills, the natural habitats) would be invested in to flourish and become lucrative attractions, not locked up and built on, as is happening now.

Any argument for the creation of jobs is moot. To sacrifice one of the towns few assets for the creation of 30 or so jobs, makes absolutely no sense whatsoever. Far less damaging enterprises could be created in the area to profit off its already natural beauty.

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One of the last shining lights of Newhaven will be extinguished forever.

It is clear someone is profiting off of these Joyless schemes, and it certainly isnt the townfolk. Tide Mills ought to be celebrated as the Ouse Valley's nearest and dearest swimming beach, for the moneyed people of Lewes and beyond. It could be invested in, to create jobs around its unique arrangement as a place to bathe.

Turning it into a place of toxic industry will dash any hopes of a brighter future for this special part of coast, and it's populace whom have been failed by our Council time and time again. This area needs salvation, answers and a sense of true progress. Not This.

Please do not allow this to happen.

Very sincerely,

William Wyndham and family.

Representation ID: REP/486/E1Representor Details:

Representor ID:	REP/486
Name:	
Organisation:	Newhaven Port and Properties Ltd
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	Daniel Frisby
Organisation:	DMH Stallard LLP

Contact Details:

Email Address:	
Address:	Administration Office East Quay Newhaven BN9 0BN

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	Yes
Representation:	<p>It is considered that the allocation of land at East Quay is legally compliant, sound and consistent with national planning policy. Newhaven Port is a strategic asset within Lewes District, making the most of opportunities presented by the Port should be seen as vital to its long term viability and the economic regeneration of Newhaven.</p> <p>The National Planning Policy Framework (NPPF), Paragraph 11, sets out a presumption in favour of sustainable development that for plan-making means that; plans should</p>

positively seek opportunities to meet the development needs of their area; and strategic policies should, as a minimum, provide for the areas objectively assessed needs, as well as any need that cannot be met within neighbouring areas.

Paragraph 80 places significant weight on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths and counter any weaknesses. Paragraph 81 states that policies should identify strategic sites and be flexible enough to accommodate needs not anticipated in the Plan.

It is considered necessary that additional land is allocated at Newhaven Port to support economic growth and to make the most of opportunities for development taking into account the investments being made to deliver the Port Access Road and designation of the Enterprise Zone. Newhaven Port should be seen as a key asset to provide jobs and regeneration within Newhaven.

In this respect the allocation of additional land for development at Newhaven Port is wholly consistent with National Policy in terms of building on a strategic strength of Newhaven and providing additional employment land to help boost regeneration.

Newhaven Port is currently too reliant on continuation of the DFDS Ferry Service in terms of its overall viability and it is critical that opportunities are taken in order to improve its resilience should income from the ferry service decline. The release of additional employment land at Newhaven Port will help to counter this weakness.

Whilst it is acknowledged that the most up-to-date Employment Land Review does not identify the need for significant new areas of employment land within Lewes and Newhaven the approach taken by the NPPF is that policies should as a minimum provide for the areas needs and in addition accommodate needs that cannot be met in neighbouring areas.

It should be acknowledged that Brighton and Hove City Council have a significant shortfall in their ability to meet employment needs. Therefore it is considered appropriate and necessary for additional employment land to be made available in Lewes to assist with shortfalls of suitable employment land in adjoining Districts, land at East Quay will make a significant contribution towards meeting this need.

The proposed allocation is therefore considered to be sound and legally compliant and will help to ensure the delivery of sustainable development within Newhaven.

What changes do you suggest to make the document legally compliant or sound?

No changes are considered to be necessary.

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

Whilst we do not propose any change to the Policy we reserve the right to attend should any subsequent amendments be made that we have not been given the opportunity to

comment on, or alternatively should Lewes District Council wish Newhaven Port to provide evidence in support of the allocation.

Representation ID: REP/487/HPCRepresentor Details:

Representor ID:	REP/487
Name:	
Organisation:	Dominic Lawson Bespoke Planning
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	Harriet Swale
Organisation:	Welbeck Strategic Land LLP

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
A. PURPOSE OF THIS REPRESENTATION	
1. The purpose of this representation is to put forward an additional site for allocation in Ringmer to be included in the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies Pre-Submission Document (the Local Plan Part 2 document).	
2. This is being done in order to support the soundness of the Local Plan for Lewes.	
3. Based on the latest figures, the Council can only demonstrate 4.92 years of a five year housing land supply, and 2.00 years of a three year housing land supply, in the part of the District which lies outside the South Downs National Park which is the relevant	

area for the Local Plan Part 2 document.

4. This means that the Local Plan Part 2 document will fail to meet the "positively prepared" test of soundness set out in paragraph 182 bullet point 1 of the National Planning Policy Framework 2012 and paragraph 35a) of the National Planning Policy Framework 2018.

5. By allocating additional sites now, the prospects of having the Local Plan found sound at the Local Plan Examination will be enhanced significantly.

B. THE SITE

6. The site is farm land off Laughton Road, opposites Pilon Danes and Syringa, Laughton Road, East Sussex BN8 5NQ. The redline map of the site is attached as Appendix 1.

7. The southern part of the site is already allocated in the Ringmer Neighbourhood Plan for housing, as sites RES11 and RES25, which have been combined for practical planning purposes to achieve a coherent site layout (see Appendix 2).

8. This part of the site already has the benefit of a planning permission for the erection of 30 dwellings, including 12 affordable dwellings, approved on 2 November 2016 (ref; LW/15/0542).

9. It is therefore very likely that the northern part of the site will be capable of sustainable development, where any adverse impacts of the development would be significantly and demonstrable outweighed by the benefits of providing new homes, including affordable homes, in a District that cannot demonstrate either a three or five year housing land supply, and where the Neighbourhood Plan is more than two years old.

10. This means that by the time the Local Plan has been made, any planning application for this site will have to be considered against paragraph 11 of the National Planning Policy Framework 2018, which sets out the presumption in favour of sustainable development.

C. HOUSING LAND SUPPLY IN RINGMER

11. This section of the representation summarises the current housing land supply position in Ringmer Parish.

12. The total potential for new homes in Ringmer is currently capped at 385 new homes. This is based on a study of the capacity of the A26/B2192 junction (Earwig Corner) carried out by East Sussex County Council.

13. The current plans for the development of new homes in Ringmer stands at 215 as identified in policy SP2 of the Local Plan Part 1 (Planned Housing Growth). The Ringmer Neighbourhood Plan (2015) allocated 240 dwellings, but the Neighbourhood Plan is clear that this is not a minimum and "appropriate developments of 10 - 30 units will, depending on their location and design, often prove acceptable" (page 44).

14. 183 new homes have already been identified in the Neighbourhood Plan, and the Local Plan Part 2 document identifies the Caburn Field site for the provision of the

remaining 32 to meet the total of 215 set out in policy SP2. The enabling development for the release of this site for development, which requires the retrovision of the Ringmer FC pitch, is currently the subject of a planning application (Ref: LW/18/0808).

15. However, the Neighbourhood Plan is clear that 215 is not a maximum, and policy 6.3 states that developments that respect the village scales appropriate to Ringmer village or Broyleside will be permitted (page 44).

16. Our research shows that, of the maximum capacity of 385 new homes, 237 have already been either built, granted permission or are the subject of current planning applications.

17. This leaves a total of 148 dwellings to be provided.

D. CONCLUSION

18. As it stands, the Local Plan Part 2 document is not sound, as it is not positively prepared in that it does not "seek to meet objectively assessed development and infrastructure requirements" (National Planning Policy Framework, 2012, paragraph 182).

19. By extending the existing allocation of the farm land at Laughton Road northwards, a further 75 new homes can be included in the housing land supply calculation. It is likely that, given the scale of this development, these new homes will be delivered within five years, thus assisting the Council to demonstrate both a five and three year housing land supply and thereby approve a sound Local Plan.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?



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www.dominiclawson.co.uk

Regulation 19 Representation

Project: Land at Lower Lodge Farm, Ringmer, East Sussex, BN8 5NQ
Subject: Representation to the Lewes District Council Local Plan Part 2 Consultation
Date: November 2018
Client: Welbeck Strategic Land LLP

DLBP Ltd is registered in England & Wales at the above address, number 7229435.
VAT registration number 260 6370 18.

A. PURPOSE OF THIS REPRESENTATION

1. The purpose of this representation is to put forward an additional site for allocation in Ringmer to be included in the Lewes District Local Plan Part 2 Site Allocations and Development Management Policies Pre-Submission Document (the Local Plan Part 2 document).
2. This is being done in order to support the soundness of the Local Plan for Lewes.
3. Based on the latest figures, the Council can only demonstrate 4.92 years of a five year housing land supply, and 2.00 years of a three year housing land supply, in the part of the District which lies outside the South Downs National Park which is the relevant area for the Local Plan Part 2 document.
4. This means that the Local Plan Part 2 document will fail to meet the “positively prepared” test of soundness set out in paragraph 182 bullet point 1 of the National Planning Policy Framework 2012 and paragraph 35a) of the National Planning Policy Framework 2018.
5. By allocating additional sites now, the prospects of having the Local Plan found sound at the Local Plan Examination will be enhanced significantly.

B. THE SITE

6. The site is farm land off Laughton Road, opposites Pilon Danes and Syringa, Laughton Road, East Sussex BN8 5NQ. The redline map of the site is attached as **Appendix 1**.
7. The southern part of the site is already allocated in the Ringmer Neighbourhood Plan for housing, as sites RES11 and RES25, which have been combined for practical planning purposes to achieve a coherent site layout (see **Appendix 2**).
8. This part of the site already has the benefit of a planning permission for the erection of 30 dwellings, including 12 affordable dwellings, approved on 2 November 2016 (ref; LW/15/0542).
9. It is therefore very likely that the northern part of the site will be capable of sustainable development, where any adverse impacts of the development would be significantly and demonstrable outweighed by the benefits of providing new homes, including affordable homes, in a District that cannot demonstrate either a three or five year housing land supply, and where the Neighbourhood Plan is more than two years old.
10. This means that by the time the Local Plan has been made, any planning application for this site will have to be considered against paragraph 11 of the National Planning Policy Framework 2018, which sets out the presumption in favour of sustainable development.

C. HOUSING LAND SUPPLY IN RINGMER

11. This section of the representation summarises the current housing land supply position in Ringmer Parish.
12. The total potential for new homes in Ringmer is currently capped at 385 new homes. This is based on a study of the capacity of the A26/B2192 junction (Earwig Corner) carried out by East Sussex County Council.
13. The current plans for the development of new homes in Ringmer stands at 215 as identified in policy SP2 of the Local Plan Part 1 (Planned Housing Growth). The Ringmer Neighbourhood Plan (2015) allocated 240 dwellings, but the Neighbourhood Plan is clear that this is not a minimum and *“appropriate developments of 10 - 30 units will, depending on their location and design, often prove acceptable”* (page 44).
14. 183 new homes have already been identified in the Neighbourhood Plan, and the Local Plan Part 2 document identifies the Caburn Field site for the provision of the remaining 32 to meet the total of 215 set out in policy SP2. The enabling development for the release of this site for development, which requires the retrovision of the Ringmer FC pitch, is currently the subject of a planning application (Ref: LW/18/0808).
15. However, the Neighbourhood Plan is clear that 215 is not a maximum, and policy 6.3 states that developments that respect the village scales appropriate to Ringmer village or Broyleside will be permitted (page 44).
16. Our research shows that, of the maximum capacity of 385 new homes, 237 have already been either built, granted permission or are the subject of current planning applications.
17. This leaves a total of 148 dwellings to be provided.

D. CONCLUSION

18. As it stands, the Local Plan Part 2 document is not sound, as it is not positively prepared in that it does not *“seek to meet objectively assessed development and infrastructure requirements”* (National Planning Policy Framework, 2012, paragraph 182).
19. By extending the existing allocation of the farm land at Laughton Road northwards, a further 75 new homes can be included in the housing land supply calculation. It is likely that, given the scale of this development, these new homes will be delivered within five years, thus assisting the Council to demonstrate both a five and three year housing land supply and thereby approve a sound Local Plan.

Ends



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www.dominiclawson.co.uk

APPENDIX I

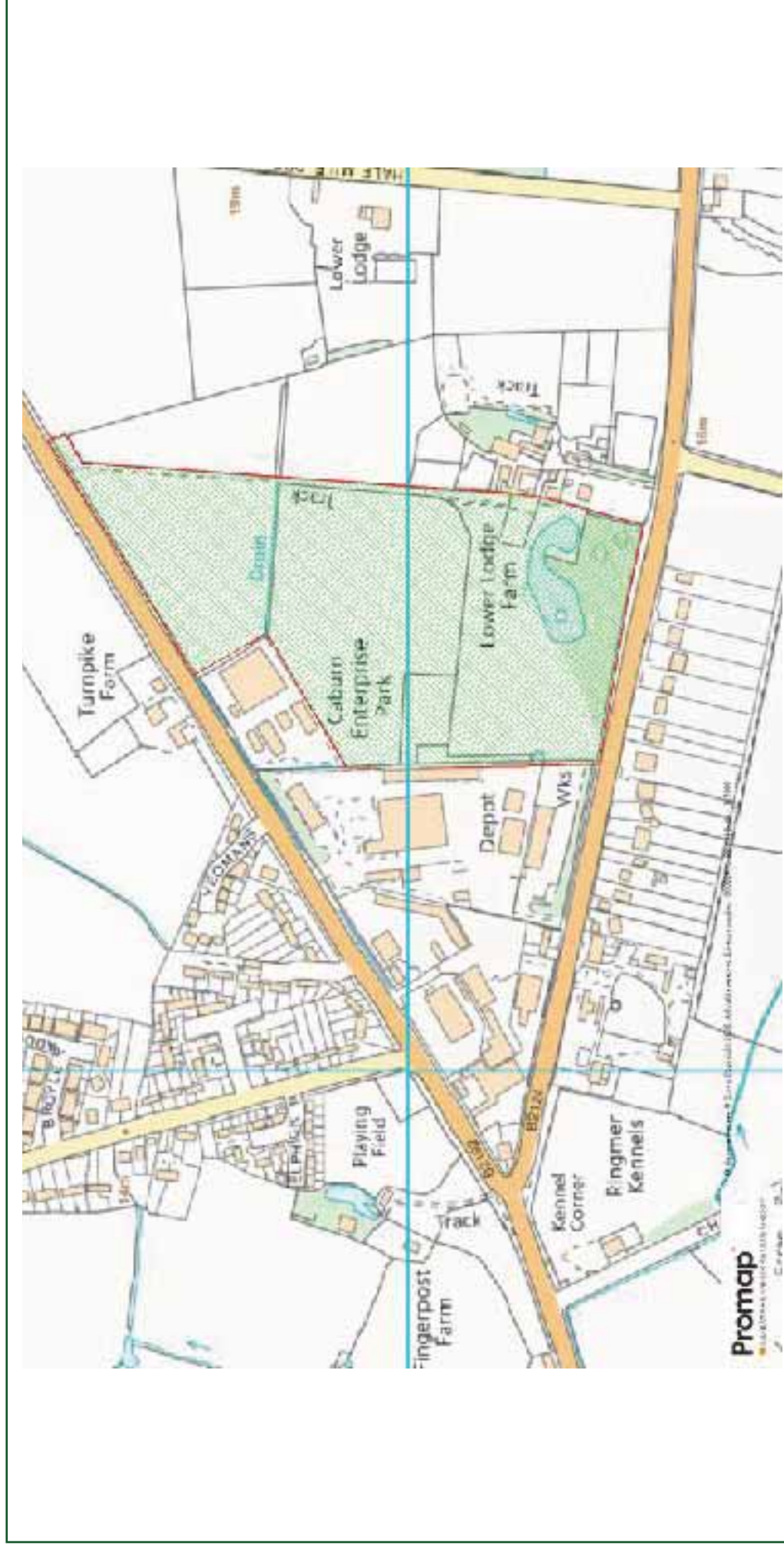
SITE BOUNDARY PLAN

Land at Lower Lodge Farm, Ringmer, East Sussex, BN8 5NQ

Client: Welbeck Strategic Land LLP

Date: November 2018

Scale NTS @ A4



I Gracechurch Street, London EC3V 0DD, UK T: +44 (0)20 3713 8500 E: contact@dominiclawson.co.uk www.dominiclawson.co.uk

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APPENDIX 2

Site RES11 Lower Lodge Farm



Site RES25 Lower Lodge Farm exception site



Representation ID: REP/488/HPCRepresentor Details:

Representor ID:	REP/488
Name:	
Organisation:	European Property Ventures
Consultation Body:	General
Stakeholder Type:	Developer/Landowner

Agent Details:

Name:	Tom Ryan
Organisation:	Claremont Planning

Contact Details:

Email Address:	tryan@claremontplanning.com
Address:	c/o Agent

Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
(See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	
Why do you feel it is necessary to participate at the Examination in Public?	



CLAREMONT

PLANNING CONSULTANCY

Strategic Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB



15 October 2018

Dear Sir/Madam

LEWES DISTRICT LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DPD - PRE-SUBMISSION VERSION

Claremont Planning are instructed on behalf of the landowner European Property Ventures (East Sussex) to make representations to the current consultation process. We enclose a site plan and a Landscape and Visual Feasibility Study produced by LUC (Land Use Consultants). It is our client's intention to promote the site as being suitable for residential development. Through this submission it is advanced that the site has potential to accommodate a sensitively designed housing development that will be in accordance with the strategic growth of Peacehaven to the east, whilst improving upon the functions and features of the South Downs National Park.

The Site

The site at Peacehaven is a 22.6 hectare/56 acre geometric shaped field on the north eastern edge of the settlement. The site is located on the southern boundary of the South Downs National Park within the Lewes District Council administrative boundary, as identified by the enclosed plans and Landscape and Visual Impact Assessment (LVIA). The site is currently used for growing cereal crops with restricted habitat potential and landscape contribution as a result. The site is immediately adjacent to the existing settlement of Peacehaven and its development would result in a natural extension to the existing urban form that would also correspond with recent site allocations. In order to ensure adequate landscaping and open space provision the actual developable area is likely to be in the region of 14ha/35 acres with the remaining area given over to landscaping and public open space that will help to enhance the local landscape and better provide the functions of a national park designation.

The Adopted Local Plan allocated site SP8 to the south of the promoted area is referred to in the emerging Local Plan as 'Lower Hoddern Farm' and allocated for 450 dwellings, recognising the suitability of expanding the settlement to the east on greenfield land. This allocated site illustrates an eastern direction of growth to the town, which has been promoted as a strategic solution whilst helping to prevent further coalescence with Saltdene and Telscombe to the west. The site off Telscombe Road is promoted as a site capable of

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Suite 205 – Second Floor, 2 Snow Hill, Snow Hill Queensway, Birmingham B4 6GA

claremontplanning.com

Registration No. 9996873

accommodating development suitably without further infringement upon the critical areas of separation around the town, whilst following the growth approach that the current allocations propose.

The emerging Local Plan Site Allocations and development Management DPD identifies no sites at Peacehaven as appropriate for development. It states *"Peacehaven and Telscombe Towns are designated as a single neighbourhood plan area and the Town Councils are looking to progress a neighbourhood plan that will identify housing site allocations to meet their identified level of growth over the Plan period. The Town Councils have undertaken some informal community consultation and are preparing their Regulation 14 document for consultation in late Summer 2019. The District Council will maintain a supporting role as they progress their neighbourhood plan to submission"*.

On behalf of European Property Ventures we have submitted representations to the SDNPA Local Plan Review and we will be attending the Examination next month. We will also be making representations to the National Park Review which is currently being undertaken by central government as part of the 70th anniversary of National Parks.

Claremont Planning attended a meeting with Peacehaven Town Council in September 2017. This was attended by representatives of Piddinghoe Parish Council, Peachaven Focus and the Town Manager. The Town Council relayed concerns surrounding infrastructure and the highways network that would occur as a result of any further development within the town. However, the general consensus was supportive of any future growth being located to the east of the settlement.

Settlement Setting

Peacehaven town's ability to expand and accommodate more housing is restricted by a number of constraints including physical topography, infrastructure and its relationship to neighbouring settlements. The redevelopment of identified sites within the town have been curtailed due to viability concerns which have limited the capacity to deliver housing within the existing urban area. As such the expansion of Peacehaven should be regarded as a necessity. Further expansion to the west has been discounted due to the close relationship to Saltdean and the prospect of coalescence between the two settlements, as documented in the adopted Joint Core Strategy. Rather, growth to the east is preferred as demonstrated through the Lower Hoddern Farm Allocation SP8, public park and the development of the waste water treatment works. The retention of suitable separation to Newhaven is equally relevant and therefore further expansion to the east should be in a north-eastern direction in line with the previous allocation.

Local Planning Policy

South Downs National Park Authority

It is acknowledged that the South Downs Local Plan is currently in the process of adoption and the Examination Hearings are due to commence in November 2018. The SDNPA state that they do not have to meet their Objectively Assessed Need given the National Park status and paragraph 172 of the Revised NPPF 2018 demonstrates the weight that these landscape designations have over and above the need to boost the supply of housing.

As the SDNPA maintains, the National Park needs properly managed development that conserves and enhances its natural beauty, wildlife and cultural heritage whilst meeting the needs of the people who live there and visitors.

Having consulted at each stage of the SDNPA review we are aware would appear that no sites are proposed to be allocated for residential purposes on the settlement boundaries of the highly sustainable towns of Peacehaven/New Haven and south east of the SDNP Area. These towns provide highly accessible locations and there are sites that are immediately adjacent to the settlement boundary such as the site at Telscombe Rd which could assist in accommodating the much needed growth without having a detrimental impact upon the more sensitive areas of the National Park.

It is advanced through this promotion that the identified site currently does not contribute significantly to the character of the South Downs National Park in its entirety and that through a sensitively designed development it could deliver tangible benefits that contribute to the purpose of the National Park, whilst assisting in meeting some of the local unmet housing need in both the adjoining authorities. This is supported by LUC in their Landscape and Visual Assessment.

Lewes District Council

We are aware that the Lower Hodden Farm application was given a resolution to grant permission on 1st October 2018 and that this will make significant improvements to infrastructure within the local area through CIL contributions, thus easing some of the Town Councils concerns regarding the impact of new development upon on existing services and infrastructure. Additional new housing allocations are however required to be identified at Peacehaven to accommodate future need. Extension of the settlement to accommodate current and future housing requirements should therefore be developed through long term allocations and an expansion strategy. Alternative locations surrounding Peacehaven are unsuitable for residential development as they will result in coalescence with adjacent settlements or cause a higher level of harm and detriment to the SDNP. The site at Telscombe Road is able to accommodate residential development with mitigation through careful design of layout and setting. The site is able to assist with cross boundary pressures accommodating SDNPAs growth on the edge of an existing town within Lewes District Council. The SDNPA will not provide all of their OAN and this site could assist in providing residential development to meet local needs adjacent to an existing settlement boundary with minimal adverse impact upon the National Park area.

Having reviewed the proposed the draft allocations within the Site Allocations and Development Management DPD we would urge the council to include this site at Peacehaven as it is immediately available, viable and sustainable unlike the allocations proposed in Newhaven which have been allocated for some time and are yet to have come forward for delivery.

South Downs National Park

Just over one half of the area of the Lewes District lies within the South Downs National Park, where the Local Plan advises that the level of future housing provision must have regard to the two statutory purposes of the National Park and national policy guidance set out in 'English National Parks and Broads: UK government vision and Circular 2010'.

Notwithstanding this, the vision identifies that major development in the National Park could have significant impact on its qualities and such impacts need to be justified by exceptional circumstances.

Currently the Circular and Revised NPPF confirm that National Parks have the highest status of protection and at NPPF paragraph 172 it states that great weight should be given to conserving landscape and scenic beauty in the National Parks, whilst the conservation of wildlife and cultural heritage are important considerations that should also be given great weight in National Parks. Claremont Planning wish to advance that not all of the identified sites can be considered to contribute significantly to the character of the South Downs National Park and that through a sensitively designed development it has the potential to deliver tangible benefits that contribute to the purposes of National Parks whilst assisting in meeting some of the unmet housing need.

The Environment Act 1995 revised the original legislation and set out two statutory purposes for national parks in England and Wales:

1. Conserve and enhance the natural beauty, wildlife and cultural heritage
2. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public

When National Parks carry out these purposes they also have a duty to seek and foster the economic and social wellbeing of local communities within the national park. The delivery of housing alongside new habitats, landscaping and publicly accessible routes would facilitate the delivery of such roles on this site.

National Guidance advises that Planning Permission should be refused for major development in a National Park, the Broads or an AONB except in exceptional circumstances and where it can be demonstrated to be in the public interest, such as:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy - ***Further Housing growth is required within Lewes District and SDNP Authority, with Peacehaven having the potential to accommodate a higher level of development that would enable delivery of transport infrastructure and help to initiate economic growth.***
- The cost of and scope for developing elsewhere outside the designated area or meeting the need for it in some other way – ***The delivery of housing on sites beyond the National Park would not deliver the benefits to the National Park that are deliverable, whilst also posing the risk of consolidation of settlements.***
- Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated – ***The development of the site has the potential to deliver tangible benefits to the landscape setting and biodiversity enhancements to the National Park, contributing significantly to its function as it bounds Peacehaven. The promoted site currently contributes little to the National Park's qualities and provides little of the statutory purposes.***

The special qualities of the South Downs National Park as set out on the Park website are summarised below alongside the contribution of the promoted site:

- Diverse, inspirational landscapes and breath-taking views – *views over the site are available but contribute little to the character of the National Park. The LUC report states that "Overall, the site makes some contribution to the Natural Beauty element of the National Park's purposes but less to Opportunities for open air recreation (although it has the potential to contribute to this purpose, and is already bound by public footpaths)". The vista across the site can be maintained with development through the identification of open space to the north eastern corner.*
- A rich variety of wildlife, and habitats including rare and internationally important species – *the intense agricultural farming practices utilised on the site have restricted its potential to provide the necessary flora and fauna that characterises the National Park. On site mitigation and planting will be delivered alongside development to significantly enhance the potential of the site to contribute toward this quality, leading to a sizeable net benefit.*
- Tranquil and unspoilt places – *the relationship of the site to Peacehaven and surrounding housing allocations mean that development will complement the location, with the creation of public areas and walkways that will provide access to views of the wider landscape where the qualities of the National Park can be experienced.*
- An environment shaped by centuries of farming and embracing new enterprise – *Development on the site will retain existing field boundaries whilst contributing toward the growth of the local economy through construction, new design and employment.*
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- Well conserved historical features and a rich cultural heritage – *the site contains no identified heritage assets and is not identified as being within the setting of any specific asset or protected historic landscape.*
- Distinctive towns and villages and communities with real pride in their area – *the promoted site will contribute toward the sustainable growth of Peacehaven through a high quality scheme that will be able to contribute directly toward the Town's infrastructure requirements and respond to the community needs.*

The South Downs Partnership Management Plan sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. General Policy 50 advises that housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of high design and energy efficiency standards, to support balanced communities so people can live and work in the area. It is therefore apparent that the delivery of appropriate housing development within the context of the National Park is possible, as is proposed on the identified site.

Additionally, central government are currently undertaking a review of National parks and their boundaries. Claremont Planning will submit representations to the consultation of this document to demonstrate that sites on the boundaries of National Parks, adjacent to existing settlements, such as that of Telscombe Road could provide much needed housing in these sensitive areas, enabling development and preserving the more sensitive areas of the National Parks.

Landscape Assessment

LUC Environment Planning Design and Management have produced a number of landscape and character assessments of the South Downs National Park for the South Downs Joint Committee. Such assessments have informed Park leisure strategies and mitigations works. LUC have therefore been identified as a recognised consultant by the national park authority and relevant committees so able to provide an informed and independent professional opinion to undertake an independent Landscape Assessment of the site. LUC have advised that ***"although the site contributes to the diverse landscapes of the National Park (by way of its contribution to the character of the downland landscape), it is not located in the most tranquil or unspoilt location and does not apparently contain notable historical features that contribute to the rich cultural heritage. It therefore does not presently contribute greatly to the National Parks Special Qualities and purposes"***.

The assessment undertaken also states that ***"the site does not appear to contain rare habitats or provide opportunities for recreational activities or learning experiences, although it may have the potential to in the future"***. The advice of LUC has been that the promoted site does not currently contribute positively to the purposes of the National Park or provide the special qualities required.

Although the site contributes to the diverse landscapes of the National Park (by way of its limited contribution to the character of the Open Downland landscape), and has been shaped by farming, being adjacent to existing development it is not located in the most tranquil or unspoilt location and does not contain notable historical features that contribute to cultural heritage. It also does not contain rare habitats or provide any opportunities for recreational activities, but it does have the potential to if managed differently in the future. As such, the site does not presently contribute significantly to the National Park's special qualities and could have the potential to make a stronger contribution through its partial development.

It is recognised that being close to the top of the downs in this area, care would be needed to ensure that any development avoided these higher areas, with open space and landscaping located in the northern sectors of the site to minimise effects on skylines and remove wide scale visibility. As characterised by existing development within Peacehaven dormer bungalows and single level residential dwellings would be able to provide height mitigation within the eastern areas of the site. These dwellings would also contribute to the local demand for such seaside properties.

Conclusion

It is therefore our view that the promoted site does not correspond with the landscape characteristic expected or deliver many of the National Park's special qualities. The site is immediately adjacent to the existing built form and recently approved residential development at Lower Hodder Farm, whilst being on the eastern side of the town hence coalescence of settlements would not occur. We are of the opinion that the site has significant potential to assist the Council in meeting their housing need targets. Furthermore, development at this location could actually improve the harsh edge of the site at present and include features that would enhance the quality of the National Park.

Identification of the site as a housing allocation is contented to be in accordance with the aims and objectives of the National Park designation, which are to: conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and to promote opportunities

for the understanding and enjoyment of the special qualities of the area by the Public. The potential offered of enhancing the contribution of the site to the National Park's function must be considered a sizeable benefit and material consideration to support any allocation of the site, alongside the delivery of housing in a strategically amenable location.

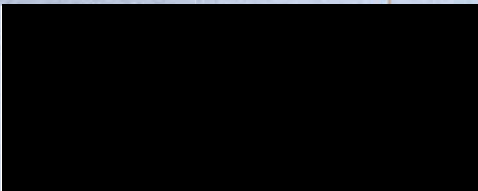
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This site would be able to accommodate cross boundary growth which is currently curtailed at Peacehaven from Lewes District. The NPPF clearly states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities. As stated above the site is highly sustainable and adjacent to an existing settlement boundary. Residential development at this location could assist both Lewes and SDNP in achieving their housing delivery targets.

The site has the potential to contribute to both SDNP and Lewes DC housing needs in a sustainable location with minimal impact upon the National Park qualities. It is the view of Claremont Planning that this site is more deliverable than other sites that have been allocated since the last Local Plan period and are yet to have come forward.

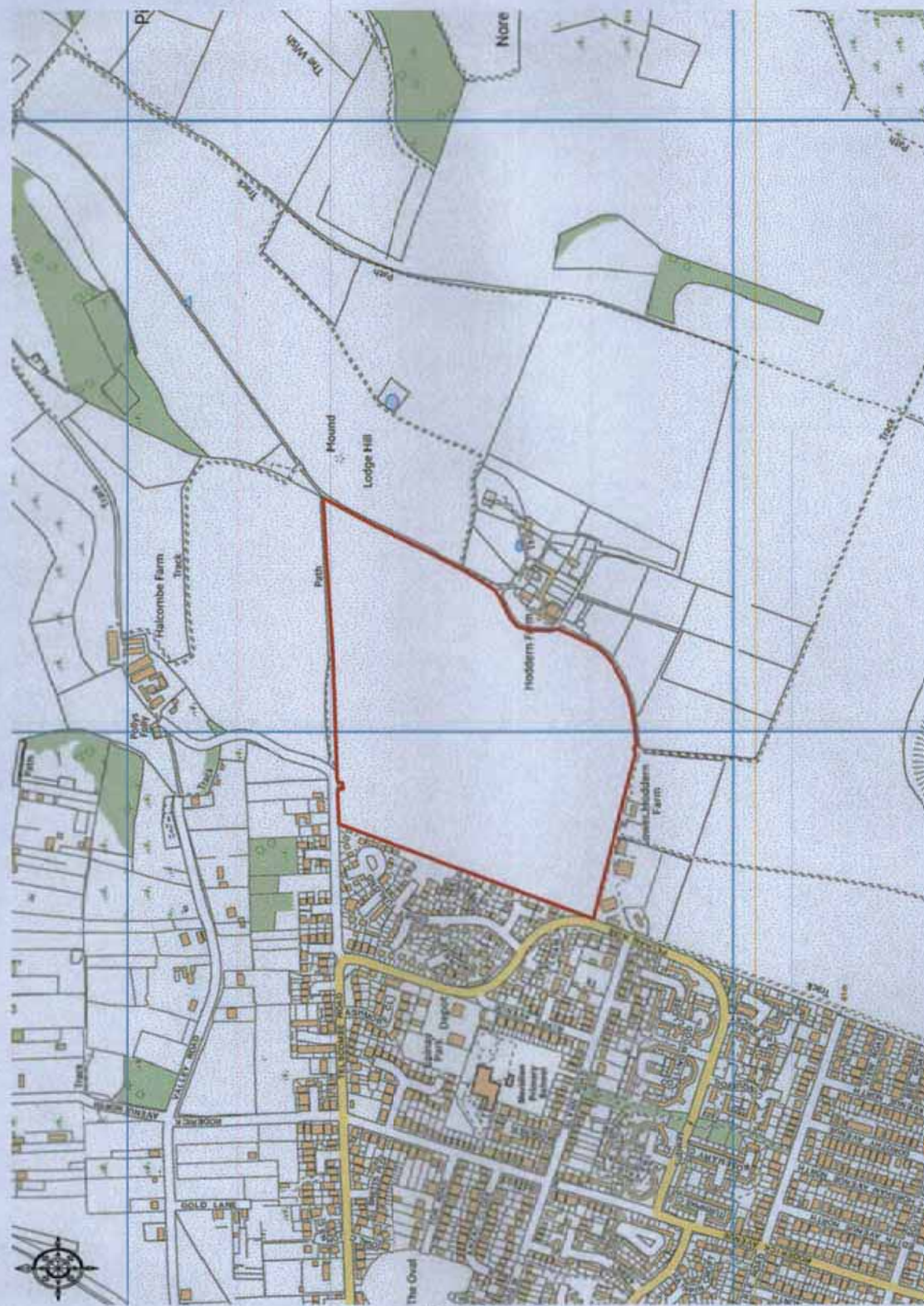
I would therefore be grateful if you give much consideration to this letter and our representations to this stage of the Local Plan Review along with the Landscape and Visual Impact Feasibility Study produced by LUC.

Yours sincerely,



Katherine Else MRTPI Bsc Hons PG Dip
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Enc – Site Plan
LVIA by LUC





Strategic Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

5 November 2018

Dear Sir/Madam

**LEWES DISTRICT LOCAL PLAN PART 2: SITE ALLOCATIONS AND DEVELOPMENT
MANAGEMENT POLICIES DPD - PRE-SUBMISSION VERSION**

Claremont Planning are instructed on behalf of the landowner European Property Ventures (East Sussex) to make representations to the current consultation process. We enclose a site plan and a Landscape and Visual Feasibility Study produced by LUC (Land Use Consultants). It is our client's intention to promote the site as being suitable for residential development. Through this submission it is advanced that the site has potential to accommodate a sensitively designed housing development that will be in accordance with the strategic growth of Peacehaven to the east, whilst improving upon the functions and features of the South Downs National Park.

The Site

The site at Peacehaven is a 22.6 hectare/56 acre geometric shaped field on the north eastern edge of the settlement. The site is located on the southern boundary of the South Downs National Park within the Lewes District Council administrative boundary, as identified by the enclosed plans and Landscape and Visual Impact Assessment (LVIA). The site is currently used for growing cereal crops with restricted habitat potential and landscape contribution as a result. The site is immediately adjacent to the existing settlement of Peacehaven and its development would result in a natural extension to the existing urban form that would also correspond with recent site allocations. In order to ensure adequate landscaping and open space provision the actual developable area is likely to be in the region of 14ha/35 acres with the remaining area given over to landscaping and public open space that will help to enhance the local landscape and better provide the functions of a national park designation.

The Adopted Local Plan allocated site SP8 to the south of the promoted area is referred to in the emerging Local Plan as 'Lower Hoddern Farm' and allocated for 450 dwellings, recognising the suitability of expanding the settlement to the east on greenfield land. This allocated site illustrates an eastern direction of growth to the town, which has been promoted as a strategic solution whilst helping to prevent further coalescence with Saltdene and Telscombe to the west. The site off Telscombe Road is promoted as a site capable of

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accommodating development suitably without further infringement upon the critical areas of separation around the town, whilst following the growth approach that the current allocations propose.

The emerging Local Plan Site Allocations and Development Management DPD identifies no sites at Peacehaven as appropriate for development. It states *“Peacehaven and Telscombe Towns are designated as a single neighbourhood plan area and the Town Councils are looking to progress a neighbourhood plan that will identify housing site allocations to meet their identified level of growth over the Plan period. The Town Councils have undertaken some informal community consultation and are preparing their Regulation 14 document for consultation in late Summer 2019. The District Council will maintain a supporting role as they progress their neighbourhood plan to submission”*.

On behalf of European Property Ventures, Claremont Planning have submitted representations to the SDNPA Local Plan Review and we will be attending the Examination later in 2018. We will also be making representations to the National Park Review which is currently being undertaken by central government as part of the 70th anniversary of National Parks.

Claremont Planning attended a meeting with Peacehaven Town Council in September 2017. This was attended by representatives of Piddinghoe Parish Council, Peacehaven Focus and the Town Manager. The Town Council relayed concerns surrounding infrastructure and the highways network that would occur as a result of any further development within the town. However, the general consensus was supportive of any future growth being located to the east of the settlement.

Settlement Setting

Peacehaven town's ability to expand and accommodate more housing is restricted by a number of constraints including physical topography, infrastructure and its relationship to neighbouring settlements. The redevelopment of identified sites within the town have been curtailed due to viability concerns which have limited the capacity to deliver housing within the existing urban area. As such the expansion of Peacehaven should be regarded as a necessity. Further expansion to the west has been discounted due to the close relationship to Saltdean and the prospect of coalescence between the two settlements, as documented in the adopted Joint Core Strategy. Rather, growth to the east is preferred as demonstrated through the Lower Hodder Farm Allocation SP8, public park and the development of the waste water treatment works. The retention of suitable separation to Newhaven is equally relevant and therefore further expansion to the east should be in a north-eastern direction in line with the previous allocation.

Local Planning Policy

South Downs National Park Authority

It is acknowledged that the South Downs Local Plan is currently in the process of adoption and the Examination Hearings are due to commence in November 2018. The SDNPA state that they do not have to meet their Objectively Assessed Need given the National Park status and paragraph 172 of the Revised NPPF 2018 demonstrates the weight that these landscape designations have over and above the need to boost the supply of housing.

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Additionally, central government are currently undertaking a review of National parks and their boundaries. Claremont Planning will submit representations to the consultation of this document to demonstrate that sites on the boundaries of National Parks, adjacent to existing settlements, such as that of Telscombe Road could provide much needed housing in these sensitive areas, enabling development and preserving the more sensitive areas of the National Parks.

DEFRA Designated Landscapes Review Consultation

In line with the Government's 25-year Plan for the Environment, in October DEFRA opened a public consultation on how statutory designation landscapes will act as components of this new Plan over the next 25 years. The consultation looks to receive views from the public in how AONBs and National Parks continue in their roles as environmental designations to preserve the environmental and ecological value of England. The consultation looks to address the following:

- *the existing statutory purposes for National Parks and AONBs and how effectively they are being met*
- *the alignment of these purposes with the goals set out in the 25-Year Plan for the Environment*
- *the case for extension or creation of new designated areas*
- *how to improve individual and collective governance of National Parks and AONBs, and how that governance interacts with other national assets*
- *the financing of National Parks and AONBs*
- *how to enhance the environment and biodiversity in existing designations*
- *how to build on the existing eight-point plan for National Parks and to connect more people with the natural environment from all sections of society and improve health and wellbeing*
- *how well National Parks and AONBs support communities*

In the context of the site under control European Property Ventures at Peacehaven, which falls within the South Downs National Park Area, necessary representations will be made that this designation prevents sustainable and logical growth of Peacehaven. Whilst it is acknowledged that these designations are vital in preserving the uniquely and highly valuable landscapes and environments of England, the review is vital to ensure that they are continuing in stewarding these environments, but not inappropriately preventing sustainable growth of settlements at the edge of these designated areas.

It has been demonstrated to the emerging South Downs National Park Authority Plan that the site under control by EPV is suitable for development given that it does not contribute towards the highly valued landscape and ecological value of the National Park. In the context of the designated landscapes consultation, the site demonstrates a suitable example of how such a designation fails in preserving the highly valued landscape of the SDNP without providing suitable extent of development at the edge of the settlement. This is particularly exacerbated by the current national planning context which looks to maximise housing delivery. In that regard, the DEFRA Designated Landscapes Review consultation establishes an opportunity to demonstrate that the extent of such designations needs to be rethought to ensure that satisfactory and sustainable growth can be achieved, and this is particularly important given the existing constraints that cover Lewes District.

Landscape Assessment

LUC Environment Planning Design and Management have produced a number of landscape and character assessments of the South Downs National Park for the South Downs Joint Committee. Such assessments have informed Park leisure strategies and mitigations works. LUC have therefore been identified as a recognised consultant by the national park authority and relevant committees so able to provide an informed and independent professional opinion to undertake an independent Landscape Assessment of the site. LUC have advised that ***“although the site contributes to the diverse landscapes of the National Park (by way of its contribution to the character of the downland landscape), it is not located in the most tranquil or unspoilt location and does not apparently contain notable historical features that contribute to the rich cultural heritage. It therefore does not presently contribute greatly to the National Parks Special Qualities and purposes”***.

The assessment undertaken also states that ***“the site does not appear to contain rare habitats or provide opportunities for recreational activities or learning experiences, although it may have the potential to in the future”***. The advice of LUC has been that the promoted site does not currently contribute positively to the purposes of the National Park or provide the special qualities required.

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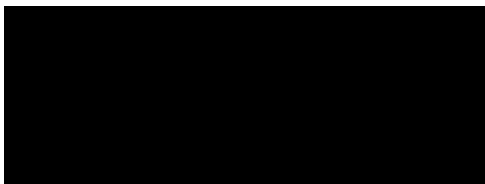
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I would therefore be grateful if you give much consideration to this letter and our representations to this stage of the Local Plan Review along with the Landscape and Visual Impact Feasibility Study produced by LUC.

Yours sincerely,



Katherine Else MRTPI Bsc Hons PG Dip

Managing Director

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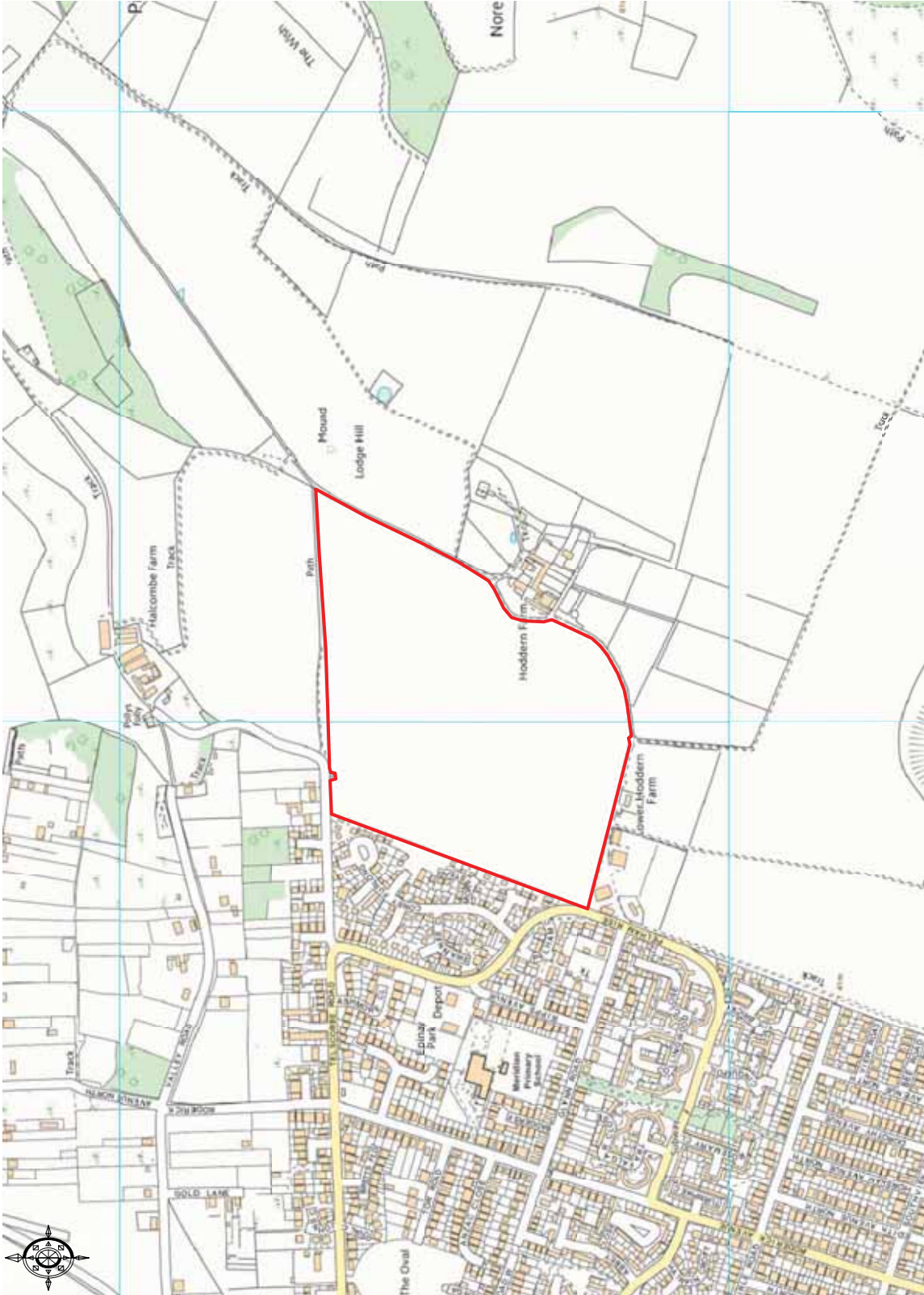
kelse@claremontplanning.com

Enc – Site Plan

LVIA by LUC

Notes

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Project Land at Hodder Farm
Title Site Plan

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Land at Hoddern Farm, Peacehaven

Landscape and Visual Feasibility Study

Prepared by LUC
July 2017



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Contents

1	Background	1
	Planning Context	2
2	Landscape Context and Character	4
	Landscape Context	4
	Landscape Character Assessment	5
	South Downs National Park	7
	Landscape Capacity	8
	Green Infrastructure	8
3	Site Context and Analysis	9
	Landform and drainage	9
	Land use, vegetation and green links	9
	Settlement and structures	9
	Access and recreation	9
	Other developments	9
4	Visual Appraisal	12
	Introduction	12
	Views to and from the site	12
5	Photographic Viewpoints	14
6	Development Framework	19
	Opportunities/ recommendations	19
	Constraints	19
	Design Principles	19
7	Conclusion	21
Appendix 1	References	2
	References	2

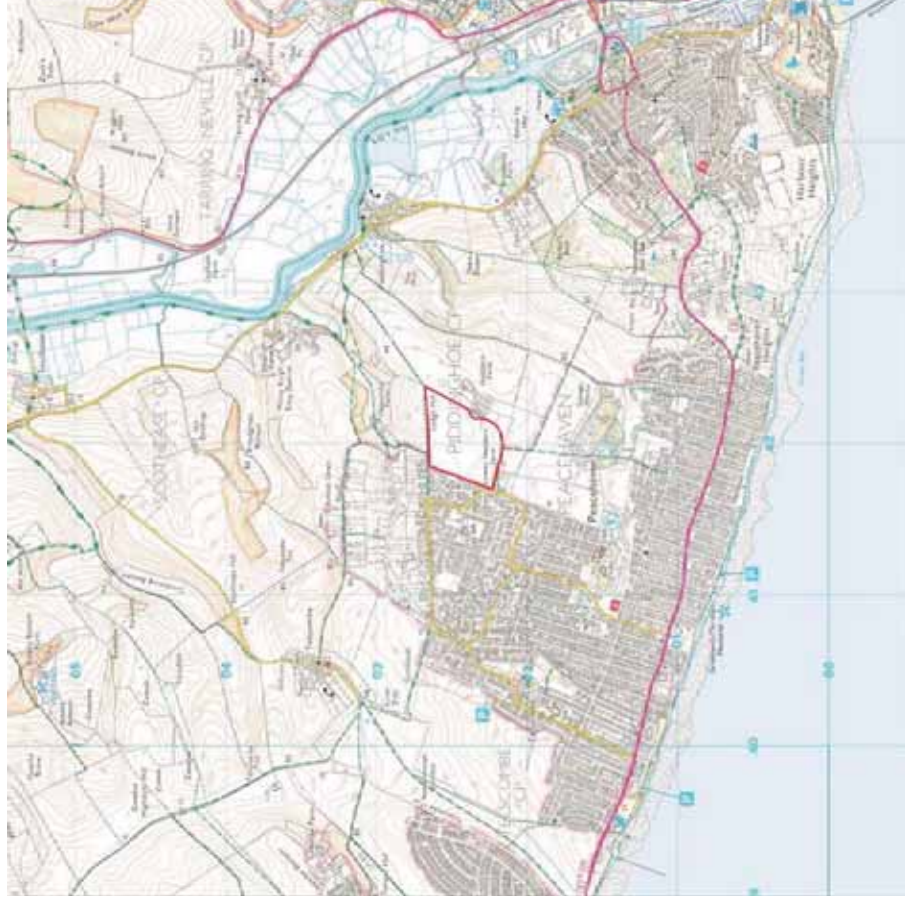
Figures

Figure 1	Site Location
Figure 2	Extract from 2016 Local Plan Proposals Maps
Figure 3	Illustrative Masterplan for the Lower Hodder Allocation
Figure 4	Site Context
Figure 5	Landscape Capacity
Figure 6	Key proposals for Peacehaven Park
Figure 7	Site Appraisal
Figure 8	Visual Analysis
Figure 9	Development Framework

1 Background

- 1.1 Peacehaven Town's ability to expand and accommodate more housing is restricted by a number of constraints including physical topography, infrastructure and its relationship to neighbouring settlements. The redevelopment of identified sites within the town has been curtailed due to viability concerns which have limited the capacity to deliver housing within the existing urban area. Further expansion to the west has been discounted due to the close relationship to Saltdean and the prospect of coalescence between the two settlements, as documented in the adopted Joint Core Strategy. Rather, growth to the east is preferred as demonstrated through the Lower Hoddern Farm Allocation SP8, public park and the development of the waste water treatment works. The retention of suitable separation between Peacehaven and Newhaven is also important and therefore further expansion to the east should be in line with the previous allocation.
- 1.2 The promoted site at Peacehaven is a 22.6 hectare/56 acre geometric shaped field on the north eastern edge of the settlement within the Lewes District Council administrative boundary, as shown in **Figure 1**. It lies adjacent to the settlement edge at the southern edge of the South Downs National Park, an extensive and diverse landscape of rolling chalk hills, heathland, river valleys, ancient woodland, thriving villages and market towns, and iconic chalk cliffs. The site is currently used for growing cereal crops. In order to ensure adequate landscaping and open space provision the actual developable area is likely to be in the region of 14ha/35 acres with the remaining area given over to landscaping and public open space that will help to enhance the local landscape and better provide the functions of a National Park designation.
- 1.3 This report describes the key issues/ constraints affecting the site in relation to landscape character, visual amenity and the special qualities of the National Park. This report goes on to provide a summary of the site's development potential, including opportunities, constraints and design guidance.
- 1.4 This report has been prepared by LUC on behalf of Claremont Planning Consultancy, to assist with developing proposals that will make the very best of this opportunity to deliver a high quality and sustainable new residential development to the north-east of Peacehaven.

Figure 1 Site Location



Planning Context

- 1.1 The Planning Context section of this report has been provided by Claremont Planning Consultancy.
- 1.2 The National Park needs properly managed development that conserves and enhances its natural beauty, wildlife and cultural heritage whilst meeting the needs of the people who live there and visitors. However, paragraph 116 of the National Planning Policy Framework recognises that major development can take place in such areas where exceptional circumstances demonstrate they are of public interest and appropriately assessed.
- 1.3 The Lewes District Local Plan Part 1 (Core Strategy) was adopted in May 2016. Local Plan Part 2 (Site Allocations and Development Management Policies Document) will allocate land for different types of development (including housing) when adopted; it is currently undergoing public consultation.
- 1.4 Notwithstanding the emerging allocations, due to critical constraints affecting Lewes District (such as the extent of the South Downs National Park), there remains a requirement to identify more housing. The residual requirement of 207 homes is yet to be attributed to any settlement and will be identified through subsequent non-strategic allocations. All reasonable options for distributing these 207 homes in the most sustainable manner will be considered. This will be achieved through subsequent allocations in the Local Plan Part 2, the South Downs National Park Authority (SDNPA) Local Plan or Neighbourhood Plans.
- 1.5 Planned housing growth at Peacehaven includes Lower Hodderm Farm to the south of the site (Spatial Policy 8, or SP8) which has been allocated for 450 dwellings in the emerging Local Plan (see **Figure 2** for Policy Area and **Figure 3** overleaf for the Illustrative Masterplan for the Lower Hodderm Allocation by Allen Pyke Associates). Extending Peacehaven to the east is being promoted as a strategic solution to growth, whilst helping to prevent further coalescence with Saltdean and Telscombe to the west.
- 1.6 The adopted Local Plan Part 1 (Core Strategy) identifies that development of the Lower Hodderm Farm site "provides an opportunity to improve the urban edge of Peacehaven in this location, which is currently highly visible in views from the adjacent countryside of the National Park."
- 1.7 The Core Strategy also states that "an essential requirement of the development will be the identification and delivery of a co-ordinated package of multi-modal transport measures to mitigate the impacts on the A259 coast road."
- 1.8 In addition, Spatial Policy 2 records that a minimum of 225 dwellings are required at Peacehaven, not taking into account any cross-boundary housing pressures. The delivery of additional housing at Peacehaven is dependent upon a package of transport measures being delivered that promotes multi-modal travel and mitigates impact upon the A259. Critically, this means that there is additional scope to provide housing at Peacehaven, particularly if it has the opportunity of contributing to local public transport improvements that benefit the whole town. Arguably the future improvements to highway infrastructure and public accessibility to sustainable travel that are identified by the Local Plan as key requirements at Peacehaven are reliant upon the provision of additional housing at the town, in viable locations that can contribute toward infrastructure delivery.

Figure 2 Extract from 2016 Local Plan Proposals Maps – Inset Map 3 – Peacehaven

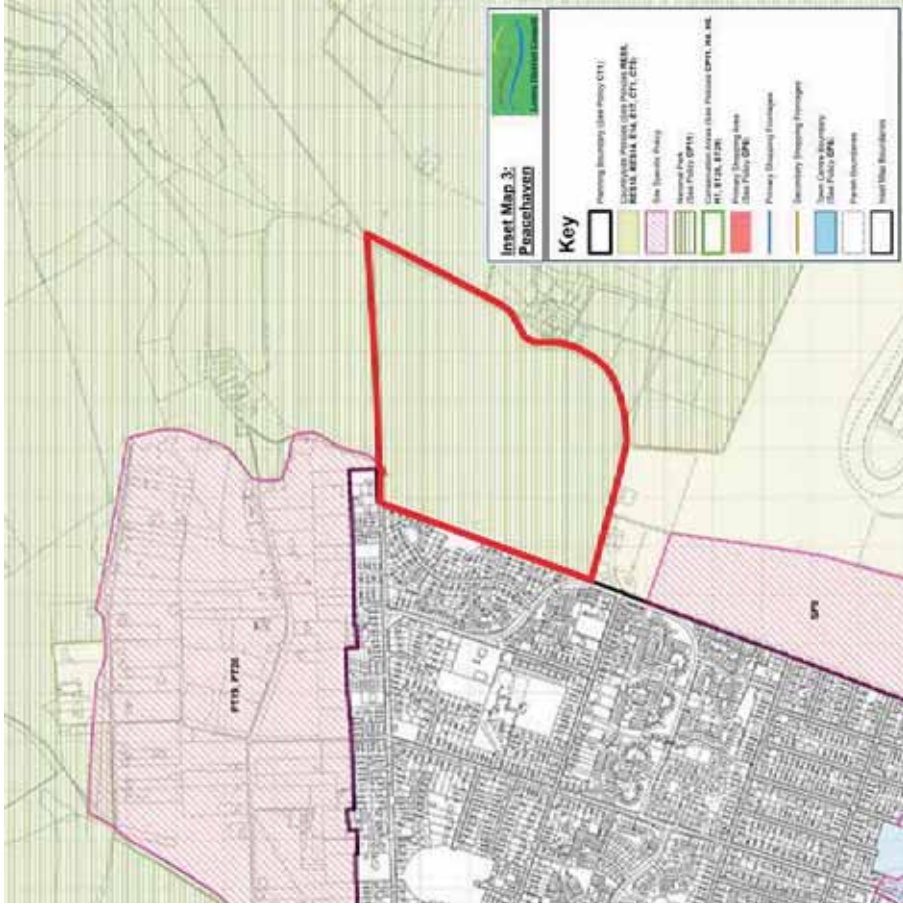


Figure 3 Illustrative Masterplan for the Lower Hoddern Allocation (from Lower Hoddern Farm Masterplan Report June 2013 by Allen Pyke Associates)



2 Landscape Context and Character

Landscape Context

- 2.1 Peacehaven is a small coastal town with a population of approximately 14,000. It is located above chalk cliffs, on relatively flat to gently undulating land at around 40-50m AOD. The town was established in 1916 by Charles Neville, as a place for World War 1 veterans to recuperate. The old part of the town is set out on a grid, rather than responding to the underlying topography. Buildings are mainly bungalows, with typically larger plots at Telscombe in the west. More recent residential development in the north of the town has a more suburban character, with courts and cul-de-sacs, and includes 2-storey housing. In the far north, along Valley Road and The Lookout, there are much larger plots of land with farmhouses and a more rural feel.
- 2.2 In the wider context, Peacehaven is one of a series of small coastal towns located above the chalk cliffs of the south coast, including Saltdean to the west and Newhaven to the east. The settlements are separated by relatively narrow strips of farmland which occupy the rolling slopes and dry valleys of the South Downs. The A259 coastal road connects these settlements with others, including Brighton approximately 10km to the west. These coastal settlements are backed by the South Downs, a range of chalk hills which extend from Winchester in the west to Eastbourne in the east. The wider context of the site is shown in **Figure 4** on page 6.
- 2.3 A review of settlement pattern in the wider area shows that Peacehaven does not respond to the topography in the same way as neighbouring settlements (e.g. Newhaven and Saltdean). There is therefore an opportunity to redefine the settlement edge to respond to the underlying topography and landscape features.



Typical grid pattern in the older part of the town ignoring topography



More suburban character in the north of the town



Development in Newhaven follows the contours of the landscape



Development at Saltdean follows the natural contours of the landscape

Landscape Character Assessment

Regional Landscape Character

- 2.4 Broadly, the site lies in the 'Open Downland' landscape type as set out in the South Downs Integrated Landscape Character Assessment (ILCA) 2011¹. This is a large scale, open, elevated landscape of rolling chalk downland with dry valleys and sparse settlement. Particular sensitivities associated with this landscape type include the open character and uninterrupted skylines that would be vulnerable to development, areas of unimproved chalk grassland, chalk heath, and pasture land cover, and the sense of unity and cohesion given by the repeated use of flint, brick and clay tile building materials (albeit that there are no buildings on the site itself). The character assessment notes that the distinctive isolated barns are especially vulnerable.
- 2.5 Although the site does not exhibit one of the more sensitive landcover types, it currently appears to be used as pasture, although was recently arable. The site does have some prominent skylines (specifically Lodge Hill at the top of the site) that could make it sensitive to development.
- 2.6 Development considerations in this 'Open Downland' landscape type include:
- "Maintain the essentially open undeveloped character. Opportunities for built development are severely restricted in this remote and tranquil landscape" and
 - "conserve the open skylines that are particularly sensitive to any type of built development".

- 2.7 The ILCA also suggests "Consider opportunities for planting to soften the existing urban fringes" which could be relevant to built edges here (although it does note that woodland is usually confined to lower slopes rather than on skylines).

Local Landscape Character

- 2.8 Within this 'Open Downland' landscape type, the site is located more specifically in landscape character area A2 (the Adur to Ouse Open Downs) which wraps around the edges of Peacehaven, Saltdean, Brighton, Hove, and Shoreham. This part of the Open Downs is particularly dramatic and shaped by extensive branching dry valley systems which produce deep, narrow, rounded coombs. The site itself does not contribute to any particularly dramatic landform, but the northern edge (Lodge Hill) is more sensitive as it relates to the deep coomb to the north. If the site were to be developed, then avoiding any development along the higher northern edge, and particularly on Lodge Hill would be important.
- 2.9 The typical settlement form comprises isolated farmsteads from the 18th-19th century, often prominent features in the landscape. Building materials are typically flint, red brick and clay tiles. If development were to progress, then taking cues from the local vernacular would be a design aspiration.
- 2.10 Also of note are a sense of remoteness and tranquillity and a large number of prehistoric and later earthworks. Some earthworks (chalk pits) are indicated on the Ordnance Survey map, adjacent to the site, and would require investigation by an expert in cultural heritage.
- 2.11 A particular sensitivity associated with this landscape character area (as noted in the ILCA) is the level of perceived tranquillity and remoteness which is being eroded by traffic pressures and urban development along the coast. Development of this site could be seen to contribute to this erosion of the rural tranquillity of the downs. However, the Tranquillity Study² recently produced for the SDNPA identifies the areas around Peacehaven and Newhaven (including this site) as having lower relative tranquillity than the wider National Park. Nevertheless, aspects such as proposed lighting would need to be considered carefully, and minimised.



Open skylines



Dry, wooded valley



Grassland and pasture

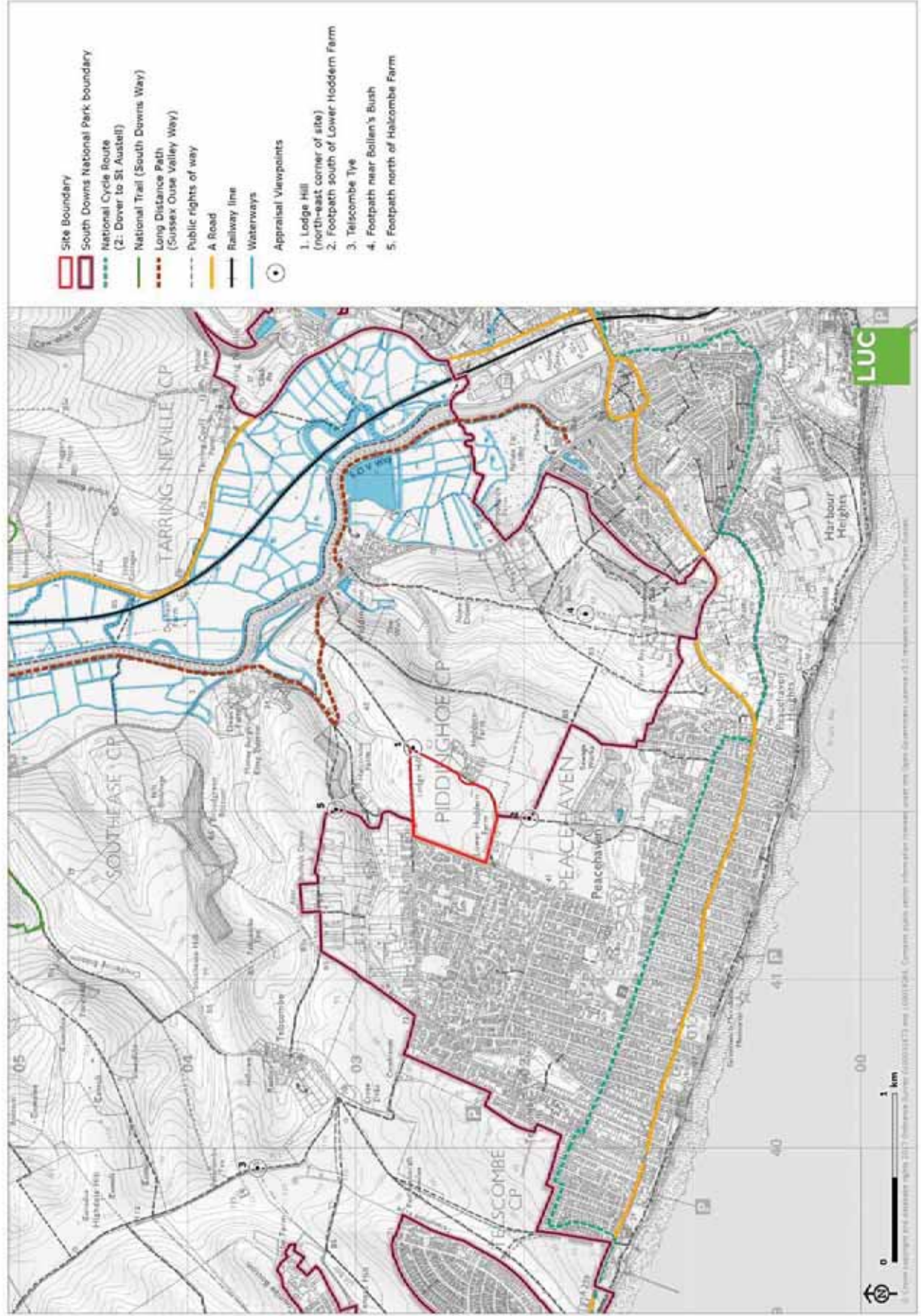


Typical building styles

¹ Available to download from <https://www.southdowns.gov.uk/planning/planning-advice/landscape/>

² South Downs National Park Authority Tranquillity Study 2017 [https://www.southdowns.gov.uk/wp-content/uploads/2017/03/13-04-17-South-Downs-National-Park-Tranquillity-Study.pdf]

Figure 4 Site Context



South Downs National Park

Contribution to the special qualities of the National Park

2.12 The South Downs National Park's special qualities are set out in a document on their website³. These can be summarised as:

- Diverse, inspirational landscapes and breathtaking views;
- A rich variety of wildlife and habitats including rare and internationally important species;
- Tranquil and unspoilt places;
- An environment shaped by centuries of farming and embracing new enterprise;
- Great opportunities for recreational activities and learning experiences;
- Well-conserved historical features and a rich cultural heritage; and
- Distinctive towns and villages, and communities with real pride in their area.

2.13 Although the site contributes to the diverse landscapes of the National Park (by way of its contribution to the character of the Open Downland landscape type) and has been shaped by farming, being adjacent to existing development it is not located in the most tranquil or unspoilt location and does not appear to contain notable historical features that contribute to the rich cultural heritage. Although it does not contain rare habitats or provide opportunities for recreational activities or learning experiences, it may be said to have the potential to if managed differently in the future. In summary, the site does not presently contribute greatly to the National Park's special qualities but could have the potential to make a stronger contribution. Being close to the top of the downs in this area, care would be needed to ensure that any development avoided the higher areas, to reduce effects on skylines and avoid wide-scale visibility.

Contribution to National Park purposes

2.14 Natural England's 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England' (available online) contains factors and indicators that may be used to assess areas against National Park purposes i.e. 'Natural Beauty' and 'Opportunities for Open Air Recreation'. The guidance is designed to assess areas that are not yet AONBs or National Parks but that may have the attributes to become part of such a designation. However, presumably the principles can be used to assess performance of existing areas that lie within AONBs or National Parks.

2.15 When considering Natural Beauty, the guidance suggests consideration of landscape quality, scenic quality, relative wildness, relative tranquillity, natural heritage features, and cultural heritage. **Table 1** below sets out how the site performs against these criteria:

Table 1: Assessment against Natural Beauty Criteria

Factors related to Natural Beauty (from 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England')	Assessment of site
Landscape quality: This is a measure of the physical state or condition of the landscape.	The field appears to be actively farmed but the boundary features are in a relatively poor state of repair (open, fences or gappy hedges and trees).
Scenic quality: The extent to which the landscape appeals to the senses (primarily, but not only, the visual senses).	Although there are no specific features of visual interest, the field forms part of the wider expansive open downland landscape and its', at times, sheep grazed land use also contributes to this, albeit that at other times arable cropping appears to be intensive.

³ <https://www.southdowns.gov.uk/wp-content/uploads/2015/03/SDNP-Special-Qualities.pdf>

Relative wildness: The degree to which relatively wild character can be perceived in the landscape makes a particular contribution to sense of place.	Although the open and exposed, sometimes sheep grazed character contributes to a sense of wildness and a sense of being part of the wider open downland landscape, the proximity to the urban edge of Peacehaven detracts from this sense of wildness.
Relative tranquillity: The degree to which relative tranquillity can be perceived in the landscape.	The site appears to lie in a moderately tranquil area according to the CPRE's mapping (see map extract below this table), reflecting its proximity to Peacehaven.
Natural heritage features: The influence of natural heritage on the perception of the natural beauty of the area. Natural heritage includes flora, fauna, geological and physiographical features.	The underlying chalk gives rise to a typically rounded landform that, along with the, at times, pastoral land use, is a typical chalk downland character that contributes to the natural beauty of the area. However, there are no outstanding habitats on site (as far as can be determined from existing designation data).
Cultural heritage: The influence of cultural heritage on the perception of natural beauty of the area and the degree to which associations with particular people, artists, writers or events in history contribute to such perception.	There are no apparent or visible notable cultural heritage features on the site, or associations with particular people, artists, writers or events in history contribute to such perception.
Summary	The site contributes to the natural beauty of the National Park insofar as it forms part of the wider expansive open downland landscape that characterises this part of the South Downs, and has a sense of relatively wildness where the edge of Peacehaven is not visible. However, it does not contain particularly notable habitats, cultural heritage features or cultural associations, and although ridge top, does not include any particularly distinctive landform, albeit that Lodge Hill forms part of skylines from surrounding lower land.

When considering opportunities for open-air recreation the guidance suggests consideration of access to high quality landscapes, features of interest and good recreation provision). **Table 2** below sets out how the site performs against these criteria:

Table 2: Assessment against opportunities for open-air recreation criteria

Factors related to opportunities for open-air recreation (from 'Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England')	Assessment of site
Access to high quality landscapes: the presence of natural beauty and in particular relative tranquillity and relative wildness. There is no particular type of natural beauty that is more suitable for recreation in National Parks. Weight should be given to accessibility from centres of population.	The site forms part of the wider downland landscape which is a high quality landscape. However, as assessed in Table 1, the site boundaries are not in good condition and, while the site possesses some characteristics of tranquillity and wildness, it does not have the highest levels of these attributes. It is located on the eastern edge of Peacehaven and, although it does not currently have public access except around the outside edges, it is theoretically accessible to a relatively large population.
Features of interest: access to a wide range of natural or cultural heritage features or cultural associations. This includes landmarks and features of recognised value, appropriate to the enjoyment of open-air recreation. The	The site does not score particularly well in this regard – there are no particular apparent natural or cultural heritage features or cultural associations on the site.

presence of such features can enrich the landscape experience and sense of place and may enhance people's perception/appreciation of natural beauty and understanding of the special qualities of the area.	
Good recreation provision: The area should provide, or have the potential to provide, a range of recreation opportunities, a diversity of experiences and the opportunity for high quality open-air recreation including in particular that which is consistent with the special qualities of the area and does not detract from the enjoyment of the area by others. Particular regard should be had to the accessibility of the provision from centres of population.	The site does not directly provide recreation opportunities, albeit that it is surrounded by public footpaths to the north, east and south, however it does have the potential to provide open air recreational experiences as a result of its open and elevated downland character, good views and proximity to population.
Summary	The site in its current form does not perform particularly well against opportunities for open air recreation. However, it is has the potential to provide open air recreational experiences as a result of its open and elevated downland character, good views and proximity to population.

2.17 Overall, the site makes some contribution to the Natural Beauty element of the National Park's purposes but less to Opportunities for open air recreation (although it has the potential to contribute to this purpose, and is already bound by public footpaths).

Landscape Capacity

- 2.18 The Lewes District Council and South Downs National Park Authority Landscape Capacity Study (September 2012) locates the site in Area B02 *Downland east of Peacehaven*, as shown in **Figure 5**. This is identified as an area of high landscape quality and value, which is seen to provide a valuable gap between Peacehaven and Newhaven. The area is of high landscape and visual sensitivity due to its location in the National Park. No capacity for development is identified at the site, although the fields to the south around Lower Hoddern Farm (in area C01) are within a preferred area for potential development.
- 2.19 As stated in paragraph 1.3, the Landscape Capacity Study identifies indicative capacity across broad landscape character areas; assessments of potential landscape and visual effects relating to specific sites or development proposals have not been undertaken.

Figure 5 Landscape Capacity



Green Infrastructure

- 2.20 The East Sussex Green Infrastructure Study (June 2014) identifies the East Brighton Downs, within which the site is located, as a Biodiversity Opportunity Area (BOA). BOAs are areas where there are substantial opportunities to make positive changes for biodiversity.
- 2.21 The East Brighton Downs is a large BOA (approximately 4167 hectares) that contains extensive blocks of chalk grassland, with much farmland in between. Opportunities identified include the restoration and creation of chalk grassland and access improvements.

3 Site Context and Analysis

- 3.1 The site is approximately 22.6 hectares (56 acres) in size and is located on the north-eastern edge of Peacehaven. The site is described below and key features are shown on **Figure 7** on page 11.

Landform and drainage

- 3.2 The site extends from Lower Hodder Farm in the south (on the southern boundary of the National Park), at about 50m AOD, to Lodge Hill in the north, at about 70m AOD, and rises gently from south to north. Lodge Hill forms part of a ridge extending north-east, and dropping steeply into dry valleys to the north and east. There are no water bodies within the site. The closest major waterway is the River Ouse approximately 1km to the north-east, although the site is not within the river's catchment.

Land use, vegetation and green links

- 3.3 The site is currently used for growing cereal crops and grazing sheep, and therefore has restricted habitat potential. Other fields in the surrounding area being used for intensive agriculture, including arable. The site and its boundaries are open in character, with some fencing, and some gappy hedgerows and trees. To the west of the site, within the adjacent residential area, there is an area of mown grass with specimen tree planting which fronts onto the site. In the wider downland landscape woodland cover is limited to small deciduous woodland blocks and distinctive hilltop beech clumps. In the neighbouring residential areas of Peacehaven there are small pockets of open space and belts of mature woodland, retained in amongst new residential development.

Settlement and structures

- 3.4 There are no built structures on the site. Hodder Farm lies to the east, and comprises a group of steadings, cottages and farm buildings in the vernacular style, some of which are listed. Lower Hodder Farm is located to the south of the site, and includes some light industry as well as the farmhouse. The western site boundary abuts existing residential 1-2 storey detached properties set around curving cul-de-sacs. This 1980s housing is mainly brick built, with pantile roofs.

Access and recreation

- 3.5 A minor road / public footpath runs along the south and east site boundaries, connecting Peacehaven with Piddinghoe to the north-east. The field is accessed from this minor road, opposite Hodder Farm. The north-eastern corner of the site abuts Telscombe Road, which runs north to Halscombe Farm. Public footpaths surround the site to the south, east and north, but do not run through the field itself. A new park (the 'Big Parks Project') has recently been constructed to the south of the Wastewater Treatment Works; this includes a skatepark, two natural playgrounds, a café and community hub and community orchard. See **Figure 6** overleaf.

Other developments

- 3.6 The Southern Water Wastewater Treatment and Sludge Recycling Works is also located to the south of the site (see photos overleaf). The works are partially covered by a green roof planted with downland grasses to help it blend into the surrounding landscape. Land at Lower Hodder, to the south of the site, has been identified as having some capacity for housing. A masterplan has been prepared, incorporating

residential development, employment land uses and green infrastructure; at the time of preparing this report no application has yet been made to Lewes District Council.



Peacehaven urban edge



Public footpath to south of site



Open boundaries and gently rolling landform



Views from Lodge Hill



View south towards the bund/ green roof of the Southern Water Wastewater Treatment and Sludge Recycling Works and the 'Big Parks Project' beyond

Figure 6 Key proposals for Peacehaven Park (image from the Planning Statement & Design and Access Statement for Big Parks Project – Peacehaven produced by Allen Scott Ltd for Lewes District Council on behalf of The Big Parks Project Board)

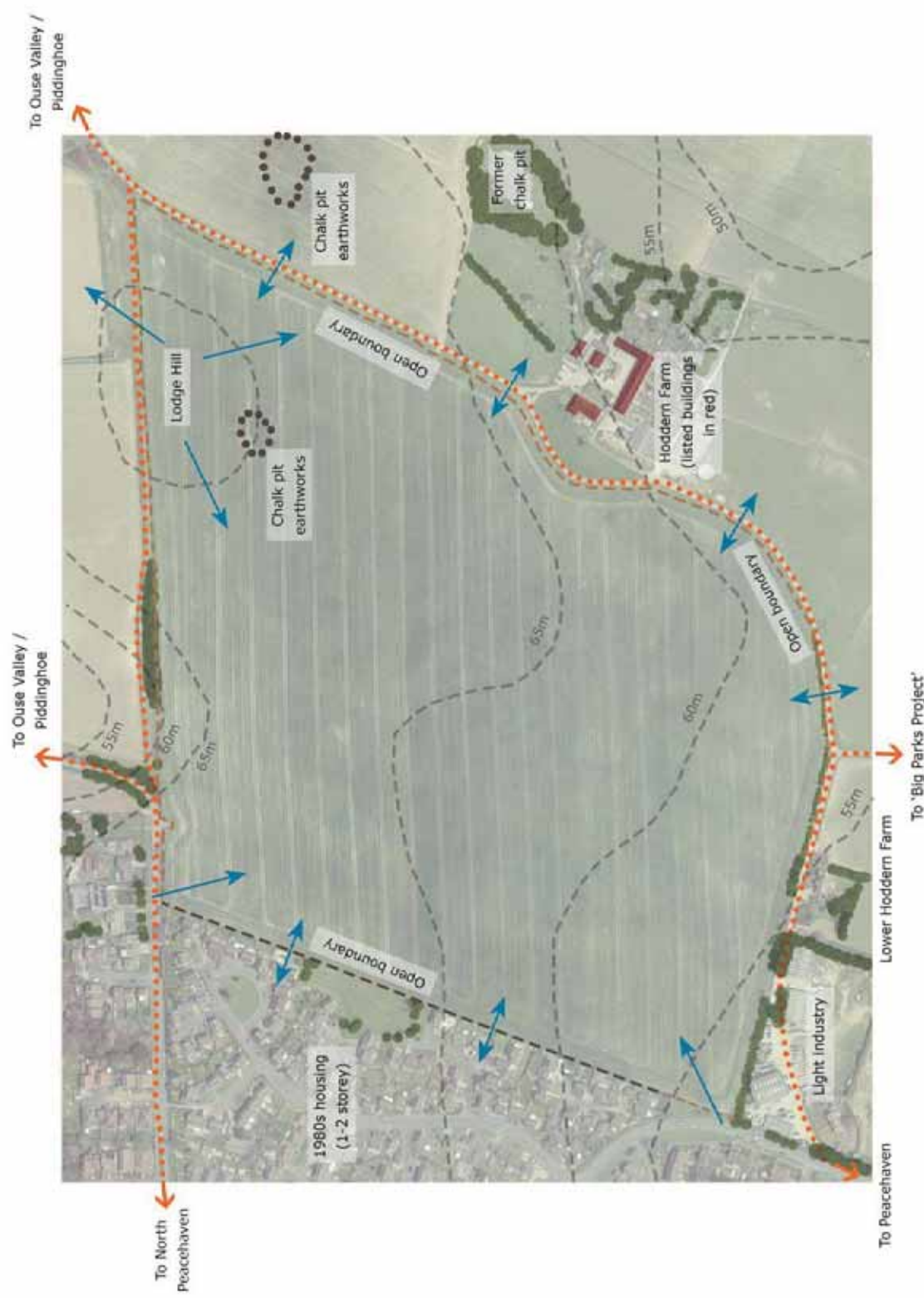


Southern Water Wastewater Treatment and Sludge Recycling Works looking west (image courtesy of Southern Water)



Southern Water Wastewater Treatment and Sludge Recycling Works (image courtesy of Southern Water)

Figure 7 Site Appraisal



4 Visual Appraisal

Introduction

4.1 A visual appraisal was undertaken to understand the current visual prevalence of the site, and to make some initial assumptions as to the potential visual effect of development on the site.

4.2 Following a preliminary assessment of the landscape context it was considered that there would be potential views from:

- Public rights of way bordering, and on approach to, the site;
- Local farmsteads and residential properties on the Peacehaven urban edge; and
- Local hill tops and ridges e.g. Telscombe Tye, Bollen's Bush.

4.3 Five viewpoints were selected from publicly accessible areas with potential views of the site. The selected viewpoints are shown on **Figure 4** and listed below:

1. Lodge Hill (north-east corner of site)
2. Footpath south of Lower Hodderm Farm
3. Telscombe Tye
4. Footpath near Bollen's Bush
5. Footpath north of Halcombe Farm

4.4 Panoramic photographs are provided for each of the viewpoints and have been annotated to indicate the visible extents of the site, along with any other key landscape features. The photographs were taken on 2nd March 2017, in dry, sunny and clear conditions. The photographs taken represent maximum visibility of the site as they show winter vegetation with trees not in leaf.

Views to and from the site

4.5 From the most elevated part of the site (Lodge Hill in the north-east) some long range views are available to the north and east. These take in the broad, flat Ouse Valley flanked by rolling hills, with typically open skylines. There are medium range views south across Peacehaven to the open sea, with views west shortened by residential development which borders the site.

4.6 The southern part of the site is at a lower elevation, with views out limited by the rising landform to the north-east, the Peacehaven urban edge to the west, and semi-mature vegetation bordering the site and Lower Hodderm Farm to the south.

4.7 The site has open boundaries (post and wire fencing) to the north, east and south-east. There are close and open views in from the minor road / public footpath which runs along the eastern and southern site boundaries, linking Peacehaven with Piddinghoe to the north-east. From public footpaths to the south, which link the site with the Big Parks Project, there are views of the open ridge formed by Lodge Hill, with other parts of the site screened by the undulating landform and intervening vegetation.

4.8 The western site boundary is formed by a low timber fence, and there are close and open views from front and rear elevations of housing on the edge of Peacehaven. Young specimen tree planting within the existing residential development filters the view in places. Telscombe Road, which borders the north-west corner of the site, has elevated views across the site.

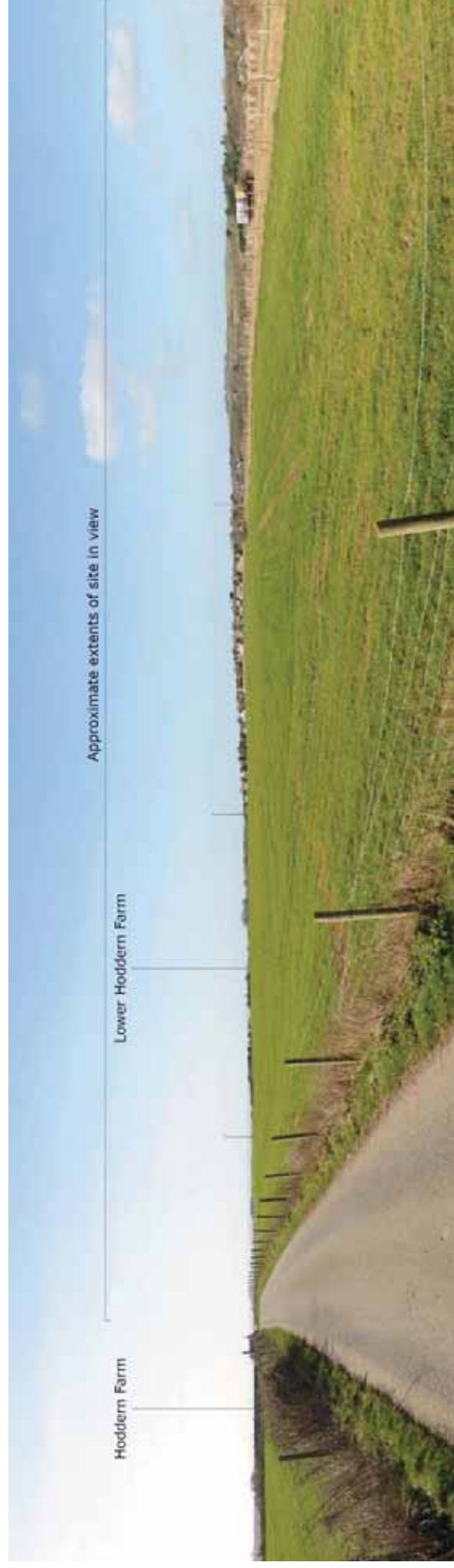
4.9 In more distant views the site is visible from public footpaths which cross ridges and hill tops to the north and east; these include the vegetated Bollen's Bush nature reserve ridge to the south-east (through gaps in vegetation) and the more distant open hills above the Ouse Valley to the north-east. In views from the east the site is backdropped by the Peacehaven urban edge. There are also glimpsed views of the more elevated part of the site from the north-west, including Telscombe Tye. Here the site forms a small part of wider panoramas.

4.10 **Figure 8** overleaf illustrates key views to and from the site.

Figure 8 Visual Analysis

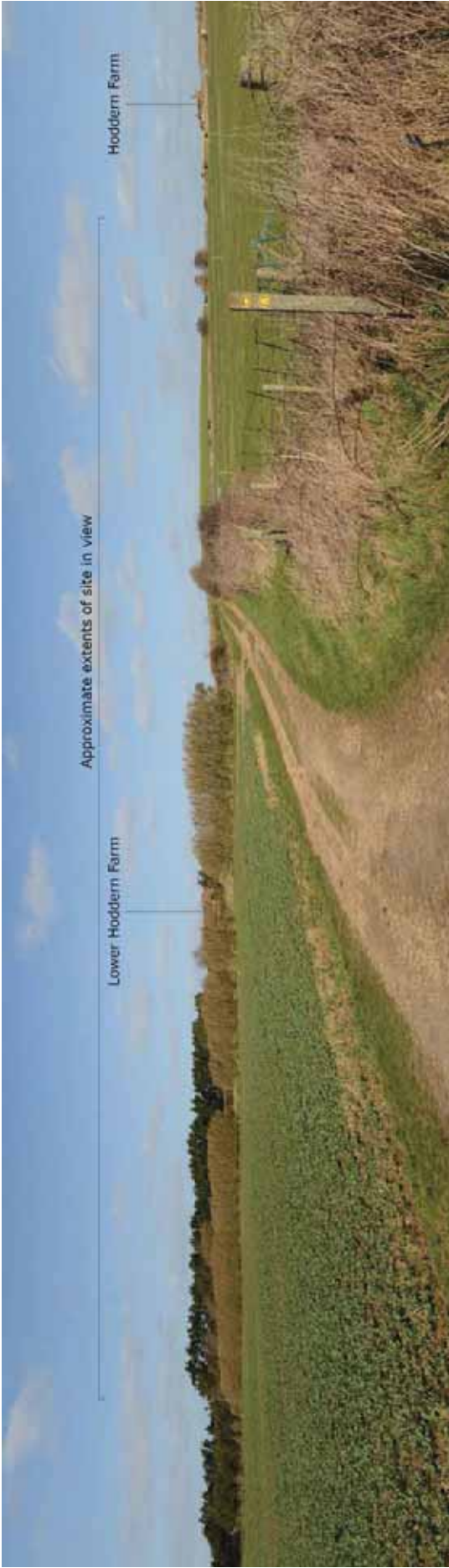


5 Photographic Viewpoints



Viewpoint 1 Lodge Hill (north-east corner of site) (542378, 102659)

- 5.1 This viewpoint is located on a farm track / public right of way at the north-east corner of the site, and is within the South Downs National Park. People experiencing this view include recreational receptors (walkers, cyclists) and local residents. The farm track runs between Peacehaven and the village of Piddinghoe to the north-east, via Lower Hodderm Farm and Hodderm Farm. From this location the open nature of the site and its gentle topography can be appreciated. The site boundary is defined by a post and wire fence. A line of telegraph poles is visible crossing the site.
- 5.2 There are views south-west across the site, looking towards housing on the north-eastern edge of Peacehaven. Lower Hodderm Farm on the southern edge of the site is partially screened by the landform, which rises gently away from the viewpoint, and by a belt of semi-mature trees immediately to the north of the farm. There are also open views in other directions (not shown in the above photo): north-west across a dry, wooded valley and Halcombe Farm towards the rolling hills above Telscombe and Southsea; north-east across the Ouse Valley to open rolling hills of up to 190m AOD at Beddingham Hill, and including a large chalk pit at Tarring Neville, with Firle Beacon on the distant skyline; south-east to Seaford, with the cliffs at Beachy Head visible beyond; and south to parts of Peacehaven and Newhaven, framed by the wooded ridge connecting the two settlements.
- 5.3 It is highly likely that any development on the site would be visible from this viewpoint. The south-west part of the site is partially screened by topography, and would therefore be the most favourable part of the site to develop from this viewpoint. There are opportunities to redefine the urban edge of Peacehaven; the settlement boundary is currently very open, with 1980s housing visible beyond a low timber fence. Housing along Valley Road to the north-west of the viewpoint is less visible, in part due to the valley topography but also because of its strong woodland structure. New development would benefit from having small wooded areas within and on the fringes of the development, to help integrate it within the settlement and provide screening from the National Park.



Viewpoint 2 Footpath south of Lower Hodderm Farm (541960, 101969)

- 5.5 This viewpoint is located on a farm track / public right of way approximately 150m to the south of the site, and is on the boundary of the South Downs National Park. People experiencing this view include recreational receptors (walkers, cyclists). The farm track connects north Peacehaven with Newhaven to the east, and runs south towards central Peacehaven via the Big Parks Project / Wastewater Treatment Works.
- 5.6 From this location lower parts of the site are screened by a mature scrubby hedgerow and coniferous shelterbelt in the middle distance of the view, which also screens Lower Hodderm Farm. The gentle ridge in the north-east of the site is visible, partially screened by field boundary scrub. There are open views in other directions (not shown in the above photo): south-east towards a wooded ridge running between Bollen's Bush and Friars' Bay; south towards the Wastewater Treatment Works, Big Parks Project and housing on the northern fringe of Peacehaven; and west towards the Peacehaven urban edge, with a coniferous shelterbelt screening the closest residential properties along Pelham Rise.
- 5.7 From this location it is likely that development in the south-west of the site would be screened by intervening vegetation, particularly if it was to reflect the scale of neighbouring residential developments (i.e. maximum of 2-storeys in height). There is an opportunity to provide further screening through additional planting on the southern boundary of the site. The type of planting (including species selected) would need to reflect the local character of the area. Planting in the more elevated north-east of the site would be visible from this location, and would detract from the open ridgeline which is one of the key characteristics of the National Park.



Viewpoint 3 Telscombe Tye (539879, 103582)

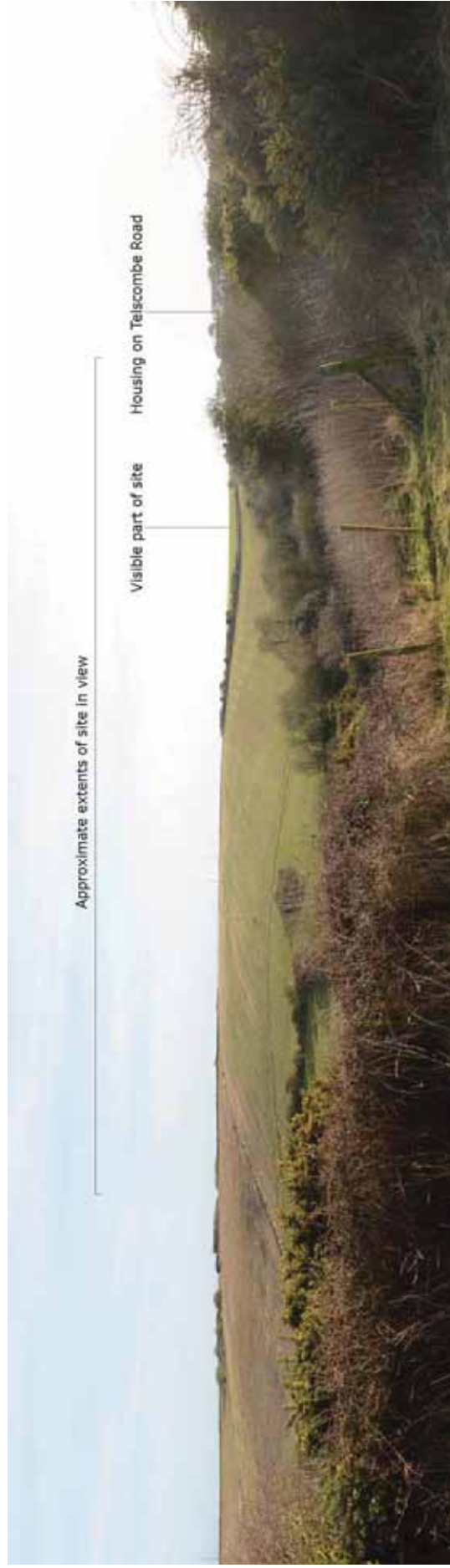
- 5.9 This viewpoint is located on a public right of way within a field near the trig point and small reservoir on Telscombe Tye, an area of open downland within the South Downs National Park. People experiencing this view include recreational receptors (mainly walkers). The public right of way connects Peacehaven and Saltdean with the rolling hills of the National Park. Telscombe Tye is viewpoint 74 in the South Downs National Park: View Characterisation and Analysis report (published 2015)⁴. This is one of the 'Views across the undeveloped downs' which is noted as representing some of the 'breath-taking views' in the first of the Park's special qualities. Guidance for this view type, as set out in the National Park's View Characterisation and Analysis Report includes:
- "Maintain the generally undeveloped character of the downs and the open, undeveloped skylines" and
 - "Maintain the generally undeveloped backdrop to the views and ensure that new development does not intrude into currently undeveloped and 'unspoilt' views."
- 5.10 From this location there are open, expansive views west across the dry and wooded Telscombe valley towards the more distant and large scale Ouse Valley, backed by the rolling hills of the South Downs. The cliffs at Beachy Head are just visible on the distant skyline to the south-east. Urban influences include settlements (South Heighton, Seaford and Newhaven) and large scale chalk pits which contrast with the greens of the open fields and woodland blocks. The majority of Peacehaven is screened from this viewpoint by intervening landform, with the exception of housing in the north of the town. The sea is visible to the south. The site is partially visible in the middle distance of the view, on a small, relatively open ridge. Although forming part of a ridge, the site is not located on the skyline in views from Telscombe Tye, as it is backdropped by more distant undulating hills.
- 5.11 From this location it is likely that development in the north-east of the site would be visible, with that in the south-west of the site screened by landform. Development would extend the urban edge of Peacehaven further into the rural landscape, albeit in distant and panoramic views where settlement is an existing feature. The reinforcement of site boundaries may help contain views although care would need to be taken that any planting is in character with the local area.

⁴ Available from <https://www.southdowns.gov.uk/planning/planning-policy/national-park-local-plan/evidence-and-supporting-documents/viewshed-analysis/>



Viewpoint 4 Footpath near Bollen's Bush (543175, 101635)

- 5.12 This viewpoint is located on an informal path near a public right of way which crosses an elevated ridge above and to the west of Peacehaven Golf Course, and is within the South Downs National Park. Bollen's Bush is a nature reserve comprising woodland and heathland habitats with a network of footpaths and informal paths which lead into the rolling hills to the north. At the viewpoint, large areas of gorse are present; a small grassy glade affords open views to the west. People experiencing this view include recreational receptors (walkers, visitors to the nature reserve).
- 5.13 From this location there are open views to the west, framed by gorse. Peacehaven is visible on an elongated ridge which extends south towards the coast, and is backed by slightly more elevated open hills at Telcombe Tye. The site is visible in the middle distance, behind a large complex of buildings in a wooded setting at Hodder Farm, and in front of part of the Peacehaven urban edge. Views north and east are screened by the surrounding gorse and woodland. There are glimpsed views towards elevated parts of Newhaven to the south.
- 5.14 From this location it is likely that development in the site would be visible, and would occupy a wide angle of view. Development would extend the urban edge into a rural area, albeit one which is already influenced by a large group of traditional buildings at Hodder Farm. There would be an opportunity to screen the urban fringe which is currently open in the north of the town. Planting should reflect the local character e.g. by retaining open skylines.



Viewpoint 5 Footpath north of Halcombe Farm (542013, 103116)

- 5.15 This viewpoint is located on a public right of way on the north side of the dry, wooded valley to the north of the site, and is within the South Downs National Park. The public right of way connects housing along Valley Road with that in the village of Piddinghoe to the east, via part of the Sussex Ouse Valley Way. People experiencing this view include recreational receptors (walkers, cyclists).
- 5.16 From this location there are occasional views south through gaps in field boundaries, to the ridge which forms the northern edge of the site. A small part of the field itself is visible, where the field boundary follows a slight depression. A line of telegraph poles can be seen crossing the valley before heading over the ridge and into the site. Houses in the north-east corner of Peacehaven, along Telscombe Road, are visible, with the majority of the settlement screened by the rolling topography and wooded foreground to views south-west. Although not shown in the photo, there are views north-east to the open, rolling hills within the National Park, with views in other directions screened by vegetation along the public right of way.
- 5.17 From this location it is likely that development in the far north of the site would be visible on the skyline, dependant on building height. Development in the central and southern parts of the site would likely be screened by landform from this location. One of the development considerations within the National Park is to avoid siting new development on open skylines, therefore it is recommended that the northern parts of the site remain undeveloped.

6 Development Framework

- 6.1 This section of the report summarises the opportunities and constraints that have been identified, and provides a list of design principles for developing masterplan proposals for the site. A landscape parameter plan is provided overleaf (see **Figure 9**).

Opportunities/ recommendations

- 6.2 The landscape and visual appraisal of the site has led to the identification of the following key opportunities and recommendations:
- To redefine and soften the existing north-eastern urban edge of Peacehaven which is currently open to the surrounding countryside and provides a harsh built edge;
 - To enhance the character and quality of this part of the National Park in association with any development;
 - To ensure that development responds to the landform, taking advantage of the natural screening provided by topography in the south-west of the site;
 - To provide and improve public access and recreational opportunities in line with the National Park's purposes and special qualities, and to ensure facilities and signage are well integrated by way of siting, materials and design;
 - To create links to other landscape and recreational assets in and around Peacehaven, including schools, community facilities and areas of open space;
 - To complement future proposals for the Lower Hodder Farm site which is allocated for housing in the Local Plan;
 - To convert arable land into chalk grassland, in line with the aims of the East Brighton Downs Biodiversity Opportunity Area;
 - To maintain the open skylines which are a key characteristic of the National Park, by limiting development to lower-lying parts of the site, and by considering removal of linear areas of scrub along fence lines to restore an open and smoothly rolling character; and
 - To minimise the effects of light spill, noise and increased traffic on remoteness and tranquillity experienced within the National Park.

Constraints

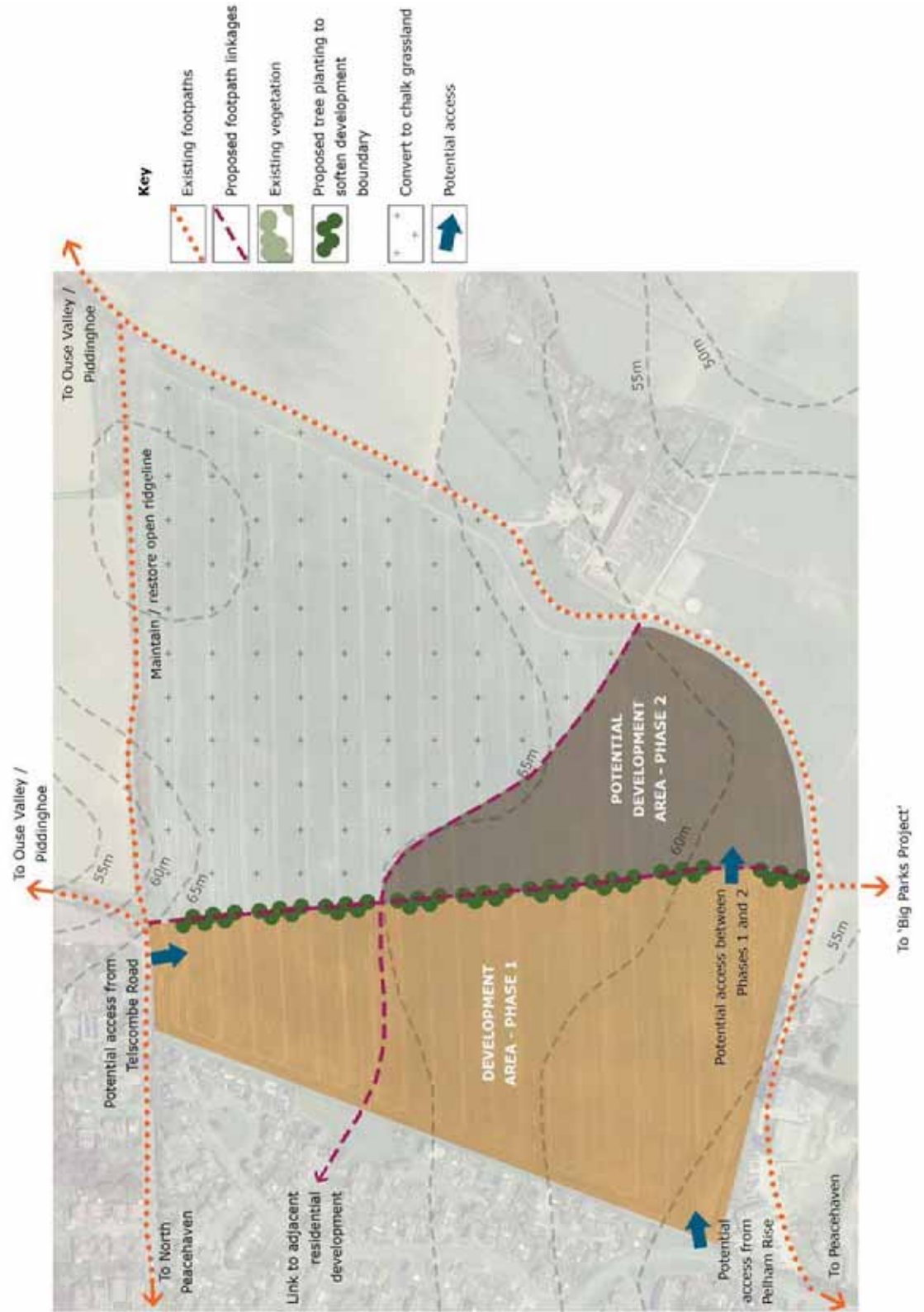
- 6.3 The following constraints need to be taken on board when designing the site:
- Open ridgeline in the north-east (Lodge Hill);
 - Open site boundaries, allowing close views in from neighbouring residential areas and public rights of way;
 - The need to maintain access to public rights of way; and
 - Effect on the setting of listed buildings at Hodder Farm.

Design Principles

- 6.4 The following principles should be taken on board when designing the site:
- Avoid locating development on open skylines in the more elevated north-east of the site;

- The scale of development should reflect the character of neighbouring residential areas while making maximum use of land e.g. likely to be two storey properties;
- Use planting to soften the edges of the development, particularly the eastern edge of the developed area which borders the National Park;
- Provide areas of open space for recreation within the development areas;
- Select buildings materials which reflect the site's rural setting and location within the National Park; and
- Provide access from neighbouring residential areas, creating links with existing recreational facilities e.g. parks and play areas.

Figure 9 Development Framework



7 Conclusion

- 7.1 The Hodder Farm site could be sensitive to development in landscape and visual terms due to its elevated location, open skylines and location within the National Park. The most sensitive parts of the site are in the east, closer to the National Park, and in the north where there is an open ridgeline which has a relationship with the deep coombe to the north. The least sensitive part of the site is in the south-west, where it abuts existing residential development and benefits from visual shelter provided by the rising landform to the north and east.
- 7.2 Although the site contributes to the diverse landscapes of the National Park, it is not located in the most tranquil or unspoilt location, it is currently in arable use, and it does not apparently contain notable historical features that contribute to the rich cultural heritage. It therefore does not presently contribute much to the National Park's special qualities and purposes, but does have the potential to make a stronger contribution.
- 7.3 In conclusion there is some capacity for residential development in the less sensitive western and southern parts of the site, adjacent to the existing settlement edge. Development would provide opportunities to improve the character and quality of the edge of Peacehaven and its interface with the National Park. There are further opportunities to improve biodiversity and green linkages, to replace the existing arable land in the eastern hill top areas of the site with chalk grassland, as well as providing recreational opportunities to benefit local residents and visitors to the National Park alike.
- 7.4 The Development Framework in **Figure 9** provides an initial framework for meeting these aspirations and illustrates how an allocation on the site could extend the settlement edge of Peacehaven in accordance with previous allocations whilst delivering benefits to the landscape setting of the National Park. In order to ensure adequate landscaping and open space provision the developable area is likely to be in the region of 14 hectares (35 acres). The remaining area would be given over to landscaping and public open space that will help to enhance the character of the local landscape and better contribute to the National Park's special qualities and purposes.

Appendix 1

References

1. LUC on behalf of the South Downs National Park Authority (November 2015) South Downs National Park: View Characterisation and Analysis
2. Roland B Harris (November 2004) Sussex Extensive Urban Survey (EUS) Peacehaven Historic Character Assessment Report
3. Lewes District Council And South Downs National Park Authority (September 2012) Landscape Capacity Study
4. Lewes District Council (May 2016) Lewes District Local Plan: Part 1 Joint Core Strategy 2010-2030
5. East Sussex County Council (June 2014) East Sussex Green Infrastructure Study
6. Sussex Biodiversity Partnership (undated) East Brighton Downs Biodiversity Opportunity Area
7. CPRE (2015) Making Places – Phase 1 Workshops Report
8. Allen Pyke Associates (June 2013) Lower Hodder Farm – Masterplan Report
9. South Downs National Park Authority (September 2015) South Downs Local Plan: Preferred Options
10. South Downs National Park Authority (2017) Tranquillity Study
11. Allen Scott Ltd for Lewes District Council on behalf of The Big Parks Project Board (2013) Planning Statement & Design and Access Statement for Big Parks Project – Peacehaven

Representation ID: REP/489/DM17
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Representor Details:

Representor ID:	REP/489
Name:	
Organisation:	Epic Real Estates Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

Agent Details:

Name:	Mark Best
Organisation:	Parker Dann

Contact Details:

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Address:	

Representation:

Policy/Section:	DM17: Former Lewes/Sheffield Park Railway Line
<p><i>Do you consider the document to be:</i></p> <p>Legally Compliant:</p> <p>Sound:</p>	
<p>Representation:</p> <p>Policy DM17 seeks to permit informal recreational uses, such as walking, cycling and horse-riding along the route of the undeveloped part of the Lewes/Sheffield Park railway line. It indicates that development which would prejudice such uses will not be permitted unless proposals are accompanied by alternative route provision.</p> <p>Part of the undeveloped route is owned and controlled by Epic Real Estates Ltd and borders the Sheffield Park Industrial Estate.</p> <p>There is no public access to land and no intention on behalf of Epic Real Estates Ltd to permit public access in the future. It is nonsensical to preclude development in an area on the basis of safeguarding non-existent informal recreational uses on the land.</p>	

We object to this policy and suggest it is deleted. Alternatively Epic Real Estates Ltd's land should be exempt from its application.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/489/HPCRepresentor Details:

Representor ID:	REP/489
Name:	
Organisation:	Epic Real Estates Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

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Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	No
Representation:	
Land at Sheffield Park Industrial Estate	
Introduction	
Please find below our response to Lewes District Council's Local Plan Part 2 Site Allocations and Development Management Policies consultation on behalf of Epic Real Estates Ltd. Our client is the owner of the Sheffield Park industrial estate and the Bluebell industrial estate shown on Inset Map 14: Sheffield Park. Our representations focus on the ongoing development of these sites but are primarily concerned with the Policy NW2 from the Lewes District Local Plan 2003 and why it is erroneously proposed to be superseded by the Lewes District Local Plan Part 2: Site Allocations and	

Development Management Policies.

We understand that the Council will submit the Plan for Examination prior to 24th January 2018 and therefore our representations refer to the 'old' National Planning Policy Framework (NPPF) (2012).

Our representations should be read with close reference to the Market Assessment and Demand Study for Sheffield Park Business Estate prepared by Michael Cogswell MBA BA. This has been included at Appendix A.

The owner of the site has submitted a planning application under Council Ref: LW/18/0336 which sought to bring forward the NW2 allocation. This application was refused by the Council but evidences the applicant's desire to develop the site and realise the significant benefits to the local economy that we refer to in Appendix A.

The Site and its Context

The site is the Sheffield Park Business Estate, formerly the Woodgate Dairy which ceased production in 2008.

The site area comprises 6.47 hectares and is located in North Chailey. The site is accessed off the A275 via East Grinstead Road which falls to the south-east. The site location benefits from good levels of accessibility by virtue of its links to the A275 and A272.

A portion of ancient woodland abuts the site to the south. The site is within Flood Zone 1, the lowest risk zone.

The built development on site consists of a number of industrial buildings associated with the business use, including factory units, loading bays, garage and parking areas.

The operation of the site for business use has been informed by the historic use of the site, which culminated in a Site Specific Policy (NW2) in the Lewes District Local Plan 2003 for B1, B2 and B8 use at the site. This allocation was retained and adopted as part of the Council's saved policies following an examination of the Local Plan by a Planning Inspector in 2016. This is despite the site's designation as ancient woodland.

Whilst the allocation in NW2 preceded the ancient woodland designation in the 2003 Local Plan. The allocation was re-considered (with the knowledge that the area was designated as ancient woodland) as part of the Lewes Local Plan Part 1. This was independently examined by a Government appointed Planning Inspector. Following the examination policy NW2 was then 'saved' and the Plan was subsequently adopted by the Council.

Policy NW2

Appendix 2 of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD details policies in the Lewes District Local Plan 2003 are superseded by the policies set out in the emerging document. We object to this as it is seemingly based on the misguided and ill-informed notion that the site is "unlikely to be attractive to business market".

This comment apparently stems from the Council's Employment Land Review (ELR) which was undertaken in 2010. Two subsequent updates were undertaken the first to review key outputs in the 2010 ELR in the context of the on-going depressed economic conditions at the time. This was undertaken in 2012. A further update was undertaken in June 2017 but only to specifically review Newhaven's employment situation. Lewes District was given a brief update as part of the report to provide the context to review Newhaven's situation. No update was given to the Sheffield Park Industrial Estate.

The assessment of Sheffield Park Industrial Estate indicates:

"Development and environmental constraints – Small, generally level site but only accessed through wider site. Woodland landscape and protection of land for recreational activity (see Planning Factors) unlikely to be surmountable. No flood risk identified".

And

"Market attractiveness – undeveloped Greenfield site which has been allocated for 7 years without development. Isolated location. Unlikely to be attractive to market".

The full assessment is included at Appendix B.

We are concerned that a document prepared in 2010 and undoubtedly using information gathered prior to this period is now being used to inform demand some 8 years on. To this end, Epic Real Estates Ltd commissioned its own assessment of market demand for B1, B2 and B8 accommodation at Sheffield Park. Its findings directly contradict those in the Council's ELR.

The outdated and incorrect comments made in the ELR manifest themselves in the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Issues and Options Topic Paper 3: Employment – November 2013. It appears that no effort has been made to check the veracity of the comments made in the ELR and these have been lazily transferred into the Topic Paper 3: Employment. The comments in Topic Paper 3 state:

"Planning application under consideration. Isolated location with no public transport apart from weekend bus service serving tourist railway. Site accessed through existing employment site. Unlikely to be attractive to business market. Potential ecology and landscape issues".

Topic Paper 3 – Employment has been included at Appendix C. These comments now appear to inform the final Plan despite our previous objections.

Under the auspices of Core Policy 4 which focuses on encouraging economic development and regeneration, the Lewes District Local Plan Part 1 actively seeks to retain allocated employment sites. It also aims to identify an ample supply of sites to meet current and future market needs. It states:

"When and where appropriate, identify sufficient sites in sustainable locations to provide for a flexible range of employment space to meet current and future needs"

and

"There is a presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003) towards meeting the District's employment land requirements over the plan period. However, if there are clear economic viability or environmental amenity reasons for not doing so then such sites will be de-allocated or considered for alternative uses through the Site Allocations and Development Management Policies DPD or the SDNPA Local Plan."

The starting point for considering the NW2 allocation is that it should be retained as set out in Core Policy 4 above. It should only be de-allocated in the event that clear economic viability or environmental amenity reasons are presented for doing so.

The economic viability evidence we present at Appendix A shows not only that there is substantial demand, there would be a significant boost to the economy as a result of the development following the retention of the NW2 allocation (circa £36.92 million over a 10 year period) and the creation of 90 jobs. This is therefore not a reason to de-allocate the site. The information we have provided directly refutes the assertions in the ELR which flow into Topic Paper 3 and provides not only a more robust assessment of the desirability of Sheffield Park Industrial Estate to the business market but also a markedly more up-to-date one.

Neither the ELR nor Topic Paper 3 presents any environmental amenity reasons for the site to be de-allocated. It does not refer to an incompatibility with the proposed employment use of the site and neighbouring land uses. Indeed, the ELR confirms the woodland landscape is "unlikely to be insurmountable". No environmental amenity reasons have been presented for de-allocating the site.

To give further consideration to potential environmental reasons, the key issue for the site is to be whether an application could come forward that complies with the NPPF guidance on the protection of ancient woodland.

Paragraph 118 of the NPPF provides guidance on the protection and enhancement of biodiversity. The Framework requires a balancing test: identifying the degree and nature of harm caused to ancient woodland, after allowing for mitigation and compensation; and then identifying and weighing this harm against the benefits of the whole scheme.

The Planning Practice Guidance ('PPG') advises that the requirements of the mitigation hierarchy need to be satisfied, otherwise permission should be refused. Under the approach promoted in the PPG, considerations of minimising harm through effective mitigation arise after it is demonstrated that significant harm cannot be wholly or partially avoided. Compensation is regarded as a last resort in the event of significant residual harm.

Ancient Woodland can be divided into two main categories:

- (1) Ancient semi-natural woodland ("ASNW"): primarily made up of trees and shrubs native to the site, usually arising from natural regeneration;
- (2) Plantations on ancient woodland sites (PAWS"): areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site.

The ancient woodland in this case is PAWS. The PPG states that ASNW and PAWS have equal protection under the NPPF. However, this does not mean that the weight to be attached to both types of woodland is equal. The weight that will be attached to the loss of ancient woodland will be dependent on its biodiversity value: that is because ancient woodland is protected because of its ecological importance. As an advice note by the Houses of Parliament Office of Science and Technology ("the Parliamentary Note") put it: "Areas of ancient woodland were originally mapped to act as a proxy for areas of high biodiversity". It is generally recognised that PAWS are of less biodiversity value.

Sylvan confirm in their Technical Briefing Note (included at Appendix D) that the area is in 'moderate condition'.

There is a substantial body of advice and appeal decisions which demonstrate that the loss of ancient woodland of low ecological value may be acceptable.

The Parliamentary Note states the following:

"The value of ancient woods will depend on the condition of the site. For instance, some small, poorly managed ancient woods have been found to be lower in plant diversity than larger, sustainably managed woods. Readily available data on woodland condition could inform planning decisions by Local Authorities: loss of a high-condition site that provides greater environmental and cultural benefits or linkages to other sites may be less desirable than loss of a low-condition site providing fewer benefits".

The Standing Advice states the following:

"In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases".

In Appeal ref: APP/W2275/V/11/2158341 (Appendix E), the Secretary of State stated as follows:

"The Secretary of State agrees with the Inspector that in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in question must be assessed (IR16.43). He notes that the Framework advice does not differentiate between Ancient Semi-Natural Woodland (ASNW) and PAWS but that the Keepers of Time Statement by Defra seems to draw a distinction by saying that ASNWs are generally the most valuable ancient woodland sites. Both types of ancient woodland benefit from the protection in paragraph 118 of the Framework, but that cannot mean that the quality – or potential quality – of ancient woodland should be ignored. It is necessary to exercise judgment and to examine the attributes of the site beyond merely applying the labels of ancient woodland. The fact that there is no explicit policy distinction in the Framework between ASNW and PAWS cannot lead to the conclusion that the qualitative attributes and significance of effect on the ancient woodland in question should somehow be ignored. The point is not that PAWS is to be treated as less valuable simply because it is not ASNW but that the attributes of the ancient woodland in question must be understood and judgment exercised in the light of that understanding. Striking the balance also requires consideration of the significance of the loss of the

ancient woodland in question, rather than a bland attachment of equal significance of loss to all ancient woodland." 7

Similarly, in Appeal Ref: APP/U2235/A/14/2226326 and APP/H2265/A/14/2226327 (Appendix F), the Secretary of State stated as follows:

"Designation in itself does not comprise ecological value; it recognises it, provided it is accurately done. That should not distract the decision maker from firm evidence of actual ecological value. Designation as Ancient Woodland is only shorthand or an indication of ecological interest; it is the ecological interest itself which is of value rather than the designation as such."

Finally, in Appeal Ref: APP/R3650/W/15/3129019 (Appendix G) the Inspector stated as follows:

"The condition and ecological quality of Knowle Wood... has some bearing on the weight that should be accorded to the loss, alongside the opportunities that the proposal would bring for on-site and off-site enhancements. These matters form part of the overall assessments".

The Technical Briefing Note prepared by Sylvan establishes the ecological baseline of the ancient woodland and demonstrates that the paragraph 118(1) test is satisfied: i.e. that any significant harm to the ancient woodland from the development is mitigated or compensated for.

There is some debate about whether it is possible to mitigate the loss of ancient woodland. The Standing Advice states that the irreplaceable nature of ancient woodland means that loss or damage cannot simply be rectified by mitigation and compensation measures. It advises that these measures should be disregarded for the purposes of paragraph 118(5) (i.e. the balance in favour of harm against benefits). As it puts it at paragraph 6.1;

"The irreplaceable nature of ancient woodland and veteran trees means that loss or damage cannot simply be rectified by mitigation and compensation measures. Therefore, where measures seek to address issues of loss or deterioration of ancient woodland or veteran trees, through for instance, attempting to minimise the area of ancient woodland affected (mitigations) or through the provision of replacement habitat (compensation), our advice is that these benefits of a proposed development clearly outweigh the loss or damage of ancient woodland".

However, this advice is inconsistent with paragraph 118 of the NPPF, since the effect of mitigation is to reduce harm, and therefore it is wrong to consider mitigation and compensation measures after the harm has already been balanced against the benefits of the proposal. Therefore, the correct approach in decision making is to go through the mitigation hierarchy to determine the level of residual harm caused by the development (assuming it cannot be 8

avoided) and to then weigh this harm against the benefits of the proposal. The harm cannot be avoided if the Council's allocation is to be realised.

This was the approach taken by the Inspector in the Hermitage Lane appeal:

"When considering damage, even more than when considering loss, it is counterintuitive to follow Natural England advice that mitigation and compensation measures should be issues for consideration only after it has been judged that the wider effects of a proposed development clearly outweigh the loss or damage; that is what it is intended to do and it may be thought unrealistic to separate the two. Neither party did so.

To conclude on this issue, I have found that loss of part of ancient woodland would be unavoidable and is necessary to enable the proposed development to proceed. The proposal would however result in significant harm due to loss of ancient habitats and fragmentation of the woodland. The mitigation measures proposed would prevent further damage during construction and operation of the development. A compensation package would allow for the woodlands long term management and for off-site benefits of at least equivalent value, but neither the mitigation nor the compensation would fully cancel out the harm caused. There would be residual harm, which is carried forward to be considered against the need for development and its benefits".

With this approach in mind, Sylvan conclude that:

"The provision on the measures put forward would serve to avoid significant harm to biodiversity by compensating for woodland losses while the planning merits, in terms of need and social and economic benefits, would serve to clearly outweigh the loss of the designated ancient woodland".

On this basis, the NW2 allocation can be realised and the requirements of paragraph 118 of the NPPF satisfied.

In the absence of any cogent evidence contained within the Council's evidence base indicating that the site should be de-allocated and given the robust Report prepared by Michael Cogswell MBA BA confirming substantial demand the presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003) as set out in Core Policy 4 of the Lewes District Local Plan Part 1 should be followed. Similarly, the Council have presented no environmental evidence of its own to contradict the findings of Sylvan.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public? Yes

Why do you feel it is necessary to participate at the Examination in Public?

Our ref: PD/1859
Your ref:



Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

1st November 2018

Dear Sir / Madam,

**Lewes District Local Plan Part 2 Site Allocations and Development Management Policies Consultation – Pre-Submission Version
Land at Sheffield Park Industrial Estate**

Introduction

Please find below our response to Lewes District Council's Local Plan Part 2 Site Allocations and Development Management Policies consultation on behalf of Epic Real Estates Ltd. Our client is the owner of the Sheffield Park industrial estate and the Bluebell industrial estate shown on Inset Map 14: Sheffield Park. Our representations focus on the ongoing development of these sites but are primarily concerned with the Policy NW2 from the Lewes District Local Plan 2003 and why it is erroneously proposed to be superseded by the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies.

We understand that the Council will submit the Plan for Examination prior to 24th January 2018 and therefore our representations refer to the 'old' National Planning Policy Framework (NPPF) (2012).

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but evidences the applicant's desire to develop the site and realise the significant benefits to the local economy that we refer to in Appendix A.

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The site is the Sheffield Park Business Estate, formerly the Woodgate Dairy which ceased production in 2008.

The site area comprises 6.47 hectares and is located in North Chailey. The site is accessed off the A275 via East Grinstead Road which falls to the south-east. The site location benefits from good levels of accessibility by virtue of its links to the A275 and A272.

A portion of ancient woodland abuts the site to the south. The site is within Flood Zone 1, the lowest risk zone.

The built development on site consists of a number of industrial buildings associated with the business use, including factory units, loading bays, garage and parking areas.

The operation of the site for business use has been informed by the historic use of the site, which culminated in a Site Specific Policy (NW2) in the Lewes District Local Plan 2003 for B1, B2 and B8 use at the site. This allocation was retained and adopted as part of the Council's saved policies following an examination of the Local Plan by a Planning Inspector in 2016. This is despite the site's designation as ancient woodland.

Whilst the allocation in NW2 preceded the ancient woodland designation in the 2003 Local Plan. The allocation was re-considered (with the knowledge that the area was designated as ancient woodland) as part of the Lewes Local Plan Part 1. This was independently examined by a Government appointed Planning Inspector. Following the examination policy NW2 was then 'saved' and the Plan was subsequently adopted by the Council.

Policy NW2

Appendix 2 of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD details policies in the Lewes District Local Plan 2003 are superseded by the policies set out in the emerging document. We object to this as it is seemingly based on the misguided and ill-informed notion that the site is *"unlikely to be attractive to business market"*.

This comment apparently stems from the Council's Employment Land Review (ELR) which was undertaken in 2010. Two subsequent updates were undertaken the first to review key outputs in the 2010 ELR in the context of the on-going depressed economic conditions at the time. This was undertaken in 2012. A further update was undertaken in June 2017 but only to specifically review Newhaven's employment situation. Lewes District was given a brief update as part of the report to provide the context to review Newhaven's situation. No update was given to the Sheffield Park Industrial Estate.

The assessment of Sheffield Park Industrial Estate indicates:

"Development and environmental constraints – Small, generally level site but only accessed through wider site. Woodland landscape and protection of land for recreational activity (see Planning Factors) unlikely to be surmountable. No flood risk identified".

And

"Market attractiveness – undeveloped Greenfield site which has been allocated for 7 years without development. Isolated location. Unlikely to be attractive to market".

The full assessment is included at Appendix B.

We are concerned that a document prepared in 2010 and undoubtedly using information gathered prior to this period is now being used to inform demand some 8 years on. To this end, Epic Real Estates Ltd commissioned its own assessment of market demand for B1, B2 and B8 accommodation at Sheffield Park. Its findings directly contradict those in the Council's ELR.

The outdated and incorrect comments made in the ELR manifest themselves in the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Issues and Options Topic Paper 3: Employment – November 2013. It appears that no effort has been made to check the veracity of the comments made in the ELR and these have been lazily transferred into the Topic Paper 3: Employment. The comments in Topic Paper 3 state:

"Planning application under consideration. Isolated location with no public transport apart from weekend bus service serving tourist railway. Site accessed through existing employment site. Unlikely to be attractive to business market. Potential ecology and landscape issues".

Topic Paper 3 – Employment has been included at Appendix C. These comments now appear to inform the final Plan despite our previous objections.

Under the auspices of Core Policy 4 which focuses on encouraging economic development and regeneration, the Lewes District Local Plan Part 1 actively seeks to retain allocated employment sites. It also aims to identify an ample supply of sites to meet current and future market needs. It states:

"When and where appropriate, identify sufficient sites in sustainable locations to provide for a flexible range of employment space to meet current and future needs"

and

"There is a presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003) towards meeting the District's employment land requirements over the plan period. However, if there are clear economic viability or environmental amenity reasons for not doing so then such sites will be de-allocated or considered for alternative uses through the Site Allocations and Development Management Policies DPD or the SDNPA Local Plan."

The starting point for considering the NW2 allocation is that it should be retained as set out in Core Policy 4 above. It should only be de-allocated in the event that clear economic viability or environmental amenity reasons are presented for doing so.

The economic viability evidence we present at Appendix A shows not only that there is substantial demand, there would be a significant boost to the economy as a result of the development following the retention of the NW2 allocation (circa £36.92 million over a 10 year period) and the creation of 90 jobs. This is therefore not a reason to de-allocate the site. The information we have provided directly refutes the assertions in the ELR which flow into Topic Paper 3 and provides not only a more robust assessment of the desirability of Sheffield Park Industrial Estate to the business market but also a markedly more up-to-date one.

Neither the ELR nor Topic Paper 3 presents any environmental amenity reasons for the site to be de-allocated. It does not refer to an incompatibility with the proposed employment use of the site and neighbouring land uses. Indeed, the ELR confirms the woodland landscape is *"unlikely to be insurmountable"*. No environmental amenity reasons have been presented for de-allocating the site.

To give further consideration to potential environmental reasons, the key issue for the site is to be whether an application could come forward that complies with the NPPF guidance on the protection of ancient woodland.

Paragraph 118 of the NPPF provides guidance on the protection and enhancement of biodiversity. The Framework requires a balancing test: identifying the degree and nature of harm caused to ancient woodland, after allowing for mitigation and compensation; and then identifying and weighing this harm against the benefits of the whole scheme.

The Planning Practice Guidance ('PPG') advises that the requirements of the mitigation hierarchy need to be satisfied, otherwise permission should be refused. Under the approach promoted in the PPG, considerations of minimising harm through effective mitigation arise after it is demonstrated that significant harm cannot be wholly or partially avoided. Compensation is regarded as a last resort in the event of significant residual harm.

Ancient Woodland can be divided into two main categories:

- (1) Ancient semi-natural woodland ("ASNW"): primarily made up of trees and shrubs native to the site, usually arising from natural regeneration;
- (2) Plantations on ancient woodland sites (PAWS): areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, usually of species not native to the site.

The ancient woodland in this case is PAWS. The PPG states that ASNW and PAWS have equal protection under the NPPF. However, this does not mean that the weight to be attached to both types of woodland is equal. The weight that will be attached to the loss of ancient woodland will be dependent on its biodiversity value: that is because ancient woodland is protected because of its ecological importance. As an advice note by the Houses of Parliament Office of Science and Technology ("the Parliamentary Note") put it: *"Areas of ancient woodland were originally mapped to act as a proxy for areas of high biodiversity"*. It is generally recognised that PAWS are of less biodiversity value.

Sylvan confirm in their Technical Briefing Note (included at Appendix D) that the area is in *'moderate condition'*.

There is a substantial body of advice and appeal decisions which demonstrate that the loss of ancient woodland of low ecological value may be acceptable.

The Parliamentary Note states the following:

"The value of ancient woods will depend on the condition of the site. For instance, some small, poorly managed ancient woods have been found to be lower in plant diversity than larger, sustainably managed woods. Readily available data on woodland condition could inform planning decisions by Local Authorities: loss of a high-condition site that provides greater environmental and cultural benefits or linkages to other sites may be less desirable than loss of a low-condition site providing fewer benefits".

The Standing Advice states the following:

"In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases".

In Appeal ref: APP/W2275/V/11/2158341 (Appendix E), the Secretary of State stated as follows:

"The Secretary of State agrees with the Inspector that in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in question must be assessed (IR16.43). He notes that the Framework advice does not differentiate between Ancient Semi-Natural Woodland (ASNW) and PAWS but that the Keepers of Time Statement by Defra seems to draw a distinction by saying that ASNWs are generally the most valuable ancient woodland sites. Both types of ancient woodland benefit from the protection in paragraph 118 of the Framework, but that cannot mean that the quality – or potential quality – of ancient woodland should be ignored. It is necessary to exercise judgment and to examine the attributes of the site beyond merely applying the labels of ancient woodland. The fact that there is no explicit policy distinction in the Framework between ASNW and PAWS cannot lead to the conclusion that the qualitative attributes and significance of effect on the ancient woodland in question should somehow be ignored. The point is not that PAWS is to be treated as less valuable simply because it is not ASNW but that the attributes of the ancient woodland in question must be understood and judgment exercised in the light of that understanding. Striking the balance also requires consideration of the significance of the loss of the ancient woodland in question, rather than a bland attachment of equal significance of loss to all ancient woodland."

Similarly, in Appeal Ref: APP/U2235/A/14/2226326 and APP/H2265/A/14/2226327 (Appendix F), the Secretary of State stated as follows:

"Designation in itself does not comprise ecological value; it recognises it, provided it is accurately done. That should not distract the decision maker from firm evidence of actual ecological value. Designation as Ancient Woodland is only shorthand or an indication of ecological interest; it is the ecological interest itself which is of value rather than the designation as such."

Finally, in Appeal Ref: APP/R3650/W/15/3129019 (Appendix G) the Inspector stated as follows:

"The condition and ecological quality of Knowle Wood... has some bearing on the weight that should be accorded to the loss, alongside the opportunities that the proposal would bring for on-site and off-site enhancements. These matters form part of the overall assessments".

The Technical Briefing Note prepared by Sylvan establishes the ecological baseline of the ancient woodland and demonstrates that the paragraph 118(1) test is satisfied: i.e. that any significant harm to the ancient woodland from the development is mitigated or compensated for.

There is some debate about whether it is possible to mitigate the loss of ancient woodland. The Standing Advice states that the irreplaceable nature of ancient woodland means that loss or damage cannot simply be rectified by mitigation and compensation measures. It advises that these measures should be disregarded for the purposes of paragraph 118(5) (i.e. the balance in favour of harm against benefits). As it puts it at paragraph 6.1;

"The irreplaceable nature of ancient woodland and veteran trees means that loss or damage cannot simply be rectified by mitigation and compensation measures. Therefore, where measures seek to address issues of loss or deterioration of ancient woodland or veteran trees, through for instance, attempting to minimise the area of ancient woodland affected (mitigations) or through the provision of replacement habitat (compensation), our advice is that these benefits of a proposed development clearly outweigh the loss or damage of ancient woodland".

However, this advice is inconsistent with paragraph 118 of the NPPF, since the effect of mitigation is to reduce harm, and therefore it is wrong to consider mitigation and compensation measures after the harm has already been balanced against the benefits of the proposal. Therefore, the correct approach in decision making is to go through the mitigation hierarchy to determine the level of residual harm caused by the development (assuming it cannot be

avoided) and to then weigh this harm against the benefits of the proposal. The harm cannot be avoided if the Council's allocation is to be realised.

This was the approach taken by the Inspector in the Hermitage Lane appeal:

"When considering damage, even more than when considering loss, it is counterintuitive to follow Natural England advice that mitigation and compensation measures should be issues for consideration only after it has been judged that the wider effects of a proposed development clearly outweigh the loss or damage; that is what it is intended to do and it may be thought unrealistic to separate the two. Neither party did so.

To conclude on this issue, I have found that loss of part of ancient woodland would be unavoidable and is necessary to enable the proposed development to proceed. The proposal would however result in significant harm due to loss of ancient habitats and fragmentation of the woodland. The mitigation measures proposed would prevent further damage during construction and operation of the development. A compensation package would allow for the woodlands long term management and for off-site benefits of at least equivalent value, but neither the mitigation nor the compensation would fully cancel out the harm caused. There would be residual harm, which is carried forward to be considered against the need for development and its benefits".

With this approach in mind, Sylvan conclude that:

"The provision on the measures put forward would serve to avoid significant harm to biodiversity by compensating for woodland losses while the planning merits, in terms of need and social and economic benefits, would serve to clearly outweigh the loss of the designated ancient woodland".

On this basis, the NW2 allocation can be realised and the requirements of paragraph 118 of the NPPF satisfied.

In the absence of any cogent evidence contained within the Council's evidence base indicating that the site should be de-allocated and given the robust Report prepared by Michael Cogswell MBA BA confirming substantial demand the presumption in favour of retaining the unimplemented employment site allocations from the Local Plan (2003) as set out in Core Policy 4 of the Lewes District Local Plan Part 1 should be followed. Similarly, the Council have presented no environmental evidence of its own to contradict the findings of Sylvan.

Policy DM17: Former Lewes/Sheffield Park Railway Line

Policy DM17 seeks to permit informal recreational uses, such as walking, cycling and horse-riding along the route of the undeveloped part of the Lewes/Sheffield Park railway line. It indicates that development which would prejudice such uses will not be permitted unless proposals are accompanied by alternative route provision.

Part of the undeveloped route is owned and controlled by Epic Real Estates Ltd and borders the Sheffield Park Industrial Estate.

There is no public access to land and no intention on behalf of Epic Real Estates Ltd to permit public access in the future. It is nonsensical to preclude development in an area on the basis of safeguarding non-existent informal recreational uses on the land.

We object to this policy and suggest it is deleted. Alternatively Epic Real Estates Ltd's land should be exempt from its application.

We would like to attend the Examination.

Yours sincerely

Mark Best BSc (Hons) MSc MRTPI
Planning Consultant
For and on behalf of Parker Dann
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Appendix A



SHEFFIELD PARK BUSINESS ESTATE

MARKET ASSESSMENT AND DEMAND STUDY

Michael Cogswell MBA BA

EXECUTIVE SUMMARY

- Interviews took place in November 2017 with three Chartered Surveying Practices specialising in commercial property; all of whom have completed deals at Sheffield Park over a period of years and know the location well.
 - Stiles Harold Williams (Regional Agency – with 8 offices in East and West Sussex, West Kent, Surrey and London)
 - Oldfield Smith (Local agent operating mainly in the TN22 post-code area). Richard Oldfield has also submitted a letter of support for the proposals.
 - Core Commercial (based in Paddock Wood, covering Kent and East Sussex)
- Locate East Sussex (LES) – the Investor Promotion Agency for East Sussex. LES, and its parent company Let Do Business Group, have both submitted letters of support for the proposed new space at Sheffield Park, as has the Federation of Small Business.
- All interviewees agreed that there is already a general shortage of suitable business space in this economic area, with strong unsatisfied demand. The latent demand is such that the new space is likely to be let as soon as it is built. Demand is strong across most parts of East Sussex, and is related to a lack of supply.
- There is demand across all the size ranges and therefore Epic would be advised to develop a mix of unit sizes or a modular design with movable partitions. There are larger requirements IRO 30-40,000 ft², but units under 10,000 ft² with a small office element in the B1/B2/B8 use classes are in most demand. There is a strong demand for ‘starter units’ under 2,000 ft². This is not an office location.
- As evidenced from the letters of support Epic has received, the Sheffield Park location attracts companies in a variety of sectors. These range from life sciences, through manufacturing to storage and distribution. All letters of support, including those from business support organisations, are attached in Part 2 of this document.
- All interviewees were adamant that the central part of East Sussex is a different market from the coastal areas, which includes Lewes. Sheffield Park is essentially a secondary market to Uckfield in the TN22 postcode and is a part of economic area that includes Burgess Hill and Haywards Heath.
- Sheffield Park is a location that enables businesses to easily access the markets where they operate through good road links via the A275. The availability of a fast broadband connection is a key factor for business interest

in any site and Sheffield Park Business Estate has FTTP, making ultra-fast broadband available. There is also adequate car parking at the site. Some interviewees considered that this area is 'Managing Director Country' and employers like the proximity of the site to where they live.

- Lewes is not a competitor area. It is now essentially not open for business as there is little stock available. North Street / Phoenix industrial estates are being developed for a mostly residential development, with some occupiers being decanted to the new Mallings Brooks area. Supply on the Cliffe Industrial Estate is very limited. The commercial property market in Newhaven is also very tight as the new units in the Enterprise Zone are under offer.

INTRODUCTION

The purpose of this report is to present a market assessment of the development proposals being brought forward for an extension to the Sheffield Park Business Estate on the land allocated in the Local Plan for employment use as saved Policy NW2. The report will also present the economic and strategic case and examine how this fits with the key economic development strategies relevant to this area. The economic impact of the development is also presented.

Scope and methodology

Extensive evidence of support has taken from several sources but at the core of this report are interviews which took place in November 2017 with three Chartered Surveyors specialising in commercial property. All three practices have completed deals at Sheffield Park over a period of years and know the location well. These are:

- Oldfield Smith & Co is a local agent based at Uckfield, operating mainly in the TN22 post-code area and specialising in commercial property. Its founder Director (Head of Agency and Investment) was interviewed for this report. Richard Oldfield of Oldfield Smith & Co has also submitted a letter of support for the proposals (see below).
- SHW (formerly Stiles Harold Williams) is a leading independent real estate advisory business, which offers multidisciplinary property services. It is a regional business with eight offices in East and West Sussex, West Kent, Surrey and London. The Partner interviewed for this report is based in the Crawley/Gatwick office which serves Sheffield Park, but is also the Head of Agency Business Space & Investment division. SHW is a key player in the Sussex coast commercial property market, and its Sussex Coast Business Space Agency was able to give insights into the separate Lewes and Newhaven markets. For a fifth year in a row, SHW has received 'the most active agent in Sussex' award from Estates Gazette magazine.
- Core Commercial is a specialist commercial property agency based at Paddock Wood and marketing factories and warehouses across Kent and into Sussex, Surrey and South-East London, typically ranging from 2,000 ft² to 10,000 ft². The representative interviewed for this report is a Director, the founder of Core Commercial, with over 40 years' experience in commercial property in various roles.

To add a strategic perspective, an interview also took place with the Business Manager for the official East Sussex Inward Investment Agency, Locate East Sussex (LES). He has good knowledge of the site having worked with businesses already located there and acted as introducer to the landlord of a number of potential

occupiers including the inward investor from North Tyneside. Working closely with its local authority partners, LES has a strategic overview of commercial property supply issues generally in East Sussex informed by a county-wide property database.

All participants were asked similar questions taken from a form, which was used as a prompt.

Development context

Sheffield Park Business Estate is a 6.47 ha¹ (16 acre) site located in Sheffield Park in East Sussex. It is understood to have had a dairy use since the 1950s. The Estate is directly served by a main road (A275), and is a part of the main central Sussex economic area which includes Uckfield, Burgess Hill and Haywards Heath.

The site housed the Express Diaries production and distribution facility, subsequently owned by Arla Foods plc. The production side of the business closed in 2006, as a knock-on result of the sale of its Express Food business to Dairy Crest (in 2005) with the reported loss of about 250 jobs². The distribution facility remained open until July 2008³, when it was closed with the loss of a further 80 or so jobs. At its peak, 380 staff are understood to have been directly employed at this facility, excluding those in the local supply chain. At the time of the closure of the Arla facility, the site comprised several large industrial units specifically built for the dairy business.

When Arla occupied the site, it received planning permission in April 2000 (reference LW/99/1037) for an additional 4,000m² (43,000ft²) in a wooded area at the south of the site for operational reasons: a new blow moulding building. This expired in 2005 and the company renewed permission (LW/04/2417⁴) in June of the same year to enable it to keep its options open regarding the future of the site. There were no objections to the application at that time from the Environment Agency or the Woodland Trust, the latter making the following consultation response: 'We do not consider that the proposal will have any significant effect on the Semi Natural Ancient Woodlands approximately 750 metres north west of the property'. In the event, the site was sold with this area remaining undeveloped and the permission lapsed.

Since acquiring the former Arla site in 2011, the current owner (Epic Real Estates Ltd), has adapted the existing specialised dairy units for small business occupiers and, where possible, has in-filled with new units. The site now comprises 5,086 m² (54,740 ft²) of units in the B1/B2/B8 use class, with a low site coverage giving generous yard-space, a requirement of some occupiers.

¹ This includes the entire woodland area.

² Source: BBC News website, 10th January 2006

³ Source: www.arlafoods.co.uk

⁴ Subject to a S106 Agreement relating to the provision and implementation of a woodland and landscape management plan.

There is now a thriving community of SME businesses located on the site (a list of businesses is included as Appendix 1), protected by security gates and fencing, and with very good road access via the A275 to East Grinstead, the A23 corridor, Uckfield and Lewes. Businesses at the Sheffield Park Business Estate currently employ 151 FTE plus 42 casual workers on-site. This is one of two business parks at Sheffield Park and there are relatively few if any other opportunities for employment in this rural area – certainly at any scale. As evidenced below, demand is high but, as the site is now fully let, the site owner is having to turn away potential tenants. There is therefore a pressing need for new commercial space to be built out to maximise the employment potential at Sheffield Park.

Commercial Property in East Sussex – barriers to delivery

The County's rurality and peripherality to regional hubs of economic activity has been a major constraint on the supply-side of business investment. There is generally insufficient value generated by business use classes to make development viable for national developers, and some employment sites have been lost to competing higher value residential and food retail uses.

Delivery of commercial floorspace in East Sussex, where development usually serves a predominately local market of micro businesses and SMEs, has also proven problematic as there is a need for speculative development. It is vitally important to occupiers in the small and micro business segment for new space to be speculatively built in advance of any formal commitment of interest. For financial and operational reasons these businesses are rarely able to 'pre-let' space prior to its construction. This is explained in detail in a letter from SHW in Appendix 2⁵. However, the funding paradox is that private development finance for forward funding speculative development is generally not available. While speculative development is essential to attract commercial occupiers, it is often not possible to raise private development capital to finance speculative commercial development, even when that development can be shown to be viable.

The result, as we will see from the market assessments in the sections below, is a depleting supply of a suitable floorspace which exists in the face of a strong underlying demand from SMEs, often requiring public sector 'gap-funding' or local authority intervention to bring forward development at certain sites.

The commercial development that does take place is predominately by local developers. Being sensitive to local market opportunities and taking a long-term view, a scheme can be developed that meets the requirements of local businesses, as Epic has done at SPBE. While Epic needs to build speculatively, and in doing so takes on risk, this can be managed in this niche market by operating with low overheads

⁵ *.. 'companies seeking these smaller units require occupation within a short timeframe and usually 3-6 months and so will only consider units that are already constructed. It is therefore necessary to speculatively construct units in order to attract these companies as they generally will not wait for a unit to be constructed for them'.*
Source: SHW, letter dated 3rd October 2016 (Appendix 2)

providing funding is available and there are no extraordinary costs or planning barriers.

Development proposals

Epic Real Estates Ltd is a commercial Property investor. The owner of Epic has been involved in the area since 2002, having acquired the Bluebell Business Estate which is located across the road from the former Arla site. Since 2006, the 10,219 m² (110,000 ft²) Bluebell Business Estate has been improved and sold to various parties which have refurbished and built new units incrementally. The owner of SPBE still retains ownership of part of Bluebell. As such, the site owner is extremely familiar with the patterns of demand at the Sheffield Park location.

To meet the identified demand, Epic Real Estates proposes developing out a smaller area than Arla's previous proposals (see previous section) on the 1.5 acre wooded area allocated in the Local Plan for employment use as saved Policy NW2. This is only 13.6 % of the total circa 11 acres of woodland on the site.

There are various reasons why it is necessary to build out the NW2 area to maximise the potential of the business park, rather than attempt to satisfy current demand within the curtilage of the existing developed part of the site:

- The site, as currently arranged, is fully occupied with all the opportunities for infill development having already been taken with the development of Units 9-11. Since May 2017, when they were occupied, Epic has had no other unit to show potential tenants.
- It is now not possible to reconfigure the refurbished former dairy units to allow a denser site layout as these have now all been let on 5-10 year leases and the existing tenants are long-term established occupiers;
- Similarly, the yard area to the south of the site is let and fully utilised;
- Reconfiguring the site was not economically viable prior to the site being occupied as the dairy buildings, which were in good condition had an 'existing use value' that was reflected in the price paid for the site. Property economics dictated that the only way to develop the site was to reuse and adapt the existing buildings for general industrial use. This incremental approach, where the emphasis is on modernising building structures and recladding as necessary, has avoided the high environmental cost of wholesale redevelopment of the entire site.
- The car-park area along the eastern boundary of the site is not suitable for development as, being a rural site, this is well used and there is no scope for replacing essential car-parking elsewhere.

The proposals are for two blocks of small starter units and slightly larger move-on units together totalling 2,762m² (30,000ft²). The new employment space will be constructed to a high standard in the B1/B2/B8 use classes, with the units including an office element. The access to this extension will be through the centre of the main site between the former dairy buildings and the car parking areas.

Following the pre-application process, a planning application to build out this scheme as described will be submitted in early 2018. The new buildings will be built out speculatively and it is anticipated that once the construction phase has commenced, completion of the extension site will take about 12 months to be delivered.

LETTERS OF SUPPORT

It should be noted that strong support has been evidenced from the business community for the proposals. As well as the letter of support from Richard Oldfield, Director of Oldfield Smith, letters formally supporting the proposals have been received from businesses seeking space in the new development. These are generally in two categories: businesses already located at Sheffield Park (both the Sheffield Park and Bluebell business estates) seeking expansion space and who will have to leave if this is not available; the other category is inward investors seeking space to locate to at Sheffield Park. Potentially 100 jobs will be lost.

The proposals have also been supported by the main business/economic development organisations operating in Sussex. Locate East Sussex and its parent company Let Do Business Group, have both submitted letters of support for the proposed new space at Sheffield Park, as has The Federation of Small Businesses.

These letters are included in Section 2 of this document (see Appendix 3 for a list of companies supporting the SPBE extension with a letter).

MARKET PERSPECTIVE

Volume of demand

There is unambiguous evidence of strong occupier interest in the Sheffield Park Business Estate (SPBE) which includes the proposed new space in the NW2 area.

A key direct measure of demand at this location is the volume of referrals or introductions⁶ logged by Epic. Referrals for SPBE, including those specifically for the new development space at NW2, are quantified below in (a).

⁶ This is defined as a company enquiry about business space specifically at Sheffield Park or being referred by an introducer (an agent or other organisation) to Epic because the requirement is a clear match with Sheffield Park.

In addition, some directors who had visited the site as potential tenants, or those with companies already located at Sheffield Park but needing to expand their operations, felt sufficiently strongly about the need for the new space to voice their support for the proposals in a letter to Lewes DC planners. In those instances, the opportunity cost of the required space not being built is very clear and is presented below in (b).

Thirdly, to give a measure of latent market demand we have identified in (c) active requirements from companies seeking space in a geographical area that includes Sheffield Park.

To complete the picture (d), we have asked three Chartered Surveying practices, with strong experience in the commercial property market serving Sheffield Park, to give their subjective perception of the strength and pattern of demand for the proposed space. The Business Manager from Locate East Sussex, a local authority funded organisation which has an overview of mobile investment in East Sussex and is a close economic development partner to Lewes District Council, has also given his views. The analysis from this group puts 'flesh on the bones' on the bare statistics, giving the opportunity to highlight market nuances and underlying drivers of demand.

(a) Referrals

To evidence the volume of occupier interest for SPBE we have used a record of business space enquiries for companies logged by Epic since June 2016. These company requirements were, in the main, introduced to Epic by the main commercial agents, although several enquiries were made direct to the site owner. It should be noted that this record is incomplete, as unfortunately, not all introductions received were logged by Epic at the time.

The lists of referrals for Sheffield Park received from introducing organisations have not been merged to avoid double-counting between agents and potential duplication with Epic's list. It should also be noted that some organisations do not retain records of introductions or, because of systems limitations, any retrieval has to be manually collected. Information may also have been collected on a different basis. Therefore, a separate record of 24 referrals forwarded to Epic from Core Commercial over the past year has not been included nor has a list of five enquiries from Locate East Sussex. Although we consider it 'unsafe' to use information from introducers to avoid double-counting, this method of presenting the enquiries data (i.e. to only include those logged by Epic) is consistent but almost certainly substantially underestimates the numbers of enquiries.

The results of this exercise are included in table 1 below. There is no duplication with the enquiries evidenced through the letters of support in the next section (which includes expansion requirements from existing tenants) as any duplicates have been removed. We have not included lists of company names because we do not have permission to do so (business space requirements are commercial in confidence and

if released into the public domain could cause issues with staff, suppliers and competitors) however they are verifiable if required.

Enquiries logged by Epic for Sheffield Park Jun 2016 – Nov 2017				
	No. of enquiries	Total floorspace required (ft ²)	Total land required (acres)	% of enquiries 5,000 ft ² or under*
Jun –Nov 2016	21	116,200	2.75	73%
Jan – Nov 2017	24	113,700	2.25	50%
Since May 2017	12	46,700	2.75	57%
Total both periods	45	229,900	5	61%
			*% of enquiries for floorspace (land enquiries not included)	

Table 1

The table shows that, despite very low-key marketing by agents (as very little new product has been available), 45 companies had been logged by Epic from June 2016 until November 2017 as seeking space at SPBE. 61% of these were for smaller units under 5,000 ft², which is in the likely target range of the proposed NW2 units. Total floorspace required was 229,900 ft² (plus yardage) and, in addition, there were enquiries for 5 acres of land. 12 enquiries have been logged since May 2017 when no space was available, of which the majority could have been accommodated in the NW2 allocation had this space been developed.

This is evidence of a very significant volume of direct demand for SPBE. It further confirms the high level of occupier interest identified by SHW in its letter dated 3rd October 2016 (Appendix 2).

(b) Letters of support

Also in this category, contributing further to the overall volume of direct demand for SPBE, are the seven companies that have also so far provided letters of support for the NW2 proposals. These comprise companies that are: (i) inward investors with an active property requirement that had visited SPBE but were unable to locate there because of a lack of availability, and (ii) existing tenants at Sheffield Park with successful businesses which require more space for operational reasons. Both groups, including a company from North Tyneside intending to establish a foothold in the South-East market, are a specific measure of demand that will be lost to the area if replacement space is not provided. An analysis of the data provided by these companies shows that the total space requirement which Epic was unable to fulfil was 4,738 m² (51,000 ft²), with 100 jobs potentially lost to the area. Of these, 1,672 m² (18,000 ft²) relate to two companies already based at Sheffield Park with a requirement totalling 18 jobs that, unless retained with new space at NW2, would be potentially lost.

The list of companies supporting the pre-app with a letter are given in Appendix 3 and the letters of support are attached in Section 2 of this document.

(c) Lists of active requirements

Latent or indirect demand in an area can be assessed from agents' lists of current active floorspace requirements on their enquiries database.

Core Commercial

To measure this indirect demand, Epic has extracted enquiries with a potential locational match to Sheffield Park from Core Commercial's November 2017 database of active property enquiries. This list differs from the previous referrals section in that enquiries have not been logged by Epic as potential tenants. These database entries received from Core Commercial were 'blind' (released without company names) for reasons of commercial confidentiality. It should also be noted that we have discarded a large number of enquiries seeking trade counter or public showroom uses which could not be accommodated at SPBE.

The analysis showed that the active database has 75 relevant enquiries, totalling 38,810 m² (417,750 ft²) of floorspace in a size range up to 929 m² (10,000 ft²). Of these, 63 enquiries (84%) are for space up to 465 m² (5,000 ft²) which is in the likely target for the proposed NW2 units.

SHW

SHW is based in Sussex and active in the Uckfield area. The following table shows enquiries and total demand for floorspace between November 2016 and October 2017 **specifically for the Uckfield area.**

Month	Total Demand*	No. Enquiries	0-5,000	5,001-10,000	10,001-20,000	20,001-50,000	50,000+
Nov-16	112750	4	1	0	0	3	0
Dec-16	33158	2	0	1	0	1	0
Jan-17	230074	9	2	3	0	2	2
Feb-17	250750	5	1	1	0	2	1
Mar-17	140375	6	2	1	0	2	1
Apr-17	8000	1	0	1	0	0	0
May-17	485250	5	1	0	0	2	2
Jun-17	22650	3	1	1	1	0	0
Jul-17	35500	3	0	1	2	0	0
Aug-17	5750	2	2	0	0	0	0
Sep-17	558750	5	0	0	0	3	2
Oct-17	9000	2	1	1	0	0	0
YEAR	1892007	47	11	10	3	15	8
Occupier interest in Uckfield area, Source: Stiles Harold Williams 2017							

Table 2

The table is self-explanatory, showing some 47 enquiries for floorspace specifically in the Uckfield area, which includes Sheffield Park.

(d) Market assessment: commercial agents/Locate East Sussex

All interviewees agreed that there is already a general shortage of suitable business space in this economic area, with strong unsatisfied demand for space from occupiers. The latent demand is such that the new space proposed for the NW2 area is likely to be let as soon as it is built. Demand is strong across most parts of East Sussex, and is related to a lack of supply across all size ranges.

SHW

SHW generally focuses on larger requirements of 5,000 ft² and above (which reflects the type of space that was available at SPBE) but has less experience with Bluebell. It has worked with Epic since about 2008 and has been the lead agent for SPBE 'from day one' after the site was acquired, advising Epic on development issues. SHW assessed demand in the commercial property market for central Sussex sub-region, which includes Sheffield Park, as being 'good; strong generally' with 'strong companies and good churn'.

Oldfield Smith & Co.

Richard Oldfield said that his experience with Sheffield Park went back to about 2000, prior to forming Oldfield Smith and, during this intervening period, he has completed some 30-40 property deals mostly at the Bluebell Industrial Estate. His practice specialises in the TN22 postcode area, which includes the main Bellbrook and Ridgewood Industrial Estates in Uckfield, as well as Sheffield Park. His overall assessment of the current market was that there is 'great demand but no supply'. He commented that, in particular, there is a pressing need for smaller units to be developed at SPBE to service micro and SME businesses.

He made the point (repeated in his letter of support: see below in Section 2) that in his opinion the existing shortage will be exacerbated when the 1,000 new homes at the Ridgewood Farm development on the edges of Uckfield is built. He suggested that the proposed 30,000 ft² business space at Sheffield Park will help to mitigate out-commuting when Ridgewood comes on stream by providing sustainable employment nearby, as well as ease existing pressure of demand.

Core Commercial

Initially, when they had first started marketing the sites (Bluebell and later SPBE) at Sheffield Park about five years ago, they were not expecting much interest given that they are Kent-based agents and these sites were on the periphery of their market area. In the event, however, there had been 'a real run of interest' with a steady stream of enquiries from businesses for the site, averaging from about one to two each month. Their latest deal was the Thames Ambulance service base which now operates from SPBE. Core said that there is a general shortage of stock creating a pressure of demand right across the region, which makes secondary locations such as Sheffield Park attractive to incoming businesses. It was their view that this area of Sussex – whilst perhaps appearing rural and parochial – has an advantage over mid-Kent in that it is wealthier with end-user businesses attracting more equity investment.

Locate East Sussex

Works with Epic and provides support to some businesses already located at Sheffield Park. With a county-wide remit to provide investor services, it reported the same supply/demand issues as the agents. It currently has live enquiries for businesses wanting to locate in the Sheffield Park area which it cannot fulfil.

All interviewees reported that there was particularly high demand for freehold space, which has occasionally been offered at Sheffield Park.

Pattern of demand

Market area

All interviewees were adamant that the central part of East Sussex is a different business market from the coastal areas, which include Lewes. Sheffield Park is essentially a secondary location to Uckfield in the TN22 postcode area and is a part of an economic area that includes Burgess Hill and Haywards Heath.

Locate East Sussex emphasised that central business locations in East Sussex serve quite distinct and generally mutually exclusive market areas from those in coastal East Sussex. The demand for this site has and will continue to be from companies requiring market access to the central or north Sussex conurbations (which need to be based in locations close to where they trade) or requiring good road links (via the A275) to the main regional or national distribution routes. A coastal location, with its attendant logistical problems, cannot fulfil these criteria.

One of the agents made the point that coastal locations have the issue of 180° markets, and that the 360° markets at Uckfield/Sheffield Park enhanced their attractiveness for business. This explains the success of sites like the Mid-Sussex Business Park in East Sussex, near to Burgess Hill, to which the proposed development at Sheffield Park would have a similar appeal. Whilst inward investors seeking space or established companies seeking expansion space were often signposted by local authorities to the coastal regeneration areas (such as the Enterprise Zone at Newhaven), for these businesses a coastal location is not viable.

Interviewees also highlighted the issue of workforce mobility. This particularly affects some manufacturing companies, where access to a viable workforce was important factor and, for those established companies planning to expand, workforce retention and the potential loss of core capabilities that entailed, restricted their mobility.

All those canvassed agreed that Sheffield Park is located in the same central Sussex market area as Uckfield, Burgess Hill and Haywards Heath. It is a secondary location to Uckfield in the TN22 postcode area. Its links to this economic area is also clearly acknowledged in the Lewes District Local Plan⁷; *'The towns of Haywards Heath and Burgess Hill in Mid Sussex District abut the north-western boundary and due to their available range of employment opportunities, retail, other services and facilities, including public transport links to areas such as London and Gatwick, they exert a*

⁷ Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 (adopted May 2016): General Characteristics of Lewes District

strong influence on the rural communities within the northern part of Lewes District (2.1)'.

Type of occupiers/business uses

There was general agreement among interviewees that the enquiries from potential occupiers about locating to Sheffield Park represent a wide mix of sectors, and there is no particular specialisation. Storage and distribution accounts for the highest proportion of total enquiries.

Sectors mentioned by interviewees include light manufacturing, storage and distribution, construction, life sciences, logistics and motor related (although private car workshops are not understood to be encouraged by the landlord). The use classes in demand at Sheffield Park are B1/B2/B8; it is clear this is not an office (B1a) or trade counter (B8) location.

These are general industrial estate uses which are similar to the mix of occupiers (listed in Appendix 1) already located at Sheffield Park Business Estate, which include business activities such as an award-winning Artisan bakery, a leading event catering company, a furniture manufacturer, a pet-food manufacturer, and an archival storage company which combines this activity with stationery distribution. The 'Letters of support users' have an equally diverse sectoral mix as do the lists of enquiries received from the agents.

Size of unit

Whilst agents and Locate East Sussex reported property requirements of all sizes for Sheffield Park, the strongest demand cited was for smaller units in the range of 1,000-5,000 ft² although one agent suggested this range could extend to 10,000 ft².

All interviewees suggested that offering a range of smaller units would be necessary to capture the maximum demand from business enquiries. The agents suggested sizes that ranged from 1,000-10,000 ft² as being most in demand, depending perhaps on whether they dealt with regional (larger) or local (smaller) requirements. However, they also all stressed the importance of flexibility and having a range of sizes available. Locate East Sussex echoed Epic's own intention to provide blocks of units with a modular construction with the flexibility for internal partition walls to be moved to accommodate end-user requirements.

Drivers of demand

Businesses want to locate to Sheffield Park because they can easily access the markets where they operate through good road links via the A275. It has ultra-fast broadband and adequate car parking is available. A subsidiary driver is that the site is considered to be in 'Managing Director Country' and some employers like its

proximity to where they live. The site's physical space and flexibility was considered to be a more important draw than the high site security available.

There was general consensus that the key driver of demand for the new units at SPBE will be its central Sussex location, which through a favourable geographical position and good road links via the A275, gives companies the necessary access to markets locally or to the national distribution routes. For these companies Sheffield Park is a viable alternative location to Uckfield, where the commercial property market is very tight, without (as was pointed out) a rush hour!

This key criterion of location is balanced by other factors. As a secondary location to the big mid-Sussex conurbations, two of the agents considered that the site represented good value for money with flexible lease terms. One agent characterised Sheffield Park as being in 'Managing Director Country' where executive housing was available nearby. Such a location enabled employers to live near to their business (obviating the need to commute long distances) whilst still accessing the necessary markets.

All interviewees identified the availability of a fast broadband connection as being of high and increasing importance to businesses, and therefore a key factor for business interest in any site. Sheffield Park Business Estate has FTTP ('Fibre to the Premises'), enabling ultra-fast download speeds of up to 330Mbps and upload speeds of up to 30Mbps⁸. This ultra-fast broadband capability extends the appeal of the site to high-tech and other businesses that need the fastest broadband connections.

The rural location was not seen in itself as being important factor condition in generating demand, although the generous on-site parking was considered very important in this rural area as was the yard space necessary for some businesses. In other words, the site's physical space and flexibility was considered to be a distinctive attribute. The high site security (the site is protected by security gates) was not considered a critical factor at this 'safe' location.

The fact that the expansion units would be new and therefore being of a high quality than second-hand space in competitor locations had some traction, with the view expressed that units would be maintenance free and provide a comfortable working environment: 'people want to be proud of where they work'.

LEWES

Lewes is not a competitor location being a part of coastal Sussex, with little business crossover between the two areas. Essentially Lewes is not open for business as there is little vacant stock available. The commercial property market in Newhaven is also very tight as new units about to complete in the Enterprise Zone are under offer.

⁸ Source: BT.

The agents and Locate East Sussex were asked to comment on the suggestion by a Lewes District Council representative at the pre-application meeting in November 2017 that questioned why an extension to SPBE was being proposed when there is vacant floorspace in the town of Lewes that businesses can go to instead.

In terms of market area Lewes, though a relatively isolated business location, is more closely aligned with the coastal Sussex market. This, as we have seen in the preceding sections of this report, is distinct from the central Sussex economic area of which Sheffield Park is a part. There is only limited crossover between these areas.

The other factor is that, essentially, Lewes is closed for business. This is because there is, in practical terms, no stock of available business space.

The North Street employment area including the Phoenix Industrial Estate, which consists of run-down or redundant industrial units, is in the process of being redeveloped by MAS for a mixed-use scheme called the North Street Quarter (<https://northstreetqtr.co.uk>). This is primarily residential with 416 homes. The development includes some 6050 m² (65,122 ft²) of flexible workspace; however, this area includes a 'health-hub' use. The commercial space is office (focused on the creative sector) and small retail based and would be unsuitable for light industrial and distribution uses.

The North Street Quarter is currently mainly empty and boarded up (see images below) with demolition due to in Spring 2018.



Some existing buildings are being occupied by community enterprises on a 'meantime' basis pending the redevelopment of North Street. This space is temporary and not suitable for business occupiers. Provision for 75,000 ft² of space for light industrial use has been made available at Malling Brooks to decant existing tenants at North Street and Phoenix. This move-on space is not intended for incoming occupiers and is anyway understood to be fully committed.

Cliff Industrial Estate, located at the mouth of the Cuifail Tunnel, is the main employment area in Lewes. It was built in the 1980s and comprises 28 units, which range from 1,190 ft² to 13,046 ft². It has recently been acquired by a pension fund with a remit to increase investment values by raising rentals by some 30%. Except for Unit 20 (4,884 ft² available for over £11.00 ft² – a price point unaffordable by many small industrial occupiers), Cliffe is fully let.

Newhaven is the main regeneration area in Lewes District. The commercial market here is also understood to be tight. The only new units suitable for light industrial use are about to be completed in the Enterprise Zone, but these were reserved by occupiers some months ago. A further phase of 5,726 m² (61,634 ft²) will be available in 2019 but it is unlikely this location will be of interest to those companies seeking a location in the central Sussex area.

STRATEGIC CONTEXT

The need to provide more appropriate quality employment space to meet modern business needs on a larger scale for start-ups, expanding local companies, or to attract mobile investors is now woven through economic development strategy and planning policy at all tiers of Local Government in East Sussex and at the regional level. The extension to SPBE is an opportunity to deliver modern space to contribute to improved productivity and more sustainable working for local people.

Coast to Capital (C2C)

Strategic Economic Plan⁹

The SEP acknowledges that the rural economy 'is growing, is sectorally diverse and is increasingly knowledge-based' (Chapter 9, pp158) and this is evidenced in those letters from companies requesting space at Sheffield Park, including Cells4Life and Stabillitech Biopharma. As the letter makes clear, Cells4Life – the UK's market leader in cord blood cryopreservation – had outgrown its base in Burgess Hill and its Chairman had hoped to bring it closer to where he lives near Sheffield Park. The SEP is clear that rural areas 'contribute significantly to our economic success' and the SEP points to the 'significant businesses that are based in rural areas...across a wide range of sectors'. However, it acknowledges there are a number of specific challenges to rural growth and of particular relevance is a shortage of premises for expansion. As a consequence, the SEP proposes interventions and investments with local partners that includes support for business premises.

The SEP has a focus on business premises to ensure there is sufficient capacity for the growth intended to be stimulated. This includes 'a need to develop new clusters of business premises and to improve existing stock' (Chapter 4 pp100), as business

⁹ Strategic Economic Plan, Coast to Capital LEP, March 2014

surveys and feedback from partners indicate 'a shortage of industrial units across the area', with 'with poor quality business and industrial estates in some localities with a lack of investment for many years'. With a 'very high incidence of home based businesses...there is a need for easy access move-on space'. Coast to Capital LEP solution is intervention to address this barrier to growth by establishing a 'co-investment fund' to support the improvement of estates. At SPBE, Epic is proposing to bring forward new space on a speculative basis to meet this growth agenda without the need for public support in the form of 'gap funding'.

Coast to Capital Industrial Strategy Response 2017

C2C's response to the government's Industrial strategy¹⁰ identifies what is holding the region back, and one of the complex issues related to poor productivity reported to the Secretary of State is this letter is: 'lack of business space' (pp4.). In rewriting the new Strategic Economic Plan (2017), C2C says it will address seven key themes to improve regional competitiveness. It should be noted that the extension space at Sheffield Park has close synergies with three of these:

- Upgrading infrastructure: C2C says (pp5.) that the development of small businesses is key: 'Many of them are highly innovative and will be the engine for future growth, wealth and employment in our region'. To enable this growth, C2C will support: 'the creation of more employment space...so that we remain competitive in attracting entrepreneurs and supporting the growth of businesses'.
- Supporting businesses to start and grow: to increase levels of business sustainability and growth, the first blockage to address is 'lack of move on and making space' (pp7.). Whilst C2C's business growth investment priority is to support this growth through funding interventions, this objective is helping to be achieved without public funding at Sheffield Park by Epic's plans to develop the extension site.
- Access to housing and business space: C2C says (pp10.) it will support the delivery and help to bring forward: '...commercial space which will support growth and productivity in our region'. It will have a focus on: 'supporting, funding and advocating housing and business space as well as unblocking site-specific issues.'

Coast to Capital Business Plan 2017/18

The Sheffield Park development proposals are closely aligned with the priorities outlined in the current Coast to Capital Business Plan, principally in Theme 6: Regeneration, business space and housing. The Business Plan notes that: 'A shortage of business space is also a barrier to growth, specifically move-on space for growing businesses' (pp10). The new development at SPBE would help in the stated objective

¹⁰ To Rt Hon Greg Clark MP, 10th April 2017

of achieving an increase in employment space in the region, bringing in the private investment the Business Plan states is 'needed for our economy to grow'.

South East LEP (SELEP) Strategic Economic Plan¹¹

SELEP also recognises the importance of the rural economy, noting: (2.46) 'A substantial proportion of the SE LEP business base is located in rural areas', including 'sectors more associated with urban areas, including manufacturing, construction and business services' (all in evidence at Sheffield Park). Rural areas need to be nurtured in the same way as urban areas: 'Our growth plans and programmes apply to rural areas as much as they do to urban areas...'.

East Sussex Growth Strategy¹²

A key element of the vision for East Sussex articulated in the East Sussex Growth Strategy 2014 –2020 includes businesses having the accommodation they require to flourish (3.1). One of the growth measures identified is to: 'contribute to unlocking key employment floor space allocated in Local Plans' (3.2). It should be recalled here that the NW2 area is already allocated for business use. These ambitions are carried through to the strategic objective for business ('Enabling business growth, particularly of high value businesses') with the key priority to 'Enable the delivery of an appropriate pipeline of suitable business premises and upgrading existing premises' (3.3). This strategy explicitly recognises that the County has suffered from a shortage of quality business premises due to a lack of speculative development (paragraph 4.41): 'We need to ensure...that appropriate new business space continues to be developed to attract new firms and support the growth of existing businesses across the county'.

One of the 'indicative actions' to achieve the key priority above is to: 'support the development of small work space units in rural and village locations to meet local business demand' (4.45). This fits well with the Epic's intention to bring forward the extension site.

Adopted Lewes District Local Plan (2016)

The Local Plan acknowledges that rural parts of the district have undergone major change 'as agricultural employment has contracted and been replaced by ... jobs in rural industrial premises...'¹³ This assessment of rural diversification is echoed in the section describing the characteristics of '*The rural area of the Low Weald*' where SPBE is located. However, despite an increasing reliance on industrial uses in the Lewes

¹¹ South East LEP: Growth Deal and Strategic Economic Plan, 2014

¹² Published in December 2014.

¹³ Local Plan (2016): Economic Characteristics pp24

economy, the quality of the commercial property infrastructure is noted to be often poor¹⁴.

The Key Strategic Issues and Challenges in the Adopted Lewes District Local Plan (2016) outlines the need for more and better-quality business space:

Accommodating and delivering growth: There is a need to deliver sufficient sites and premises for business and other uses to provide employment and facilitate the growth and regeneration of the local economy.

Promoting sustainable economic growth and regeneration: We need to address the identified lack of good quality modern business premises of all sizes in order to support the incubation, growth and retention of local businesses and the district's ability to attract inward investment.

To achieve the District Vision, and for that of the rural area of the Low Weald, which states that 'development that...supports the rural economy will be have been sensitively accommodated, *Core Policy 4 – Encouraging Economic Development and Regeneration*, ensures that the LPA will 'take a flexible and supportive approach to economic development' and (3) will 'support the appropriate intensification, upgrading and redevelopment of existing employment sites for employment uses'. There will also be support for 'economic growth in rural areas through the conversion of existing buildings and appropriate, well-designed new buildings for suitable business uses.' (5).

Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Issues and Options. Issues & Options Topic Paper 3: Employment – November 2013

The high level of enquiries for the NW2 space demonstrated in the above directly rebuts the erroneous assertion in the *Issues & Options Topic Paper 3: Employment – November 2013* that the site is 'Unlikely to be attractive to business market' (see below).

Lewes District Council Employment & Economic Land Assessment¹⁵

This review specifically refers to the SPBE site, including the NW2 expansion space. Whilst concentrating on various constraints it does however consider the site might be suitable for locally based, smaller scale activities.

This assessment seems inexplicitly to have been conducted without reference to an appropriate market assessment of demand for the site which would have rebutted the claim that given its 'isolation and poor access, this appears a low-quality site' and

¹⁴ *ibid.*, 24: 'Many employment premises in the district are ageing and do not meet modern business requirements'.

¹⁵ Nathaniel Lichfield and Partners, *Employment & Economic Land Assessment*, September 2010, para 5.42.

‘unlikely to attract new investment’. Nathaniel Lichfield’s flawed assessment appears to have been enshrined in the *Issues & Options Topic Paper 3: Employment – November 2013*. Tenant responses to a questionnaire¹⁶ Epic has prepared, suggest that ‘access to markets’ and ‘good access to the road network’ are in fact among the key drivers for businesses locating to the site. Several larger scale distribution businesses have operated from Sheffield Park and there have been enquiries for premises at SPBE of up to 50,000 ft². Epic also totally refutes the assertion that ‘the site is subject to flooding’ and it is assumed that Nathaniel Lichfield has confused the site with the adjoining flood plain; **it should be noted that there is a level difference between the business estate and flood plain and the site sits wholly within flood zone 1, the lowest risk zone.**

Newick Parish Council – Neighbourhood Plan 2015-2030 (business and local economy policies)

The Neighbourhood Plan says that Newick’s residents wish to retain all of the Parish’s commercial facilities. There is also a desire to increase the number of small businesses and thereby provide more local jobs. However, despite the existence of these various businesses, there are limited local job opportunities for local people, contributing to daily out-commuting for many residents. Significantly, it states that the need to commute may discourage people of working age from moving to Newick. One of the stated outcomes of this Plan is to contribute to the success of local businesses and, if at all possible, attract new enterprises, so that more local jobs become available.

The Plan refers to the end of milk processing on the Dairy site which unfortunately resulted in the loss of many jobs. It notes that it is encouraging to hear that some of the buildings are already being re-used and the site is expected to provide about 70 jobs once all of the buildings are in use, providing some work opportunities for local people. Policy LE2 explicitly supports: ‘new build development of industrial units on the site of the previous milk processing plant...subject to it respecting the established sense of place and local character of the existing buildings in the area of the development and the surrounding countryside.’

The development on the extension site at SPBE will help the Parish meet its Economic Objective (Objective 12): ***Maintain and enhance a diverse economic base within the Parish and encourage the sensitive location of new businesses.*** Businesses located at the existing site together already employ 151 FTE plus 42 casual workers and this will rise by over 70 FTE on the extension site when it is developed which will be close to the levels achieved by Arla prior to the site closing. The existing and proposed site is well screened by trees, and any gaps in this screening will be filled to ensure that the visual amenity of the surrounding countryside is maintained and protected.

¹⁶ See Appendix 4 for a table showing a summary of tenant’s responses. Note that tenants at Bluebell Business Estate were also invited to respond to the questionnaire.

As the main SPBE is already fully occupied, and there is no other alternative site with the capacity for new-build business space to employ residents on the required scale, there is unlikely to be another opportunity available in the Parish to employ residents if planning permission is not granted for the extension site proposals.

SUMMARY ECONOMIC IMPACTS (New development)

Using approved methodology, economic impacts estimated to be generated by the SPBE extension site are 73 full time jobs (on-site) in this area alone. During the construction phase, some 17 net jobs will be created. It can be estimated that the extension site at SPBE when completed and occupied will add a capitalised annual GVA contribution of up to £3.8m PV, and subject to future market conditions will contribute cumulative benefits of some £36.92m (£30.07m PV).

Operating phase

The SPBE extension site proposals comprise small starter units and slightly larger move-on units together totalling 2,762 m² GEA (30,000ft²). The Employment Density Guide 2015 (2nd Edition) was used to calculate the estimated employment unlocked by the proposals. A standard factor of 5% converts the GEA area to 2,624 m² GIA and an 'Industrial & Manufacturing' measure of 36 m² (GIA) per FTE, that best reflects the likely production activities of potential end-users at this site, was then applied. This shows that the gross jobs capacity (i.e. on-site jobs) generated by the new development can be estimated to be 73 FTE, once the units are built out and occupied.

It is also possible to evaluate the additional indirect and induced jobs that the development is expected to create. The approach taken follows government guidance¹⁷ for assessing interventions. After adjusting for leakage and displacement factors a composite multiplier of 1.3 is applied to the net jobs to estimate the additional economic activity associated with local supplier purchases and additional local income. This process shows that 72 net additional jobs will be created by the development.

A summary of the operating impacts is provided in the table below:

Gross and net employment impacts – development of extension site		
Gross jobs capacity (i.e. gross direct FTE or 'on-site jobs' before additional factors applied)	Net jobs (i.e. direct FTE after additional factors applied)	Net additional jobs (includes direct, indirect, and induced FTE)
73	55	72

Table 3.

¹⁷ Source: Additionality Guide, Homes and Communities Agency, 2014

It is possible to monetize the estimated net additional employment impacts from the development in terms of Gross Value Added (GVA). Benefits are based on the number of net additional jobs created and multiplied by the GVA per job using an average £44,726 GVA per job/per annum¹⁸. On the basis that a net 72 additional jobs are generated, it can be estimated that the extension site at SPBE when completed and occupied will add a capitalised annual GVA contribution of up to £3.8m PV, subject to future market conditions.

Construction phase

In addition to the operating impact, construction effects can be estimated. The impact of construction activity is measured in person years, calculated by dividing the annual turnover per job for the SE construction sector¹⁹ by the total development costs, estimated at £2.202m. This gives an estimate of 17 jobs supported in the one year programme of construction. The GVA impacts each year are calculated by multiplying these jobs by the GVA per job in the construction sector²⁰ and the process modelled using the additionality logic chain given in government guidelines as presented above. A construction Type II employment multiplier²¹ of 1.9 has then been applied to capture the indirect and induced jobs. These 17 jobs add a further £1.19m net GVA for the one year of construction which can be included in the cumulative GVA calculation below.

Cumulative benefits

The cumulative achieved GVA generated by the development is also estimated. The annual GVA is discounted at HM Treasury's Social Time Preference Rate of 3.5% with the benefit flow limited to 10 years²². This analysis shows that taken together the construction and operating impacts of this development will contribute cumulative benefits of some £36.92m (£30.07m PV) over the appraisal period.

CONCLUSION

Sheffield Park is one of only two business parks in this rural area of Lewes District. It provides business premises for the local community, and it's a location that provides a convenient base to access markets in central-Sussex. It has also attracted enquiries from high-tech companies which cannot compete with rents in established business areas.

¹⁸ Source: ONS Labour Productivity by UK NUTS2/3 sub-regions, 2014

¹⁹ £132,518 – source: BIS Business Population Estimates 2015

²⁰ £74,615 – source: GVA per construction job East Sussex, ONS NUTS 3 Employment by Industry (BRES) via ESIF/ESCC

²¹ source: Scottish multipliers by SIC 41-3, The Scottish Government, 2013

²² Table 53, Impact of RDA spending V.1, BIS/PwC, 2009

Companies already located in the existing development at SPBE employ 151 FTE plus 42 casual workers; using approved methodology it is estimated that a further 73 FTE will be employed in the proposed 30,000 ft² development once fully built and occupied and 17 during the construction phase. This new development will add combined cumulative benefits of £36.92m over a ten-year period.

The Issues & Options Topic Paper 3: Employment – November 2013 asserts that the site is ‘Unlikely to be attractive to business market’ and similar sentiments are presented in the Employment & Economic Land Assessment 2010. There is, however, unambiguous evidence of strong occupier interest in the Sheffield Park Business Estate, including the proposed new space in the NW2 area. Far from ‘unattractive to the business market’, Epic has logged 45 companies actively seeking space at SPBE since June 2016, with floorspace requirements of 229,990 ft². In addition, a further seven companies have gone to the trouble to support Epic’s planning application with a letter. These include inward investors introduced by Locate East Sussex, a bioscience company, as well as companies located at the site with an expansion requirement. These enquiries total 51,000 ft² with 100 jobs potentially being lost to the area.

The Employment & Economic Land Assessment also said that the site was ‘unlikely to attract new investment’. This is demonstrably rebutted by Epic’s existing investment in the site and its proposals to invest £2.2m in building out the extension site. In addition, tenants have/will invest in substantial fit-out costs to make their units suitable for business use.

It is not clear how Nathaniel Litchfield and Lewes District Council came to its conclusion as the Bluebell Business Estate (across the road), a 110,000 ft² development which the site owner acquired in 2002, was fully occupied and partly sold to owner occupiers only four years later in 2006. Since 2006 the Estate has continued to let well, which is indeed why the decision was taken to invest in the former Arla Diaries site. SPBE has been fully occupied since May 2017 and there are no further infill opportunities. If this development is not supported, there will be no other opportunities to create employment in this rural location.

We have also presented subjective evidence from the agents interviewed and Locate East Sussex to the effect that there is a shortage of business space in the TN22 postcode area, and strong unsatisfied latent demand, which we have substantiated and quantified with evidence from two extensive property databases.

During the pre-application process, the proposed extension on the NW2 area was implied as being unnecessary because of vacant floorspace in the town of Lewes. In this report, we have presented evidence that Lewes is not open for business as there is little vacant usable stock available. Partly this is because the North Street employment area is being redeveloped for a mostly residential scheme.

Secondly, we have evidence that Sheffield Park is located in the same central Sussex economic market area as Uckfield, Burgess Hill and Haywards Heath. The good road links to this area via the A275 is in fact one of the key advantages to the location that existing tenants identified in a questionnaire. There is very little crossover between Lewes, a very isolated commercial property market, and Sheffield Park. The influence of these central Sussex towns is made clear in the Lewes District Local Plan.

We have demonstrated there is a strong alignment between this development and the strategic objectives of all the economic development and planning policy statements from Coast to Capital's down through all administrative tiers, which support business expansion, and sees 'lack of business space' as one of the key issues to be addressed. At SPBE, Epic is proposing to bring forward this space on a speculative basis, without the need for 'gap funding'.

If planning is agreed, the extension site, together with the existing development, will enable Sheffield Park to meet its potential as a sustainable business location in this rural area.

Whilst we have made every attempt to ensure that the information contained in this report has been obtained from reliable sources, we are not responsible for any errors or omissions, or for the results obtained from the use of this information.

APPENDICES

Appendix 1 Schedule of Businesses located in the existing Sheffield Park Business Estate - 5,086m² (54,750 ft²)

Unit(s) no.	Business name	Unit size ft ²	Sector	Business activity	Estimated job numbers now (FTE where known)	Located from
1-2,4,5	Mobiform	19,210	Manufacturing	Furniture making	25	N/K
1-2	Sussex Chef	910	Hospitality	Wedding services	5 (+ 35 casuals)	Crawley
3	Amadeus	4,000	Service	Stationery/archiving	5	Lingfield
6	Turners	3,300	Transport	Haulage	16	Bluebell/Ringmer
7	Thames Ambulance	3,300	Service	Ambulance	60	N/K
8	The Sussex Kitchen	3,300	Catering	Artesian Bakery	5	East Grinstead
9-10	Event Design Production	4,095	Manufacturing	Exhibition stand builders	5 (+ 5 casuals)	Reigate
11	Benyfit Natural	4,095 (>15k required)	Manufacturing	Pet food	10 (planned increase to 30)	Hartfield
12	Downs Energy	2,350	Energy	Insulation	12	Burgess Hill
13-14	Event Design Production	3,000	Manufacturing	Exhibition stand builders	See above	Reigate
15	Snap On Tools	2,200	Distribution	Tool distribution	2	Uckfield
Yard	The Structure Group (TSG)	3,530	Manufacturing	Exhibition structure Manufacturer	3 (+ 2 casuals)	Scaynes Hill
Yard	Munnery Mechanical	2xHGV	Haulage	Engineering	1	N/A
Yard	Coussens Cranes	4xHGV	Plant	Cranes	2	Burgess Hill

Appendix 2 – SHW Assessment of occupier interest



Sterling House, High Street, Crawley, RH10 1GE

T: 01293 441305

M: 07989 420989

F: 01293 441334

E: thardwicke@shw.co.uk

Brian Marshall
Epic Real Estates Limited
Sheffield Park Business Estate
Lewes Road
Sheffield Park
TN22 3QB

Date: 3 October 2016

Our Ref: TH/JP

Your Ref:

Dear Brian

SHEFFIELD PARK BUSINESS ESTATE

I thought I would write setting out details of current occupier interest in the market who we believe would give serious interest in locating to Sheffield Park Business Estate.

As you know we have recently commenced the marketing of the three new units that totalling circa 8,000 sq ft that are under construction following a successful letting campaign of the existing units post refurbishment. Despite having limited marketing media in the form of marketing boards on site advertising the availability and just relying on our contacts and web media Stiles Harold Williams (SHW) are already receiving a good level of interest in the new units from occupiers within the area with active requirements and we are close to concluding the letting of one of these units prior to completion.

Due to the sites situation it is unlikely to be an office location and will most suit warehouse and light industrial occupiers and this has been evidenced by the enquiries we are receiving to date.

I set out below a graph showing the number of warehouse & light industrial enquiries for each size band who we believe would consider locating to the site if units were constructed and available onsite.



Enquiries who would consider units at Sheffield Park Business Estate



SHW web search for Sheffield Park Business Estate

As you can see from the graph above the majority of active requirements are at the lower size brackets and it is typical that companies seeking these smaller units require occupation within a short timeframe and usually 3-6 months and so will only consider units that are already constructed. It is therefore necessary to speculatively construct units in order to attract these companies as they generally will not wait for a unit to be constructed for them.

making property work from offices in London and across the south east

Stiles Harold Williams is a trading name of Stiles Harold Williams Partnership LLP registered in England and Wales. Registered No. 00375748. Registered office: Venture House, 27-29 Glasshouse Street, London W1B 5DP. Regulated by RICS



3 October 2016

The larger and more bespoke requirements occasionally will wait for 12-18 months for buildings to be constructed however all would prefer existing buildings to move into rather than wait for units to be constructed due to the uncertainty of an exact occupation date and also as most lack vision on seeing what the end product will look like.

The second graph shows the number of 'hits' to the SHW website from the listing of the three units currently under construction and is very high compared to other instructions we are marketing.

The requirements in the market would suggest current demand for the site is very healthy and for a variety of sizes and we are confident of letting success if units were available to meet this demand.

If you require any further information or clarification do let me know.

Yours sincerely



TIM HARDWICKE BSc (Hons) MRICS
Partner
for and on behalf of
Stiles Harold Williams Partnership LLP

making property work

Appendix 3 Schedule of companies that have supported pre-app with letter

Company name	Sector	Business activity	Current Employees	Planned new staff if expanding	Total employment proposed at Sheffield Park	Space requirement (ft ²)	Other requirements	Relocating from?	Inward investor (I) Start-up (S) Retention (R)	Comments
Amadeus	Office administration, distribution and Storage	Archival storage and office product supplies	5	5	10	15,000	Secure site at centre of 10 square mile market distribution area.	Sheffield Park Business Estate	R	Requires new unit in the proposed expansion space. Expansion triggered by new data storage contract which cannot be serviced from existing premises. Will have to leave if new unit not available.
Cells4Life	Life sciences	Cord blood cryopreservation	30	10	40	18,000	Secure site and freehold available	Burgess Hill	I	Company grew out of Sussex University's Innovation Centre. After some difficulty found another site in East Sussex when no space available at Sheffield Park.
Stabilitech Ltd	Life sciences	Biopharmaceuticals	N/K	N/K	N/K	N/K	N/K	Burgess Hill	I	Company is pioneering the use of viral vectors and is at forefront of next generation vaccines and biopharmaceuticals.
Finsdale Construction Ltd	Construction	Domestic custom house building	2	N/K	2	1,500	Secure unit and yard space close to home in Chailey	Chailey	R	Company employs many sub-contractors. Understood to be currently based at home.

GlassEco Int Limited	Manufacturing	Manufacturer of eco-surface products	35	N/K	35	12,000	Cost effective space preferably located in North Sussex for logistical reasons.	Crawley	I	GlassEco has developed an innovative award-winning eco-surface for products such as kitchen counter-tops. Sheffield Park would enable company to retain existing workforce and as Director lives in Brighton the site is a viable commute.
Infinite Playgrounds	Manufacturing	Design, manufacture, and installation of educational play areas in schools and public spaces.	35	5	5	1,500	Secure unit and yard space close to excellent transport links.	North Shields	I	Locate East Sussex matched the requirement for a part of the business that specialises in designing canopies for schools and colleges with Sheffield Park. Its longer term objective is to bring down a sizable proportion of its HQ staff to the SE where the market is strong.
Primary Traffic Solutions Ltd	Construction and manufacturing	Supplies traffic light systems to contractors. The company also operates a sign making business.	6	2	8	3,000	Modern clean environment required to achieve ISO 9001. Sheffield Park well placed for accessing markets in East & West Sussex, Kent, Surrey & London.	Sheffield Park	R	Company already located at Bluebell Business Park with Epic Real Estate as existing landlord. Company states it will have to move away from Sheffield Park if new space doesn't become available.
		Total jobs/space (ft2)	potentially lost		100	51,000	18,000	18		
			N/K = Not known							

Appendix 4 Existing tenant's responses to questionnaire

Business name	Industry	Location before Moving	Local to workplace	Distance to work	Does business benefit from proximity to A275	Availability of on-site parking	Place more value on parking/access than a central location	Better value than town centre location	Other reasons why locality chosen	Key drivers to choosing Sheffield Park
Replica Glass Fibre	Manufacturing	Newhaven	No	32 miles	Yes	Very good	Yes	Yes		Price, availability, size/range units, security, parking, access to markets, rural location.
PK Finn	Furniture Upcycling	Shoreham	No	Moving from Caterham	Yes	Good	Yes	Yes	Town centre more expensive and only useful if passing business is required	Price, availability, size/range units, rural location, very peaceful, good location between staff.
Sussex Chef	Catering	New start-up	Yes	East Grinstead, Forest Row, Brighton	Yes	Very good	Yes	Yes. Good parking, more facilities for lower rent & rates, lack of parking in Lewes	Attractive environment: feels like a community	Price, availability, size/range units, security, parking, access to markets, rural location, good security when working late, personal, plus 24hr access

360 Degree Brewery	Brewery	New start up 2013	No		15 miles	Yes	Good	No	Yes. Lower rent & rates	No town congestion	Price, availability size/range units access to markets
Cars (Auto Repairs)	Automotive	Crawley	Yes		6 miles	Yes	Very good	Yes	Yes. Ease of access, no traffic congestion	24/7 hours. Convenient	Price, availability, size/range units parking, access to markets rural location.
Turners Distribution	Milk transport	Ringmer	Mixed		South Chailey to Eastbourne & Worthing	No	Very good	Yes	Yes. Access & parking	Geographically well located for collection and distribution	Price, availability size/ range units security, parking, access to markets rural location.
BHC Transport	Haulage	Pease Pottage	Yes		5 miles Wivelsfield	Yes	Very good	Yes	Yes. No space town centre and lower rent	Easy access to main road	Price, availability size/ range units, security, parking.
Downs Energy	Insulation	Burgess Hill	Yes		8 miles Forest Row	Yes	Very good	Yes	Yes. Lower rent & rates	Access to road network, good geographical reach to customers, less congestion	Price, availability, size/range units, security, access to markets.

SECTION 2 – LETTERS OF SUPPORT



Amadeus
Unit 3
Sheffield Park
Business Estate
Sheffield Park
East Sussex
TN22 3FB

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

28th February 2017

Dear Sir or Madam,

Expansion of Sheffield Park Business Estate

I am writing to support the planning proposal for the expansion of the Sheffield Park Business Estate, as I am urgently seeking more space for my Company already operating from a unit here. Our Company trades in the following :

- Archival storage, holding sensitive information from schools, solicitors and insurance companies and, a specialist supplier of office products, including furniture, electronic equipment/consumables and general stationery supplies.

I live locally and am committed to the site, which is secure and is at the centre of a 10 square mile market distribution area within which my stationery supplies business operates. However, we have now outgrown the current unit and require larger premises, up to about 15,000 ft², which will also enable us to grow staff numbers from 5 to 10 employees. The trigger for this expansion is a new data storage contract that cannot be serviced from our existing premises.

My landlord does not have a suitable empty unit, and we have asked him to build us one within the expansion area. It is imperative we move to new premises within about a year, and if our requirements cannot be met at Sheffield Park we will be forced to move elsewhere, despite the destabilising effect a move will have on my businesses.

I trust that you will approve our landlord's planning application which will ensure that our business needs will continue to be met at Sheffield Park.

Yours faithfully,

James McLaren-Rowe
Director

Amadeus, Unit 3 Sheffield Business Estate, North Chailey, East Sussex TN22 3FB Tel: 0044 1825 723217
Company registration number: 028055232



27 February 2017

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

Dear Sir or Madam

Sheffield Park – Cells4Life

I am writing to support the planning proposal for new units to be built at the Sheffield Park Business Estate.

My company, Cells4Life, has outgrown its existing base in West Sussex and when planning its relocation, I had hoped to bring it closer to where I live, near Sheffield Park in Lewes District.

Cells4Life is the UK's market leader in cord blood cryopreservation and was the first private company to offer a stem cell storage and collection service in the UK. This process enables stem cells to be preserved for repairing damaged tissue, cure disease, and the potential to replace worn out-out organs. The company grew out of Sussex University's Innovation Centre and has 30 patents applied for and/or granted.

During our extensive search for a new site, I met Brian Marshall of Epic Real Estates Ltd and discussed our plans with him. The Sheffield Park Business Estate would have been an ideal location, with potential to accommodate our requirement for a purpose built 18,000ft² high tech business unit in a secure setting and available on a freehold basis. The new unit would accommodate offices, a laboratory and cryo-storage.

As Mr Marshall does not yet have planning permission for the extension area to Sheffield Park Business Estate, we considered that the potential uncertainty of the planning process would add too much risk to our expansion plans. We have therefore with some difficulty acquired a plot on another site to which we will bring over 30 people from West Sussex, and with further expansion in the workforce, we anticipate 40 high-value jobs being created in the County.

Whilst we are now unable to relocate to Sheffield Park, I would urge you to grant planning permission there so that companies in our position are able to take advantage of an excellent business location in a part of the District which is not yet well served with business accommodation.

Yours faithfully



Wayne M Channon
Chairman

The experts in stem cell storage

Cells4Life Group LLP, Units 2 & 3 Oak House, Woodlands Office Park, Albert Drive, Burgess Hill. RH15 9TN
Telephone: +44 (0)1444 873950 www.cells4life.com
Registered in England and Wales Number OC357135 VAT Registered Number GB115114367



Federation of Small Businesses
East Sussex Region
Head office:
Sir Frank Whittle Way
Blackpool FY4 2FE

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex BN7 1AB

20 October 2017

Dear Sir or Madam

Development at Sheffield Park Business Estate

FSB have become aware of the forthcoming planning application for new business units at the Sheffield Park and wish to comment upon this.

The Federation of Small Businesses (FSB) is a not-for-profit organisation set up in 1974 to help smaller businesses achieve their ambitions, through being a strong voice at the heart of government and providing a wide range of advice and services. As you will know, East Sussex is a predominately small-business economy and we have some 4,400 members across the County and Brighton and Hove City. In Lewes District micro businesses and the self-employed account for over 88% of businesses.

The FSB supports activity that legitimately and lawfully creates and sustains economic growth, particularly when it improves employment prospects and puts smaller businesses at the heart of a communities' prosperity. We note that the Key Strategic Issues and Challenges outlined in the Adopted Lewes District Local Plan (2016), includes the need to deliver sufficient and good quality sites and premises for business use. The FSB strongly supports this objective.

The area proposed for development at the Sheffield Park Business Estate is allocated in the Local Plan for employment use (saved Policy NW2). There are relatively few opportunities for rural employment in this area and we consider that the forthcoming application to create more business space at Sheffield Park should, subject to the usual checks with consultees, be welcomed by the Council as a catalyst for much needed business growth in East Sussex.

Yours faithfully

Clive Soper
Regional Policy Chairman – East Sussex

FINSDALE CONSTRUCTION CO LTD.



Sunrise, East Grinstead Road, North Chailey,
Lewes, East Sussex. BN8 4DH

TEL/FAX: 01825 723860

Email: finsdaleconstruction@btconnect.com

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

9th March 2017

Dear Sir or Madam

Planning application for new unit at Sheffield Park

I run a building contracting business, specialising in domestic custom house building and have a requirement for a small commercial unit, of about 1,500 ft², to use as a base. I directly employ 2 people and my building projects keep many sub-contractors in work.

The Sheffield Park Business Estate would be an excellent location as I live locally in North Chailey. As well as being convenient, this site also has the advantage of being relatively secure – with security gates and fencing – enabling me to store valuable plant and equipment.

I have approached the landlord, Brian Marshall of Epic Real Estates, who has advised that currently there are no existing units at Sheffield Park to meet my requirement but he has proposals in the pipeline to develop some, subject to a planning application being successful.

In this part of East Sussex there is a very limited supply of units in the size range up to 2,000 ft², but in my experience this is the probably the size most in demand from small businesses like mine. I should therefore like to support Mr Marshall's planning application and trust that he will be successful.

Yours faithfully

Gary Brooke-Director
For Finsdale Construction Co Ltd

Company Registration No 1881014

Var Reg No 427 3848 31



GlassEco Int Limited
3C Gatwick Gate
Industrial Estate
Charwood Road
Lowfield Heath
Crawley RH11 0TG

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

10 November 2016

Dear Sir or Madam

Sheffield Park Business Estate – planning application

I am writing to support Epic Real Estate's planning application for new industrial units at the Sheffield Park Business Estate.

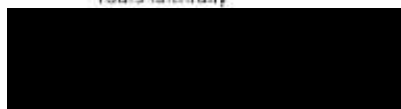
My company, GlassEco Int Limited, has developed an innovative award-winning eco-surface called UrbnRok, which re-uses glass waste in the manufacture of high-quality eco-surfaces products, such as kitchen counter-tops. Utilising patented manufacturing technology it supplies and fits these surfaces. The product has domestic and commercial applications and customers include various house builders, Odeon Cinemas, Network Rail, The National Trust and 10 Downing Street.

GlassEco is currently based in Crawley West Sussex, close to the Airport but we propose to relocate due to the uncertainty surrounding the new runway, which makes it impossible to plan for the future. The Sheffield Park Business Estate would suit us logistically but, as it is currently full, will require new business space to be built if GlassEco's requirements are to be met at the site. We are currently negotiating with Epic Real Estate to secure a pre-let on one of the proposed new units.

Our property requirement is for a business unit of 12,000 ft². GlassEco would bring some 30-40 full time employees to Lewes District, across a range of skill sets.

East Sussex is short of suitable employment space and few other options are available in our area of search. We trust that with your help my company can find a new home at Sheffield Park.

Yours faithfully



Donald Crawley
Managing Director

PRODUCT & DESIGN AWARDS



Unit 3c | Gatwick Gate Industrial Estate | Charwood Road | Crawley | West Sussex | RH11 0TG
T: 01293 535003 | F: 01293 535000 | E: info@glassecointernational.co.uk | www.glassecointernational.co.uk

Vat Registration: 995 7576 38 | Company Number: 7343142



Infinite Playgrounds
7E Westmorland Road
North Shields
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T: 0191 266 6508
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Infinite Playgrounds Limited
7 Westmorland Road
North Shields
NE29 8TB

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

2nd March 2017

Dear Sir or Madam

Planning application for new unit at Sheffield Park

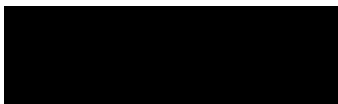
Infinite Edge Ltd, a design and build playground company based in North Tyneside would potentially be seeking space in the Sheffield Park area in the future as part of its relocation. I am therefore writing to support the planning proposal for an extension at Sheffield Park Business Estate.

We create educational play areas and playgrounds in schools and public spaces using natural materials and bespoke designs. In total we employ 35 staff at our North Tyneside headquarters and have long-term plans to bring a proportion of these jobs down to SE England where market demand is strong. Infinite Edge Ltd anticipates a future requirement for a small (1,500 ft²) unit and yard space in East Sussex. A site search from our base here is problematic, so I contacted the Locate East Sussex service and was introduced to Mr Brian Marshall of Epic Real Estates and visited his site in February.

Sheffield Park would suit us very well indeed being well located with excellent transport links. However, whilst Epic has proposals to build small units on a new area of the business estate, a unit of the size we require is not currently available, because its development requires planning approval.

As a potential inward investor, we would like to add our voice to others (we understand there are other businesses with a similar requirement) and support Epic's pre-app proposals.

Yours faithfully



Joanne Law
Director, Infinite Edge Ltd



Infinite Edge Ltd.
Registered in England. Company No. 7105762
VAT Registration: 996 3089 63



8th Floor Ocean House London Road St Leonards On Sea East Sussex TN376 LW
Telephone: 0844 4152272 Facsimile: 01424 205501 Web: www.letsdobusinessgroup.co.uk
Calls cost 5p per minute plus your phone company's access charge.

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

1 September 2017

Dear Sir,

The Let's Do Business Group is a social enterprise helping businesses to start-up and grow throughout the south east of England and is a leading provider of business advice, training, access to finance and business events. Our work was recognised with the award of the prestigious Growth Champion title in the national 2016 NatWest SE100 Awards.

It is clear that there is a need for more and better employment space in East Sussex, particularly in the Sheffield Park area where we know, from the companies and organisations that we work with, that demand far outstrips supply. As such, we are fully supportive of the development proposals that are being put forward for the Sheffield Park Business Estate.

This development would appear to be in-line with the Key Strategic Issues and Challenges outlined in the Adopted Lewes District Local Plan (2016), which support more and better quality business space through:

Accommodating and delivering growth: need to deliver sufficient sites and premises for business and other uses to provide employment and facilitate the growth and regeneration of the local economy.

Promoting sustainable economic growth and regeneration: need to address the identified lack of good quality modern business premises of all sizes in order to support the incubation, growth and retention of local businesses and the district's ability to attract inward investment.

Let's Do Business (South East) Group Ltd is a Company Limited by Guarantee, Registered in England No.07427547 Registered Office: 7-9 Wellington Square, Hastings East Sussex TN34 1PD

There is clearly demand and support for further development at Sheffield Park from local businesses and from companies looking to move into East Sussex. To encourage growth, especially from the micro and small business sectors, and the creation of sustainable employment opportunities in a rural area, it is vital that more commercial space is developed.

Yours faithfully

A black rectangular box redacting the signature of Graham Marley.

Graham Marley
Director

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

30 August 2017



Locate East Sussex
Ocean House
87-89 London Road
St Leonards-on-Sea
East Sussex
TN37 6LW

t. 01424 205082
e. philip.johnson@locateeastsex.org.uk

Dear Sir

I am writing in support of the development proposals at the Sheffield Park Business Estate, details of which are in the pre-app due to be submitted shortly to the planning department at Lewes District Council

As the owner of the adjacent Bluebell Business Estate, the owner of the Sheffield Park Business Estate, Brian Marshall of Epic Real Estates, understands demand for industrial occupiers in this area. The Sheffield Park Business Estate has been developed since its acquisition from Arla and now boasts a thriving community of SMEs enjoying good access via the A275 to East Grinstead, the A23 corridor, Uckfield and Lewes, protected by security gates and fencing.

An existing occupier on the site has a requirement for space to expand, which cannot be met and Mr Marshall is having to turn away prospective occupants as the site is at operational capacity. This is especially unfortunate given the site's location in an area with relatively few opportunities for employment.

Mr Marshall now wants to develop an area of about 30,000ft² (2,762m²) with a row of small starter units and slightly larger move-on units. (When Arla owned the site planning permission had been granted for an additional IRO 40,000ft² in a wooded area at the south of the site).

The area proposed for development at the Sheffield Park Business Estate is allocated in the Local Plan for employment use as saved Policy NW2. In addition, the Key Strategic Issues and Challenges outlined in the Adopted Lewes District Local Plan (2016) support more and better quality business space:

Accommodating and delivering growth: need to deliver sufficient sites and premises for business and other uses to provide employment and facilitate the growth and regeneration of the local economy.

Promoting sustainable economic growth and regeneration: need to address the identified lack of good quality modern business premises of all sizes in order to support the incubation, growth and retention of local businesses and the district's ability to attract inward investment.



SOUTH EAST INVEST: Inward investment for East Sussex and Essex
Part funded by the 2014 to 2020 European Regional Development Fund Programme

There is demand and support for further development at Sheffield Park, from local businesses and from companies looking to move into East Sussex. Indeed, Locate East Sussex had introduced a significant inward investor, Infinite Playgrounds/Canopies, to the site. The company was looking to re-locate from South Shields and despite being pleased with the location and prospect of being based on the Sheffield Park Business Estate, there was unfortunately no availability in the size range they required.

If East Sussex is to allow indigenous companies to grow and attract investment from beyond its borders, it is essential that more commercial space is developed. It is from the micro and small business sectors that most economic growth will come and the units in this proposal would not only go some way to meeting demand for commercial space; they would also help to create sustainable employment opportunities in a rural area.

Yours faithfully



Philip Johnson
Director



European Union
European Regional
Development Fund

SOUTH EAST INVEST: Inward investment for East Sussex and Essex
Part funded by the 2014 to 2020 European Regional Development Fund Programme

Primary Traffic Solutions Ltd
Unit 33
Bluebell Business Estate
Sheffield Park
TN22 3HQ

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

26th September 2017

Dear Sir or Madam

Planning application at Sheffield Park

I am writing in support of the planning application that Brian Marshall of Epic Real Estates Ltd is making for an extension to the Sheffield Park Business Estate.

I have worked at the Bluebell Business Estate, in various capacities, for some 20 years and my company, Primary Traffic Solutions, was founded there nearly eight years ago. Primary Traffic Solutions supplies traffic light systems to building contractors, and another side to the business makes signs using a vinyl cutting process. There are two directors and we currently have four employees working at the site.

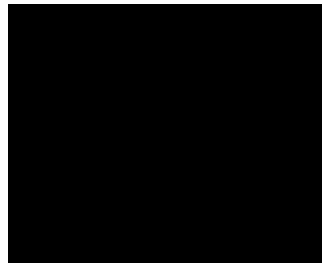
This business has proved to be very successful and we have plans to take on a further two employees, but to do this this we need bigger premises: the current one is about 1,100 ft² and far too small. To take our business forward we will also need a modern clean environment to achieve ISO 9001 accreditation, which is not possible in the current unit as it is just too basic (as well as too small) for our business needs.

Brian Marshall has been my landlord at Bluebell for many years and we automatically turned to him for a modern unit in the Sheffield Park Business Estate across the road, as this is an excellent base for our markets in East Sussex, West Sussex, Kent, Surrey and London. Unfortunately he doesn't have a suitable unit of 3,000 ft² available but he told me he is planning to build an extension to the site and an application is due to go in shortly.

We have told Brian that we shall have to move away from the area if the application is not approved, which will cause huge disruption to our expanding business. There are no other commercial sites locally and it is of great importance to us that a timely and positive planning decision is made.

Yours sincerely

Mr Chris Mold
Director



Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

Regulated by RICS

20th November 2017

Dear Sir or Madam

Sheffield Park Business Estate

I am writing to support the forthcoming planning application from Epic Real Estates Ltd to extend the Sheffield Park Business Estate in the NW2 area as allocated in the Local Plan.

I am Director and Head of Agency for Oldfield Smith & Co., a commercial agent specialising in commercial property and operating predominately in the Uckfield East Sussex market. In that capacity I have completed a great many property deals at Bluebell Industrial Estate, Sheffield Park.


I can confirm that there is already a general shortage of suitable light and heavy industrial business space in the local market (this is the TN22 postcode area, which includes the main Bellbrook and Ridgewood Industrial Estates in Uckfield and the two Sheffield Park estates). There are little or no availability at any of these locations for existing occupiers, despite the pressing need for new space. In my area of operation, Sheffield park is an important business location insofar it helps to provide the necessary smaller stock for the micro and small industrial occupiers that make up most of the local economy but are poorly catered for elsewhere.

I should also like to make the point that this existing shortage will be exacerbated when the nearby 1,000 new home Ridgewood Farm development at Uckfield is built, for which a start on site will be made in little under a year's time. When the proposed 30,000 ft² industrial space comes forward at Sheffield Park it will ease the existing pressure of demand and help to mitigate out commuting by providing sustainable employment for Ridgewood Farm's many new residents.

For these reasons I trust you will grant planning permission to extend a much-needed employment site in the northern part of the District. In my opinion, the demand exists for this to be let as soon as it is built!

Please do not hesitate to contact me should you wish to discuss this matter further.

Yours faithfully,


Richard D Oldfield
Director & Head of Agency & Investment
Oldfield Smith & Co Chartered Surveyors



Stabilitech Ltd
Unit 6, Sovereign Business Park
Albert Drive
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West Sussex, RH15 9TY

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28 February 2017

Planning Department
Lewes District Council
Southover House
Southover Road
Lewes
East Sussex
BN7 1AB

Dear Sir or Madam

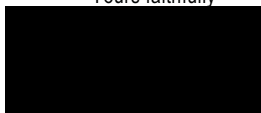
Sheffield Park – Stabilitech Biopharma

I would like to support the planning proposal for new business units at Sheffield Park.

Stabilitech Biopharma is pioneering the use of viral vectors to produce biopharmaceuticals and as such is at the forefront of next generation vaccines and biopharmaceuticals. Our work has attracted the attention of big name pharmaceuticals and we have recently signed research collaborations with Zoetis (formerly known as Pfizer Animal Health) and GSK.

I believe it is vital that Lewes District Council encourages enterprise by allowing business space to be built in this part of the District and therefore urge you to grant the necessary planning permission at Sheffield Park.

Yours faithfully



Chief Scientific Officer

Registered office: Unit 6 Sovereign Business Park, Albert Drive, Burgess Hill, West Sussex, RH15 9TY,
United Kingdom
Registration no: 4497290

Appendix B

Site Name	Malling Brooks (West), Lewes	Reference	ELW1a
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Total site area (ha)	1.2	Current uses	Vacant
Undeveloped land (ha)	1.2	Number of units	0
Grid reference	541832 110820	Sequential status (offices only)	N/A
Site status	Undeveloped site allocated in Local Plan (LW1)	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	1.9 km to A27 via the A26 which is only 600m from the site via Brooks Road and South Downs Road. The A26 is a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	Access via South Downs Road onto Brooks Road, a standard single carriageway estate road of good repair. No congestion noted at time of visit although likely that there is congestion at roundabout at peak times. Bus stop immediately adjacent to site and is served 10 times per hour to town centre (500m) and 4 times per hour to train station 1km away.	5
Proximity to urban areas and access to labour & services	Lies on edge of Lewes town and adjacent to settlement of South Malling. Wide range of services and sizable labour force available in the town.	5
Compatibility of adjoining uses	Residential uses to the north which is separated by an area of grassland protected for a landscape buffer in Local Plan, business uses to east and south and playing fields to the west.	4
Development and environmental constraints	Small, level, relatively regular shaped site with extended north western edge, Identified contamination and lies within Flood Zone 3.	3
Market attractiveness	Good location within an existing employment area. High profile location on main road opposite Fujitsu offices.	4
Planning factors	Allocated in Local Plan (LW3) for B1, B2 and B8 uses provided flood defences are adequately provided. Policy also requires a 5m buffer each side of existing drainage ditches and managed to ensure local nature conservation interests are maintained. Screening buffer to the north to be provided by developer. Planning permission granted for mixed B1 and C3 uses but expired in August 2009 (LW/07/0325).	
Barriers to delivery	Flood defence improvements and remediation of contaminated land. Reduction in capacity on site to accommodate ditches buffer.	
Potential uses	B1 and B2 uses given scale of site but also potentially B8	
Timescale/availability	Short term (0-5 years)	

Total Score: **26**

[Scoring: 5 = best, 1 = worst]

Site Name	Malling Brooks (East), Lewes	Reference	ELW1b
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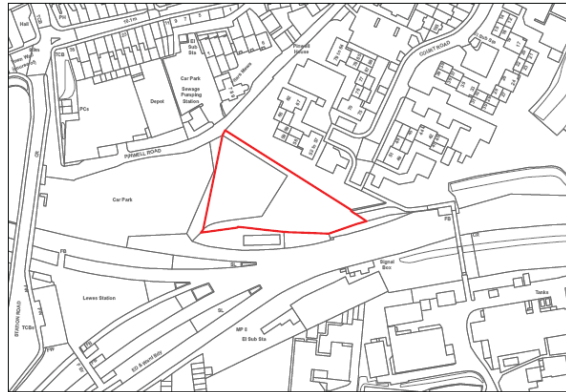
Total site area (ha)	0.8	Current uses	Scrubland
Undeveloped land (ha)	0.8	Number of units	0
Grid reference	542158 110770	Sequential status (offices only)	N/A
Site status	Undeveloped site allocated in Local Plan (LW1)	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	1.9 km to A27 via the A26 which is only 600m from the site via Brooks Road and South Downs Road. The A26 is a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	Access via South Downs Road onto Brooks Road, a standard single carriageway estate road of good repair. No congestion noted at time of visit although likely that there is congestion at roundabout at peak times. Bus stop immediately adjacent to site and is served 10 times per hour to town centre (500m) and 4 times per hour to train station 1km away.	5
Proximity to urban areas and access to labour & services	Located on the edge of Lewes town and adjacent to settlement of South Malling. Wide range of services and sizable labour force available in the town.	5
Compatibility of adjoining uses	Employment uses to south and west. Residential uses within 20m of site but screened by mature trees. 24hr operations may be constrained but this is an existing employment area.	4
Development and environmental constraints	Small, regular shaped, level site. Site located within Flood Zone 3. No other known constraints.	4
Market attractiveness	Good location within an existing employment area but low visibility from main road. Good demand for site but ownership difficulties.	4
Planning factors	Allocated in Local Plan (LW3) for B1, B2 and B8 uses provided flood defences are adequately provided. Policy also requires a 5m buffer each side of existing drainage ditches and managed to ensure local nature conservation interests are maintained. Screening buffer to the north to be provided by developer. Planning permission for 7 units of B1, B2 and B8 uses. Permission expires in July 2012 (LW/07/1608).	
Barriers to delivery	Flood defence improvements. Reduction in capacity on site to accommodate ditches. Ownership factors restricting development rather than lack of demand.	
Potential uses	B1, B2 and B8	
Timescale/availability	Short term	

Total Score: **27**

[Scoring: 5 = best, 1 = worst]

Site Name	Land South of Pinwell Road, Lewes	Reference	ELW2
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Total site area (ha)	0.23	Current uses	Car parking and storage/vacant
Undeveloped land (ha)	0.23	Number of units	0
Grid reference	541733 109883	Sequential status (offices only)	N/A
Site status	Undeveloped site allocated in Local Plan (LW6)	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	2.5km from the A27 trunk road but only 1.1 km away from the smaller A26. Access to strategic roads is via narrow town centre roads on a one way system which were congested at time of visit.	2
Local accessibility (local road access and public transport)	Access off Pinwell Road from Friars Walk, a residential road with on street parking or a very narrow single width, congested, lane which joins Station Road. Located adjacent to Lewes Railway Station and frequently served bus stops. 65m from town centre.	3
Proximity to urban areas and access to labour & services	Located less than 100m from town centre. Sizeable labour force and a wide range of services and facilities.	5
Compatibility of adjoining uses	Railway lines and station to south, car parking to west, residential immediately to north and east.	4
Development and environmental constraints	Very small, triangular shaped, level site. Very poor local road access. Close to Grade II listed buildings on Landsdowne Place. No other known constraints. Also within National Park although in urban area.	1
Market attractiveness	Poor site characteristics which likely to make it unattractive to market however, very good location to public transport.	2
Planning factors	Allocated for railway network related operations (LW6) but to minimise traffic on historic town roads, site should not be used for parking. Adjacent to conservation area and site of nature conservation importance.	
Barriers to delivery	Small constrained site with poor road access.	
Potential uses	Small B1 units	
Timescale/availability	Long term	

Total Score: **17**

[Scoring: 5 = best, 1 = worst]

Site Name	Eastside, Newhaven	Reference	ELW3
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Total site area (ha)	17.92	Current uses	B2 and vacant land
Undeveloped land (ha)	17.92	Number of units	2
Grid reference	545384 101028	Sequential status	N/A
Site status	Undeveloped site allocated within Local Plan for employment (NH10)	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	0.5 km from A26 junction and 8.5 km to A27. Existing access into southern portion of site via Railway Road which is a reasonable but sometimes narrow road and passes residential properties. Northern portion of site would be accessed by new access road	4
Local accessibility (local road access and public transport)	No existing access to north of site but there is potential for a link to the road serving the retail units. Existing access into south of site. 700m from Newhaven Harbour railway station serving Seaford, Lewes and Brighton every half hour. Bus stop on A259 (400m) which serves Lewes four times an hour. Newhaven town centre lies 1.1km from site.	3
Proximity to urban areas and access to labour & services	Site lies at the edge of Newhaven urban area and detached from the main residential areas. Small town centre 1.2km from site. Town has small workforce and small number of services	4
Compatibility of adjoining uses	At the edge of existing employment area. Playfields to the west beyond which residential use (25m - narrow tree screening buffer), retail warehousing to north, open fields to may not be of agricultural quality. Residential unlikely to constrain operations given existing context	5
Development and environmental constraints	Very large, level site technically within Flood Zone 3 but land raising make it likely to be in Zone 1 or 2. Parts of site contain contaminated land and majority of site in SNCI. Within National Park although brownfield site. Land to east of site offers potential for expansion.	3
Market attractiveness	Currently undeveloped; masterplan indicates scope for business park with standard industrial units but with concerns over viability of large B-class scheme without cross-subsidy from residential development. Modern industrial units likely to be attractive in this location and interest from one landowner in providing this.	3
Planning factors	Planning allocation for B1/8 uses focusing on international trade and port related activities with requirement for upgrade of pumping station	
Barriers to delivery	Flood defence works required. Costs of upgrading pumping station and remediating land. Provision of new access road. Site in several ownerships. Concerns over viability of employment space alone and some owner aspirations for retail/housing on part of site.	
Potential uses	B1, B2, B8	
Timescale/availability	Short to medium term (6-10 years)	

Total Score: **22**

[Scoring: 5 = best, 1 = worst]

Site Name	Land at East Quay and East Beach, Newhaven	Reference	ELW5
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Total site area (ha)	15.75	Current uses	Warehousing and undeveloped land
Undeveloped land (ha)	13.00	Number of units	3
Grid reference	545411 100341	Sequential status	N/A
Site status	Part existing employment land allocated within Local Plan (NH20)	Density	Low: Only a few large sheds

Criteria	Comment	Score (out of 5)
Strategic access	1.4km to A26 and 9km to A27 via Railway, Clifton and Beach Roads which are existing roads that serve the various industrial uses to the east of the river. Beach and Railway Roads are of good width and repair. Beach Road narrows slightly where it passes residential units.	4
Local accessibility (local road access and public transport)	Local access is an informal road through the port (Site ELW7) via Beach Road. Suitable for HGVs. Site 50m from Newhaven Harbour railway station which serves Seaford, Lewes and Brighton every half hour. Bus stop on Clifton Road (100m) which serves Lewes once an hour. More frequent services on the A259. Town centre lies 1.2km from site.	3
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas. Small town centre 1.4km from site. Within the settlement of Newhaven which has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	Within wider employment area. River to west, employment and undeveloped flats to south & west. No incompatible surrounding uses.	5
Development and environmental constraints	Large, level, fairly regular shape site. Lies within Flood Zone 3 and includes the coastline to the south. Limited use at present therefore good potential for intensification. No other constraints on development.	4
Market attractiveness	Currently vacant site and it is unclear whether a B-class scheme is likely to be viable on the site. However, purpose-built modern industrial/office units would likely be attractive to the market	2
Planning factors	Allocated for upgrading and expansion of the port. Options for further expansion to east if needed but only for open storage. Screening required for eastern edge of site. Site partly lies within area of nature conservation importance.	
Barriers to delivery	Need for access road. Flood defence measures.	
Potential uses	Passenger and freight expansion, general b1-B8 industrial / warehousing	
Timescale/availability	Medium term	

Total Score: **22**

[Scoring: 5 = best, 1 = worst]

Site Name	Railway Quay, Newhaven	Reference	ELW6
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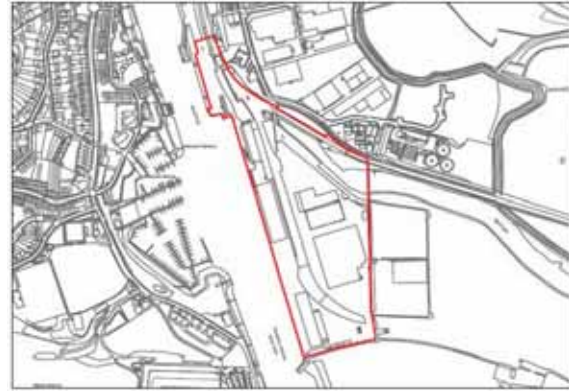
Total site area (ha)	4.65	Current uses	General industry & ferry terminal parking
Undeveloped land (ha)	0	Number of units	9
Grid reference	544873 101280	Sequential status	N/A
Site status	Existing employment site allocated in Local Plan (NH21)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	Adjacent to A259/A26 junction and approximately 8km to A27.	5
Local accessibility (local road access and public transport)	Access via A259 via Railway Approach a formal road into the ferry vehicle assembly area. Informal roads through remainder of site. Adjacent to Newhaven Railway Station serving Seaford, Lewes and Brighton every half hour. Adjacent bus stop which serves Lewes four times an hour. Newhaven town centre lies 300m from north of site	4
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas. Small town centre 300m from site. Within the settlement of Newhaven which has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	Within the existing port and employment area. River to west, road to north, employment to east. Nearest residential lies 50m to east of site beyond railway line but unlikely to constrain development on this site given existing use.	5
Development and environmental constraints	Large, triangular, level site lying within Flood Zone 3a. Brownfield site with limited potential for intensification with existing parking use. Grade II listed buildings on site. Railway line to the east.	3
Market attractiveness	Large areas of open storage and some industrial buildings which appear to be rather dated but fully utilised for port-related activities	3
Planning factors	Allocated for mixed use development should the port cease operation or not require this land any more. Uses could include minimum 200 dwellings plus B1, D2, A1, (Factory Outlet). Grade II listed buildings on site. Adjacent to site of nature conservation interest.	
Barriers to delivery	Existing ferry operations will restrict potential for redevelopment. No indication that this land will become available in the short term. Flood defence measures required.	
Potential uses	B1, B2 and B8	
Timescale/availability	N/A	

Total Score: **24**

[Scoring: 5 = best, 1 = worst]

Site Name	East Quay, Newhaven	Reference	ELW7
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Total site area (ha)	10.64	Current uses	Ferry/cargo terminal and warehousing
Undeveloped land (ha)	0	Number of units	8
Grid reference	545140 100578	Sequential status	N/A
Site status	Existing employment site allocated within Local Plan (NH23)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	0.9 km to A26 and nearly 9 km to A27 via Railway, Clifton and Beach Roads which are existing roads that serve the various industrial uses to the east of the river. Beach and Railway Roads are of a good width and in good repair. Beach Road narrows slightly where it passes dwellings	4
Local accessibility (local road access and public transport)	There are two access points into the site from Beach Road crossing the railway line. Good visibility. Suitable for HGVs. Site includes Newhaven Harbour railway station which serves Seaford, Lewes and Brighton every half hour. Bus stop on Clifton Road (100m) which serves Lewes once an hour or 300m away a four hourly service. Newhaven town centre lies 1.1 km from site access.	4
Proximity to urban areas and access to labour & services	Within the urban area of Newhaven but detached from main residential areas. Small town centre 1.1 km from site. Within Newhaven urban area with small local work force and level of services. Approximately 2 km from both Peacehaven and Seaford which together add to potential work force level.	4
Compatibility of adjoining uses	Within a larger employment area. River to the western extent of site, employment and undeveloped flats to south and west. 100m to nearest residence. No incompatible surrounding uses.	5
Development and environmental constraints	Large, level, irregular shape site. Lies within Flood Zone 3. Some potential for intensification of site but only with redevelopment of existing units. No other constraints on development.	4
Market attractiveness	Large areas of open storage and some industrial buildings which appear to be rather dated but fully utilised for port-related activities	3
Planning factors	Local Plan seeks any new development within the port to have satisfactory links with rail. Policy for only port-related commercial development/sea transport should the ferry and cargo berths become redundant. Area to west, south and part east are sites of nature conservation importance.	
Barriers to delivery	Existing active port. Flood defence works.	
Potential uses	Development of port or general B1-B8 industrial and warehousing uses	
Timescale/availability	N/A	

Total Score: **24**

[Scoring: 5 = best, 1 = worst]

Site Name	North Quay, Newhaven	Reference	ELW8
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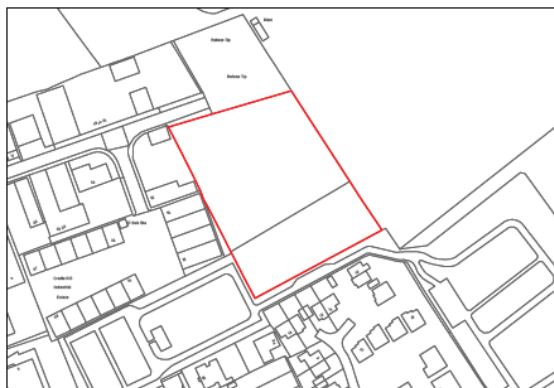
Total site area (ha)	13.40	Current uses	Quay, Aggregates processing
Undeveloped land (ha)	0	Number of units	2
Grid reference	544629 101940	Sequential status (offices only)	N/A
Site status	Existing employment site allocated in Local Plan (NH24)	Density	Low: High levels of open storage

Criteria	Comment	Score (out of 5)
Strategic access	South of site is less than 200m from junction with A26 and 8km to A27 via a short link road extension from A259 which is suitable for HGVs.	5
Local accessibility (local road access and public transport)	Single access via North Quay Road which runs along the eastern extent of the site. Bus stop 100m from south of site with services to Peacehaven and Seaford every 10 minutes. Newhaven railway station within 200m serving Seaford, Lewes and Brighton every half hour.	5
Proximity to urban areas and access to labour & services	Within the settlement of Newhaven which has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	River to the western extent of site, road network to south, railway line to eastern extent with small employment parcel to south east. Therefore no neighbour constraints to continued industrial use. Large waste-to-energy plant permitted nearby may deter some types of activities.	5
Development and environmental constraints	Large, linear shape, level site which lies within Flood Zone 3. A brownfield site which has the potential for intensification.	4
Market attractiveness	Large areas of open storage and some poor-quality industrial buildings in a low profile location. No land/buildings being actively marketed although could potentially be used more intensively	2
Planning factors	Allocated for B1, B2 and B8 uses but only port-related. Identified in Minerals Local Plan for receiving and processing of imported aggregates. A minerals consultation area. River is a site of nature conservation importance.	
Barriers to delivery	Flood protection measures required.	
Potential uses	B1-B8 Industrial uses	
Timescale/availability	N/A	

Total Score: **25**

[Scoring: 5 = best, 1 = worst]

Site Name	Land at Cradle Hill Industrial Estate, Seaford	Reference	ELW9
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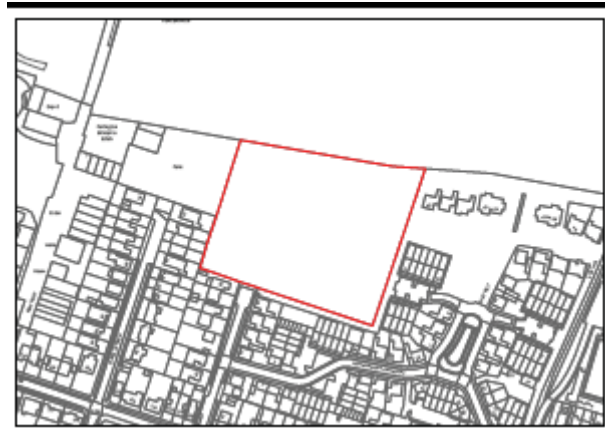
Total site area (ha)	0.85	Current uses	Vacant grass/scrubland
Undeveloped land (ha)	0.85	Number of units	0
Grid reference	549800 100426	Sequential status (offices only)	N/A
Site status	Undeveloped employment site allocated in Local Plan (SF8)	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	1.5km to A259 but 8km to A26. The roads to the A259 are standard single carriageway town roads as is the slightly wider A259. Both are in good repair but some on street parking.	4
Local accessibility (local road access and public transport)	Local access from Cradle Hill Road into existing Industrial site which has its own good internal road network. Bus stop available 500m from site serving Seaford town centre every quarter of an hour.	4
Proximity to urban areas and access to labour & services	Within the settlement boundary of Seaford with a good size labour force and services available.	4
Compatibility of adjoining uses	Employment site to north and west, cemetery to south west, agricultural fields to the east and housing to the south. Few constraints to development.	4
Development and environmental constraints	Small, regular shape, slightly sloping site set approximately a metre higher than existing employment land. No development constraints apparent. Large area of open fields to the north east available for expansion.	4
Market attractiveness	Low profile site within existing employment area. Has been vacant and undeveloped for over 5 years. If modern units were constructed it is likely they will be attractive to the market given low vacancy in wider industrial estate	3
Planning factors	Allocated for industrial use (LW8) subject to off site highway improvements, excavation of ground level, eastern landscape buffer of 4m width and height of buildings must not exceed existing adjacent units.	
Barriers to delivery	No barriers to delivery.	
Potential uses	B2 and B8	
Timescale/availability	Short to Medium term	

Total Score: 23

[Scoring: 5 = best, 1 = worst]

Site Name	Land north of Keymer Avenue, Peacehaven	Reference	ELW10
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Total site area (ha)	1.33	Current uses	Undeveloped grassland
Undeveloped land (ha)	1.33	Number of units	0
Grid reference	541667 101264	Sequential status (offices only)	N/A
Site status	Undeveloped site allocated within Local Plan (PT5)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	0.35 km to A259 (South Coast Road) which links Newhaven and Brighton and 4km to the A26.	4
Local accessibility (local road access and public transport)	Obvious site access would be through residential streets with traffic calming measures. Pavements available from town centre to the site. Bus stops nearby on main A259 road with excellent service to Newhaven and Brighton -7 per hour including early morning and evening.	4
Proximity to urban areas and access to labour & services	Within town of Peacehaven and less than 4km to Newhaven. There is a reasonable size labour force and range of local services and facilities between the two settlements.	4
Compatibility of adjoining uses	Residential uses lie to the immediate south, east and west of the site with large area of land to north allocated for public open space in Local Plan; however, development is currently taking place for an alternative use. Proximity to residential uses could constrain some industrial operations.	2
Development and environmental constraints	Small sized, slightly sloping, regularly shaped greenfield site. No flood risk identified. No obvious development constraints.	5
Market attractiveness	Adjacent to high profile industrial estate but allocated within Local Plan for 7 years without development.	3
Planning factors	UDP allocates site for B1 uses provided sole access is taken from Hoyle Road (Policy PT5). Landscape buffer requirement to maintain residential amenity.	
Barriers to delivery	New access required away from residential roads preferably through Hoyle Road. The current allocation suggests that this land is available.	
Potential uses	B1, B2	
Timescale/availability	Short to medium term for undeveloped land (6-10 years)	

Total Score: 22

[Scoring: 5 = best, 1 = worst]

Site Name	Land at Balcombe Pit, Glynde	Reference	ELW12
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Total site area (ha)	0.6	Current uses	Part B2, Part Vacant
Undeveloped land (ha)	0.4 of potential land	Number of units	N/A
Grid reference	545868 108574	Sequential status (offices only)	Out of Centre
Site status	Undeveloped site allocated within Local Plan (BG1)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	0.7 km to A27 and 5.5 km to Lewes town centre. No congestion noted on the main road which is a single carriageway and fairly narrow in parts.	3
Local accessibility (local road access and public transport)	Existing entrance into the site from main road comprising informal access track. Access junction on a tight bend and reduces turning visibility. Bus service on main road but only runs 4 times per day to Lewes. Glynde rail station within 100m with hourly service to Lewes.	2
Proximity to urban areas and access to labour & services	Very small village of Glynde lies some 400m to the north of site with very limited labour force. Nearest significant source of labour and services in Lewes 5.5 km to the west.	2
Compatibility of adjoining uses	One adjacent building with active low density employment use, existing/former quarry pit, rocky outcrop with residential uses 30m beyond.	3
Development and environmental constraints	Irregular shaped small site with difficult access entrance. Rocky outcrop covered in trees and other vegetation appears to extend significantly into site reducing area of developable land. No flood risk identified but part of site within National Park.	2
Market attractiveness	Low profile rural site within high quality landscape and conservation context but site itself less attractive as a result of adjacent occupiers. Run down appearance could be improved with a new development.	2
Planning factors	Allocated for B1 and B2 uses provided that landscaping scheme is submitted and traffic movements not significantly increased to require upgrade of existing access to Glynde village. Adjacent to site of Local Archaeological Interest and conservation area. Part of site within National Park	
Barriers to delivery	Poor road access.	
Potential uses	B2	
Timescale/availability	Longer term for undeveloped land (11+years)	

Total Score: **14**

[Scoring: 5 = best, 1 = worst]

Site Name	Chailey Brickworks, South Chailey	Reference	ELW13
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Total site area (ha)	1.95	Current uses	Brickworks
Undeveloped land (ha)	0	Number of units	2
Grid reference	539067 117628	Sequential status (offices only)	N/A
Site status	Existing employment site, allocated in Local Plan (CH1)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	Lies 3.5km from A272 and nearly 10km from A27 via the A275, a single lane carriageway with no congestion noted.	1
Local accessibility (local road access and public transport)	Direct access off A275 with a reasonable junction. Bus stop located within 100m of site with an hourly service to Lewes during the day.	2
Proximity to urban areas and access to labour & services	On edge of the small village of Chailey and 10km from Lewes town centre. Limited local labour force and limited local facilities and services available in South Street (Chailey Green).	2
Compatibility of adjoining uses	Wooded area surrounds the site, with small reservoir to the east – presumably for use by the brickworks; residential development 100m to the south but screened by mature trees. Alternative use to existing brickworks could improve compatibility with neighbours.	3
Development and environmental constraints	Medium sized, slightly sloping site set slightly higher than the access road. No flood risk identified and no obvious development constraints. Scope to expand into adjacent land currently in use but not allocated but this would bring site closer to dwellings.	4
Market attractiveness	Active use by single operator but isolated rural location. Existing units would likely need to be redeveloped for beneficial use by other uses. High quality landscape context but unattractive buildings on site reflecting current use. Good potential to intensify employment use.	3
Planning factors	Site within the Countryside but Local Plan allocation suggests potential future closure of brickworks and would allow small scale B1 and B2 uses within main parts of the site.	
Barriers to delivery	Active use of site at present and difficult to intensify while brickworks is still in use. Potential remediation needed for ground contamination.	
Potential uses	B1c and B2 workshops	
Timescale/availability	N/A	

Total Score: **15**

[Scoring: 5 = best, 1 = worst]

Site Name	Sheffield Park	Reference	ELW14
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Total site area (ha)	1.1	Current uses	Woodland/Scrub
Undeveloped land (ha)	1.1 but included within site ELW41	Number of units	0
Grid reference	540560 123120	Sequential status (offices only)	N/A
Site status	Allocated	Density	N/A

Criteria	Comment	Score (out of 5)
Strategic access	18 km from the A23 trunk road but only 3 km away from the smaller A272. Access to strategic roads is via single carriageway roads.	1
Local accessibility (local road access and public transport)	Located along the A275 with an existing access directly from it. Bluebell Railway Station opposite is a heritage/tourism line. Bus stop adjacent to the site serves Bluebell Railway Station opposite and only runs on a Saturday. Site accessed through site ELW41.	3
Proximity to urban areas and access to labour & services	Approximately 3km from very small settlement of North Chailey with few services. Over 5km to the larger village of Newick. Limited local workforce and services available.	1
Compatibility of adjoining uses	Lies within existing employment site with former railway line to the west. Wooded area to the south.	4
Development and environmental constraints	Small, generally level site but only accessed through wider site. Woodland landscape and protection of land for recreational activity (see Planning Factors) unlikely to be insurmountable. No flood risk identified.	2
Market attractiveness	Undeveloped Greenfield site which has been allocated for 7 years without development. Isolated location. Unlikely to be attractive to market.	1
Planning factors	Adjacent to area of Nature Conservation Importance and River Ouse policy protects against uses which could compromise recreational activity. Land is identified for extension for B1, B2 and B8 uses.	
Barriers to delivery	Sensitive site (see Planning Factors) with potential ecology and landscape issues. Access through ELW41 needed. Isolated location.	
Potential uses	B2 and B8	
Timescale/availability	Longer term for undeveloped land (11+years)	

Total Score: **12**

[Scoring: 5 = best, 1 = worst]

Site Name	Hamsey Brickworks, Hamsey Parish	Reference	ELW15
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Total site area (ha)	3.8	Current uses	Collection and treatment of liquid waste
Undeveloped land (ha)	2.6	Number of units	2 small units
Grid reference	539594 115993	Sequential status (offices only)	N/A
Site status	Existing employment site, allocated in Local Plan (HY1)	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	Approximately 6 km from A272 and nearly 7.5 km from A27 via A275, single lane carriageway	1
Local accessibility (local road access and public transport)	Site access off A275 via informal (unadopted) road. Good visibility with no noted congestion on main road. Potential conflict on shared access road. Bus stop nearby with 2 hourly frequency to Lewes during day.	3
Proximity to urban areas and access to labour & services	Not within a settlement. Village of South Street (Chailey Green) lies 1.5km to the north, and Lewes town centre 6.5 km to the south. Limited labour force and services within Chailey Green.	2
Compatibility of adjoining uses	Wooded area to the east, pond/reservoir to north, dwellings to west within 60m, house with large garden to south, both with some limited tree screening. Site access shared with dwellings and utilised by large HGVs. Proximity of residential may constrain industrial operations.	3
Development and environmental constraints	Large, relatively level site of regular shape. Site includes a pond which reduces site capacity by approximately 25% and wooded area by further 50%. Woodland provides good screening from countryside. No flood risk identified. No other obvious development constraints but restriction on scale of development to total of 2180 sq m.	3
Market attractiveness	Single occupier, low profile, isolated site with poor quality buildings but occupied and set within a high quality natural environment.	2
Planning factors	Allocated for B1, B2 and B8 uses although policy restriction on the scale of buildings and associated development to total of 2180 sq m.	
Barriers to delivery	Poor access road with potential conflict with adjacent dwellings. Current use would need relocating before any redevelopment. Site capacity reduced by woodland and pond. Availability of site unknown.	
Potential uses	B2 or B8 uses	
Timescale/availability	Longer term for undeveloped land (11+years)	

Total Score: **14**

[Scoring: 5 = best, 1 = worst]

Site Name	North Street/Phoenix Quarter, Lewes	Reference	ELW16
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Total site area (ha)	6.02	Current uses	B1, B2 and B8
Undeveloped land (ha)	0	Number of units	50
Grid reference	541652 110551	Sequential status (offices only)	Edge of Centre moving to out of centre
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	0.7 km to junction with A26 and 2km to A27 via North Street, Little East Street and Phoenix Causeway – a mixture of town centre roads which were notably busy during the site visit.	4
Local accessibility (local road access and public transport)	North Road is the only access into the site and becomes a fairly narrow industrial estate road with some on street parking although the use of HGVs was noted. Lewes bus station is only 300m from the site and the railway station some 600m.	4
Proximity to urban areas and access to labour & services	Sizeable labour force and a wide range of services and facilities within Lewes with the town centre located within 300m of the site.	5
Compatibility of adjoining uses	River located along with north east boundary of the site beyond which are playing fields to the north and a supermarket to the south, mature trees and open space to the north and west of the site. Car parking to the west and some residential dwellings to the south. Few constraints to development	4
Development and environmental constraints	Large, level site which is irregular in shape. Located within Flood Zone 3, with defences noted along the river. No vacant land within the site. Adjoining conservation area and ancient monument may be constraints.	3
Market attractiveness	Mixture of small and large units older units some of which are very run-down. Vacancy rate less than 10%. Low quality appearance.	3
Planning factors	Currently subject to public consultation on development options which include Adjacent to conservation area, site of archaeological importance and site of nature conservation importance.	
Barriers to delivery	Flood mitigation measures required if site redeveloped. No vacant or adjacent land for expansion.	
Potential uses	B1, B2 and B8	
Timescale/availability	N/A	

Total Score: **23**

[Scoring: 5 = best, 1 = worst]

Site Name	Cliffe Industrial Estate, South Street, Lewes	ELW17
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Total site area (ha)	4.52	Current uses	Modern Industrial Estate
Undeveloped land (ha)	0	Number of units	28
Grid reference	542606 109571	Sequential status (offices only)	Out-of-centre
Site status	Existing employment site, not allocated in Local Plan	Density	Medium: Fully developed with single-storey industrial units

Strategic access	Adjacent to the A26 trunk road and within 300m of the A27 Brighton-Eastbourne road	5
Local accessibility (local road access and public transport)	Purpose-built internal access roads, although turning onto A26 is relatively tight; cyclepath adjacent to A26 leads to Lewes town centre and train/bus stations within 1km; infrequent buses pass the estate entrance (2-hourly)	4
Proximity to urban areas and access to labour & services	Although slightly detached from Lewes residential urban area, within easy walking distance (1km) of town centre, wide range of services and labour force	4
Compatibility of adjoining uses	Lies between cliffs and A26 so no conflicts with any adjoining use	5
Development and environmental constraints	Large, flat site which is fully developed; potential constraints on scale/form of redevelopment from location within National Park; it is possible that the southern section of the site is within flood risk zone 3 although it was not inundated in Lewes floods of 2000	5
Market attractiveness	Managed estate and high profile site adjacent to A26 with good quality modern units; 4 units currently being marketed giving a moderate/high level of vacancy (15%); agents view this as perhaps Lewes' most preferable industrial site	4
Planning factors	Lies within National Park and adjacent to SSSI and nature conservation area	
Barriers to delivery	Relatively modern current industrial units limit scope for redevelopment although no barriers to this occurring, particularly as site appears to be in single ownership	
Potential uses	Continued industrial use	
Timescale/availability	N/A	

Total Score: **27**

[Scoring: 5 = best, 1 = worst]

Site Name	Lewes Bus Station, Eastgate Street, Lewes	Reference	ELW18
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Total site area (ha)	0.21	Current uses	Bus Station including storage shed
Undeveloped land (ha)	0	Number of units	n/a
Grid reference	541776 110271	Sequential status (offices only)	town centre
Site status	Allocated development site (Local Plan policy LW12); fully developed	Density	Currently Low density

Criteria	Comment	Score (out of 5)
Strategic access	Adjacent to A277 with relatively easy access to the A26/A27 (approx 2km) although the town centre roads can become heavily congested	4
Local accessibility (local road access and public transport)	Excellent access to town centre transport facilities and good local road accessibility with easy turnings	5
Proximity to urban areas and access to labour & services	Within Lewes town centre with easy access to labour and a wide range of facilities and services including the train station	5
Compatibility of adjoining uses	Adjacent to residential on two sides which may present some conflicts with existing use and any potential future industrial use; roads surround on other sides	3
Development and environmental constraints	Small, level site, without any obvious constraints to a small redevelopment scheme; could be potential contamination from current use; not within a flood risk zone	4
Market attractiveness	Potentially high profile town centre site which agents believe would be highly attractive to office occupiers if a good quality of space could be developed	5
Planning factors	Allocated under Local Plan policy LW12 which protects the site from redevelopment unless a satisfactory replacement can be found elsewhere within this part of the town centre	
Barriers to delivery	Suitable alternative site for bus station must be secured before any redevelopment scheme could come forward	
Potential uses	Offices	
Timescale/availability	Longer term as dependent on relocation site (11+years)	

Total Score: 26

[Scoring: 5 = best, 1 = worst]

Site Name	Wenban Smith, Lewes	Reference	ELW21
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Total site area (ha)	0.3	Current uses	B2
Undeveloped land (ha)	0	Number of units	7
Grid reference	541895 110350	Sequential status (offices only)	N/A
Site status	Existing employment site allocated for mixed use redevelopment in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	0.3 km from A26 and 1.6 km to A27 via Phoenix Causeway a link road over the river to the town centre.	5
Local accessibility (local road access and public transport)	Access into the site of Phoenix Causeway via Eastgate Street/Eastgate Wharf or Little East Street, a one way system through the town centre. Access out of the site is directly onto Phoenix Causeway. Congestion noted at peak times.	4
Proximity to urban areas and access to labour & services	Located within the town centre of Lewes which has a sizeable labour force and range of services.	5
Compatibility of adjoining uses	River to the east, road to the north, car park to the south and supermarket to the west. No neighbour constraints to development.	5
Development and environmental constraints	Small, level site, of regular shape. Within Lewes Conservation area and Flood Zone 3a. Also within National Park boundary but inside urban area. No vacant space for expansion within site.	3
Market attractiveness	Fairly high profile location at gateway to town centre. Standard sheds currently characterise the site which are unattractive but not necessarily run down.	5
Planning factors	Part of area identified for redevelopment within the Local Plan (LW12). The Plan seeks to retain a supermarket and relocate the bus station and form a transport interchange and 180 car parking spaces. Requires flood defences and highway access from Phoenix Way.	
Barriers to delivery	Part of existing allocation for redevelopment which does not include employment use. Flood mitigation required.	
Potential uses	B1 preferably or B2	
Timescale/availability	N/A	

Total Score: **27**

[Scoring: 5 = best, 1 = worst]

Site Name	Astley House, Lewes	Reference	ELW22
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Total site area (ha)	0.30	Current uses	Vehicle Depot for Police
Undeveloped land (ha)	0	Number of units	1
Grid reference	541505 110280	Sequential status (offices only)	Out of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1.75km to A27 via the A277 a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	The A277 joins locally with Spital Road (wide town road) to the south of the site and De Montfort Road (narrow residential street) to the north. Access into site over low kerb. Located near busy junction - new access points potentially difficult. Bus stop 100m from site serving Lewes bus station and railway station every 10 minutes.	4
Proximity to urban areas and access to labour & services	Located within the settlement of Lewes town. Sizeable labour force and a wide range of services and facilities.	5
Compatibility of adjoining uses	Surrounded by residential units to north and south separated by a road. Residential immediately to east. Small area of open space to west with prison to south west. Unsuitable for 24 hours operation. Potential to remove 'bad neighbour' use.	4
Development and environmental constraints	Fully developed, small, narrow, slightly sloping site surrounded by roads removing any possibility of expansion. Potential contamination from existing use.	3
Market attractiveness	Good visibility from A275 but site constraints could limit development options.	3
Planning factors	With an area of archaeological importance and adjacent to a conservation area.	
Barriers to delivery	Need to relocate existing depot.	
Potential uses	B1 or continued depot use	
Timescale/availability	N/A	

Total Score: **24**

[Scoring: 5 = best, 1 = worst]

Site Name	Police Station, Mount Place, Lewes	Reference	ELW23
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Total site area (ha)	0.11	Current uses	Police Station
Undeveloped land (ha)	0	Number of units	2
Grid reference	541505 110280	Sequential status (offices only)	Edge of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	2.2km to A27 via the A26 which is 0.8 km from the site via West Street and Little East Street. The A26 is a single lane carriageway in good repair. Local roads are narrow town centre roads that can get congested.	3
Local accessibility (local road access and public transport)	West Street is a relatively narrow town road with dwellings abutting the pavement. Little East Street, a slightly wider road, forms part of the one way main circulation route on the edge of the town centre and is more suitable for HGVs. The existing parking area is accessed from Sun Street which is a narrow residential street with parked cars taking up one side of the highway. The town centre is within 300m of the site and the central bus station and within 400 m of Lewes rail station.	4
Proximity to urban areas and access to labour & services	Located on the edge of Lewes town centre. Sizeable labour force and a wide range of services and facilities.	5
Compatibility of adjoining uses	Residential uses lie adjacent to the site in all directions. Industrial uses likely to be unsuitable. Assumption that police station has some activity 24 hours per day.	3
Development and environmental constraints	Very small, slightly sloping, regular shaped site within National Park but also in urban area. No adjacent land for expansion. Existing building is of local architectural interest and retention would be beneficial, although potentially costly to renovate.	3
Market attractiveness	Attractive office location with good visibility on secondary access road into town centre. Residential setting could reduce market demand.	3
Planning factors	Within National Park, Conservation area and area of archaeological interest. Building recognised for its townscape merit within Conservation Area appraisal which states it should be retained. Assessed by SHLAA as potential housing site.	
Barriers to delivery	Police station would need to be relocated.	
Potential uses	B1 offices; residential would be alternative use if cannot be let as offices or viably converted to modern office space	
Timescale/availability	Medium to Long term	

Total Score: 21

[Scoring: 5 = best, 1 = worst]

Site Name	Brooks Road /Davey Lane Depots, Lewes	Reference	ELW24
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Total site area (ha)	3.22	Current uses	B2, Car showroom, open storage & vacant land
Undeveloped land (ha)	0.4	Number of units	10
Grid reference	542136 110618	Sequential status (offices only)	Edge of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	1.6 km to A27 via the A26 which is only 300m from the site via Brooks Road. The A26 is a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	Access via Davey's Lane onto Brooks Road, an estate road in good repair. Davey's Lane is narrow and difficult for HGVs. Some congestion at roundabout at peak times. Bus stop less than 100m away served 10 times p/h to town centre (500m) and 4 p/h to train station	3
Proximity to urban areas and access to labour & services	Located within Lewes town and close to adjacent settlement of South Malling. Wide range of services and sizeable labour force available in the town.	5
Compatibility of adjoining uses	Site located within existing employment area with such uses to north, west and south. Residential uses are located immediately to the east with no screening. This could restrain 24 hour operations although this is a long established estate within the town settlement.	4
Development and environmental constraints	Medium size, fairly regular shaped, level site which lies within Flood Zone 3. Majority of the site development save for a small area of vacant land.	4
Market attractiveness	Variety of older buildings and open storage thus low quality appearance, high visibility from main road. Low vacancy rate. Within established employment area.	4
Planning factors	Site lies within existing settlement boundary with no other material designations to consider. Resolution to grant permission for residential and 2,480 sq m B1, B8 uses (LW/09/0310) on vacant plot.	
Barriers to delivery	Potential for multiple ownerships. Need for improvements to Davey's Lane or alternative access as part of any redevelopment plans. Mitigation required for flooding. Active business on site.	
Potential uses	Continued uses and B2 and B8	
Timescale/availability	Short term (0-5 years)	

Total Score: **25**

[Scoring: 5 = best, 1 = worst]

Site Name	Shepherd Industrial Estate, Lewes (including Delanair Estate)	Reference	ELW25
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Total site area (ha)	1.6	Current uses	B2, A1 retail warehouse, library and place of worship
Undeveloped land (ha)	0	Number of units	13
Grid reference	541958 110623	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1.6 km to A27 via the A26 which is only 300m from the site via Brooks Road. The A26 is a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	Two access points into site from Brooks Road, a standard single carriageway estate road of good repair. Visibility good and no congestion noted at time of visit although likely that there is congestion at roundabout at peak times. Bus stop adjacent to Tesco is located less than 100m away and is served 10 times per hour to town centre (500m) and 4 times per hour to train station 1km away.	4
Proximity to urban areas and access to labour & services	Located within Lewes town and close to adjacent settlement of South Malling. Wide range of services and large labour force available in the town.	5
Compatibility of adjoining uses	Located within employment area with B1 use to north, B8 to east, supermarket to west and vacant plot to south. No adjacent residential.	5
Development and environmental constraints	Medium size, fairly regular shaped, level site, located within Flood Zone 3. Difficult to intensify existing development. No other obvious development constraints. Vacant land to the south for potential expansion.	4
Market attractiveness	High visibility of site from main road. Low vacancy rate (3/13 units) and vacant units are part of redevelopment to extent adjoining foodstore. Reasonable condition of premises within a wider established employment area.	4
Planning factors	Site lies within existing settlement boundary with no other material designations to consider.	
Barriers to delivery	Potential fragmented ownership. Availability of land to south unknown. Mitigation required for flooding. Active business on site.	
Potential uses	B1, B2 and B8	
Timescale/availability	N/A	

Total Score: 26

[Scoring: 5 = best, 1 = worst]

Site Name	Brooks House, Caburn House, Sackville House, Lewes	Reference	ELW26
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Total site area (ha)	1.31	Current uses	B1
Undeveloped land (ha)	0	Number of units	3
Grid reference	541915 110736	Sequential status (offices only)	Out of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1.9 km to A27 via the A26 which is only 600m from the site via Brooks Road and South Downs Road. The A26 is a single lane carriageway in good repair.	5
Local accessibility (local road access and public transport)	Access via South Downs Road onto Brooks Road, a standard single carriageway estate road of good repair. No congestion noted but may exist at roundabout at peak times. Bus stop immediately adjacent to site and is served 10 times per hour to town centre (500m) and 4 times per hour to train station 1km away.	5
Proximity to urban areas and access to labour & services	Lies on edge of Lewes town and adjacent to settlement of South Malling. Wide range of services and large labour force available in the town.	5
Compatibility of adjoining uses	Within employment area. Football grounds to the west. No neighbour constraints to development.	5
Development and environmental constraints	Medium size, level site of regular shape. Within Flood Zone 3. No further space for intensifying site without removing car parking area. No other constraints noted.	4
Market attractiveness	High profile site with good profile occupier 'Fujitsu'. No vacancies apparent. Good quality fairly modern buildings.	5
Planning factors	No factors of note	
Barriers to delivery	Flood mitigation required. Limited potential for intensifying use or need for redevelopment in the short term	
Potential uses	B1	
Timescale/availability	N/A	

Total Score: **29**

[Scoring: 5 = best, 1 = worst]

Site Name	County Hall, Lewes	Reference	ELW27
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Total site area (ha)	2.17	Current uses	Council Offices B1 and parking
Undeveloped land (ha)	0	Number of units	1
Grid reference	540863 109947	Sequential status (offices only)	Edge of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1.85 km to A27 via the A277 a single lane carriageway in good repair and St Anne's Crescent, a relatively narrow residential road.	5
Local accessibility (local road access and public transport)	Existing access into the site from St Anne's Crescent. No congestion noted at time of visit. Alternative access along St Anne's Crescent onto Winterbourne Hollow. Residential Parking along the Crescent narrows road making it less suitable for HGVs. Bus stop 100m from site serving Lewes bus station and railway station every 10 minutes.	4
Proximity to urban areas and access to labour & services	Located within the settlement of Lewes town and less than 300m from town centre. Sizeable labour force and a wide range of services and facilities.	5
Compatibility of adjoining uses	Residential uses can be found to north and east. Large cemetery to the south west. Former St Anne's School to the south. Mature trees provide some screening between site and the majority of the dwellings.	5
Development and environmental constraints	Medium size, slightly irregular shaped site with a relatively steep gradient from north to south and within National Park. However, existing development demonstrates that this is not a significant constraint. No vacant adjacent land for expansion. Several TPOs on site.	4
Market attractiveness	Low profile site hidden behind residential streets on the edge of town centre. Reasonable quality, although slightly dated offices. May be difficult to re-let if becomes partially/wholly vacant due to difficulties in sub-dividing and age of space	4
Planning factors	Within National Park. Adjacent to conservation area. Adjacent to areas of Local Archaeological Interest and site of Nature Conservation Importance.	
Barriers to delivery	Relocation of Council offices needed if site redeveloped.	
Potential uses	B1	
Timescale/availability	Medium to Long Term redevelopment potential.	

Total Score: **27**

[Scoring: 5 = best, 1 = worst]

Site Name	Parker Pen Site, Railway Road, Newhaven	Reference	ELW28
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Total site area (ha)	3.30	Current uses	Factory site
Undeveloped land (ha)	0	Number of units	7
Grid reference	545094 101369	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	Within 300m of A26 junction and approximately 8km to A27.	5
Local accessibility (local road access and public transport)	Access into the site from Railway Road via Estate Road in good repair and suitable for HGVs. Railway Station within 300m with half-hourly service. Bus stop on Clifton Road which serves Lewes once an hour. Newhaven town centre lies 300m from north of site.	4
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas. Small town centre 500m from site. Newhaven has small labour pool but good range of local services. 2 km from Peacehaven and Seaford which together improve the available labour force.	4
Compatibility of adjoining uses	Within existing employment area with retail warehousing to north, playing fields to south east and residential immediately adjacent to south. However, unlikely to constrain future development on this site given existing use.	4
Development and environmental constraints	Medium size, fairly regular shaped, level site which lies within Flood Zone 3. A brownfield site which has limited potential for intensification with without redevelopment. Known to contain contaminated land but no other obvious constraints.	3
Market attractiveness	Site currently partly occupied but due to become vacant in 2010. Relatively high profile location although it is unlikely that the current building could be re-let without sub-division or refurbishment	3
Planning factors	No known planning constraints	
Barriers to delivery	None, once building becomes vacant	
Potential uses	B2 and B8	
Timescale/availability	N/A	

Total Score: 23

[Scoring: 5 = best, 1 = worst]

Site Name	Avis Way Euro Business Park and Industrial Estate, Newhaven	Reference	ELW29
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Total site area (ha)	18.53	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	100+
Grid reference	544997 101976	Sequential status (offices only)	N/A
Site status	Existing employment site, not identified in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	The A26 passes through this site with A27 approximately 7km away. Two access roads into the site (From A26 and B2109 (Avis Road). These are both wide roads in good repair.	5
Local accessibility (local road access and public transport)	Good road network through the site, all suitable for HGVs. While there was some parking on the roads no congestion was noted. South of site within 300m of railway station serving Lewis and Brighton twice an hour. Bus stop at railway station serving Lewes four times an hour.	5
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas, located between Newhaven and Denton. Small town centre 600m from site. Newhaven has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	Existing employment site with railway line to west, major road and supermarket to south, employment to north, and green space to east. No notable neighbour constraints on future development.	5
Development and environmental constraints	Very large, level, regular shaped site. Lies within flood zone 3. No vacant plots and limited opportunity to intensify existing uses. No other development constraints.	4
Market attractiveness	Generally modern industrial units which are fit for current purposes. Reasonable profile site at entrance to town of Newhaven. Low levels of vacancy (<5%) indicate good levels of demand	4
Planning factors	No known planning constraints	
Barriers to delivery	Generally good quality range of units with limited scope for redevelopment in the short term.	
Potential uses	Continued B1-B8 industrial use	
Timescale/availability	N/A	

Total Score: **27**

[Scoring: 5 = best, 1 = worst]

Site Name	Railway Road Industrial Estate, Newhaven	Reference	ELW30
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Total site area (ha)	13.36	Current uses	Mixed industrial/retail
Undeveloped land (ha)	0	Number of units	30
Grid reference	545112 101445	Sequential status (offices only)	N/A
Site status	Existing employment and retail site, not identified in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	Adjacent to A26/A259 junction and approximately 8km to A27.	5
Local accessibility (local road access and public transport)	Three main access points into the site from A259 or via Railway Road. Each good repair and suitable for HGVs. Railway Station within 300m which serves Seaford, Lewes and Brighton every half hour. Bus stop on the A259 which serves Lewes once every quarter of an hour. Newhaven town centre lies 500m from north of site.	5
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas. Small town centre 500m from site. Settlement of Newhaven has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	Within an existing employment area. Road network to north, open fields to the east, residential uses and football field to south, railway line to west. No barriers to development as a result of residential uses given existing context.	5
Development and environmental constraints	Large size, fairly regular shaped, level site which lies within Flood Zone 3. A brownfield site which has limited potential for intensification without redevelopment. This site includes the Parker Pen site (ELW28) No other known constraints.	4
Market attractiveness	Contains a wide variety of B and non-B-class employment generating uses in relatively high profile location adjacent to A26. Other than the parker pen site (ELW28), most B-class units currently in poor condition and are dated with areas of open storage. Some buildings do not appear to be in current use, although there is little stock being actively marketed	2
Planning factors	No planning restrictions or permissions	
Barriers to delivery	Fairly modern retail units with limited scope for redevelopment in the short term. Opportunity for Parker Pen site.	
Potential uses	B2, B8 and Retail warehousing	
Timescale/availability	N/A	

Total Score: **25**

[Scoring: 5 = best, 1 = worst]

Site Name	Beach Road Trading Estate, Newhaven	Reference	ELW31
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Total site area (ha)	7.46	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	30
Grid reference	545160 100938	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	0.9km to A26 and nearly 9km to A27 via Railway, Clifton and Beach Roads which are existing roads that serve the various industrial uses to the east of the river. Beach and Railway Roads are a good width and in good repair. Beach Road narrows where it passes residential units.	4
Local accessibility (local road access and public transport)	There are four access points into the site from Beach Road each suitable for HGVs. No congestion noted on these roads. Newhaven Harbour railway station 600m away serves Seaford, Lewes and Brighton every half hour. Bus stop on Clifton Road (100m) which serves Lewes once an hour or 500m away a four hourly service. Newhaven town centre lies 1.1km from site access.	4
Proximity to urban areas and access to labour & services	Site lies within the urban area of Newhaven but detached from the main residential areas. Small town centre 1.1km from site. Small work force and number of services. Approximately 2km each from Peacehaven and Seaford which together improves potential work force.	4
Compatibility of adjoining uses	Within a larger employment area. Road to the west immediately beyond which are dwellings, dwellings and playing fields to north, general open space allocated for employment. Residential units in close proximity are unlikely to constrain development given existing context.	5
Development and environmental constraints	Large, level, fairly regular shape site. Lies within Flood Zone 3. Little potential for intensification of site. No other constraints.	4
Market attractiveness	Variety of medium/large warehousing units which appear to be in good condition, if relatively dated. Low profile location, but relatively low vacancy rate (<10%)	3
Planning factors	No planning constraints or permissions. Adjacent to site of nature conservation importance	
Barriers to delivery	Large units of reasonable quality and therefore limited scope for redevelopment in the short to medium term.	
Potential uses	Continued B1-B8 industrial use	
Timescale/availability	N/A	

Total Score: **24**

[Scoring: 5 = best, 1 = worst]

Site Name	Old Cement Works, Newhaven	Reference	ELW32
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Total site area (ha)	2.02	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	15
Grid reference	544895 103235	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	Located immediately off the A26 and 6.5 km from the A27. A26 is a free moving road with no noted congestion.	5
Local accessibility (local road access and public transport)	Wide road access from the A26 into the industrial estate which comprises informal roads. 1.75km to bus stop located at Newhaven Railway Station. Four hourly services to Lewes by bus and half hourly services by Railway.	3
Proximity to urban areas and access to labour & services	Located 600m north of South Highton which forms the northern extent of Newhaven. Newhaven which has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	3
Compatibility of adjoining uses	Caravan park to the north, a few residential units separated by a mature tree line and ponds, agricultural fields to the east, road to the west with more fields beyond. Residential and tourism uses may constrain 24 hour operations but given existing use unlikely to constrain continued uses.	4
Development and environmental constraints	Small, irregular shaped, sloping site part of which lies within Flood Zone 3. Remainder of site lies within Flood Zone 1. Limited potential for expansion outside of existing site boundary	3
Market attractiveness	Low profile site with low quality unattractive units. High quality surrounding area. However, low vacancy rate noted.	2
Planning factors	Located outside the settlement boundary within the countryside and within an National Park. Conservation area to the south.	
Barriers to delivery	Location within National Park would limit any expansion opportunity. No vacant land and difficult to intensify uses even with redevelopment.	
Potential uses	Continued general B1-B8 industrial uses	
Timescale/availability	N/A	

Total Score: **20**

[Scoring: 5 = best, 1 = worst]

Site Name	Denton Island, Newhaven	Reference	ELW33a
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Total site area (ha)	5.9	Current uses	Incubator office units, general industrial units and a chandlers
Undeveloped land (ha)	0	Number of units	10
Grid reference	544574,101115	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	Within 500m of A26 junction and 8.5 km to A27 via North Way, the town centre circular one way road. This road can be busy at peak times.	4
Local accessibility (local road access and public transport)	Single good quality wide road access onto Denton Island and through the site. Suitable for HGVs with good visibility. Single access into Robinson Road Industrial Estate with sharp bend could cause difficulties for larger vehicles but is in good repair. Denton Island within 100m of town centre, Robinson Road, 500m. Newhaven railway station within 350m of Denton Island and 1km from Robinson Road. Frequent bus services available within town centre and at railway station.	5
Proximity to urban areas and access to labour & services	Located within the urban area of Newhaven which has a small work force and number of services. Approximately 2km from Peacehaven and Seaford which together improve the potential work force.	4
Compatibility of adjoining uses	Robinson Road Industrial Estate located immediately adjacent to residential uses limiting opportunity for 24 hour operations. Denton Island is separated from the main land, with further employment uses to the west and residential uses to the south.	4
Development and environmental constraints	Divided into two areas separated by the river, Denton Island is a semi-circle shaped area of land surrounded by the river in all directions. Robinson Road industrial estate is a small narrow strip of land. Within Flood Zone 3 but flood defences are noted.	3
Market attractiveness	Denton Island is a high profile location providing a mixture of modern office and small workshop units. Limited vacancies noted. Robinson Road is a low profile industrial estate with poor quality unattractive units but limited vacancies also noted.	5
Planning factors	Denton Island was allocated in Local Plan for mixed use town centre regeneration scheme but policy not Saved so site no longer allocated. Robinson Road Industrial Estate is similarly not allocated. Adjoins site of nature conservation importance.	
Barriers to delivery	Mostly modern facilities on Denton Island with limited scope for redevelopment in the short term. Potential on Robinson Road but availability of land not known. No opportunities for expansion into adjacent land.	
Potential uses	Continued B1 and B2 uses	
Timescale/availability	N/A	

Total Score: **25**

[Scoring: 5 = best, 1 = worst]

Site Name	Robinson Road Industrial Estate, Newhaven	Reference	ELW33b
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Total site area (ha)	1.0	Current uses	General industrial units and small workshops
Undeveloped land (ha)	0	Number of units	15
Grid reference	544363,101115	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1km to A26 junction and 9.0km to A27 via North Way, the town centre circular one way road. This road can be busy at peak times.	4
Local accessibility (local road access and public transport)	Single access into Robinson Road Industrial Estate with sharp bend which could cause difficulties for larger vehicles but is in good repair. Robinson Road within 500m of town centre. Newhaven railway station within 1km of site. Frequent bus services available within town centre and at railway station.	5
Proximity to urban areas and access to labour & services	Located within the urban area of Newhaven which has a small work force and number of services. Approximately 2km from Peacehaven and Seaford which together improve the potential work force.	4
Compatibility of adjoining uses	Robinson Road Industrial Estate located immediately adjacent to residential uses limiting opportunity for 24 hour operations.	2
Development and environmental constraints	Robinson Road industrial estate is a small narrow, level, strip of land. Within Flood Zone 3 but flood defences are noted.	3
Market attractiveness	Robinson Road is a low profile industrial estate with poor quality unattractive units but limited vacancies also noted.	3
Planning factors	Robinson Road Industrial Estate is not allocated in Local Plan. Adjacent to site of nature conservation importance.	
Barriers to delivery	Potential for redevelopment of units on Robinson Road. No opportunities for expansion into adjacent land.	
Potential uses	Continued B1-B2 industrial uses	
Timescale/availability	N/A	

Total Score: **20**

[Scoring: 5 = best, 1 = worst]

Site Name	Quarry Road Industrial Estate, Newhaven	Reference	ELW34
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Total site area (ha)	2.39	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	25
Grid reference	544452 100524	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	2km to A26 junction, 10km to A27 and 0.9km to A259 via South Road and Quarry Road, wide residential street with some on-street parking. No congestion noted on this street but the A259 one-way circular route around Newhaven can be very busy.	2
Local accessibility (local road access and public transport)	Local access from Fort Road onto Court Farm Road then Quarry Road. Good existing access into the site. Informal roads within the site. No bus services locally but available from town centre (1km walk) to Lewes, Seaford and Peacehaven. Railway station is approximately 1.3km walk.	3
Proximity to urban areas and access to labour & services	Site within Newhaven urban area. Newhaven has a small work force and small number of services. Approximately 2km each from Peacehaven and Seaford which together improve the potential work force level.	4
Compatibility of adjoining uses	Residential land uses to the north, east and south of the site with green space to the west (see planning factors). Proximity of dwellings with very little screening likely to constrain 24 hour operations but existing not likely to constrain continued employment use.	3
Development and environmental constraints	Small to medium sized, level site of a fairly regular shape. No flood risk noted. No vacant land making it difficult to intensify without redevelopment.	4
Market attractiveness	Low profile site with a mixture of very old/poor quality buildings with one or two more modern units. Low vacancy rates – approximately 15%.	2
Planning factors	Site not allocated for employment. Land to the west of the site (former quarry) is allocated for residential development and the Local Plan highlights its environmental and landscape sensitivities.	
Barriers to delivery	Limited potential for expansion into adjacent site. Opportunity to redevelop older parts of the site but availability of site to do this is unknown.	
Potential uses	Continued B2 and B8	
Timescale/availability	N/A	

Total Score: **18**

[Scoring: 5 = best, 1 = worst]

Site Name	Cradle Hill Industrial Estate, Seaford	Reference	ELW35
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Total site area (ha)	3.94	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	42
Grid reference	549654 100384	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated in Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	1.5km to A259 but 8km to A26. The roads to the A259 are standard single carriageway town roads as is the slightly wider A259. Both are in good repair but some on street parking.	4
Local accessibility (local road access and public transport)	Local access from Cradle Hill Road into existing Industrial site which has its own good internal road network. Bus stop available 200m from site which serves Seaford town centre every quarter of an hour	4
Proximity to urban areas and access to labour & services	Within the settlement boundary of Seaford with a good size labour force and services available. However, very limited services within walking distance of the site	3
Compatibility of adjoining uses	Residential to north and west of site, cemetery to the south with residential beyond. Agricultural land to the north east. Potential to constrain 24 hour operations but existing employment site.	4
Development and environmental constraints	Medium size, gently sloping site from east to west. No vacant land within the site although agricultural fields are present to the north east. No known constraints.	4
Market attractiveness	Units are a range of sizes and ages, although mostly fairly dated. However, most appear fit for current purpose. Low profile location but very low vacancy indicates good demand for space on this site	3
Planning factors	No known planning constraints	
Barriers to delivery	Limited opportunity to intensify site and little need to redevelop site in the short term.	
Potential uses	Continued B1-B8 industrial uses	
Timescale/availability	N/A	

Total Score: **22**

[Scoring: 5 = best, 1 = worst]

Site Name	Blatchington Road Industrial Estate, Seaford	Reference	ELW36
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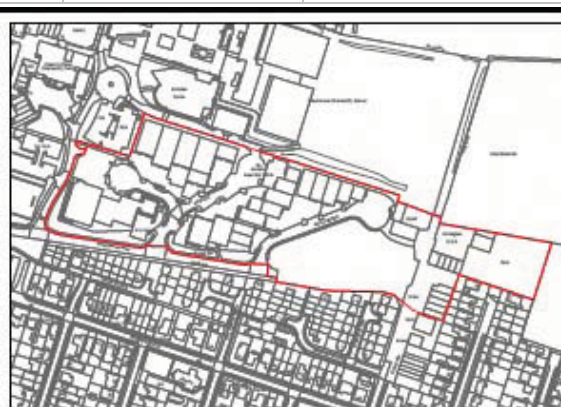
Total site area (ha)	1.19	Current uses	Industrial Estate and nightclub
Undeveloped land (ha)	0	Number of units	10
Grid reference	548312 99372	Sequential status (offices only)	N/A
Site status	Existing Employment Site, not identified in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	Within 250 m of the A259 although this passes through Seaford town centre. Further 5 km to the A26 trunk road via reasonable quality A259	4
Local accessibility (local road access and public transport)	Blatchington Road is relatively narrow and has steep access to the A259. Also, several units have narrow access roads and turnings off Blatchington Road. However, within easy walking distance of Seaford train station and numerous regular bus routes in Seaford town centre	3
Proximity to urban areas and access to labour & services	Within Seaford urban area and within walking distance of reasonable range of town centre services	4
Compatibility of adjoining uses	Adjacent to residential on all sides including currently vacant site which is allocated for residential development. Potential to constrain 24 hour operations but existing employment site.	2
Development and environmental constraints	Relatively small, flat and fully developed site. Majority of site lies within Flood Zone 3. Otherwise no known constraints	2
Market attractiveness	Mixture of relatively modern and more dated units. Low profile location but no units currently being marketed and appears to be meeting local needs well	3
Planning factors	No known planning constraints	
Barriers to delivery	Limited opportunity to intensify site and little need to redevelop site in the short term.	
Potential uses	Continued B1-B8 industrial uses	
Timescale/availability	N/A	

Total Score: 18

[Scoring: 5 = best, 1 = worst]

Site Name	Meridian and Enterprise Estates, Peacehaven	Reference	ELW38
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Total site area (ha)	4.16	Current uses	Industrial Estate (B2/ B8/vacant land)
Undeveloped land (ha)	0.69	Number of units	30
Grid reference	541367 101345	Sequential status (offices only)	N/A
Site status	Existing employment site with part allocation for employment uses (PT6)	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	0.35 km to A259 (South Coast Road) which links Newhaven and Brighton and 4km to the A26. Access to A259 via Sutton Avenue- a reasonable single carriageway road.	4
Local accessibility (local road access and public transport)	Existing access through industrial estate along Greenwich Way. Nearby bus stops on main A259 road with excellent service to Newhaven and Brighton (7 per hour including early morning and evening). On street parking within the estate reduces free flow of traffic.	4
Proximity to urban areas and access to labour & services	Within town of Peacehaven and less than 4km to Newhaven. There is a reasonable size labour force and range of local services and facilities between the two settlements.	4
Compatibility of adjoining uses	Existing industrial park with range of B2 and B8 uses. Residential uses lie immediately south of the site. Car park, secondary school and leisure centre immediately to the north. Scale of industrial use may be constrained by proximity to dwellings, however this is a long established industrial estate.	3
Development and environmental constraints	Difficult to intensify existing development. Medium size, irregular shaped, level undeveloped area within site. Proximity to residential uses reduces capacity. No flood risk identified nor other obvious constraints.	3
Market attractiveness	Managed employment site with good quality premises. Low vacancy levels. Limited visibility of site from A259 but good visibility off Greenwich Way.	4
Planning factors	Allocation for B1 or B8 use within site (UDP Policy PT6) requiring some smaller buildings for start up uses. Planning permission for 24 B1 units (2025 sq m) granted 2008 on allocated site.	
Barriers to delivery	Need to ensure adequate parking for new development on vacant plot. Limited scope to redevelop existing units in the short term.	
Potential uses	B1, B2 and B8 uses	
Timescale/availability	Short term (0-5 years)	

Total Score: **22**

[Scoring: 5 = best, 1 = worst]

Site Name	Tidy Industrial Estate, Ditchling Common	Reference	ELW40
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Total site area (ha)	7.79	Current uses	Industrial Estate
Undeveloped land (ha)	0	Number of units	60
Grid reference	534027 118224	Sequential status (offices only)	N/A
Site status	Existing employment site, not allocated within Local Plan	Density	High

Criteria	Comment	Score (out of 5)
Strategic access	Over 4 km from the A273 via B2113 single carriageway. 10 km to the A27 trunk road.	1
Local accessibility (local road access and public transport)	Accessed via a purpose built (possibly unadopted) road from the B2113. Visibility into and out of the site is good. Bus stop on main road with a direct twice daily service to Burgess Hill and an indirect twice daily service to Lewes. Train station within Burgess Hill 3km away with services every 15 minutes between London and Brighton.	2
Proximity to urban areas and access to labour & services	Approximately 3km to the centre of the large town of Burgess Hill with a range of local facilities and sizeable labour force.	3
Compatibility of adjoining uses	Site predominantly surrounded by agricultural fields and wooded area. A very small number of dwellings immediately adjoin the site, some served by the same access, and proximity could constrain 24 hour operation, although this is a long established estate.	4
Development and environmental constraints	Medium size site and generally level with no obvious development constraints. No identified risk of flooding. No space for increasing number of units on site without redeveloping older units. Potential land for expansion to the north.	4
Market attractiveness	Managed employment site with 30 recently developed flexible units and parking which appear to be 50% vacant. Older units appear to be nearly fully but condition of some of these is poor and they may have a shortage of storage and parking space and suffers from a poor profile. High quality environment in surrounding area but old part of site itself is unattractive.	3
Planning factors	Unallocated site. Site of Nature Conservation Importance immediately to the east.	
Barriers to delivery	May be scope to redevelop older part of site but limited potential to intensify. Unknown ownership and availability of land to the north may constrain expansion.	
Potential uses	Further B1c, B2 and B8 uses	
Timescale/availability	N/A	

Total Score: **17**

[Scoring: 5 = best, 1 = worst]

Site Name	Former Woodgate Dairies, Sheffield Park	Reference	ELW41
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Total site area (ha)	3.3	Current uses	Former Dairy. Currently not in use
Undeveloped land (ha)	Sheffield Park allocation (1.1 ha)	Number of units	3
Grid reference	540578 123177	Sequential status (offices only)	N/A
Site status	Developed site, partly allocated for alternative employment uses	Density	Low

Criteria	Comment	Score (out of 5)
Strategic access	18 km from the A23 trunk road but is only 3 km away from the smaller A272. Access to strategic roads is via single carriageway roads.	1
Local accessibility (local road access and public transport)	Located along the A275 with an existing access directly from this road. Bluebell Railway Station opposite is only a heritage/tourism line. Bus stop adjacent to the site serving Bluebell Railway Station opposite but only runs on a Saturday.	3
Proximity to urban areas and access to labour & services	Approximately 3 km from very small settlement of North Chailey with few services. Over 5 km to the larger village of Newick. Limited local workforce and services available.	1
Compatibility of adjoining uses	Wooded area to the south west and agricultural land to the east. The terminus of a heritage railway line with associated tourist facilities lies to the north of the site. This is a former employment site.	4
Development and environmental constraints	Medium size, elongated site but generally level. Partly within Flood Zones 2 and 3. Woodland landscape and protected land for recreational activity (see Planning Factors), but unlikely to be insurmountable. Difficult to expand into surrounding land without adverse impact.	3
Market attractiveness	Large site in an isolated located which unless a similar occupier can be found, is likely to be unattractive to the market.	1
Planning factors	Within area of Nature Conservation Importance and the River Ouse policy protecting land against uses which could compromise recreational activity. Land identified within site for extension for B1, B2 and B8 uses. Part of site lies within Woodland Landscape Management Plan area.	
Barriers to delivery	Sensitive site (see Planning Factors) with potential ecology/landscape issues but previously developed employment land. Potential need for flood mitigation works.	
Potential uses	B2 and/or B8	
Timescale/availability	Longer term for undeveloped land (11+years)	

Total Score: **13**

[Scoring: 5 = best, 1 = worst]

Site Name	Caburn Enterprise Centre and adjacent area, Ringmer	Reference	ELW43
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Total site area (ha)	5.59	Current uses	B1, B2, B8, A1 (retail warehouse) and 2 dwellings
Undeveloped land (ha)	0	Number of units	35
Grid reference	546170 112993	Sequential status (offices only)	Edge of Centre
Site status	Existing employment site, not allocated in Local Plan	Density	Medium - High

Criteria	Comment	Score (out of 5)
Strategic access	4.5 km to A26 and the edge of Lewes town and 7 km to A27. Access to strategic roads via B2124 has no noted congestion.	3
Local accessibility (local road access and public transport)	Existing site access from B2192 (The Broyle) and B2124 (Laughton Road). Road widths are good as is junction visibility. Half hourly bus service to Lewes town centre during day. On-site parking is highly congested.	4
Proximity to urban areas and access to labour & services	At southern boundary of residential area of 'Broyle Side' and approximately 1 km east of large village of Ringmer with narrow range of local facilities. Small labour force in immediate area but sizeable labour force available in Lewes.	3
Compatibility of adjoining uses	Bounded by roads to the north, south and west, with residential uses beyond. Poor quality fields present to the east.	3
Development and environmental constraints	Large level site with number of irregularly shaped land parcels. Potential land to expand to the east to ease onsite congestion of the County Council depot land. No flood risk identified. Two residential units included within site boundary.	3
Market attractiveness	Mix of unit quality within established employment site. Approximately 20% of units currently vacant. Site developed to a high density. High profile site in a surrounding area which is of high quality.	4
Planning factors	Site lies within existing settlement boundary with no other material designations to consider.	
Barriers to delivery	Fragmented ownership with wide variety of occupiers. Limited scope to redevelop modern units to the south (approximately 15% of site area) but potential for expanding to the east – although availability unknown.	
Potential uses	B1, B2, B8	
Timescale/availability	N/A	

Total Score: **20**

[Scoring: 5 = best, 1 = worst]

Site Name	Broyle Place Farm	Reference	ELW54
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Total site area (ha)	2.15	Current uses	Small rural business premises
Undeveloped land (ha)	0	Number of units	6
Grid reference	547867 112867	Sequential status (offices only)	N/A
Site status	Farm diversification, active employment not allocated in Local Plan	Density	Medium-High

Criteria	Comment	Score (out of 5)
Strategic access	6.1 km to the A26 along the B2124 and B2192 both of which are single carriageway roads in good repair	1
Local accessibility (local road access and public transport)	Purpose built access off B2124 with reasonable visibility. Suitable for HGVs. No congestion. No public transport facilities within walking distance of site.	3
Proximity to urban areas and access to labour & services	2 km from nearest settlement, Broyle Side which is a very small settlement. 3 km east of large village of Rigger with narrow range of local facilities.	1
Compatibility of adjoining uses	Agricultural uses surround the site with no obvious constraints on employment uses.	5
Development and environmental constraints	Medium size, fairly regular shaped, level site located in Flood Zone 1. No noted constraints. Potential for expansion into adjacent land.	5
Market attractiveness	An attractive farm diversification scheme in converted agricultural buildings with some new, purpose-built units. Located away from settlements and labour market but with few vacancies. Good quality buildings.	4
Planning factors	Located outside the settlement boundary within open countryside. Restrictions on scale and type of development to prevent encroachment.	
Barriers to delivery	Difficult to extend within countryside. Good quality buildings unlikely to need redevelopment in short or medium term	
Potential uses	B1c, B2	
Timescale/availability	N/A	

Total Score: **19**

[Scoring: 5 = best, 1 = worst]

Site Name	Upper Stoneham Farm	Reference	ELW55
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Total site area (ha)	1.17	Current uses	Vehicle storage, tree surgeon and dwelling
Undeveloped land (ha)	0	Number of units	7
Grid reference	542684 111840	Sequential status (offices only)	N/A
Site status	Farm diversification, active employment not allocated in Local Plan	Density	Medium

Criteria	Comment	Score (out of 5)
Strategic access	Located immediately off A26 and approximately 3 km from junction with A27.	4
Local accessibility (local road access and public transport)	Access into the site from A26 via informal narrow track. No visibility concerns onto A26 and no noted congestion. No public transport facilities available.	3
Proximity to urban areas and access to labour & services	Within countryside but approximately 0.7 km to edge of South Malling, a small settlement on the north eastern edge of Lewes town. Town centre 2 km from site. Sizeable labour force and full range of services available.	4
Compatibility of adjoining uses	Agricultural uses adjoin most of site. Site includes a single dwelling and its curtilage but associated tennis court and swimming pool are located outside boundary. A few additional dwellings lie immediately to west of site with no screening.	3
Development and environmental constraints	Medium size, fairly regular shaped, slightly sloping site. Lies within Flood Zone 1. No development constraints noted.	5
Market attractiveness	Farm diversification scheme on a low profile site. Difficult to establish vacancy rate. High quality surrounding area. Access to units passes vehicle storage yard which is not attractive.	2
Planning factors	Located outside the settlement boundary within open countryside. Restrictions on scale and type of development to prevent encroachment.	
Barriers to delivery	Difficult to extend within countryside. Reasonable quality buildings but potential for redevelopment in the medium to term to maximise use of the site.	
Potential uses	B1c, B2, B8	
Timescale/availability	N/A	

Total Score: **22**

[Scoring: 5 = best, 1 = worst]

Appendix C

Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Issues and Options

Issues & Options Topic Paper 3: Employment – November 2013

Background

- 1.1 The Introductory Topic Paper (1) provides the context and background to the preparation of the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Development Plan Document. Once adopted, the Local Plan Part 2 will form part of the statutory development plan for the area and will be used as a basis for determining planning applications in that part of the District outside of the National Park.
- 1.2 The aim of this consultation is to set out the emerging work on the Local Plan Part 2 and to seek the views of the public and key stakeholders before any firm decisions are taken by the Council. The consultation will last **8 weeks**, running from **22 November 2013** to **17 January 2014**. At the end of this Topic Paper, there are a number of questions that we are keen for individuals and organisations to respond to. Details on how to comment can also be found in this section of the document.

Purpose of this Topic Paper

- 1.3 Building upon the strategic context set in the Core Strategy, the purpose of this topic paper is to identify current issues relating to employment activity in the District and set out a number of policy options that could have the potential to encourage economic development and regeneration providing economic growth, jobs and wider prosperity.
- 1.4 These positive outcomes are key objectives highlighted in both the Proposed Submission 'Joint Core Strategy', the background of which is set out in Topic Paper 1, and the Regeneration Strategy for Lewes District 'Building a brighter future'¹.
- 1.5 This topic paper will only be looking at policy options for consideration in the areas of the district that lie **outside** of the South Downs National Park designation. The SDNPA is currently producing its own Local Plan, which will address employment issues for those areas that fall within the Park. Further information can be found on the Park's website (<http://www.southdowns.gov.uk/>).
- 1.6 The District Council will also be working closely with those parishes engaged with neighbourhood planning, who may decide to include

¹ This publication can be accessed on the Lewes District Council website http://www.lewes.gov.uk/Files/plan_regeneration_strategy_2012-15.pdf

employment site allocations within the Neighbourhood Plans that they are preparing. This will ensure that the community led plan and Local Plan Part 2 are aligned, so far as possible. Town and Parish Councils that are preparing Neighbourhood Plans that are partially or wholly outside of the SDNP are Ringmer, Hamsey, Newick, Newhaven, Peacehaven with Telscombe and Wivelsfield.

- 1.7 Further evidence is being sought which will consider the viability of existing employment site allocations adopted in the Lewes District Local Plan 2003 and planning permissions with an existing approval. This will inform the next round of consultation of Local Plan Part 2 anticipated to take place in summer next year.
- 1.8 Current site allocation options are set out in appendices to this topic paper and include; site allocations previously identified in the 2003 Lewes District Local Plan at appendix 1, sites submitted from a recent 'call for sites' exercise carried out in Spring 2013 set out at Appendix 2 and sites identified as within the Ringmer Neighbourhood Plan for employment use at appendix 3.

2. Employment Policy Context

- 2.1 The Core Strategy sets the high-level strategy for promoting sustainable economic development in the district. This strategy is very much in accordance with the National Planning Policy Framework and reflects the findings from the evidence collated by the District Council and National Park Authority (in particular the Employment and Economic Land Assessments).
- 2.2 It is recognized in the Core Strategy that detailed policies in the Site Allocations and Development Management Policies document, as well as the SDNPA's own Local Plan, will be needed to add to and supplement these higher level policies in order to ensure an appropriate policy framework is in place for this important policy area.
- 2.3 The Spatial Strategy, as contained within the Core Strategy, identifies the relatively modest employment land needs for the plan period (2010 to 2030). It also identifies the potential supply of employment land, either through sites that benefit from existing permissions, or allocations that are yet to be implemented. This potential supply is seen as sufficient, in quantitative terms, to meet the current projected needs for the plan period as set out in the table below.

Proposed Use	Gross floorspace requirement identified	Existing potential supply²	Residual requirement
Industrial B1c/2/8	60,000	69,000	0
Office B1a	14,000	16,900	0
Total	74,000	86,400	0

Table 1- Employment floorspace requirements (to meet a quantitative need) set out in the Proposed submission Joint Core Strategy

- 2.4 However, this does not present the full picture. Core Policy 4 has a presumption in favor of retaining the unimplemented employment land allocations from the Local Plan (2003), but does identify the need to review these allocations in the Site Allocations and Development Management DPD (or the SDNPA Local Plan). The policy states that “if there are clear economic viability or environmental amenity reasons for not doing so [retaining the allocation] then such sites will be de-allocated or considered for alternative uses”. This topic paper starts this process of undertaking such a review.
- 2.5 Obviously, if it is eventually decided to de-allocate or seek alternative uses on a number of potential employment sites, it could result in the reduction of the potential supply with the required employment land needs for the full plan period not being available. Should this be the case there will be a need to identify new employment land allocations in the district. This paper therefore, considers such site options in the event that additional sites are required.
- 2.6 Although not integral to the delivery of the overall spatial strategy, Core Policy 4 does encourage and support the provision of small, flexible, start-up and serviced business units in the district. An existing example of such a facility can be found at the Enterprise Centre in Newhaven and the Employment and Economic Land Assessments identify the potential for such a facility (perhaps on a smaller scale) to be delivered elsewhere in the district (Seaford and Peacehaven in particular were highlighted as potential locations). Where known, site options for the delivery of such facilities are also identified in this paper.
- 2.7 Core Policy 4 also identifies support that will be directed to the delivery of onshore infrastructure and support services for the Rampion

² The supply figures are taken from the 2012 update of the Employment and Economic Land Assessment and indicates the ‘worst case’ for supply on the basis that certain sites are discounted from this potential supply due to significant constraints on development. The supply figures are as at June 2012.

offshore windfarm. This may include identification of land that supports the possible assembly base, as well as the operations and management base.

3.0 Options for consideration

- 3.1 The employment sites being considered as options in this topic paper come from; unimplemented employment site allocations from the Lewes District Local Plan (2003); call for sites exercise carried out Spring 2013 and sites identified through the neighbourhood planning process carried out by Ringmer Parish Council.
- 3.2 The sites being consulted upon apart from those within the proposed Ringmer Neighbourhood Plan have been subject to an initial filter³. The filter ensures that employment sites which are fundamentally unsuitable for further consideration or allocation on the grounds of environmental protection are removed.
- 3.3 The employment sites for Ringmer are identified as options, on the understanding that any sites taken forward as part of the District Council's Part 2 document are considered as *contingency* sites, should the Ringmer neighbourhood plan not be progressed, fail at examination or referendum.

4.0 How to respond to this topic paper

- 4.1 This is your opportunity to have your say about the delivery of employment development in the District. The Council would appreciate and value any comments you have on this or any of the Topic Papers. Questions are set out below and you need only reply to those questions that are of interest to you, or you may introduce other ideas.
- 4.2 The closing date for any comments, and additional site submissions, is **midnight Friday 17 January 2014.**

Email to: ldf@lewes.gov.uk

Fax to: 01273 484452

Post to: Lewes District Council
Planning Policy Team
Southover House
Southover Road
Lewes
BN7 1AB

³ Site is: Within an international or national designation (SSSI, SAC, SPA, and National Park for purposes of coverage of Site Allocations document).

Consultation Questions

Question (a)

Should any the sites taken from the Local Plan 2003 in Appendix 1, be de-allocated through the Site Allocations Document and be identified for an alternative use? It would help us if you could what you think the new use should be and why you think this.

Question (b)

Are there any site options that you would not wish to see allocated for employment use? Please explain why you think this.

Question (c)

Do you know of any sites that have not been included in this topic paper that may be suitable for employment use?

Question (d)

Do you think it would be beneficial to cluster employment uses (such as light industrial/offices) together with other uses such as housing, retail or leisure?

Appendix 1 – Site Allocations for employment use in 2003 Local Plan

The sites identified in the table below were allocated in the Local Plan 2003 and remain undeveloped from this time. The reasons for their non-delivery may be varied and numerous, including high development costs making the scheme unviable, the site being in an unsuitable location, or aspirations of the landowner for alternative uses. Further information on each of these sites is provided in this appendix.

As well as the existing evidence base, information collected through the consultation on this paper will hopefully identify such issues. In addition, the further evidence work to be undertaken will also hopefully identify any particular issues that have led to the non-delivery of these sites.

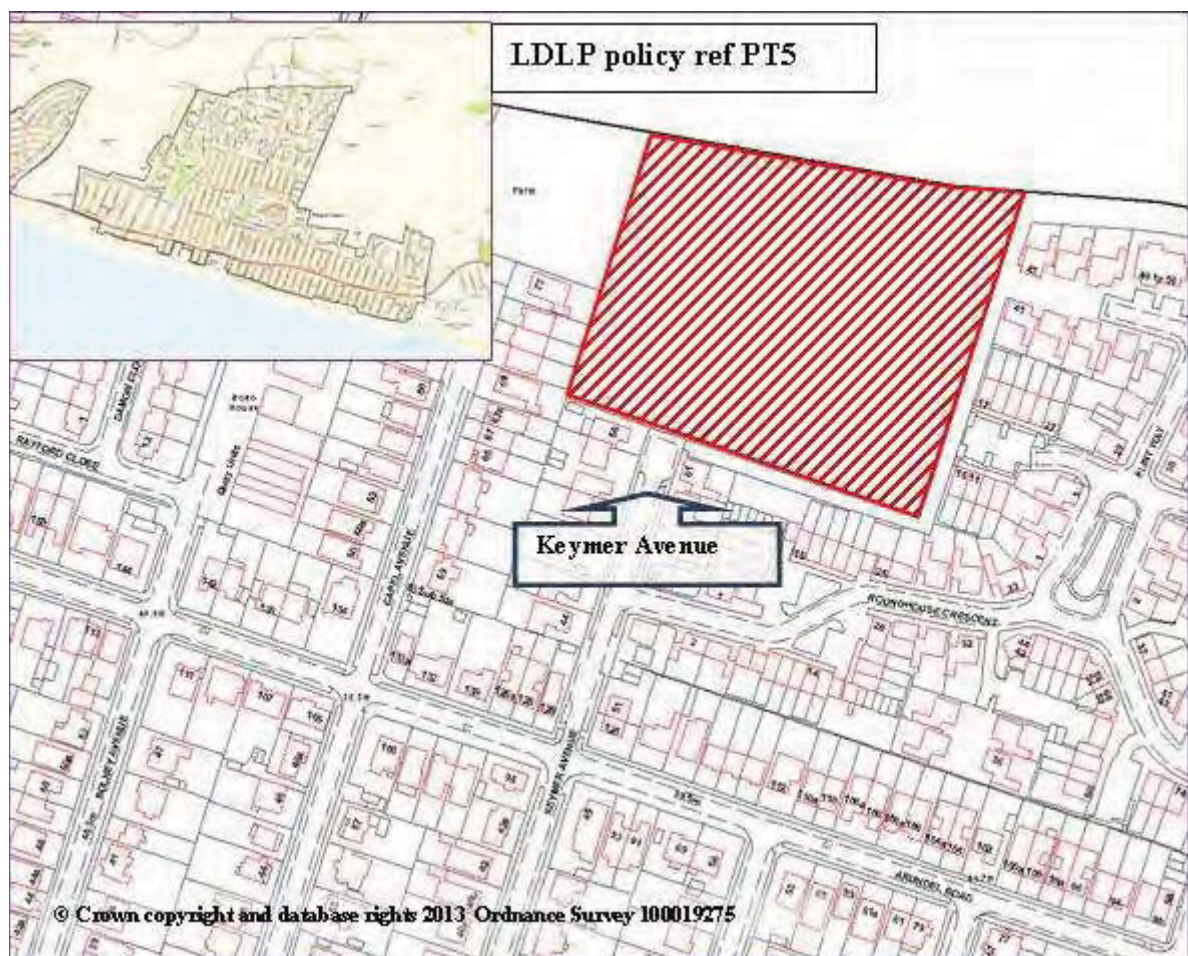
It is recognised that some of the sites listed benefit from a current extant planning permission (in some cases an alternative use to what the site has been allocated for). In such cases it is still considered important to consider and review its associated Local Plan policy in the event that the permission expires and is not implemented.

Site ref	Site Address	Planning Application/s submitted
1	Land north of Keymer Avenue, Peacehaven	None recent
2	Land at Hoyle Road, Peacehaven	LW/11/0490 Renewal of existing planning approval LW/08/0006 for erection of 24 industrial units (B1use) in two phases with temporary access to first phase from Hoyle Road and permanent access from proposed link road.
3	Cradle Hill Industrial Estate, Seaford	None recent
4	Balcombe Pit, Glynde	LW/12/0763 Section 73A Retrospective application for continued use of premises for car and light vehicle general repairs in a permanent basis - Approved
5	Chailey Brikworks	None recent
6	Hamsey Brickworks, South Chailey	None recent
7	Woodgate Dairy, Sheffield Park	LW/13/0490 - Change of use from sui generis use to B1 (business) / B2 (general industrial) and B8 (storage & distribution) across all units and retention of 24/7 use - Pending

Site 1	Land North of Keymer Avenue, Peacehaven	Site Area	1.3ha
Existing Policy context	Local Plan 2003, Policy PT5 – Allocation for business and office use under use class B1	Existing/ Previous Use	Greenfield Site - grassland
Relevant notes	Site access through residential streets with traffic calming measures. Residential uses to south, east and west. Public open space to the north. Allocated for 10 years without development. Proximity to residential could constrain some industrial operations		

Options

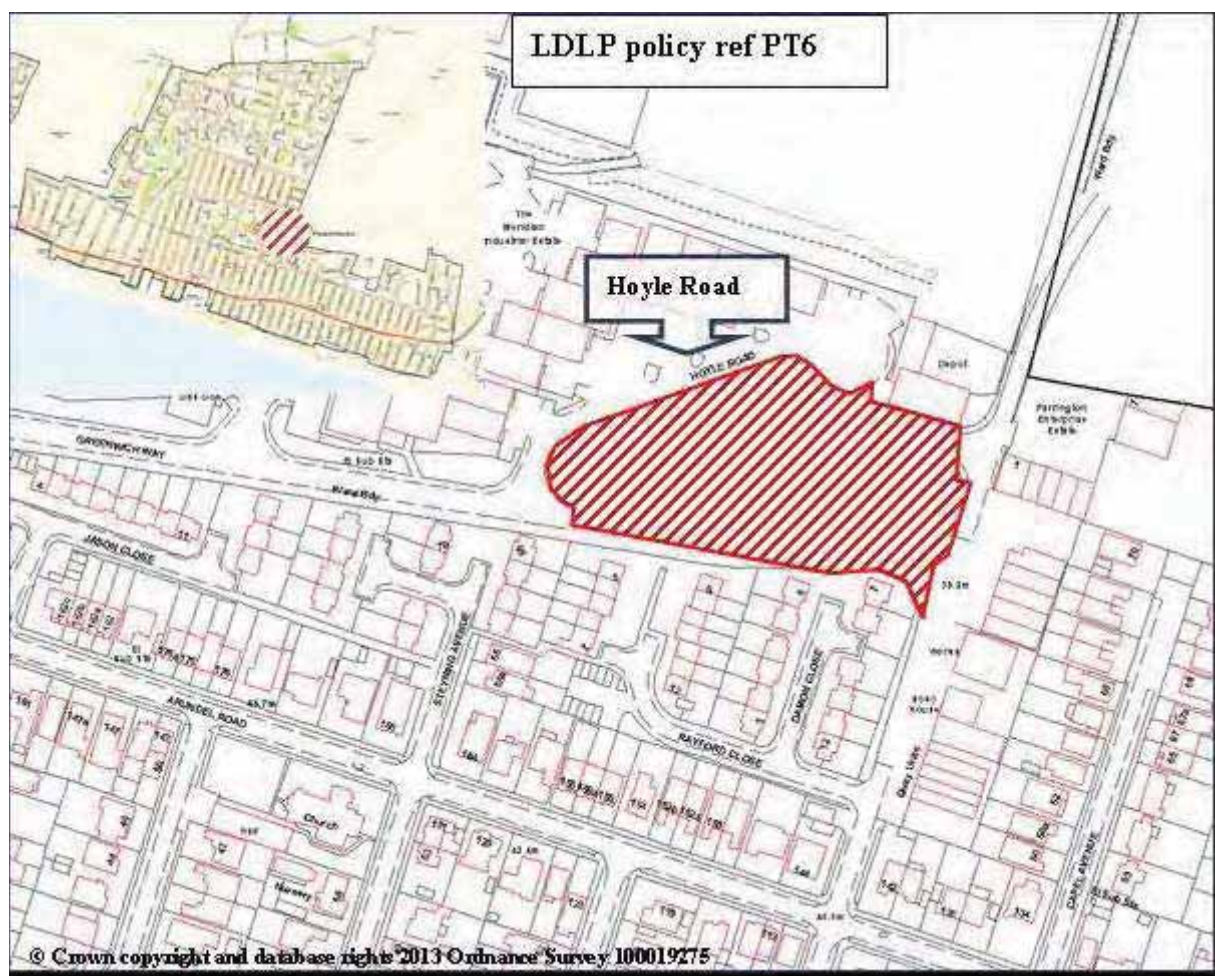
- *Retain site for business use*
- *De-allocate site*
- *Re-allocate for an alternative use (e.g. housing), or a mixed-use scheme (e.g. business and housing)*



Site 2	Land at Hoyle Road, Peacehaven	Site Area	0.6ha
Existing Policy context	Local Plan 2003 Policy PT6 – Industrial or Warehouse (B1 and B8 uses), link road (Hoyle Road to Bolney Avenue)	Existing/ Previous Use	Greenfield
Relevant notes	Existing policy also requires that two units should be capable of being subdivided into units of no more than 400sq.m in order to nurture new business in the town.		

Options

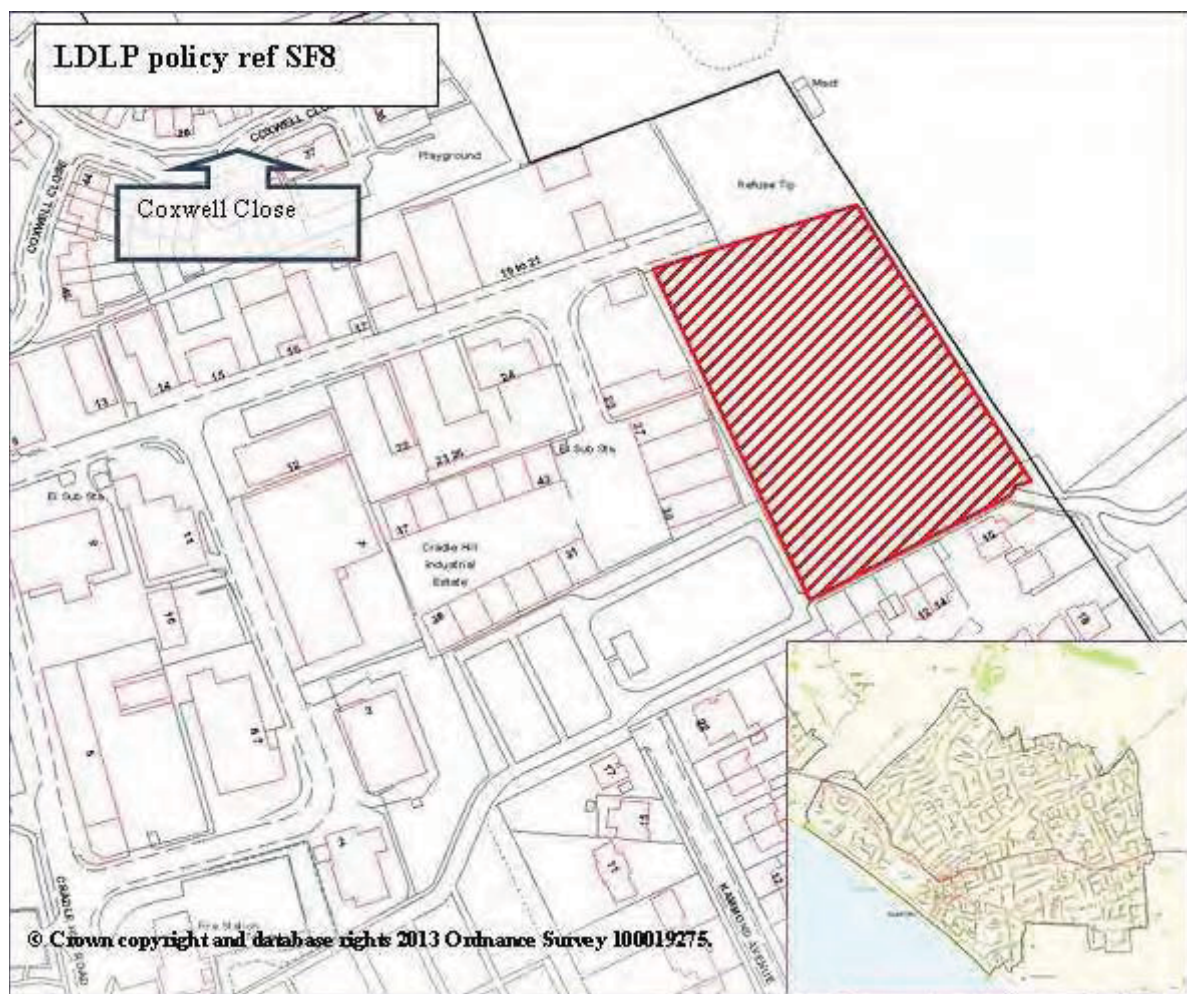
- *Retain site for business use*
- *De-allocate site*
- *Re-allocate for an alternative use (e.g. housing), or a mixed-use scheme (e.g. business and housing)*



Site 3	Cradle Hill Industrial Estate	Site Area	0.85ha
Existing Policy context	Local Plan 2003 Policy SF8 – Industrial Use (B2 and B8)	Existing/ Previous Use	Vacant grass scrubland
Relevant notes	Expansion of existing industrial estate would provide suitable premises for new businesses and expansion of existing. Land has been vacant and undeveloped for over 5 years. Employment uses to north and west and housing to the south. Employment and Economic Land Assessment suggests new units would be attractive to market given low vacancy in adjacent industrial estate.		

Options

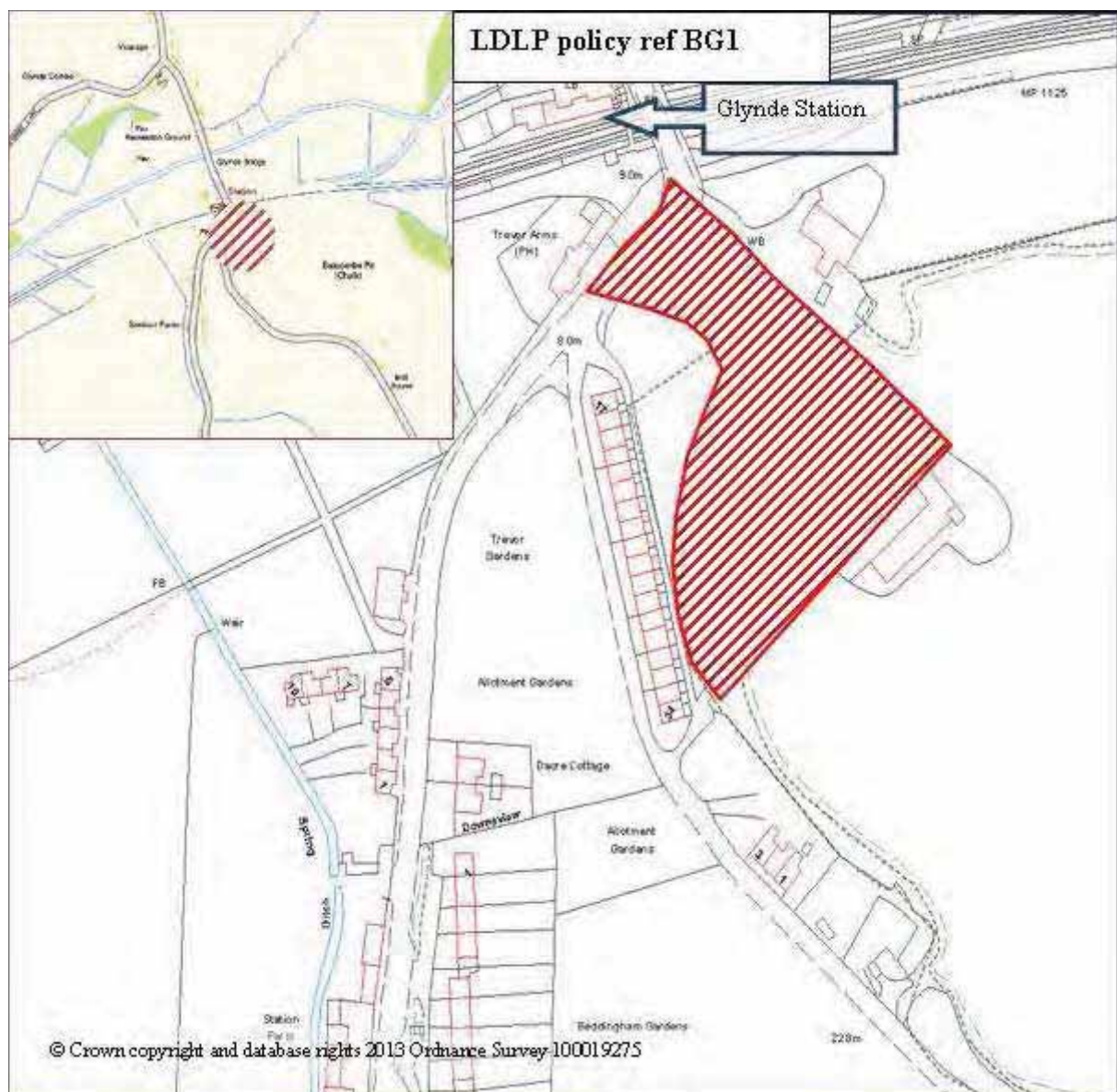
- *Retain site for business use*
- *De-allocate site for business use*
- *Re-allocate for an alternative use (e.g. housing), or a mixed-use scheme (e.g. business and housing)*



Site 4	Land at Balcombe Pit	Site Area	0.6ha
Existing Policy context	Local Plan Policy 2003, Policy BG1 - Industrial - B1 & B2	Existing/ Previous Use	Part B2 (General Industrial), Part Vacant former chalk pit
Relevant notes	. Vehicular access on tight bend which reduces turning visibility. Occasional rail and bus public transport. Adjacent to small village of Glynde and small labour force. Part of site in National Park. Existing employment use has a low profile with run down appearance. Adjacent to area of Archaeological Interest and Conservation Area		

Options

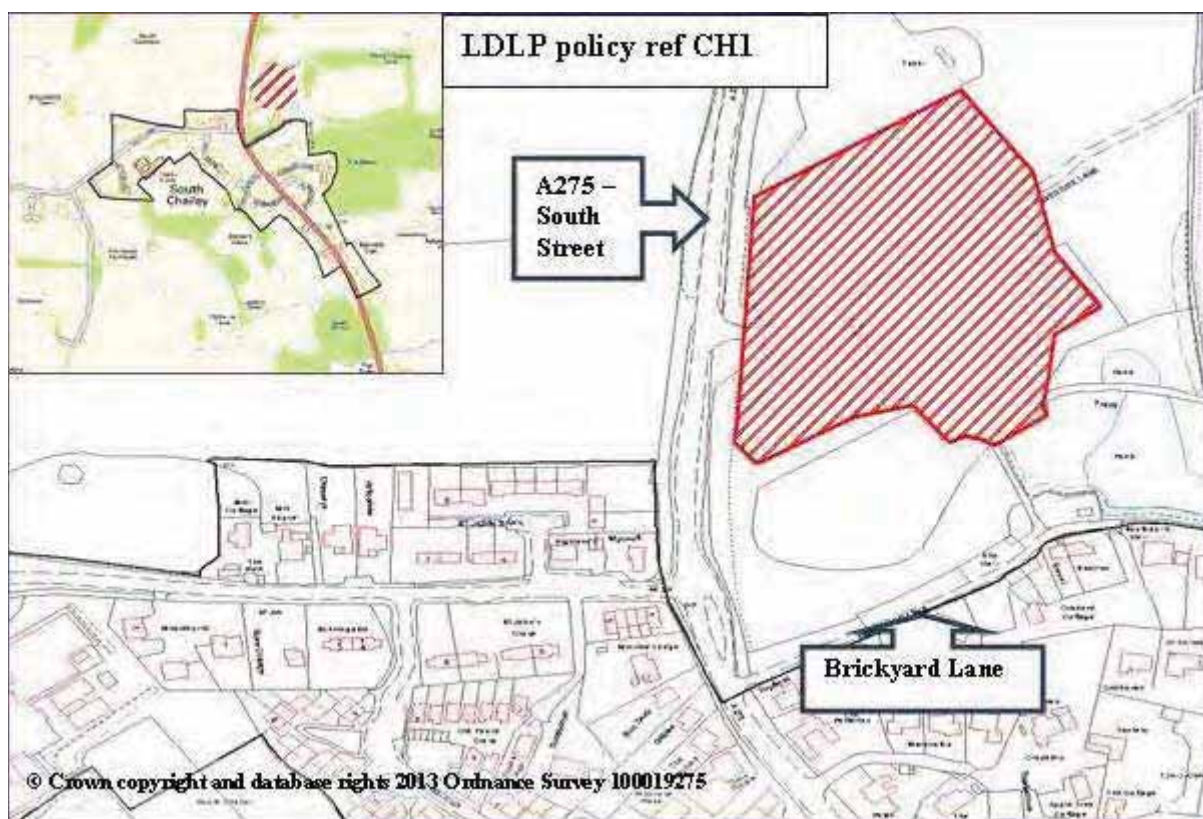
- ***Retain site for business use***
- ***De-allocate site***
- ***Other uses?***



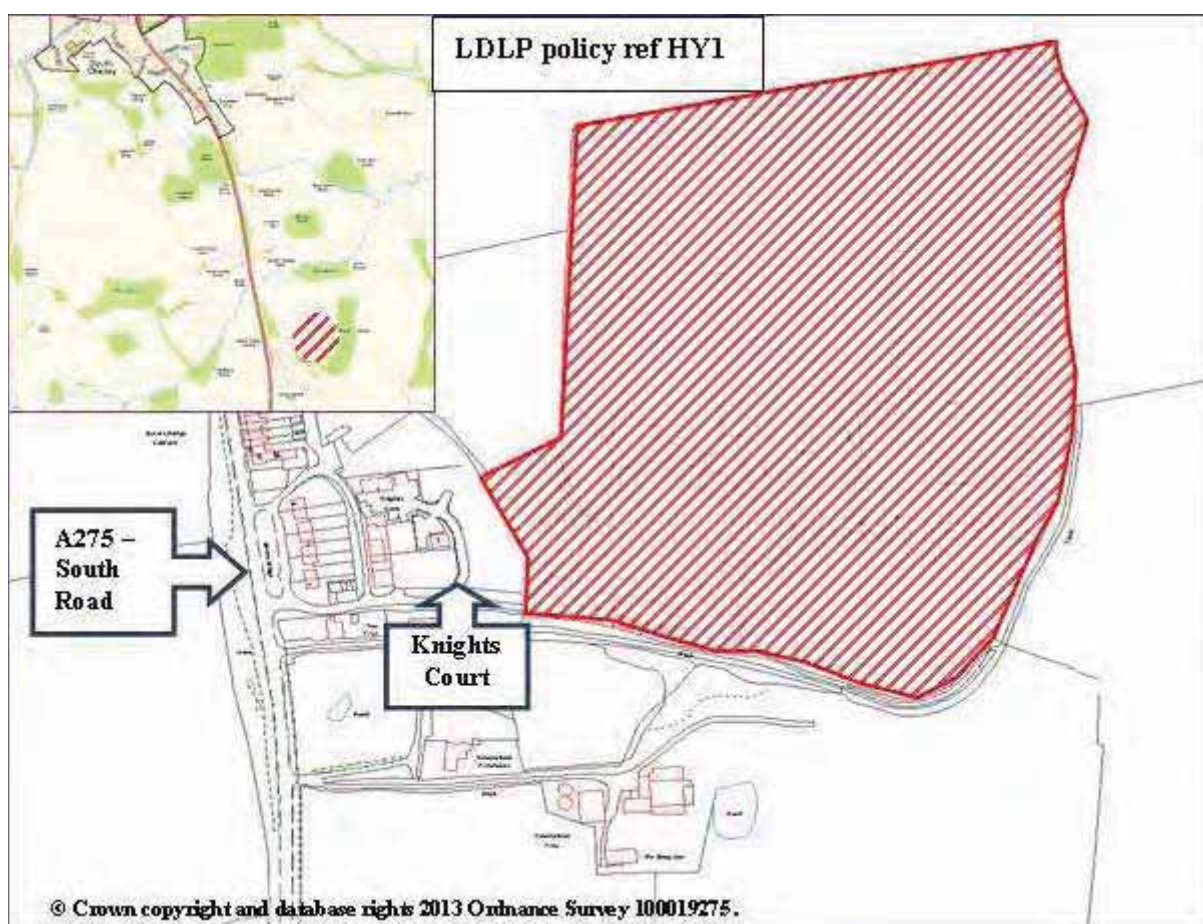
Site 5	Chailey Brickworks	Site Area	1.95 ha
Existing Policy context	Local Plan Policy CH1 Industrial – (B1 and B2)	Existing/ Previous Use	Brickworks
Relevant notes	Isolated rural location on edge of small village with limited local labour force, services and facilities. Residential use 100m to the south but mature screening. High quality landscape setting but unattractive buildings on site. Site in active use but lifespan of raw materials extracted from the site are time bound. Ground contamination issues.		

Options

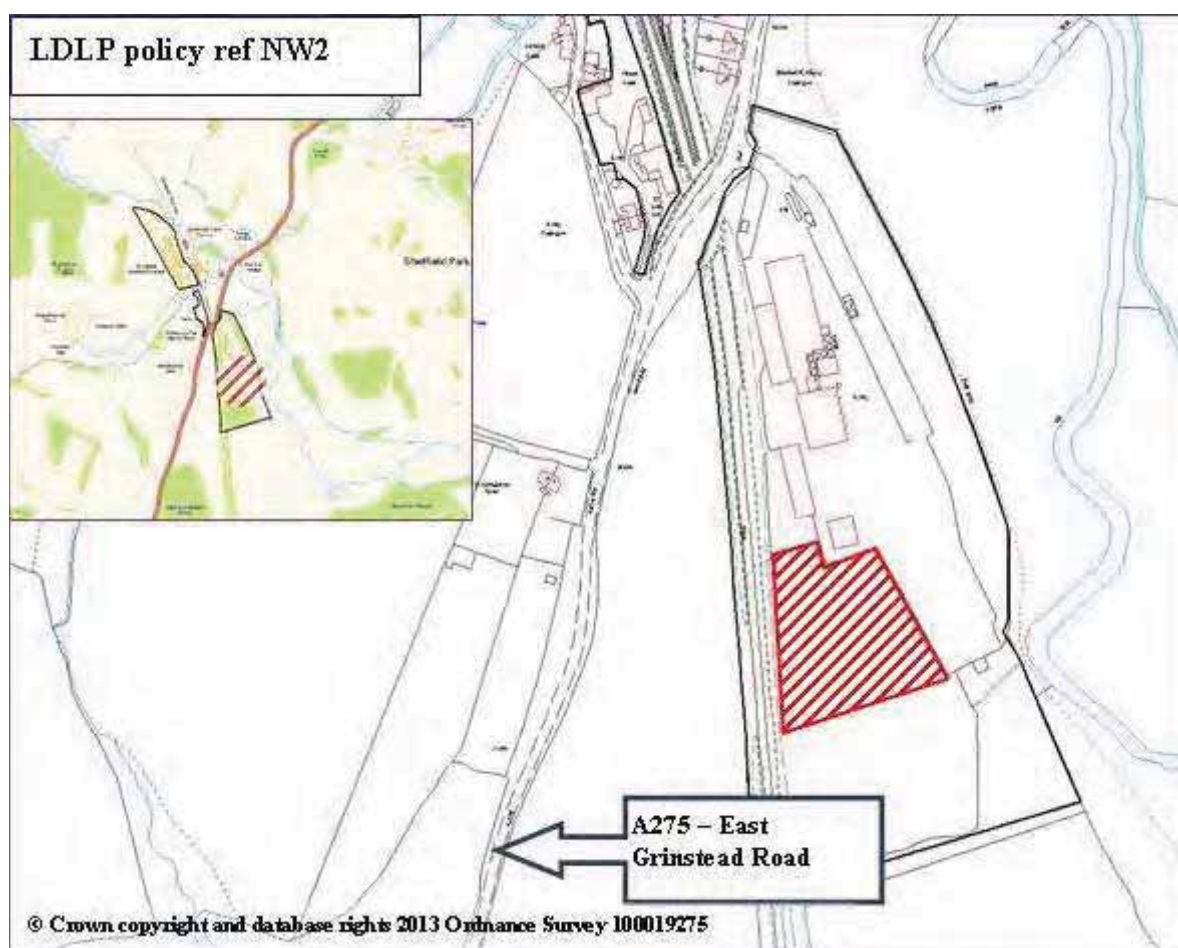
- *Retain site for business use*
- *De-allocate site*
- *Any other options?*



Site 6	Hamsey Brickworks	Site Area	3.8ha
Existing Policy context	Local Plan 2003 Policy HY1 – Industrial and storage) – (B1, B2 & B8)	Existing/ Previous Use	Treatment and collection of liquid wastes
Relevant notes	Unrelated to any settlement, adjacent to A275 with good visibility. Dwellings to the west within 60m. Large pond reduces site capacity by 25% and woodland by 50%. Site has poor quality buildings but sits in high quality environment.		
Options <ul style="list-style-type: none">▪ <i>Retain site for business use</i>▪ <i>De-allocate site</i>▪ <i>Any other uses?</i>			

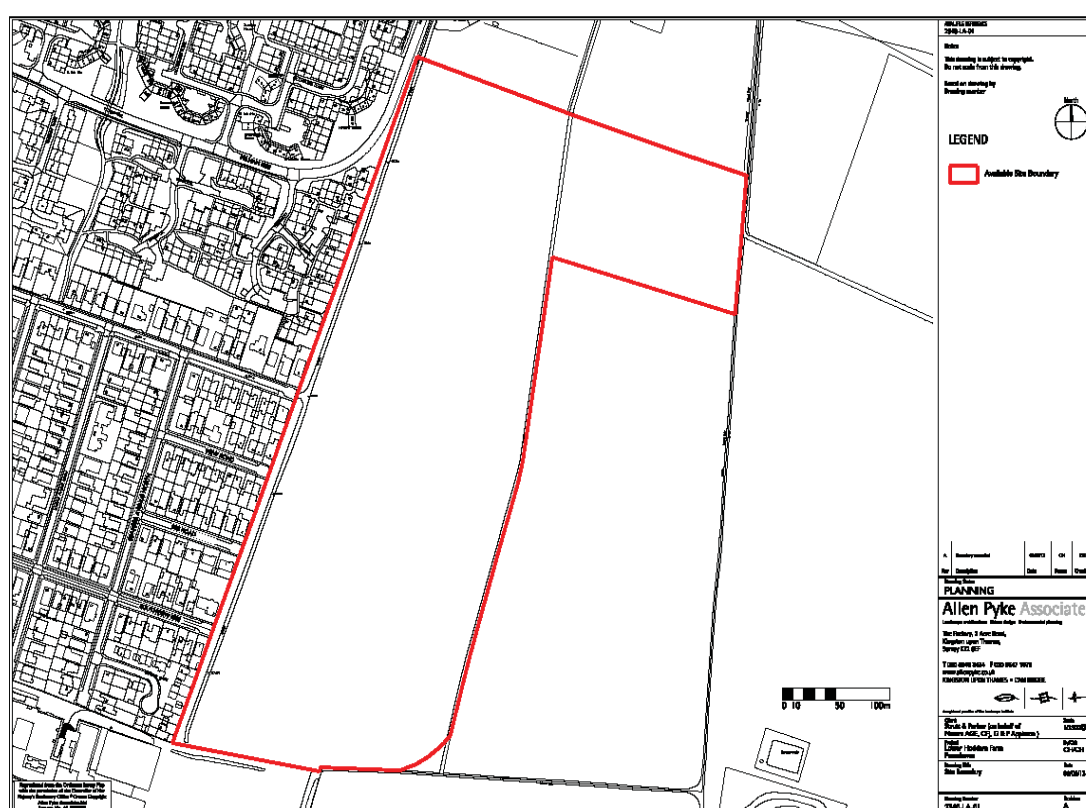


Site 7	Woodgate dairy, Sheffield Park	Site Area	1.1ha
Existing Policy context	Local Plan 2003 Policy NW2 – Industrial and storage- (B1, B2 & B8)	Existing/ Previous Use	Woodland/Scrub
Relevant notes	Planning Application under consideration. Isolated location with no public transport apart from weekend bus service serving tourist railway. Site accessed through existing employment site. Unlikely to be attractive to business market. Potential ecology and landscape issues.		
Options <ul style="list-style-type: none">▪ <i>Retain site for business use</i>▪ <i>De-allocate site</i>▪ <i>Any other options?</i>			



Appendix 2 – Sites submitted from a recent ‘call for sites’ exercise, carried out in Spring 2013

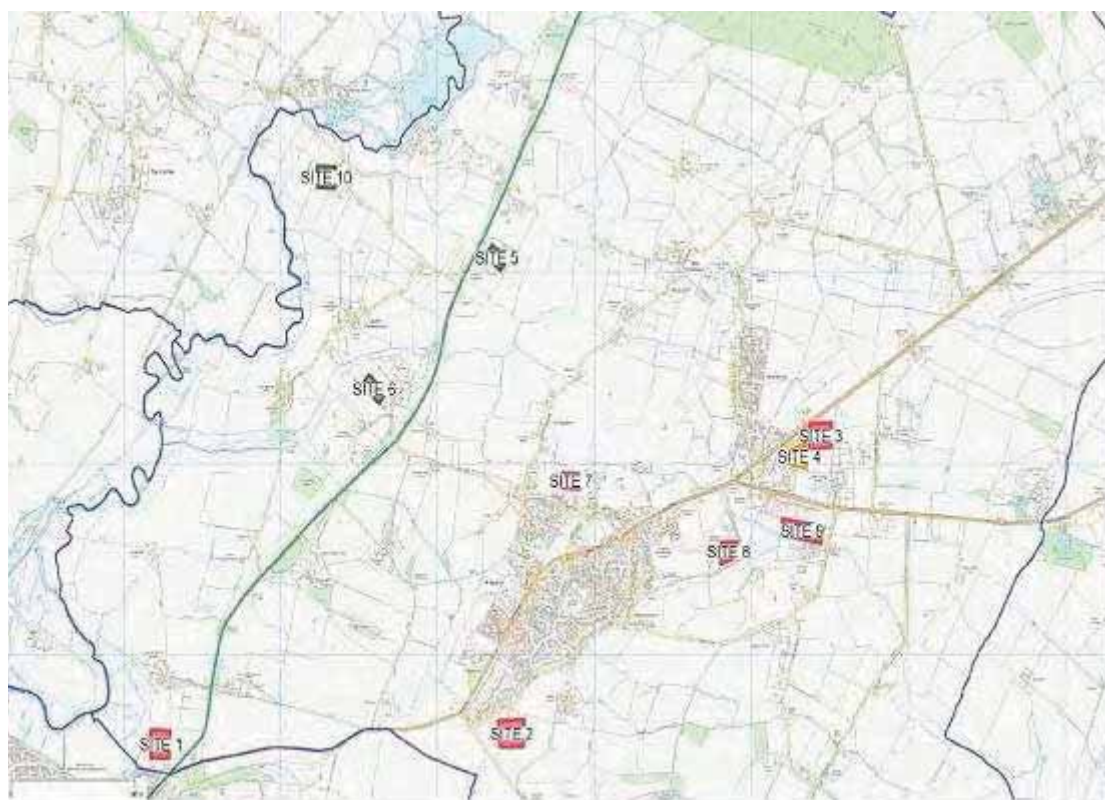
Address	Land at Lower Hodden Farm, Peacehaven	Site Area	15 ha
Existing Policy context	Southern part of this site falls within Local Plan 2003 Policy (PT16) – Allocated for public open space and sports pitches.	Existing/ Previous Use	Greenfield
Relevant notes	Submission suggests mixed uses of employment, residential and allotment use.(See housing and infrastructure topic papers)		
Options <ul style="list-style-type: none">▪ Retain southern part of site for public open space and recreational use allocation.▪ Allocate part or all of site for employment use▪ <i>Any other options?</i>			



Appendix 3 – Sites identified for employment development in the proposed Ringmer Neighbourhood Plan

A Neighbourhood Plan is currently being produced by Ringmer Parish Council. One of the key principles of the neighbourhood plan is to improve sustainability by enhancing local employment opportunities in a range of employment sectors. The Parish Council so far have carried out an assessment of potential new employment sites in Ringmer Parish and have consulted upon their findings in their 'Regulation 14' consultation period, in accordance with the Neighbourhood Planning (General) Regulations 2012.

The map below is taken from the emerging neighbourhood plan and identifies the location of sites considered for employment use and development with the parish. Sites 4, 5, 6 and 10 have been considered suitable and have been identified as potential allocations for employment use in the neighbourhood plan.



Map 1 – Taken from Section 6 – Appendix 6.3 of Ringmer Neighbourhood Plan

Further details are provided on only those sites that have been considered suitable for employment use.

Address	Land South of Caburn Enterprise Park	Site number	4
Existing Policy context	Outside of current development boundary	Existing/ Previous Use	Greenfield
Comments	Strong support and little opposition from residents in 2013		

from Ringmer Neighbourhood Plan	consultations. Edge of Broyleside and adjoins existing employment site. Available for development
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Address	Former Chicken Farm, Lower Clay Hill	Site number	Site 5
Existing Policy context	Outside of current development boundary	Existing/ Previous Use	vacant
Comments from Ringmer Neighbourhood Plan	Long derelict chicken Farm, with limited business use. Minimal landscape impact but increased impact on one dwelling. Buildings for conversion available on site. Strong support and little opposition from residents in 2011-12 consultations		

Address	Former Goldcliff Nursery Site, Old Uckfield Road	Site number	Site 6
Existing Policy context	Outside of current development boundary	Existing/ Previous Use	Derelict former nursery
Comments from Ringmer Neighbourhood Plan	Current temporary planning permission for one unit. Low impact on the landscape and on neighbours. No buildings on the site. Strong support and little opposition from residents in 2013 consultations.		

Address	Farmyard at Barcombe Mills Road	Site number	Site 10
Existing Policy context	Outside of current development boundary	Existing/ Previous Use	Farm yard
Comments from Ringmer Neighbourhood Plan	Limited impact on the landscape and neighbours. Buildings for conversion available on site. Part of the site has planning permission, unimplemented except for one unit approved in 2013. Strong support and little opposition from residents in 2011-12 consultations. Surrounded by highly significant archaeological site, identified 2012.		

Appendix D

Technical Briefing Note

Project: Sheffield Park Industrial Estate

TN02 - Technical Briefing Note: Ecological Mitigation and Compensation Framework

Date: September 2016

1. Introduction and Background

- 1.1. Sylvan (Aspect Ecology) is advising in respect of ecological matters relating to the site at Sheffield Park Industrial Estate, near Uckfield, East Sussex. The site is allocated for industrial development and a planning application is being considered. The site carries a designation as ancient woodland while the woodland type present is also listed as a Priority Habitat type under the NERC Act.
- 1.2. Accordingly, any application will need to address the presence of the woodland habitat on site. The policy approach to addressing woodland matters is set out in the National Planning Policy Framework (NPPF) and amplified in Natural England and the Forestry Commission's standing advice (October 2015) on the topic.

Summary of NPPF tests

- 1.3. Bullet points 1 and 5 of paragraph 118 of the NPPF set out how the presence of biodiversity and ancient woodland interests must be addressed within planning applications. These state:

Bullet 1: *"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"*

Bullet 5: *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland ... unless the need for, and benefits of, the development in that location clearly outweigh the loss".*

- 1.4. Priority Habitats are addressed by NPPF paragraph 117 which sets out that planning policies should:

"promote the preservation, restoration and re-creation of priority habitats"

- 1.5. This is reinforced by ODPM Circular 06/2005, referenced at footnote 24 of the NPPF, which highlights that 'Priority Habitats are a material consideration for planning authorities in the determination of planning applications'.

Scope

- 1.6. The purpose of this note is to summarise the proposed ecological strategy for the forthcoming application. In this regard a framework of mitigation and compensation measures is set out to address the relevant tests relating to biodiversity and ancient woodland within the NPPF.

2. Summary of Ecological Baseline

Habitats

- 2.1. We have undertaken a desktop study and Phase 1 habitat survey of the site. This has identified that the site comprises part of Wet Wood, an ancient woodland which extends offsite to the south and west. The woodland is dominated by native canopy species, and appears to be unmanaged. The ground layer comprises bare ground in places, with locally abundant patches of ancient woodland vascular plant (AWVP) species, particularly Bluebell.
- 2.2. Overall, Wet Wood appears to be in a moderate condition and supports a number of AWVPs. Furthermore, Wet Wood is likely to qualify under the UK Priority Habitat 'Wet Woodland', which is a material consideration for planning authorities.

Fauna

- 2.3. The site provides potential opportunities for a range of protected faunal species, such as bats, Dormouse and Great Crested Newt, whilst a range of breeding bird species are likely to be present. Phase 2 surveys for these faunal groups would provide further information on the presence or likely absence of these species groups, to inform detailed mitigation requirements.

3. Preventing 'Significant Harm' to Biodiversity

- 3.1. As set out above, the first bullet point of paragraph 118 of the NPPF requires planning applications to demonstrate that significant harm to biodiversity will be avoided, mitigated or compensated. Given the status of the site as ancient woodland, an appropriate ecological mitigation and compensation strategy is proposed. This strategy takes into account Natural England's Standing Advice for ancient woodland (October 2015), which sets out a number of mitigation and compensation options to address ancient woodland loss. The strategy is summarised below.

Mitigation

- 3.2. Firstly, the area of ancient woodland to be affected by the proposals will be minimised as far as possible. This would be achieved by reducing areas of hardstanding to the absolute minimum necessary for required operational purposes, and carefully controlling construction operations (for example through a Construction Environmental Management Plan - CEMP) to minimise temporary disturbance.
- 3.3. Artificial lighting can have a deterioration effect on nearby woodland. Therefore, external lighting should be avoided if possible, or if necessary be subject to a sensitive design. This could include temporary infra-red activated lighting, directional lighting at a low height, use of LED lighting with a low UV component to minimise disturbance to wildlife, and careful consideration of lighting locations to minimise effects.

- 3.4. Hydrological design solutions should be employed to maintain run-off to the retained woodland at existing rates and avoid pollution to the retained woodland.
- 3.5. Depending on the results of Phase 2 faunal surveys, mitigation for protected species is also likely to be proposed. This is likely to include timing of vegetation clearance to avoid the bird nesting season, and potentially further clearance safeguards or translocation in relation to bats, Dormouse and Great Crested Newt, if these species are recorded to be present.

Compensation

- 3.6. **New woodland planting.** An area of regenerating birch scrub is present to the east of Wet Wood, to the south of the existing Industrial Estate. It is recommended that this area, which amounts to approximately 4,000 sqm, is planted with native woodland canopy species reflecting the local woodland character. This would accord with NE's Standing Advice for 'planting new native woodland' as compensation for ancient woodland loss.
- 3.7. **Translocation of woodland soils.** The existing site supports a number of AWVP species in the ground flora, which are poor colonisers of new woodland. Documented cases of ancient woodland soil translocation have demonstrated that the translocation of ancient woodland soils can facilitate the colonisation of AWVPs, as their seeds are contained within the soil. Therefore, soil translocation from the proposed development area is recommended, which could be transferred to the area of new woodland planting (described above) and potentially to the top of a railway embankment adjacent to the west of the site, which is currently un-wooded but fringed by woodland on either side which forms a closed canopy over the embankment.
- 3.8. **Woodland Management Plan.** The retained area of woodland would be subject to a management plan to enhance its ecological value. Woodland management would reinvigorate the ground flora by increasing light levels at ground level by thinning the canopy, whilst also providing benefits to a range of fauna such as butterflies. Similarly the opportunity exists to improve the woodland structure by increasing the understory and introducing localised areas of thicket. Woodland management would be secured for the long term and a funding source provided by the development to ensure that its enhanced biodiversity value is retained through appropriate ongoing management.
- 3.9. **Faunal enhancements.** A suite of faunal enhancements are recommended, such as bat roost and bird nesting boxes on retained trees, and log piles for invertebrates using arisings from management. These would provide benefits to protected and UK Priority Species.

4. Need and Benefits of Development

- 4.1. The fifth bullet point of paragraph 118 of the NPPF is a planning balance test which requires the need for and benefits of development on the one side to be weighed against the loss of ancient woodland on the other.
- 4.2. The need for the development is demonstrated by recent confirmation of the site's allocation for development in the Lewes District Local Plan May 2016.
- 4.3. A range of benefits will be achieved under the scheme, including social and economic benefits associated with new employment opportunities. In addition, the compensation measures set out above could provide benefits for biodiversity.

5. Conclusion

- 5.1. The above sets out a mitigation and compensation framework to address the presence of ancient woodland on site. The provision of the measures put forward would serve to avoid significant harm to biodiversity by compensating for woodland losses while the planning merits, in terms of need and social and economic benefits, would serve to clearly outweigh the loss of the designated ancient woodland.

Appendix E



Department for
Communities and
Local Government

11 July 2013

Mr M Hare
Civitas Planning
4 Moncktons Avenue
Maidstone
Kent
ME14 2PZ

Our Ref: APP/W2275/V/11/2158341

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTIONS 73 & 77)
APPLICATION BY GALLAGHER AGGREGATES LTD
HERMITAGE QUARRY, HERMITAGE LANE, AYLESFORD
APPLICATION REF. TM/10/2158341**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, J I McPherson JP BSc CEng CEnv CWEM MICE MCIWEM MCMI, who held a public local inquiry which sat on 27-30 November, 4-6, 13-14 and 18 December 2012, into your client's application in respect of application Ref.TM/10/2158341 dated 21 June 2010 for the Westerly Extension of Hermitage Quarry; and the variation of conditions relating to the original quarry and its previous extensions.
2. On 27 July 2011, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the Mineral Planning Authority, Kent County Council ('KCC'). The reason for making the direction was that the proposal may conflict with national policies on important matters.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application for the Westerly Extension be approved with recommended conditions, and that new permissions be approved for the Original Quarry, the Southern Extension and the Eastern Extension with recommended conditions. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations. A copy of the Inspector's report (IR)

Richard Watson
Department for Communities and Local Government
Planning Central Casework Division,
1/J2, Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 4441627
Email: PCC@communities.gsi.gov.uk

is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

4. In addition to the application for the Westerly Extension of Hermitage Quarry and the variation of the conditions applying to the existing quarry workings, the Inquiry also considered two Highway Orders sought by your client for: a) the temporary diversion of Byway MR496 for a period of 9 months while a cut and cover tunnel is constructed into the Westerly Extension site; and b) the temporary diversion of Bridleway MR108 for a period of 25 years whilst the Westerly Extension is worked and restored. The decision on these Orders is the subject of two separate letters which will be issued separately by the Secretaries of State for Transport and Environment, Food and Rural Affairs.

Procedural Matters

5. The Secretary of State notes that the application is to extract some 16 million tonnes of ragstone and hassock from within the land enclosed by the permissive path, whilst still retaining a minimum of 50m of woodland between the path and the mineral operations; and that some of the ragstone would be supplied as high quality building/dimension stone (IR4.4). He also notes that the phased working of the Westerly Extension would involve progressive stripping, extraction, filling with inert waste and topsoiling to the original ground levels, followed by restoration to native woodland and rides that would be open to the public (IR4.5); and that all materials entering and leaving the quarry itself would continue to use the existing weighbridge and access onto Hermitage Lane (IR4.7).
6. The Secretary of State notes that the application also proposes the formation of a 9 ha 'Habitat Creation Field' to the south-west of the site which, at the original application stage, was intended to receive the soil resources from quarrying Phases 8 – 11; that a revision has been made to the proposed phasing such that this soil would now be used in the restoration of the existing quarry instead; and that, in accordance with the revised working scheme, the Habitat Creation Field would be formed at a very early stage and used principally as the site for the translocation of reptiles from the Application Site (IR4.9).
7. The Secretary of State agrees with the Inspector that although there have been revisions to the phases of working since KCC considered the application, they simply affect the internal working of the site and would not prejudice anyone else, and should therefore be accepted as part of the application proposals (IR4.14).
8. In reaching his decision, the Secretary of State has taken into account the Environmental Statement and the Addendum submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. He considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Policy considerations

9. In determining the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, following the partial revocation of the Regional Strategy for the South East (RS) on 25 March 2013, the development

plan comprises the saved policies of the Kent Minerals Local Plan: Construction Aggregates (December 1993); the Tonbridge and Malling Borough Council (TMBC) Core Strategy (2007); the TMBC Managing Development and the Environment Development Plan Document (2010); and the saved policies in the TMBC Local Plan (1998). The Secretary of State gives no weight to the revoked policies in the RS. He considers that the partial revocation of the RS has had little effect on the policy considerations in this case, and that it was not necessary for him to refer back to parties on this issue before reaching his decision. He considers that the development plan policies most relevant to this case are those set out at IR5.5-5.7.

10. Material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework (“the Framework”); The Planning System: *General Principles*; Circular 11/95: *The Use of Conditions in Planning Permission*; the Community Infrastructure Levy (CIL) Regulations (2010 and 2011); the Ministerial Statement “Planning for Growth” (2011); Keepers of Time Statement of Policy for England’s Ancient & Native Woodland (2005); and the letter to Planning Authorities from Steve Quartermain, the Governments Chief Planner concerning the Revocation of Regional Strategies (6 July 2010).
11. For the reasons set out in IR16.212-16.215, the Secretary of State agrees with the Inspector that the emerging Kent Minerals and Waste Local Plan and the Kent Minerals Sites Plan carry only limited weight in the determination of this application (IR16.212 and 16.215).

Main issues

12. The Secretary of State agrees with the Inspector that the main considerations are those set out in IR16.2.

Need for, and Supply of, the Minerals

13. The Secretary of State agrees with the Inspector’s reasoning and conclusions on the need for, and supply of minerals as set out in IR16.3 and 16.6-16.39. He agrees that there is a 0.78 million tonnes per annum (mtpa) sub-regional apportionment of crushed rock for aggregates to be produced in Kent (IR16.35 and 16.179), and that with the limited remaining supplies at Hermitage Quarry as the only regular source of crushed rock in Kent, there is a strong need for the proposed extension which would also provide a source of high quality dimension stone for which there is also a very considerable need (IR16.40). He does not consider that the partial revocation of the RS changes his conclusion on this matter.

Ancient Woodland

14. The Secretary of State agrees with the Inspector that 31 ha of the 33 ha application site is a ‘plantation on ancient woodland site’ (PAWS) (IR16.41). He also agrees with the Inspector that paragraph 118 of the Framework, whilst seeking to protect ancient woodland, does allow for circumstances where the loss can be outweighed by other considerations (IR16.42). He notes that Natural England did not consider the loss of ancient woodland to be sufficiently important to seek call-in of the application (IR8.49 and 16.42).
15. The Secretary of State agrees with the Inspector that in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in

question must be assessed (IR16.43). He notes that the Framework advice does not differentiate between Ancient Semi-Natural Woodland (ASNW) and PAWS but that the Keepers of Time Statement by Defra seems to draw a distinction by saying that ASNWs are generally the most valuable ancient woodland sites (IR16.44). He notes also that the Woodland Trust's Position Statement on the subject also draws a distinction between PAWS and ASNW in the context of habitat translocation which, in the latter case, is said to be particularly inappropriate (16.44). He agrees with the Inspector that, for the purposes of this assessment, there is no particular need to identify the cause of the relatively poor quality of this ancient woodland (IR16.47).

16. The Secretary of State agrees with the Inspector that, with the loss of a viable sweet chestnut coppicing industry in the area and limited woodland management grants, there is no reason to suppose there would be a return to a regular coppicing cycle if the proposed extension was refused (IR16.48).
17. The Secretary of State agrees with the Inspector that, regardless of the relatively poor quality PAWS and the results achievable through translocation, this would not be the restoration of the PAWS lost to the scheme (IR16.49).

Biodiversity

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on biodiversity as set out in IR16.50-16.61. For these reasons, he agrees with the Inspector that, overall, despite designation as a Local Wildlife Site, the relatively poor biodiversity interest in the current woodland would, in the longer term, be considerably increased by the restoration to native woodland and the conservation management of other off-site woodlands; and that in due course the site could re-qualify for Local Wildlife Site designation (IR16.62).

Landscape and Visual Impact

19. For the reasons in IR16.63-16.83, the Secretary of State agrees with the Inspector that: the surrounding woodland and the lack of public vantage points would result in very little visual impact from the proposed scheme and the effect on the landscape character would also be quite limited; there would however be a loss of recreational tranquillity during the operating life of the extension and the final restoration to native woodland would not be strictly in accordance with the present sweet chestnut dominated landscape character of the area (IR16.84).

Archaeology and Heritage Impacts

20. The Secretary of State agrees with the Inspector that although the site is mostly covered by ancient woodland, there are no veteran trees, and he notes that it was accepted by the Kent Archaeological Officer that there were also no features of surface archaeological interest, although there is the potential for some palaeolithic interest, which can be the subject of a suitable planning condition (IR16.85).

Landfill and Waste Permitting

21. For the reasons in IR16.87 and 16.88, the Secretary of State agrees with the Inspector that there is no reason to suppose that an adequate supply of fill material would not be forthcoming (IR16.87), or that the landfilling operations would not be properly controlled (IR16.88).

Groundwater

22. The Secretary of State agrees with the Inspector that there is no reason to anticipate any detrimental effects on the groundwater in the area (IR16.89).

Residential Amenity

23. The Secretary of State agrees with the Inspector's reasoning and conclusions on residential amenity as set out in IR16.90-16.112. He agrees with the Inspector that, whilst there would be little harm to the amenities of the local residents from dust or traffic, there would be some residual impacts from blasting, noise and the effects on the quiet recreational use of Oaken Wood for a significant number of years, and the development would therefore prolong the effects of the existing quarry for the local residents. He agrees that this should be considered in the planning balance (IR16.113).

Socio-Economics

24. The Secretary of State agrees with the Inspector that, in the absence of permission for the Westerly Extension, the currently permitted reserves would be exhausted in late 2014 or early 2015, after which time the core of the workforce would no longer be required and there would be a phased downsizing of the remainder (IR16.115). He agrees with the Inspector that it is unlikely that many of these employees would be re-deployed within the associated Gallagher businesses, and that these other businesses could also be affected by the closure of the quarry. He also agrees with the Inspector that not only would the loss of these jobs be a personal blow to the employees, but that these skilled workers currently make a beneficial contribution to the diversity of the workforce in Kent (IR16.115).
25. The Secretary of State also agrees with the Inspector that, in the event that permission for the proposed extension was refused and the existing quarry closed by early 2015, crushed rock would have to be imported into Kent by other suppliers, who would not necessarily be subject to the competition currently provided by the appellant, and that this could well increase prices, to the detriment of the local economy (IR16.116).

Sustainability

26. The Secretary of State agrees with the Inspector's reasoning and conclusions on sustainability in IR16.117-16.122. He agrees with the Inspector that, whilst there are a number of other considerations to be weighed in the balance, there is no reason why the scheme should be considered unsustainable (IR16.122).

Compliance with the Development Plan

27. In terms of consistency with the Framework (not including the policies in the RS which have now been revoked), the Secretary of State agrees with the Inspector that the remaining relevant pre- and post-2004 Development Plan policies are generally consistent with those of the Framework and should therefore carry considerable weight in reaching the planning decision (IR16.208).
28. The Secretary of State agrees with the Inspector's reasoning and conclusions on the Development Plan as set out in IR16.173-16.207, not including the policies in the RS which have now been revoked. The Secretary of State agrees with the Inspector that, leaving aside the loss of ancient woodland, which he will consider further below, the proposed extension would comply with the Development Plan in all respects, except for a limited effect on the landscape character and the

recreational tranquillity of the area, as well as prolonging the current limited impacts on residential amenity (IR16.210). He also agrees that the benefits of the proposals include a sustainable steady and adequate supply of crushed rock, improved biodiversity in the longer term which, with the ongoing socio-economic benefits, would clearly outweigh the loss of the ancient woodland and the other adverse effects of the development; and therefore that the loss of ancient woodland would not be contrary to Development Plan policy in this case (IR16.211).

Other Material Considerations

29. For the reasons in IR16.216, the Secretary of State agrees with the Inspector that prematurity would not be a sound reason to refuse the application, particularly in the light of the need for a steady and adequate supply of aggregates and the limited reserves left at Hermitage Quarry (IR16.216).
30. The Secretary of State agrees with the Inspector that, as concluded above, the relevant Development Plan policies are generally consistent with the Framework (paragraph 118 for instance similarly seeks to protect ancient woodland, unless the benefits would outweigh the loss) (IR16.218). He notes that paragraph 144 of the Framework places great weight on the benefits of mineral extraction, including those to the economy; that paragraph 19 also says that significant weight should be placed on the need to support economic growth through the planning system; and he agrees with the Inspector that in both cases, this adds considerable weight to counter the scheme's limited non-compliance with the Development Plan (IR16.219).
31. The Secretary of State agrees with the Inspector that the reinstatement in due course of the sweet chestnut coppice on the application site with native woodland would help to achieve one of the objectives of the Kent Biodiversity Action Plan and the relevant Biodiversity Opportunity Area Statement, and that this would be a benefit of the proposals that further outweighs the limited harm to the dominant landscape characteristics of the site (IR16.221).

Planning Obligation

32. The Secretary of State agrees with the Inspector's reasoning and conclusions on the planning obligation in IR13.1-13.6 and 16.126-16.127. He is satisfied that it is directly related to the development and fairly and reasonably related to it in scale and kind, and is CIL-compliant. He notes that the Woodland Management Plan has the vision of providing high quality native woodland cover to replace the current non-native monoculture on the application site, as well as the establishment of new native woodland to promote connectivity with, and between, the existing woodlands at Fullingpits Wood and Broke Wood; and that it also seeks management that would maximise opportunities for wildlife and the provision of public access (IR13.5).

Planning Conditions

33. The Secretary of State has had regard to the proposed conditions set out at Annexes C1-C4 of the Inspector's Report. He has also taken account of the Inspector's comments in IR14.1-15.5 and 16.128-16.172, and Circular 11/95. For the reasons in IR14.1-14.6 and 16.154 the Secretary of State agrees with the Inspector that the conditions attached to the permissions for the original quarry and the Southern and Eastern Extensions would need appropriate variation (IR14.7)

and he agrees that those conditions which no longer serve a purpose should be removed (IR16.154). He agrees with the Inspector that new permissions would be created and the descriptions of the developments should also be updated as follows (IR14.8 and 16.155-16.156):

Original Quarry

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent for the extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road and the recycling of construction aggregates.'

Southern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent and being a southern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road, recycling of construction aggregates.'

Eastern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone Kent and being an eastern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration to native woodland, continued use of existing quarry plant, buildings and access road.'

34. The Secretary of State agrees with the Inspector that there is no need to vary the permission for the Western Extension because it is compatible with the proposals for the currently proposed Westerly Extension (IR14.7 and 16.224).
35. The Secretary of State is satisfied that the conditions are reasonable and necessary, and meet the tests of Circular 11/95.

Overall Conclusions

36. The Secretary of State concludes that the proposed Westerly Extension would comply with the Development Plan, except to a limited extent in terms of landscape and tranquillity considerations. He considers that it would also prolong the limited effects on nearby residents' amenities. However, he considers that the very considerable need for both crushed rock aggregates and dimension stone, together with the eventual biodiversity improvements, and the ongoing socio-economic benefits, would clearly outweigh the loss of the ancient woodland and the other adverse effects of the development in this case; and therefore that the loss of ancient woodland would not be contrary to Development Plan policy.

Formal Decision

37. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission in respect of application Ref.TM/10/2158341 dated 21 June 2010:

- for the Westerly Extension of Hermitage Quarry, subject to the conditions set out in Annex A1 to this letter; and
- for new permissions for the Original Quarry, the Southern Extension and the Eastern Extension, subject to the updated descriptions set out in paragraph 33 above, and the conditions set out in Annexes A2-A4 to this letter.

38. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

39. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

41. A copy of this letter has been sent to KCC. A notification letter has been sent to other parties who asked to be informed of the decision.

Yours faithfully

Richard Watson

Authorised by the Secretary of State
to sign in that behalf

Conditions

Westerly Extension

Implementation

1. The development to which this permission relates shall be commenced not later than three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Development Scheme

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans contained in the application as referred to in the attached Schedule and as stipulated in the conditions set out below, together with those further details required to be submitted for approval.
3. The working and restoration of the site shall be carried out in accordance with the following:-
 - a) working and restoration in the Application Site shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on Plans:-
 - 0257/10/3/rev L 'Hermitage Quarry Phasing and Working Plan', and
 - 0257/10/2. rev. F 'Quarry Working Plan', and
 - b) within 3 months of the date of the decision, the phased restoration Plans 0257/10/211 to 0257/10/225 inclusive which were originally submitted showing the progressive restoration of the individual phases of the site, shall be updated for consistency with the plans referred to in a) above, and shall be submitted to the Mineral Planning Authority for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior written approval of the Mineral Planning Authority.
4. In implementing the development scheme illustrated on plans 0257/10/3/rev L entitled 'Hermitage Quarry phasing and working plan' and 0257/10/2 rev F entitled 'Quarry Working Plan', no more than three individual phases shall be in operational use at any one time, comprising quarrying, filling and restoration. Advance woodland clearance works shall only take place in one further phase at any one time.
5. Prior to the commencement of the development hereby permitted, the boundary of the permission shall be marked out by the installation of robust ground markers around the extension site boundary and these shall remain in place for the duration of the development.

Coppicing Regime

6. Notwithstanding the details of the coppicing sequence for the perimeter woodland area around the Westerly Extension site shown on plans ref 0257/10/1/L and 0257/10/14, a woodland management scheme for the coppicing of the westerly extension site perimeter woodland area shall be submitted for the written approval of the Mineral Planning Authority prior to the commencement of the development. The scheme shall be consistent with the principles for ensuring visual screening set out in Section 4, paragraphs 4.21 – 4.23 of the Woodland Management Plan attached to the Section 106 Agreement. The scheme shall thereafter be implemented as approved.

Drainage

7. Prior to the commencement of the development hereby permitted, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Handling of Soils

8. Within 3 months of the date of this decision, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out details of the management, handling and re-use of the topsoil and overburden stripped from the phased application site development. This scheme shall accord with the sequence of soil movements illustrated on drawing number 0257/10/12 rev B entitled Management of Overburden and Ancient Woodland Topsoil dated July 2012 and shall include the maximum acceptable moisture contents for handling the soils. The development hereby permitted shall be carried out in compliance with that scheme and no variations to, or omissions from the approved scheme shall take place without the prior written approval of the Mineral Planning Authority.

Infilling and restoration

9. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
10. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
11. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
12. The pre-settlement and final restoration levels shall be those identified on drawing number 0257/10/15 entitled 'Final restoration and pre-settlement levels'.
13. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms

as set out under Condition 3. The site shall thereafter be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access & Traffic

14. Prior to the commencement of the development hereby permitted, details of the construction of the access into the application site from the existing Hermitage Quarry shall be submitted for written approval by the Mineral Planning Authority and shall be implemented as approved. Once formed, this access shall be the only access into and out of the extension site with all vehicles accessing the highway via the existing plant area and weighbridge.
15. The details of the new cut and cover tunnel access shall include provision for landscaping and screening within the area disturbed by the construction works designed to minimize potential views from Byway MR496 into the existing quarry to the east and the extension area to the west.
16. All vehicles, plant and machinery operating solely within the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with, and shall use, effective silencers. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Plant

17. No buildings shall be erected, or fixed materials processing plant shall operate, within the area of the Application Site.

Hours of working

18. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays.
19. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Dust

20. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down using water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority ,

- (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
- (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
- (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm, and
- (ix) A minimum width of 50 metres of tree cover shall be maintained between the permissive path and the perimeter of the extraction area.

Blasting

- 21. Blasting shall not take place other than between the hours of 10.00 and 12.00 and 13.00 to 15.00 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
- 22. No more than one blast shall take place in any one day.
- 23. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
- 24. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure with a maximum of 120 dB shall have been submitted to and approved in writing by the MPA. Blasting shall only be carried out in accordance with the approved scheme.

Noise

- 25. Except for those temporary operations described in Condition 26, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

Location	Criterion dB $L_{Aeq, 1 \text{ hr free field}}$
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

- 26. For temporary operations, which are defined as site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 25 above. Temporary operations shall not exceed a total of

eight weeks in any calendar year for work within 300m of any noise sensitive property.

27. Phase 20 of the development hereby permitted shall not commence unless the noise screen bund shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029 between the working area and the North Pole Road dwellings has been provided as detailed on the drawing and no variations or omissions shall take place.

Groundwater

28. Within 3 months of the date of this decision notice, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out proposals for groundwater monitoring. The scheme shall be consistent with the principles set out in sections 4.2 and 4.3 of Appendix 20 to the ES (ref Hydrogeological Risk Assessment (Voelcker, May 2010)), and shall confirm the locations for additional groundwater observation boreholes; the frequency of monitoring during an initial one year monitoring period; the reporting and interpretation of results and, following a one year period of monitoring, proposals for a monitoring regime for the remaining duration of the development. The approved scheme shall thereafter be implemented as approved.
29. The quarry floor shall not be excavated below 43m AOD or at least 2m above the highest recorded ground water levels, whichever is the higher. The depth of the quarry floor shall be subject to annual topographic surveys, and the results of such surveys shall be made available to the Mineral Planning Authority upon request.
30. Prior to the commencement of the development hereby permitted, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Archaeology

31. No groundworks shall take place within the area of the Application Site until a programme of archaeological work has been approved in writing by the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

Ecology

32. No removal of trees within the site of the development hereby permitted shall take place between 1st March and 31st July inclusive in any year.

Building Stone

33. The operator of the hereby permitted Westerly Extension to Hermitage Quarry shall make available for sale a minimum of 25,000 tonnes of building stone per annum throughout the operational life of the quarry. A stockpile of half this quantity shall be maintained on the site after the first year of operation for the duration of extraction operations. Records shall be submitted annually to the Mineral Planning Authority to confirm the sales of building stone in the preceding year and the amounts held on site.

34. The operation of the Westerly Extension development shall cease in the event that the stone cutting saw approved by KCC on 8th August 2012 (ref TM/88/295R) is not available (save for essential maintenance) at the Hermitage Quarry processing plant site for the processing of sawn six-sided stone.

Display of Permissions

35. The terms of this planning permission, and any schemes or details approved pursuant there to, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/2/F	Quarry Working Plan
0257/10/6/B	Access between existing quarry and Oaken Wood
0257/10/12/B	Management of overburden and ancient woodland topsoil
0257/10/1/L	Woodland Management *
0257/10/14	Conversion of Chestnut Coppice Around Quarry to Scrub with Standards*
0257/09/1C	Final Restoration and Habitat Management
0257/10/4D	Final restoration of quarry, Habitat Creation Field & woodland management around quarry (proposals for Habitat creation field are for illustrative purposes only)
0257/10/10/F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/15	Final Restoration and Pre-Settlement Levels
0257/10/211 – 225	Phases 11- 25 restoration (subject to update required by condition 3b)
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

* Subject to the provisions of Condition 6

Conditions

Original Quarry

Working Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior approval in writing of the MPA.
3. The site shall be worked and restored in accordance with the Quarry Working Plans numbers 0257/10/02 Rev F and 0257/10/03 Rev L and with the Restoration Drawings numbers 0257/10/202 to 0257/10/204 and 0257/10/226 to 0257/10/230 (subject to Condition 2b above), together with the final restoration plan number 0257/10/10 Rev F, and woodland management plans 0257/11/5/A and 0257/12/4.
4. The pre-settlement levels of the restored site and their merging with the adjoining ground levels, including those approved for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension), shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).

7. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
8. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.

Traffic and Access

9. The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.
10. During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.
11. With effect from the date of the permission hereby granted, the operators shall submit to the Mineral Planning Authority six-monthly returns of all HGV movements to and from the site showing daily and peak hour movements.
12. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials onto the public highway and such measures shall include the continued provision of wheel and chassis cleaning equipment at Hermitage Quarry.
13. The present visibility splays of 9 metres by 160 metres at the site entrance shall be maintained free of all obstruction to a height of 0.9 metres clear of the carriageway on Hermitage Lane throughout the life of the quarry, including that period of time during which final restoration works are being completed.
14. Upon cessation of all operations that are subject to this decision, the highway access shall be restored in accordance with the details approved under Condition 2.

Cessation and Aftercare

15. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.
16. Notwithstanding the approval on 18th December 1990 of the details of aftercare management of the restored area, an updated aftercare management scheme shall be submitted for the written approval of the MPA prior to the commencement of restoration of infilling Phase 30. The scheme shall be implemented as approved.

Hours of Working

17. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
18. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

19. Except for those temporary operations described in Condition 20, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

Location	Criterion dB $L_{Aeq, (1 \text{ hour})}$, freefield
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

20. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 19 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
21. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles solely operating on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

22. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,

- (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
- (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
- (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
- (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Drainage

- 23. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

- 24. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.
- 25. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

- 26. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority;
- 27. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

Display of Permissions

28. The terms of this planning permission, and any schemes or details approved pursuant there to, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2782 (Original Quarry).

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10/F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

Conditions

Southern Extension

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. the details hereby approved, and the phasing as identified on Plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of the decision notice, the phased restoration plans 0257/10/202 to 205 0257/10/226 to 0257/10/230 inclusive shall have been updated for consistency with the plan referred to in a. above, and they shall have been submitted to the MPA for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required for the working or restoration of the site, and the site shall be restored in

accordance with the restoration scheme approved pursuant to Condition 2.

Cessation

9. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

10. All vehicles shall enter and leave the site via the existing access onto Hermitage Lane.

Hours of Working

11. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
12. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

13. Except for those temporary operations described in Condition 14, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

Location	Criterion dB $L_{Aeq, (1 \text{ hour}), \text{ freefield}}$
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

14. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 13 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
15. No mineral extraction shall take place in Phase 5 of the quarry unless the noise screen bunds shown to the south and the east of the processing

area have been erected as shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029. They shall thereafter be retained until the processing plant is no longer in use.

16. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

17. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following :-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Blasting

18. Blasting shall not take place other than between the hours of 1000 and 1200 and 1300 to 1500 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
19. No more than one blast shall take place in any one day.
20. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
21. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure to at least 120 dB shall have been approved in writing by the MPA, and the approved scheme shall be implemented.

Drainage

22. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

23. The level of the quarry floor shall not be excavated below 47m AOD at grid reference northing 155 965 (along an east west line) and below 55m AOD at grid reference northing 155 575 (along an east west line) and the gradient of the quarry floor between these two lines shall not be steeper than 1:51 with the gradient measured between the above grid reference points.
24. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
25. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage.
26. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
27. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

28. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority.

Display of Permissions

29. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2787 (Southern Extension)

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

Conditions

Eastern Extension

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension) in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
5. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required

for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

9. In any part of the site to be restored to an agricultural after use where differential settlement occurs during the restoration and aftercare period, where required by the Mineral Planning Authority, the Applicant shall fill the depression to the approved final specified settlement levels with suitable imported soils, to a specification previously approved by the Mineral Planning Authority.

Drainage

10. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Cessation

11. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

12. No vehicles shall enter and leave the site other than via the existing access onto Hermitage Lane.

Hours of Working

13. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
14. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

15. Except for those temporary operations described in Condition 16, the free-field Equivalent Continuous Noise Level $L_{Aeq\ 1\ hour}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

Location	Criterion dB L_{Aeq}, (1 hour), freefield
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

16. For temporary operations, which are defined as bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB L_{Aeq} 1 hour, expressed in the same manner as for Condition 15 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
17. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

18. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority,
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (ix) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (x) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Groundwater

19. The level of the quarry floor shall not be excavated below 47m AOD or at least 2m above the highest recorded groundwater levels, whichever is the higher.

20. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
21. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
22. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

23. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority.

Display of Permissions

24. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans relating to Section 73 Application to vary conditions on permission TM/03/2784 (Eastern Extension)

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report



Report to the Secretary of State for Communities and Local Government

by J I McPherson JP BSc CEng CEnv CWEM MICE MCIWEM MCMI
an Inspector appointed by the Secretary of State for Communities and Local Government
Date: 11 March 2013

TOWN AND COUNTRY PLANNING ACT 1990

KENT COUNTY COUNCIL

APPLICATION

MADE BY

GALLAGHER AGGREGATES LTD

FOR

THE WESTERLY EXTENSION OF HERMITAGE QUARRY

AND

VARIATION OF THE PLANNING CONDITIONS
RELATING TO THE EXISTING QUARRY PERMISSIONS

Inquiry sitting days 27-30 November, 4-6, 13-14 and 18 December 2012

Hermitage Quarry, Hermitage Lane, Aylesford, Maidstone, Kent, ME16 8AE

File Ref: APP/W2275/V/11/2158341

File Ref: APP/W2275/V/11/2158341**Hermitage Quarry, Hermitage Lane, Aylesford, Maidstone, Kent, ME16 8AE**

- The planning application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 27 July 2011.
- The application is made by Gallagher Aggregates Ltd to Kent County Council.
- The application Ref TM/10/2158341 was submitted with a letter dated 21 June 2010.
- The proposed development is the westerly extension of Hermitage Quarry and the variation of conditions (under Section 73 of the Act) relating to the original quarry and its previous extensions.
- The reason given for making the direction was that the proposals may conflict with national policies on important matters.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed:
 - a) The extent to which the proposed development is in accordance with the development plan for the area including any 'saved policies'. The weight that should be attached to the development plan, and any emerging plans, having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and other material considerations,
 - b) The extent to which the proposed development is consistent with Government Policies in Minerals Policy Statement 1: Planning and Minerals,
 - c) Any other issues which the Inspector considers appropriate.
- The applications for the temporary diversions of Byway MR496 and Bridleway MR108 are the subject of separate reports to the Secretaries of State at the Department for Transport and at the Department for the Environment, Food and Rural Affairs respectively.

Summary of Recommendations:

- **That the application for the Westerly Extension be approved, with the recommended conditions, and**
 - **New permissions be approved for the Existing Quarry, the Southern Extension and the Eastern Extension with the recommended conditions.**
- NB. The two temporary highway diversions would also be required in order to carry out the Westerly Extension.**

Table of Contents

	Para No
1. Procedural Matters	
The Application	1.1
Pre-Inquiry Meeting	1.5
Environmental Impact Assessment	1.6
Highways Orders	1.8
Inquiry Dates	1.11
Report Format	1.12
2. The Existing Quarry	
Location and Extent of the Quarry	2.1
Existing Operations	2.9
3. The Local Geology	3.1
4. The Proposed Westerly Extension	4.1
Consequential Effects of the Proposed Westerly Extension	4.11
Consideration of the Applications	4.14
5. Development Plan Policy	
South East Plan	5.1
Saved Policies of the Kent Minerals Local Plan: Construction Aggregates	5.5
Adopted Tonbridge and Malling Borough Council Core Strategy	5.6
Adopted TMBC Managing Development and the Environment DPD	5.7
Saved Policies of the Adopted TMBC Local Plan	5.8

6. Emerging Development Plan Policy	
The Kent Minerals and Waste Core Strategy (Local Plan)	6.1
The Kent Minerals Sites Plan	6.2
7. The Case for the Applicant (Gallagher Aggregates Ltd)	
Introduction	7.1
Need	7.3
A Steady and Adequate Supply of Ragstone	7.5
Dimension Stone Requirements	7.18
Site Selection and Alternatives	7.25
Geology	7.29
Groundwater	7.31
Ecology and Ancient Woodland	7.32
Landscape and Visual Impact	7.54
Archaeology	7.64
Impact on Local Residents	7.65
Waste Permitting	7.73
Economic Effects	7.75
The Proposed Diversion Orders	7.78
The Balance: the Framework and the Development Plan	7.82
8. The Case for the Mineral Planning Authority (Kent CC)	
Introduction	8.1
The Need for the Extension	8.4
Policy Requirements	8.6
The Existing and Potential Reserves	8.13
Real Need and Real Supply	8.20
Ancient Woodland	
The Approach to the Issue	8.37
The Loss of Ancient Woodland in Perspective	8.47
Off-Setting Measures	8.61
Other Matters	8.65
Landscape and Visual Impact	8.66
Visual Impacts	8.70
Landscape Impact	8.74
Summary	8.79
Impact on Residential Amenity	8.81
Blasting	8.84
Dust	8.86
Noise	8.87
Traffic	8.89
Groundwater	8.91
Landfill	8.92
Geology	8.93
Heritage	8.94
The Balance	8.96
Conclusion	8.108
9. The Case for the Woodland Trust	
The Applicable Policy Framework	9.1
The Approach to Planning Judgement	9.6
The Benefits of Mineral Extraction	9.10
Landbank Requirements	9.14
Emerging Policy	9.30
Building Stone	9.37

Landscape	
Methodology	9.41
Impact	9.45
Ecology	9.46
Soils	9.47
Carbon Footprint	9.51
Mitigation / Compensation	9.52
Conclusion	9.56
10. The Case for Kent Wildlife Trust	
Ancient Woodland	10.1
Loss of Ancient Woodland	10.4
Conclusion	10.8
11. The Cases for the Other Third Parties	
In Support of the Proposals	
Kent Conservation Officers' Group	11.1
Institute of Historic Building Conservation	11.9
Aylesford Parish Council	11.16
Mr Hathorn	11.20
In Opposition to the Proposals	
Save Oaken Wood Action Group	11.22
Woodland	11.23
Need	11.27
Noise	11.29
Conclusion	11.33
Barming Parish Council	11.35
Mrs Dyer	
Need	11.39
Historic Buildings	11.46
Birds	11.47
Noise	11.49
Jobs	11.50
Conclusion	11.51
Mrs Malthouse	
Woodland	11.53
Residential Amenity	11.55
Mr Mew	
Introduction	11.56
Blasting	11.58
Noise	
Quarrying Operations	11.62
Mobile and Fixed Plant	11.64
Mr Power	11.66
Building Stone	11.67
Employment	11.69
Carbon Footprint	11.71
Woodland	11.72
Residential Amenity	11.74
Conclusion	11.77
Mr Ridout	
Need	11.78
Quality and Quantity of Rock	11.83
Competition	11.91
Restoration	11.92
Blasting	11.93

Woodland	11.94
Conclusion	11.95
12. Written Representations	12.1
13. Planning Obligation	13.1
14. Variation of Existing Permissions	14.1
15. Suggested Planning Conditions	15.1
16. Conclusions	
Main Considerations	16.1
Need for, and Supply of, the Minerals	
Crushed Rock	16.3
Building / Dimension Stone	16.8
Geology	16.12
Sources of Supply	16.14
Landbank	16.22
Steady and Adequate Supply	
Crushed Rock	16.29
Dimension Stone	16.31
Combined Supply	16.34
Summary of Conclusions on Need and Supply	
Crushed Rock	16.35
Dimension Stone	16.38
Combined Need and Supply	16.40
Ancient Woodland	16.41
Biodiversity	16.50
Landscape and Visual Impact	
Methodology	16.63
Visual Impact	
Existing Conditions	16.66
Future Conditions	16.68
Landscape Impact	16.74
Existing Conditions	16.75
Future Conditions	16.80
Archaeology and Heritage Impacts	16.85
Landfill and Waste Permitting	16.87
Groundwater	16.89
Residential Amenity	
Blasting	16.90
Noise	16.98
Dust	16.104
Traffic	16.106
Recreational Uses	16.107
Prolonged Effects	16.110
Summary of Residential Amenity Impacts	16.113
Socio-Economics	16.114
Sustainability	16.117
Consequential Effects	16.123
Planning Obligation	16.126
Suggested Planning Conditions	16.128
Proposed Westerly Extension	16.129
Variation of Existing Permissions	16.154

Original Quarry	16.158
Southern Extension	16.165
Eastern Extension	16.169
Compliance with the Development Plan	16.173
The Development Plan	16.174
Weight to be Accorded to Policies	16.176
Need for, and Supply of, the Mineral	16.179
Ancient Woodland	16.183
Biodiversity	16.184
Landscape and Visual Impact	16.186
Archaeology and Heritage Impacts	16.190
Landfill and Waste Permitting	16.191
Groundwater	16.193
Residential Amenity	16.194
Public Rights of Way	16.203
Socio-Economics	16.204
Sustainability	16.206
Consistency with the Framework	16.208
Overall Compliance with the Development Plan	16.210
Other Material Considerations	
Emerging Development Plan Policies	16.212
The National Planning Policy Framework	16.217
Biodiversity Action Plans	16.221
Overall Conclusions on the Westerly Extension	16.222
Consequential Decisions	16.224
17. Recommendations	17.1
Annex A – Glossary of Abbreviations in the Report	Page 114
Annex B1 – Glossaries of Specialist Terms	Page Nos
B1 - Quarrying etc Terms from Mr Bate's Evidence	115
B2 - Minerals & Testing Terms from Mr Wilkinson's Evidence	117
B3 - Biodiversity Terms from Mr Goodwin's Evidence	118
B4 - Woodland Terms from Mr Mackworth-Praed's Evidence	122
B5 - Abbreviations used in Kent CC's Evidence	125
B6 - Geological Terms from Mrs Poole's Evidence	126
B7 - Soils Terms from Mr Allen's Evidence	128
B8 - Woodland Terms from Mr Barnes' Evidence	132
B9 - Biodiversity Terms from Dr Young's Evidence	134
Annex C – Recommended Planning Conditions	Page Nos
C1 - Westerly Extension Application	137
Applications to Vary Conditions	
C2 - Original Quarry, Section 73	142
C3 - Southern Extension, Section 73	147
C4 - Eastern Extension, Section 73	151
APPEARANCES	Page 155
DOCUMENTS	Page 157

1. Procedural Matters

The Application

- 1.1. In addition to the Application Plans (CD1.2), the Planning Application for the Westerly Extension of Hermitage Quarry (CD1.1) was accompanied by a Planning Statement (CD1.3) and an Environmental Statement (CD1.4-1.6).
- 1.2. Some of the Application Plans were amended after submission but before the Mineral Planning Authority, Kent County Council (KCC), had considered the Application (CD1.2a-1.2d).
- 1.3. KCC considered the Application on 10 May 2011 and resolved to grant planning permission subject to the Secretary of State not calling it in and subject also to a Section 106 Obligation and conditions (SOCG1a, Section 5).
- 1.4. On 27 July 2010, the Secretary of State called-in the application for his own decision under Section 77 of the 1990 Act (KCC/MC/P, para 2.5).

Pre-Inquiry Meeting

- 1.5. A Pre-Inquiry Meeting was held on 31 July 2012 (Notes of the Meeting at Document G1) and a preliminary accompanied site visit to both Hermitage Quarry and Blaise Farm Quarry was carried out immediately after the Meeting.

Environmental Impact Assessment

- 1.6. Following the Pre-Inquiry Meeting, an Addendum (CD1.7-1.9) was produced to the original Environmental Statement (ES)(CD1.4-1.6). This principally updated the ES in terms of the results of the ecological surveys carried out in 2012 (GAL/GJ/P, para 4.3.3). In addition to a general updating of the original ES, the addendum also reflects the issues raised during the processing of the application by KCC, the applications for Highway Orders, the new National Planning Policy Framework (the Framework), a reassessment of the mineral resources at Blaise Farm Quarry and further alternative sites information (GAL/GJ/P, para 4.3.4).
- 1.7. There were no objections to the adequacy of the Environmental Impact Assessment, and all of the environmental information has been taken into account in this report.

Highways Orders

- 1.8. In addition to the application for the Westerly Extension of Hermitage Quarry and the variation of the conditions applying to the existing quarry workings, the Inquiry also considered two Highway Orders sought by Gallagher Aggregates Limited.
- 1.9. One Order is for the temporary diversion of Byway MR496 for a period of 9 months while a cut and cover tunnel is constructed into the Westerly Extension site. There is a separate report on this Order to the Secretary of State at the Department for Transport.

- 1.10. The other Order is for the temporary diversion of Bridleway MR108 for a period of 25 years whilst the Westerly Extension is worked and restored. There is a separate report on this Order to the Secretary of State at the Department for the Environment, Food and Rural Affairs.

Inquiry Dates

- 1.11. Inquiry sittings took place on 27-30 November, 4-6, 13, 14 & 18 December 2012 and accompanied site visits were carried out on 7, 11 & 12 December 2012.

Report Format

- 1.12. This report gives the gist of the undisputed evidence and the cases for the parties, together with my conclusions and recommendations. Lists of the appearances and Inquiry documents are attached.
- 1.13. Annex A gives a glossary of the abbreviations used in the report.
- 1.14. Annex B gives glossaries of the specialist terms used both in the report and in the Inquiry documentation.
- 1.15. Annex C gives the recommended planning conditions to be attached, if planning permissions are granted for the Application Proposals.

2. The Existing Quarry

Location and Extent of the Quarry

- 2.1. The existing Hermitage Quarry is located some 5 km to the west of the centre of Maidstone, about 260m to the north of Barming Heath, a suburb of Maidstone, and some 1.5km south of Ditton (See Map 1 in CD1.4, reproduced in part as Fig 1 below).

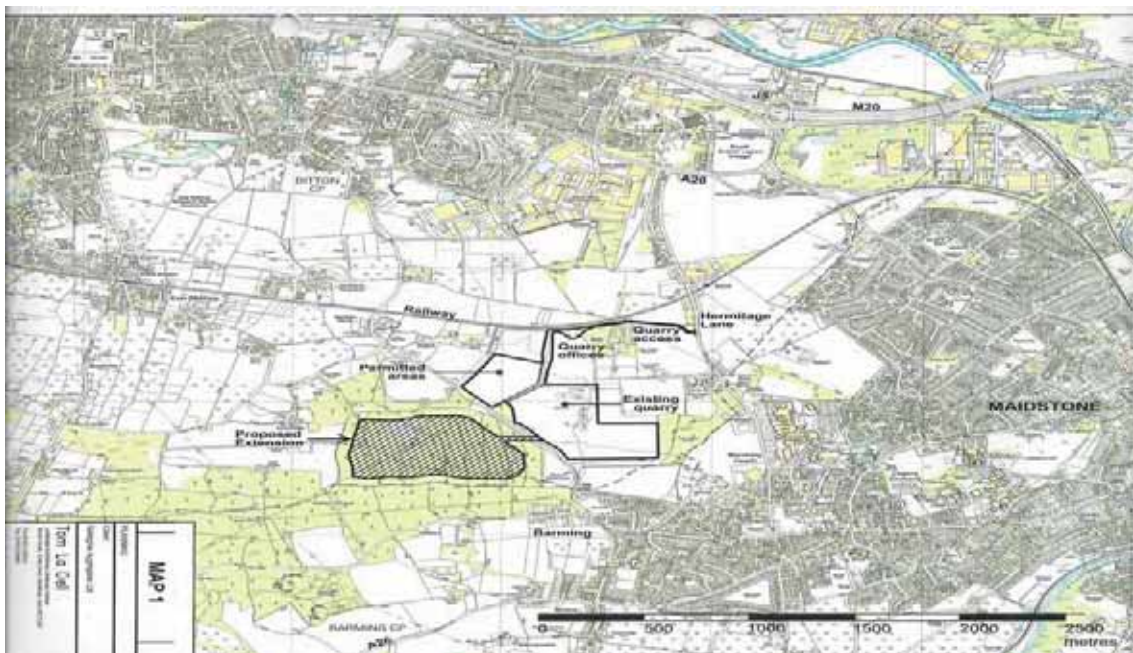


Fig 1

- 2.2. The quarry has a metalled access onto the western side of Hermitage Lane (B2246) which leads north to the A20 with its direct links to Junction 5 of the M20. As well as a number of commercial and residential uses, Maidstone Hospital is located on the eastern side of Hermitage Lane, a little to the south of the quarry access. Oaken Wood is to the west of the quarry (Fig 2).
- 2.3. Hermitage Quarry has been in operation for some 20 years, extracting Kentish Ragstone and Hassock from the Hythe Beds of this part of the Lower Greensand (SCG1, para 2.4).
- 2.4. The area of the original quarry to the south west of Broke Wood was approved in 1989 under planning permission TM/88/295. This area has largely been worked and restored to agricultural land at the original level, but the rest of this area is currently occupied by the quarry processing plant (See SCG para 6.1 and Map 4 in CD1.4, reproduced in part as Fig 2 below).

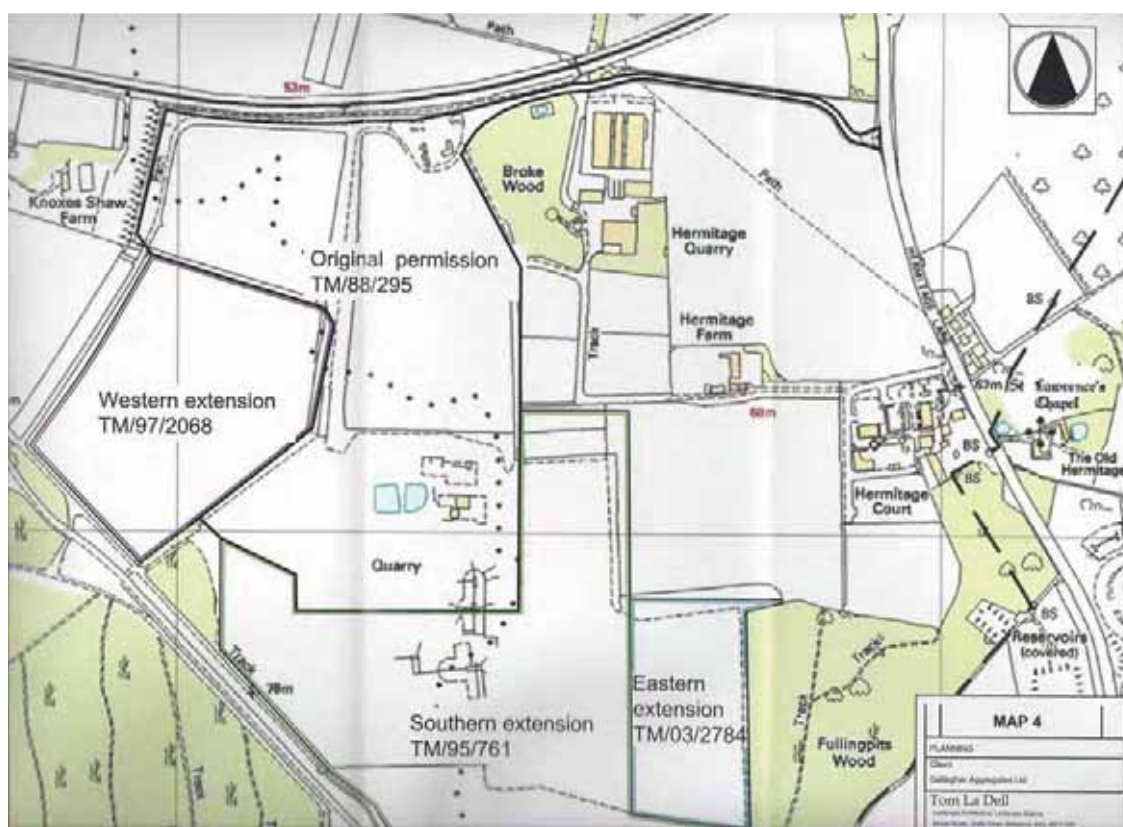


Fig 2

- 2.5. A southern extension to the original quarry was permitted in 1996 under planning permission TM/95/761. The stone has largely been extracted from this land which now accommodates the plant, materials processing and recycling area, which would remain under the current proposals (Fig 2 and SCG para 6.1). The access to the proposed Westerly Extension into Oaken Wood would be from the southwestern boundary of this area.
- 2.6. A western extension to the original quarry was permitted in 1999 under planning permission TM/97/2068. This area is currently being worked (Fig 2 and SCG para 6.1).

- 2.7. In 2005 planning permission was granted under reference TM/03/2784 for an easterly extension to the earlier southern extension up to Fullingpits Wood. This area has been worked and is currently being filled to the original ground levels and restored (Fig 2 and SCG para 6.1).
- 2.8. In each case, the above permissions include for infilling with inert waste under a Pollution Prevention and Control Permit issued by the Environment Agency (GAL/AJB/PA10).

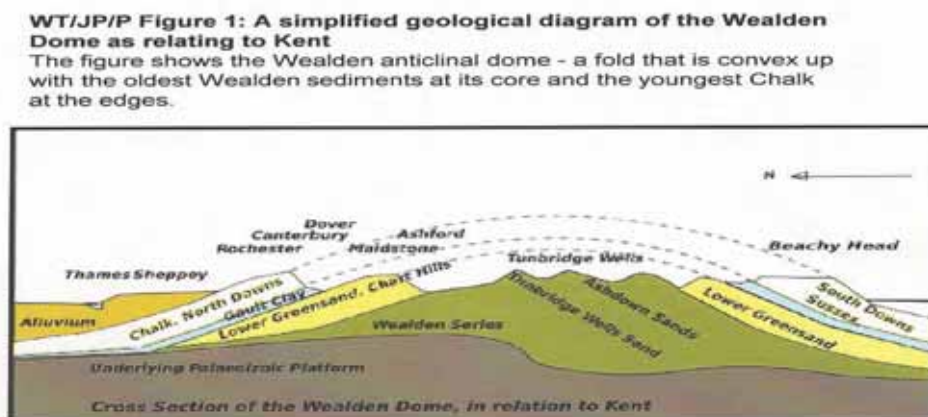
Existing Operations

- 2.9. Hermitage Quarry is operated by Gallagher Aggregates Ltd (GAL) which is part of the larger Gallagher Group that includes quarrying, building, engineering and property businesses in Kent (GAL/AJB/P, Section 3).
- 2.10. At Hermitage Quarry, the approximately 30m deep Hythe Beds consist of alternating beds of the hard ragstone and the softer hassock. The ragstone is used as an aggregate and a building stone and the hassock mainly as a fill or capping material (GAL/AJB/P, paras 4.6 & 4.7).
- 2.11. The extraction process involves the stripping of the topsoil and overburden to expose the mineral deposit, which is then drilled and blasted to loosen the rock. This is then sorted and transported directly to the processing circuit, or it may be reduced in size by hydraulic breakers for acceptance in the processing circuit. Alternatively, it may be taken to storage for subsequent use in building works and for the restoration of heritage buildings (GAL/AJB/P, para 4.8).
- 2.12. In the processing circuit, the material is taken by dumptrucks to the rotating trammel screen which separates the ragstone from the hassock. Thereafter, there are two separate product streams, one for the ragstone and the other for the hassock. These involve crushing, screening and washing to produce a series of graded products which are transported to stockpiles, where they are stored until they are loaded onto vehicles for delivery to customers, or alternatively used in the on-site ready-mixed concrete business (GAL/AJB/P, para 4.8 & PA6).
- 2.13. As well as producing primary aggregates, the site also produces recycled aggregates from waste arisings from road maintenance, construction and demolition and the utility sectors. The recycling operation is regulated by the Environment Agency through an environmental permit (GAL/AJB/P, para 4.9 & PA11).
- 2.14. Over 70 different aggregate products are produced on the site including primary aggregates, recycled aggregates and natural building stone (GAL/AJB/P para 4.10). To do so, there is a considerable use of plant and equipment, including a primary saw to produce sawn six sided block and slab ragstone for building/dimension stone purposes (GAL/AJB/P, para 4.15 & PA3).
- 2.15. The quarry has a production capacity in excess of 1m tonnes per annum (mtpa) but on average is currently producing about 0.7 mtpa of ragstone, of which some 20,000 tpa is sold as building/dimension stone (GAL/AJB/P, para 4.20).

- 2.16. Whilst the production of recycled aggregates varies, it has been up to about 0.25 mtpa over the last few years (GAL/AJB/P, para 4.22) and some 40,000m³ of ready mixed concrete is produced on the site annually (GAL/AJB/P, para 4.24).
- 2.17. The amount of inert waste imported as fill material closely matches the extraction rates. It amounted to some 260,000m³ in 2011 and was projected to amount to 335,000m³ in 2012 (GAL/AJB/P, para 4.25).
- 2.18. In addition to its Hermitage Quarry operations GAL also has an informal arrangement to extract and market material from the nearby Blaise Farm Quarry on an intermittent 'campaign' basis, as and when there are appropriate contracts. This material has generally been used for lower grade bulk fill or capping applications in the past (GAL/AJB/P, para 3.10 & 12).

3. The Local Geology

- 3.1. During the Cretaceous Period, the sediments of the Lower Greensand Group were deposited in a shallow sea over what is now Kent and Sussex (the Weald Basin). This group covers the Atherfield Clay, the Hythe, the Sandgate and the Folkestone Formations (WT/JP/P, paras 5.3 & 5.4). At a later time, folding of the land occurred which, in the Weald, formed a dome such that, on the northern side, where the Application Site is, the strata dip (slope downwards) by about 2 degrees (WW/JP/P, Fig 1 reproduced as Fig 3 below).



Author: Clem Rutter, self made using Inkscape, 22 April 2007, File from Wikimedia Commons
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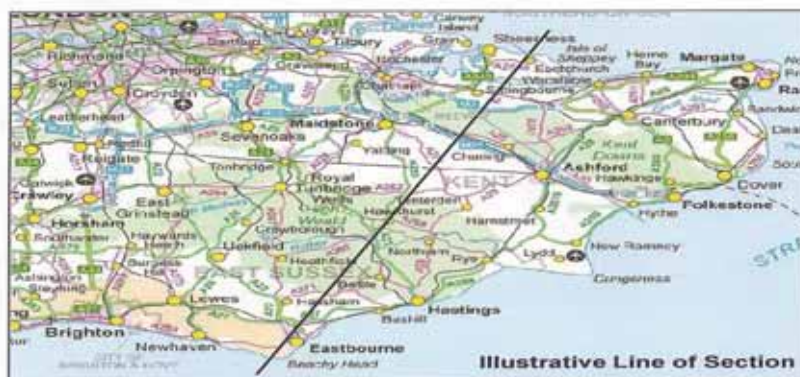
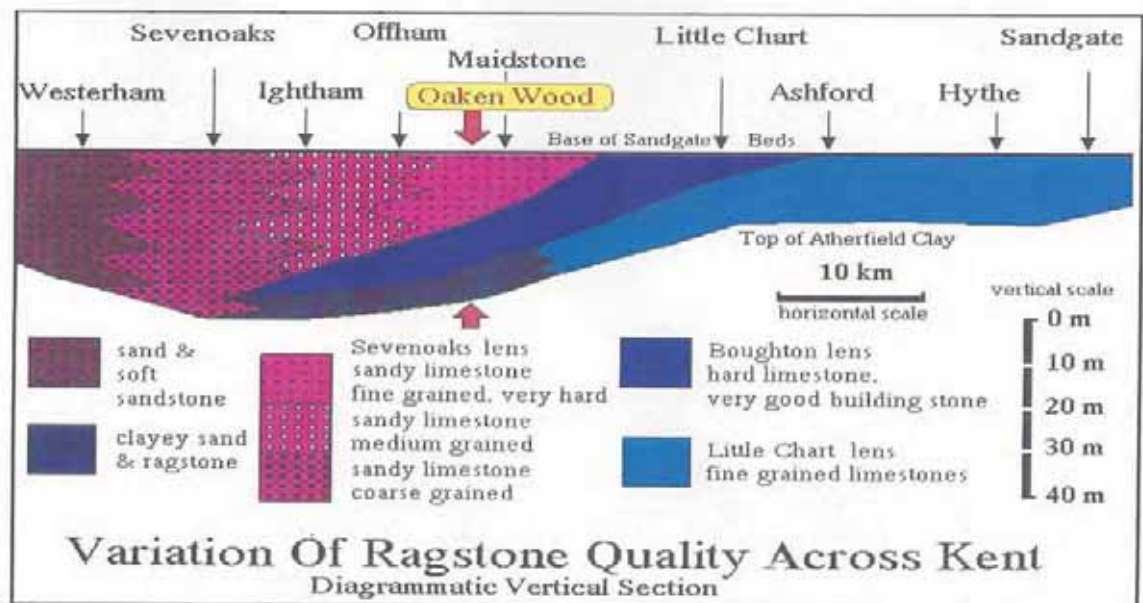
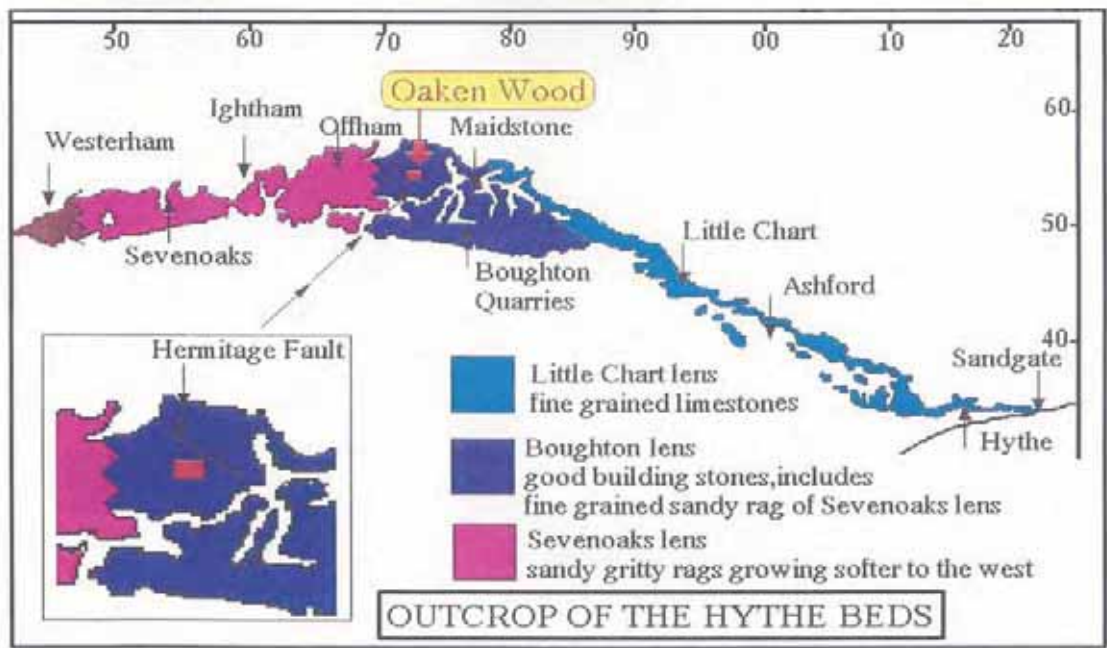


Fig 3

- 3.2. The nature of the sediments differ markedly depending on the local environment under which they were laid down. In particular the Hythe Formation exhibits considerable lateral and vertical variation and, in Kent, this formation comprises alternating layers (generally 15 to 60 cm thick) of hard glauconic sandy limestones (locally know as rag) and poorly cemented clayey sandstones, clayey sands or sandy mudstones (known as hassock) with some intervening chert bands. Whilst the formation extends across south-east England, hassock and rag occur only in Kent – hence the term Kentish Ragstone (WT/JP/P, para 5.5).
- 3.3. The following Figs 4 and 5, taken from Appendix 24 of the ES, show the location of the Hythe Beds outcrop and a diagrammatic vertical section of the variations in ragstone across Kent.



3.4. Within the Hythe Formation, even the same beds (lanes) of the Kentish Ragstone and Hassock Divisions can have different names but some contain marker horizons that permit correlation between different sites, eg Flint Lane, Blackjack Lane and Exogyra Bed (WT/JP/P, Table 1 reproduced as Fig 6 below)

Table 1: Correlation of the Names given to- and descriptions of- the Kentish Rag and Hassock Divisions				
Division	Names given to the Division	Source	Description	Marker Horizons
Upper Division: Sevenoaks	Upper Part of Upper Group	Geological Memoir (Worsam, 1963)	<u>General:</u> Thin in the east, predominating in the west. Ragstone layers are more variable in thickness but tend to show a uniform lithology at any one locality.	Chert bed at the top of the Division.
	Chert Ragstone Zone and Grey Ragstone Zone	Drilling Results and Reserves Assessment (Barrett, 1991) within Appendix 18: Geology of Environmental Statement	mostly hard, fine-grained grey or blue-grey limestones at and south of Maidstone; more sandy limestones to the west, around East Malling.	Chert at the base of the Division, known as the Flint Lane . The top of this lane is taken to form the base of the Division.
	Heritage Group	Re-Interpretation (Wilkinson, 2012) within Appendix 2: Geology of the Environmental Statement Addendum of the Geological Assessment (Barrett, 2010) within Appendix 18: Geology of the Environmental Assessment	<u>Oaken Wood:</u> Interbedded lanes of hard, brittle, cherty ragstone and hassock sand underlain by grey to pale grey, fine to medium grained ragstones with hassock.	
	Sevenoaks Division	Alternative Sites Study (Civitas Planning Ltd, 2010) within Appendix 24: Alternative Sites Study of Environmental Statement		
Middle Division: Boughton	Lower Part of Upper Group	Geological Memoir (Worsam, 1963)	<u>General:</u> In the vicinity of Maidstone, the rag and hassock beds maintain fairly constant thicknesses and successive ragstone layers show differences in lithology by which they may be traced from quarry to quarry.	White, Coalman, Hoistings and Blackjack Lanes
	White Ragstone Zone	Drilling Results and Reserves Assessment (Barrett, 1991) within Appendix 18: Geology of Environmental Statement		The base of the Blackjack Lane forms the base of the Division.
	Boughton Group	Re-Interpretation (Wilkinson, 2012) within Appendix 2: Geology of the Environmental Statement Addendum of the Geological Assessment (Barrett, 2010) within Appendix 18: Geology of the Environmental Assessment	<u>Oaken Wood:</u> Fine Grained, white to pale grey ragstone layers with low glauconite content, some with a near porcellaneous texture.	
	Boughton Division	Alternative Sites Study (Civitas Planning Ltd, 2010) within Appendix 24: Alternative Sites Study of Environmental Statement		
Lower Division: Little Chart	Lower Group	Geological Memoir (Worsam, 1963)	<u>General:</u> Thin in the west, but predominates in the east. Fine grained limestones with a bed of sandy or gritty limestone at the top that is full of shells of a small variety of <i>Exogyra latissima</i> .	Exogyra Bed at the top of the Division.
	Dark blue-grey Ragstone Zone	Re-Interpretation (Wilkinson, 2012) within Appendix 2: Geology of the Environmental Statement Addendum of the Geological Assessment (Barrett, 2010) within Appendix 18: Geology of the Environmental Assessment	<u>Oaken Wood:</u> Ragstones which are darker in colour and hassock that becomes slightly clayey.	The top of the Altherfield Formation forms the base of the Division.
	Basal Group	Geological Assessment (Barrett, 2010) within Appendix 18: Geology of Environmental Assessment		
	Little Chart Division	Alternative Sites Study (Civitas Planning Ltd, 2010) within Appendix 24: Alternative Sites Study of Environmental Statement		

Fig 6

3.5. The names of the geological strata within the existing quarry are shown from the borehole logs on Doc WT8 (reproduced in part below as Fig 7).

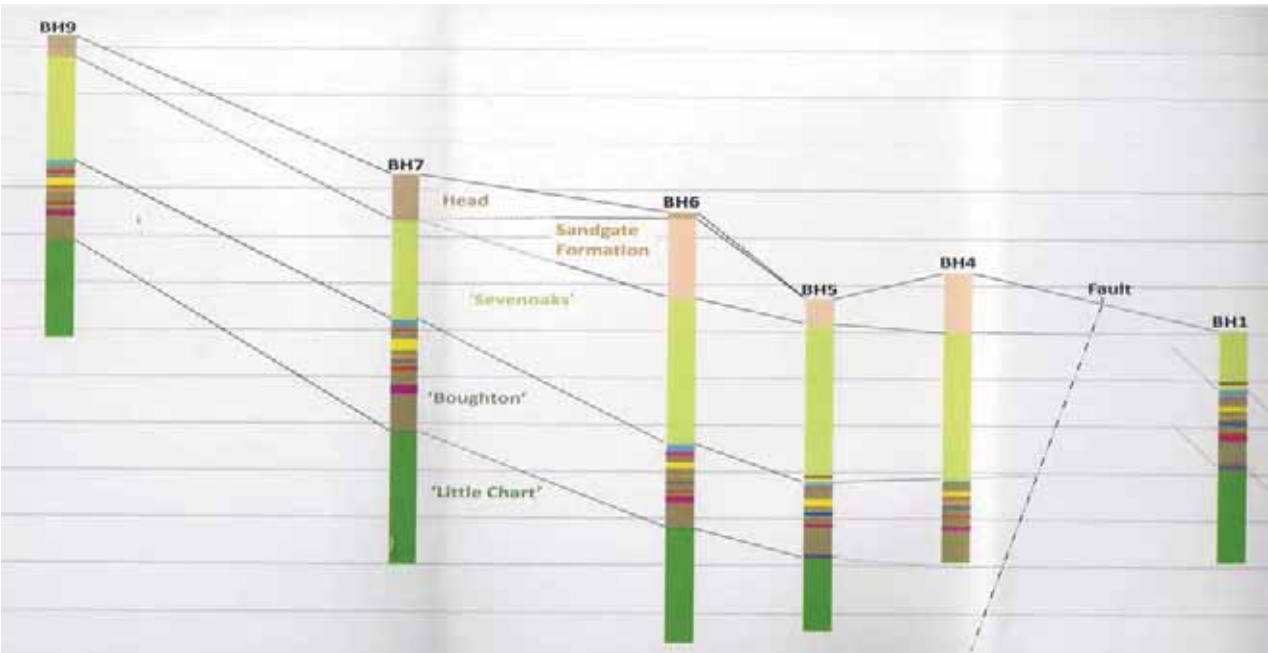


Fig 7

- 3.6. The East Malling Faults, just to the South of East Malling and north of Hermitage Quarry, have caused the Hythe Formation and the overlying Sandgate Formation to drop down to the south by about 3.5m (WT/JP/P, para 5.5 & Fig 2 reproduced as Fig 8 below).

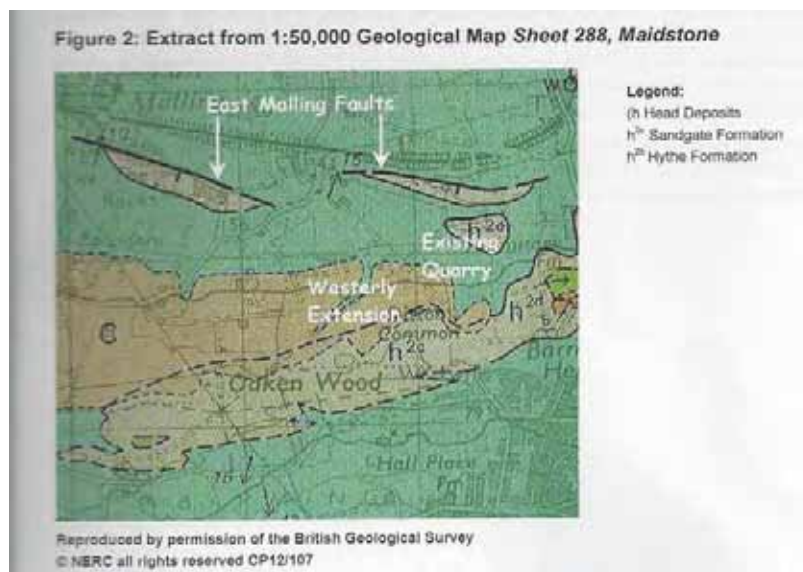


Fig 8

- 3.7. This faulting has resulted in a greater thickness of sediments within the Sevenoaks Division, which are more condensed and therefore stronger than in other places. They are known as the Hermitage Group (as seen in Figs 6 & 7 above) and are located in the upper parts of the existing quarry.
- 3.8. The existing quarry has been worked to a maximum depth that is restricted by a current planning condition to avoid encroaching on the groundwater table.

4. The Proposed Westerly Extension

- 4.1. The south-westerly boundary of the existing combined quarry permissions adjoins Byway MR496 which runs parallel to a horse gallop, beyond which is the circular permissive path/track and Oaken Wood. The north-easterly part of Oaken Wood forms the site of the proposed Westerly Extension of Hermitage Quarry (CD1.4, Map 1 & Plan 0257/10/9/B – CD1.2).
- 4.2. Oaken Wood is predominantly sweet chestnut coppice woodland with a total area of some 240 ha. With an area of about 33 ha, the Application Site accounts for some 14% of the whole wood. The circular permissive path/track surrounds the Application Site within the eastern section of the wood which is covered by a Tree Preservation Order and has also been designated as a Plantation on Ancient Woodland Site (PAWS). However, the Application Site also includes an approximately 2 ha 'Cherry Orchard' which is grassed with some standard trees and is excluded from the PAWS designation (SCG1, para 2.7).
- 4.3. Within the Application Site, under the overburden of the head material of the Sandgate Beds, there are the Hermitage Group of the Sevenoaks Division, the Broughton Group of the Broughton Division and the sub-Blackjack Group of the Little Chart Division (See Fig 9 below and GAL12). These could be extracted down to a depth of some 30 m below ground level without impacting on the

watertable. In total that would equate to some 19 mt of ragstone and hassock but the basal layer, below a depth of some 22m, has a reduced ragstone content of only about 30% and, in practice, only the better rock in this basal layer would be extracted. This would reduce the workable resource to about 16 million tonnes (CD1.4, para 13.3).

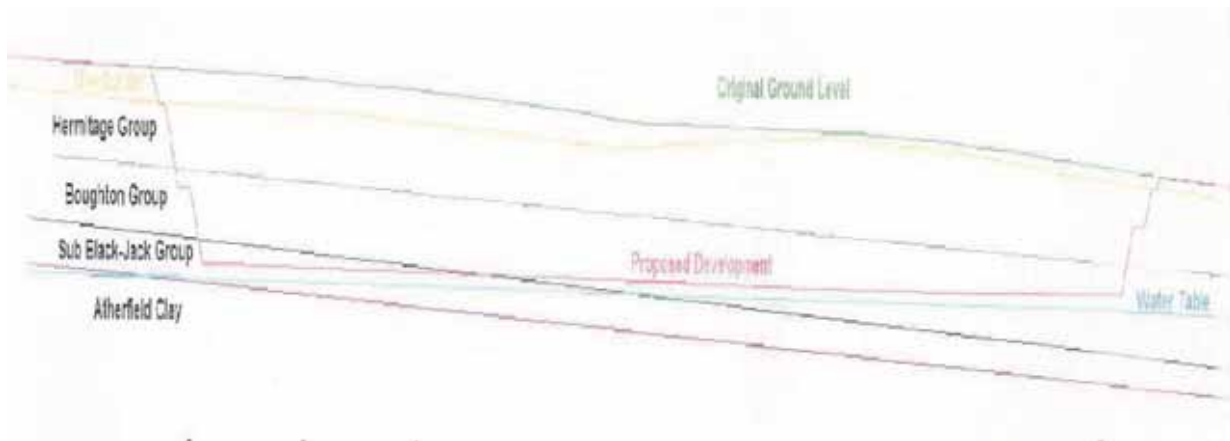


Fig 9

- 4.4. Accordingly, the Application is to extract some 16 million tonnes of ragstone and hassock from within the land enclosed by the permissive path, whilst still retaining a minimum of 50m of woodland between the path and the mineral operations. Some of the ragstone would be supplied as high quality building/dimension stone.
- 4.5. The Southern Extension and the Western Extension are already being worked on a phased basis and the phasing would continue into the proposed Westerly Extension (Plan 0257/10/3L). The phased working of this extension would involve progressive stripping, extraction, filling with inert waste and topsoiling to the original ground levels, followed by restoration to native woodland and rides that would be open to the public (Plan 0257/10/10F). This process would take a period of some 23 years, and it would take another ten years or more to complete the filling and restoration of the whole of the original quarry (SCG1, para 3.5 & Doc GAL2 Revised).
- 4.6. The Application also includes a 20m wide cut and cover tunnel between the existing quarry and the westerly extension which would pass under Byway MR496, the horse gallops and the permissive path/track (CD1.2 & Plan 0257/10/6B). The Application Site has an area of some 33ha (CD1.1).
- 4.7. The existing processing plant, storage and operating areas would remain in the present quarry, with all material leaving or entering the Westerly Extension via the new tunnel. All materials entering and leaving the quarry itself would continue to use the existing weighbridge and access onto Hermitage Lane.

4.8. The scheme is shown on Plan 0257/10/3L which is reproduced as Fig 10 below.



Fig 10

4.9. In addition to the on-site works, the Application proposes the formation of a 9 ha 'Habitat Creation Field' (HCF) to the south-west of the site which, at the original application stage, was intended to receive the soil resources from quarrying Phases 8 – 11 (HCF is the detached 'blue land' on Plan 0257/10/09C and is also shown on Plan 0257/10/5E). However, a revision has been made to the proposed phasing such that this soil would now be used in the restoration of the existing quarry instead (GAL/GJ/P, para 3.3.6). The revised working scheme is shown on plans 0257/10/2F, 10/3L and 10/12B (GAL/GJ/P, para 3.3.7 & CD 1.2a). In accordance with the revised working scheme, the Habitat Creation Field would be formed at a very early stage and used principally as the site for the translocation of reptiles from the Application Site (Plan 0257/10/4D).

4.10. The nearest dwellings on Rede Wood Road which are about 240m to the south of the existing quarry have a public right of way between their rear gardens and the quarry. Luckhurst Farm, Manor Farm and Merrybrow (the latter on North Pole Road) range from 260 to 280 m from the proposed extension, and the residential conversion of a water tower is about 300m away (GAL34).

Consequential Effects of the Proposed Westerly Extension

4.11. Each of the four existing planning permissions (as previously amended), which together make up the present quarry workings, have attached planning conditions, and those attached to three of them would need to be updated if the proposed Westerly Extension is permitted. These changes relate particularly to the phasing of the quarry workings and the use of the land following restoration.

- 4.12. The Highways Order Applications were made on 1 June 2012 to divert Byway MR496 to allow for the construction of the cut and cover tunnel, and to divert Bridleway MR108, which crosses the proposed working area, until restoration has been completed (GAL/GJ/P, para 3.4.1).
- 4.13. Over and above the approximately 33 ha of new native woodland proposed on the site, there is a Section 106 Planning Obligation which is intended to provide some 26.6 ha of additional woodland planting in the vicinity of the site (including the Habitat Creation Field), the management of 4.3 ha of recently planted woodland and 41.8 ha of other existing woodland, as well as the management of some 1.4 ha (6.8km) of existing hedgerows. This total of some 107 ha would be the subject of a Woodland Management Plan which is attached to the Planning Obligation (GAL/GJ/P, para 3.3.9(vii)). The adequacy of this Section 106 obligation is considered in Section 13 below.

Consideration of the Applications

- 4.14. Although there have been revisions to the phases of working since KCC considered the Application, they simply affect the internal working of the site and would not prejudice anyone else. They should therefore be accepted as part of the Application Proposals.
- 4.15. The two Highways Orders are for determination by the relevant Secretaries of State.

5. Development Plan Policy

South East Plan (May 2009) CD 4.1)

- 5.1. The Government has announced the intention to revoke the South East Plan (SEP) but, for the time being, it remains part of the Development Plan.
- 5.2. The vision of the SEP includes a socially and economically strong, healthy and just South East that respects the limits of the global environment.
- 5.3. The relevant policies in the SEP are as follows:-
 - Policy CC1 - States that the principal objective of the plan is to achieve sustainable development,
 - Policy RE1 - Calls for the regional economy to contribute to the UK's long term competitiveness,
 - Policy NRM2 - Aims to maintain and enhance water quality,
 - Policy NRM5 - Seeks the conservation and improvement of biodiversity,
 - Policy NRM7 - Calls for woodlands to be protected and enhanced,
 - Policy NRM10 - Required measures to address and reduce noise pollution,
 - Policy W13 - Says that provision should be made for landfill capacity,
 - Policy W14 - Seeks high quality restoration,
 - Policy M1 - Declares and intention to work with others to achieve sustainable construction,
 - Policy M2 - Sets targets for recycled and secondary aggregates, and
 - Policy M3 - Sets a crushed rock apportionment of 1.2mtpa for Kent.
- 5.4. Modifications were being considered to Policy M3 at the time that the intention to revoke the SEP was announced (CD 4.2). These included a reduced crushed

rock apportionment of 0.78 mtpa for Kent, and the Department for Communities and Local Government's Chief Planner's letter of 6 July 2010 advised Planning Authorities in the South East to use the 'Proposed Changes' apportionment.

Saved Policies of the Kent Minerals Local Plan: Construction Aggregates (December 1993)(CD4.11)

5.5. The following policies are relevant:-

- Policy CA7 - Calls for evidence of the extent and quality of mineral reserves,
- Policy CA8D - Mineral workings outside areas of search to be the exception,
- Policy CA16 - Safeguards highway safety,
- Policy CA18 - Seeks controls over noise, vibration and dust,
- Policy CA19 - Controls the siting, design and appearance of fixed plant and buildings,
- Policy CA21 - Needs the effects on the uses of public rights of way to be considered,
- Policy CA22 - Requires an appropriate landscaping scheme, and
- Policy CA23 - Requires a satisfactory working and restoration scheme.

Adopted Tonbridge and Malling Borough Council (TMBC) Core Strategy (2007) (CD4.9)

5.6. The following policies are relevant:-

- Policy CP1 - Calls for a high quality sustainable environment,
- Policy CP2 - Aims to prevent harm from increased traffic,
- Policy CP5 - Seeks to prevent development in the Mid-Kent Strategic Gap,
- Policy CP14 - Controls development in the countryside,
- Policy CP24 - Requires high quality design, and
- Policy CP25 - Requires mitigation of material harm to natural or historic resources.

Adopted TMBC Managing Development and the Environment DPD (2010) (CD4.10)

5.7. The following policies are relevant:-

- Policy NE1 - Protects Local Wildlife Sites,
- Policy NE2 - Seeks to protect and enhance habitats and networks where this would contribute to the UK and Kent Biodiversity Action Plans,
- Policy NE3 - Calls for the retention or provision of habitats and wildlife links and for mitigation measures if biodiversity or wildlife habitats would be harmed,
- Policy NE4 - Aims to maintain or enhance tree cover and hedgerows and to protect ancient woodland unless the need for, and the benefits of, the development in that location override the harm,
- Policy SQ1 - Requires the protection and enhancement of the character and local distinctiveness of the local landscape, including its tranquillity,
- Policy SQ4 - Seeks to protect air quality,

- Policy SQ6 - Deals with the noise from transport-related sources and for noise sensitive developments, and
- Policy SQ8 - Requires adequate highway infrastructure and no significant harm to highway safety.

Saved Policies of the Adopted TMBC Local Plan (1998) (CD4.12)

5.8. There are no saved policies in this Plan of relevance to the Application Proposals.

6. Emerging Development Plan Policy

The Kent Minerals and Waste Core Strategy (Local Plan) (CD4.4)

6.1. The Minerals and Waste Core Strategy, Strategy and Policy Directions Consultation Document was published in May 2011 (CD4.4). It is now referred to as the Minerals and Waste Local Plan and adoption is anticipated in about the beginning of 2015.

The Kent Minerals Sites Plan (CD4.6)

6.2. The Preferred Options Consultation Document for the Minerals Sites Plan was published in May 2012 (CD4.6) and adoption is currently anticipated about a year after the adoption of the Minerals and Waste Local Plan.

7. The Case for the Applicant (Gallagher Aggregates Ltd) (GAL)

Introduction

- 7.1. The issues in determining the application are those formulated by the Secretary of State as amplified by the Inspector at the Pre-Inquiry Meeting, as follows:-
- Need,
 - Site selection and alternatives,
 - Geology,
 - Groundwater,
 - Ecology and ancient woodland matters,
 - Landscape and visual impact,
 - Archaeology and heritage matters,
 - Impact on local residents,
 - Waste Permitting,
 - Economic effects,
 - Proposed diversion orders, and
 - The Balance: Compliance with the Development Plan and the National Planning Policy Framework (NPPF).
- 7.2. There is no objection to the adequacy of the Environmental Statement (ES), as augmented by the ES Addendum. Between them, they encompass the effects of both the extension site proposals and the Section 73 applications.

Need

- 7.3. Crushed rock and sand and gravel made up over 70% of the construction minerals produced in the last decade in the UK and the highest demand is in London and the South East.¹ In 2009 the Kent and Medway sub-region consumed some 5.7 million tonnes (mt) of these primary aggregates, 1.9 mt being crushed rock. The equivalent figures for 2005 were 5.2 mt of primary aggregates and 1.4 mt of crushed rock. In 2009 some 0.8 mt of crushed rock was produced from Hermitage and Blaise Farm Quarries and the remainder of the sub-regional demand was made up of imports.²
- 7.4. The Application Proposals would meet two coincident needs; the need to ensure that Kent provides a steady and adequate supply of hard rock in the form of ragstone and the need to ensure that ragstone of the appropriate quality and dimensions is provided to meet national heritage requirements.

A Steady and Adequate Supply of Ragstone

- 7.5. Ragstone is the only hard rock which is realistically capable of being worked in Kent. There was some reference to the possible underground mining of limestone in the emerging Kent MWDF. That is a concept which was first floated in the Verney report in the early 1970s. It was contemplated as a potential source of rock in the 1986 Kent Structure Plan but there is still no realistic prospect of such working, as confirmed most recently in the Hicks report for Defra.³
- 7.6. Policy M3 of the South East Plan (SEP) (as proposed to be changed)⁴ gives the sub-regional apportionment for Kent as the provision of 0.78 million tonnes per annum of crushed rock. This can be afforded significant weight because of the subsequent Government advice that planning authorities in the South East should work from that apportionment.⁵ Unless that Government advice is changed, the prospective revocation of the SEP would make no difference. Furthermore, KCC has accepted this figure, saying '*it is an accurate representation of past sales in the county,*'⁶ concluding that it '*remains relevant and credible and will continue to be used*'.⁷
- 7.7. Mr Steedman, The Woodland Trust's (WT) planning witness, agreed that there remains a presumption that the 0.78 mtpa will continue⁸, that it could only be displaced with a proper evidence base⁹ and that this Inquiry was the wrong forum to seek to change the apportionment¹⁰.

¹ GAL/BR/PA, para 2.16

² GAL/BR/PA, para 3.2 - 3.7

³ XX Steedman Day 5; GAL 19: indeed, the barriers are "*firmer (now) than at any time since Verney speculated about it in the early 1970s ...*"

⁴ CD 4.2

⁵ CD 3.7 para 15

⁶ CD 4.7 para 5.0.10

⁷ CD 4.7 para 5.0.17

⁸ WT/JS/P, para 2.9

⁹ XX Steedman Day 5

¹⁰ XX Steedman Day 5

- 7.8. Without Hermitage Quarry more crushed rock would have to be imported by rail from the Mendips or Leicestershire or by sea from Scotland or France¹¹. The purpose of ensuring an indigenous supply of hard rock includes the evident sustainability benefits of limiting long-distance imports. These benefits are explicitly recognised in Policy M1 of the South East Plan¹² and the emerging Kent MWDF: *'mineral supplies should be sourced indigenously where possible to reduce the need to transport minerals over long distances and minimise carbon emissions.'*¹³ The fact that Kent already has to import significant volumes of hard rock reinforces, rather than lessens, the need to ensure that the requirement is met¹⁴, not least when having regard to GAL's economic evidence that projects further sustained growth in Kent.¹⁵
- 7.9. The overarching objective in paragraph 145 of the Framework¹⁶, and also at paragraph 11 of the October 2012 Guidance on the Managed Aggregate Supply System¹⁷, is for a *'steady and adequate supply'* of crushed rock, which in Kent is ragstone. This expression is notably absent from the WT evidence.
- 7.10. Hermitage Quarry currently provides that steady and adequate supply of ragstone, but the permitted reserves would be exhausted in late 2014 or early 2015 when production would cease.
- 7.11. Blaise Farm Quarry cannot be relied upon to provide a steady and adequate supply to meet the 0.78 mtpa requirement. It was only worked by its owners, Hanson, from 2001 – 2005 before being mothballed having regard to *'increasing competition from recycled and other materials'*¹⁸.
- 7.12. The Inquiry heard evidence from two geologists in respect of the resource at Blaise Farm; Mr Wilkinson for the Applicant and Mrs Poole for the Woodland Trust. Mrs Poole confirmed that the evidence *'strongly suggests that the hassock material from Blaise Quarry is inferior to that at Hermitage, being likely to give rise to much greater quantities of waste, much smaller volumes of usable aggregate and much higher processing costs'*¹⁹, and that the ragstone at Blaise Farm is *'of poorer quality relative to Hermitage Quarry'*²⁰. The material from Blaise Farm cannot produce higher grade products, such as concrete and bituminous materials²¹. It is so poor that only with the investment in the type of plant at Hermitage Quarry would there be any (theoretical) prospect of even basic Type 1 sub-base materials being achieved.²² The material can therefore only compete in the capping and bulk fill market where there is *'a significant commercial and social incentive for end users to procure secondary and recycled aggregates'* (Mrs Poole). The current

¹¹ GAL/BR/P, para 5.5

¹² CD 4.1

¹³ CD 4.7, para 7.2.4

¹⁴ GAL/BR/P, paras 4.5 and 5.9

¹⁵ GAL/BR/P, paras. 4.7 to 4.25

¹⁶ CD 3.1

¹⁷ CD 3.20

¹⁸ GAL/AJB/PA8

¹⁹ WT/JP/P, para 7.17

²⁰ WT/JP/P, para 4.4; para 7.29

²¹ GAL 22; it fails to meet the fundamental MGS04 test, has high absorption, does not meet GAL's fines test, and fails or is doubtful in respect of LA abrasion. It is also far weaker (GAL/AW/PA p.53)

²² XX Poole Day 6; even that fails the fundamental MGS04 test, where the results, even using the advanced processing at Hermitage, are *"particularly high"*.

price of bulk fill from Blaise Farm is about £4.75 - £5.00 per tonne, before the addition of the Aggregates Levy; comparing very unfavourably with comparable recycled material at some £3.50 - £4 per tonne²³. Mrs Poole confirmed that the Levy, and the focus on higher specifications, *'significantly reduces the demand for low grade aggregates from primary sources'*²⁴.

- 7.13. Mr Bate, GAL's Quarry Operations Witness, provided detailed evidence about why resumed production from Blaise Farm, beyond the current basis of bulk fill and capping materials on a campaign basis, would not be viable. This evidence was not challenged by the Woodland Trust (WT)²⁵. It included factors such as the cost of plant, the cost of double handling, the uncompetitive conditions for the material and its poor quality. If the Hermitage Quarry application does not succeed, he confirmed that even the intermittent use of Blaise Farm for low grade purposes would be likely to cease²⁶.
- 7.14. This evidence is corroborated by the fact that, when operated by Hanson prior to mothballing, Blaise Farm only produced low grade materials²⁷. That accords with the problems that GAL had when seeking to use material from Blaise Farm for Type 1 footpath uses; the highest that Blaise Farm can aspire to²⁸. There have even been problems with bulk fill, as experience at Dartford indicated²⁹.
- 7.15. These are exactly the circumstances where reliance on an arithmetic landbank would lead to a distorted outcome. The October 2012 Guidance on the Managed Aggregate Supply System refers to factors such as *'the nature, type and qualities of the aggregate'* and *'known constraints on the availability of consented reserves that might limit output over the plan period'*, as well as warning about *'a large existing landbank bound up in a very few sites'*³⁰. It also confirms that *'an adequate or excess landbank is not a reason for withholding planning permission'*, absent other objections which are not outweighed by benefits.
- 7.16. In any event, the two geologists agreed that the reserve at Blaise Farm is not in fact the 33m tonnes of notional ragstone and hassock which benefit from planning permission, but instead comprises 7.68 mt of ragstone and 4.7 mt of hassock, a total of 12.38 mt³¹. This reflected Mrs Poole's agreement that the base of the Boughton Division should be excluded from the calculation of the reserve³² - which equates to 6.58 mt of ragstone and 13.78 mt of hassock - and that the 780,000 tonnes of ragstone and 1.4mt of hassock which lies beneath up to 10.34m depth of overburden (with low percentages of ragstone³³ and 594,000 m³ of tipped overburden and hassock above it³⁴)

²³ GAL/AJB/P, para 5.7

²⁴ WT/JP/P, para 7.3

²⁵ GAL/AJB/P, para 5.18

²⁶ Day 1 RX Bate

²⁷ GAL/AJB/PR, para 3.13

²⁸ Bate x Day 1

²⁹ CD 1.5, Appx 23 ES, para 4.9

³⁰ CD 3.20, para 26 and 27

³¹ GAL/AW/P, para 5.5.19; XX Poole Day 6

³² WT/JP/P, para 6.14; only 22% Ragstone (GAL/AW/PA p.52)

³³ GAL/AW/P, para 5.5.11

³⁴ GAL/AJB/P, para 5.5; GAL/AW/PR, para 3.2.6

should also be excluded³⁵. In their closing submissions, KCC and the WT agreed that the arithmetic landbank is therefore not 40 years. At present if, as Mr Jenkins, GAL's Planning Witness, contended the very poor hassock at Blaise Farm is excluded, the notional supply at December 2012 was just over 11 years³⁶ and by the time of the exhaustion of the Hermitage reserves in about two years time it would be less than 10 years; thus falling below the provision of 'at least 10 years' of crushed rock³⁷. This is of course a theoretical examination, which in the real world has no bearing on securing a steady and adequate supply of ragstone.

- 7.17. There is therefore a compelling need to secure a further long-term supply of ragstone in Kent. At paragraph 145, the Framework expressly identifies the need for periods in excess of 10 years supply to be provided for, where appropriate. It is entirely appropriate that the application proposals should provide some 16m tonnes, having particular regard to the longer term needs for the mineral. There was no suggestion by any party to the Inquiry that this quantum would be inappropriate.

Dimension Stone Requirements

- 7.18. Hermitage Quarry is the only current source of ragstone for heritage dimension stone purposes in the country. It is able to provide material of a high quality and has many bands (lanes) of the requisite thickness³⁸. Its importance in this context can fairly be described as at least national, having regard to the specific heritage assets for which good quality ragstone in deep beds is essential. These assets include the Tower of London, Canterbury Cathedral, Rochester Cathedral, the Guildhall, London Greenwich Maritime Complex and the precincts of Westminster Abbey³⁹, as well as over one thousand listed buildings. It is also significant in the character of at least 51 Conservation Areas in Kent⁴⁰.
- 7.19. Indeed, given the World Heritage Status of the Tower of London, Canterbury Cathedral, Westminster Abbey and Greenwich Maritime⁴¹, it is no overstatement to describe the importance as being international. English Heritage commented that '*it is vital that a source of Kentish Ragstone is maintained for the conservation of historic structures. English Heritage is extremely concerned that current permitted reserves of Kentish Ragstone will be exhausted ... It is important that any source of Kentish Ragstone be of a good quality and available in sufficient bed-depths (up to 800mm) to match historic applications*'⁴².
- 7.20. This extreme concern is echoed by others. The Kent Conservation Officers' Group state that the loss of a source of Kentish Ragstone '*would not only be a disaster for Kent ... its lack would be felt very widely, well beyond Kent*'⁴³; the Society for the Protection of Ancient Buildings describe the continuing supply of

³⁵ XX Poole Day 6

³⁶ GAL/GJ/P, para 8.7

³⁷ CD 3.1, para 145

³⁸ GAL/AJB/P paras 4.4.2 to 4.4.3; GAL/AJB/P, para. 4.18

³⁹ CD 1.4, para 2.11; GAL/AJB/PA14

⁴⁰ GAL/PC/P, para. 6.4 according to EH

⁴¹ GAL/PC/P, para 4.4; X Mrs. Maltby (I.H.B.C.), Day 9

⁴² CD 18, Appx 8, EH letter 23 August 2012

⁴³ KCOG letter 24 October 2012

good quality ragstone as 'essential', with Hermitage Quarry as the 'sole significant and viable source of architectural quality Ragstone'⁴⁴; the Surveyor to the Fabric of Rochester Cathedral states that 'our heritage would be severely compromised if the 'correct' material ceased to be available'⁴⁵; the Ecclesiastical Architects and Surveyors Association state that 'the continued availability of good quality Kentish Ragstone in bed depths up to 800 mm is essential if we are to have a fighting chance to preserve historic buildings'⁴⁶ and that its loss 'would seriously put at risk this Country's built heritage as no alternative stone exists'; the Surveyor to the Fabric of Canterbury Cathedral states that 'it will be essential that we can be assured that there are supplies available of traditional Kentish Ragstone in bed depths between 300 mm and 800 mm'⁴⁷. The Historic Royal Palaces would be 'deeply concerned' at the loss to the heritage sector of the supply of good quality, deep-bed Kentish Ragstone 'which is a key component of the historic fabric of the Tower of London'⁴⁸; and the Ancient Monuments Society refer to any loss of the supply as a 'tragedy'.⁴⁹ This is not an exhaustive list of the comments, as can be seen from Mr Bate's Appendix 5.

- 7.21. Blaise Farm Quarry demonstrably cannot meet these requirements. In terms of quality, the problem of durability and strength already identified on a scientific basis, means that this material will always be at risk of early failure. This is amply borne out by the dismal experience of masons who used material from Blaise Farm when it was in operation. Mr Neil Andrew of Essential Stone, describes it as '*a source of extremely poor rock ... direct experience of using Blaise ... was frustrating to say the least; the stone was soft, heavily fractured and the wastage factor was extremely high, well over 100%*'. Mr Andrew refers to numerous failures at Wye Bridge (a '*fiasco*') and major issues at St. Nicholas-at-Wade where the '*wastage was phenomenal*' requiring replacement with Chilmark stone following spalling and venting. He records that '*I, along with many others, will no longer use this source*'⁵⁰. Mrs Poole confirmed that having made enquiries, she could find no satisfied user of material for dimension stone purposes from Blaise⁵¹.
- 7.22. In addition, Blaise Farm cannot provide the necessary bed depths. It has only a single bed in excess of 450 mm and only 8 in excess of 250 mm. Quite apart from its qualitative deficiencies, it cannot therefore provide ragstone for quoins and coping stones but only smaller (100 – 150 mm) ashlar blocks⁵².
- 7.23. It is plain from the representations of the heritage bodies, and from the evidence of inappropriate replacement stonework at St Nicholas' Church and elsewhere⁵³ that there is no adequate substitute for ragstone. As English Heritage observe 'no other suitable stone, whether indigenous or imported, is a viable match either aesthetically or in terms of hardness, permeability and

⁴⁴ SPAB letter 14 November 2012

⁴⁵ Carden and Godfrey letter 12 September 2012

⁴⁶ EASA letters 12 September and 16 April 2012

⁴⁷ Canterbury Cathedral Surveyor's letter 4 April 2012 (GAL/AJB/PA Appx 5 p.32)

⁴⁸ HRP letter 19 September 2012

⁴⁹ AMS letter 11 September 2012

⁵⁰ GAL/AJB/PA 15

⁵¹ Poole answers to Inspector, Day 6

⁵² GAL/AW/P, para 5.4.2; see also GAL 11 on coping stones

⁵³ GAL 17; the unfortunate replacement of Ragstone at Knole (Sevenoaks) with Portland Stone being described as "*dreadful, absolutely awful*" by Mr. Sargent of KCOG (Day 9)

weathering characteristics'. The only adequate supply is from Hermitage Quarry where the permitted reserves will soon be exhausted and GAL is currently involved in a study to match the stone in a number of historic buildings to that found in the various lanes in Hermitage Quarry. Mr Bate's evidence addressed just these points.⁵⁴

- 7.24. It follows that there is a compelling need to identify a new source of supply to meet these nationally important needs; with a global dimension.

Site Selection and Alternatives

- 7.25. In identifying a suitable site to meet these needs, there is again a coincidence of requirements between the two elements of need. It is plain that a quarry devoted to the production of building/dimension stone alone would not be viable. This was made clear in Mr Bate's evidence⁵⁵ and not challenged at the Inquiry; it *'would simply not occur'*.
- 7.26. English Heritage agreed with that assessment: *'Without the demand for aggregates, winning of the building stone would almost certainly be prohibitively expensive, to the detriment of the built heritage'*⁵⁶. The Kent Conservation Officers' Group (KCOG) said *'... it is inconceivable that it would be possible to get anyone to be interested in opening a specialist building stone quarry. The planning would be expensive to achieve and the development costs would be high ...'*⁵⁷. The Society for the Protection of Ancient Buildings (SPAB) said *'... commercial reality dictates that Ragstone for building work must be produced as part of an aggregate business'*⁵⁸. In his evidence for the Woodland Trust (WT), Mr Steedman sought to draw on a generalised reference to small stone quarries in Derbyshire and Dorset but did not explore, or even acknowledge, material differences in the economics of extraction of another stone in a different geological context.
- 7.27. It follows that the site selection process, applied to a potentially viable aggregates quarry, is appropriate. The methodology and conclusions of the Alternative Sites Study were agreed with KCC, who also took separate technical advice.⁵⁹ On any view, the study was exhaustive. It included the examination of 118 initial sites, with 18 sites then subjected to a detailed site assessment. No viable alternative to the application proposals emerged from this process⁶⁰. The process was repeated in 2012, as reported in the ES Addendum, with the same conclusion⁶¹. At the Inquiry, there were no challenges to the process or the conclusions, with the exception of the WT's suggestion that a small-stone quarry might be viable. Indeed, there have been no representations as part of the Minerals and Waste Development Framework process, whether in response to the calls for sites or otherwise, that a ragstone quarry (of any size) should be considered, except by GAL in respect of the extension site.

⁵⁴ GAL/AJB/PA, 15)

⁵⁵ GAL/AJB/P, par 7.2; GAL/AJB/PR, para 5.1

⁵⁶ EH letter to WT 28 September 2012; GAL/AJB/PA16

⁵⁷ KCOG letter 24 October 2012

⁵⁸ SPAB letter 14 November 2012

⁵⁹ CD1.10 KCC Committee report, para 65 to 77: the separate technical advice is referred to at para 76

⁶⁰ A brief summary is contained at GAL23; the full assessment is set out at length in the ES, as updated in the ES addendum

⁶¹ CD1.8, ES Addendum Appendix 9

- 7.28. It is reasonable to conclude on the evidence that no alternative site to the extension site exists, and that the extension site is the only viable site to meet the identified needs. Furthermore, it benefits from being proximate to an existing quarry, thereby avoiding the need for the establishment of new plant, with the obvious associated economic costs. As addressed in the following section, the geological attributes of the extension site are such as to meet the identified needs.

Geology

- 7.29. It was agreed with Mrs Poole, on behalf of the WT, that the reserves in the extension site comprise some 16.01 mt, of which 10.67 mt is ragstone and 5.34 mt is saleable hassock⁶². Mrs Poole had initially questioned whether the extension site would provide as high quality material as the existing quarry because she thought the thickness of the Sevenoaks Division was less than at the existing site and there was some potential for gulling⁶³. Nevertheless, she subsequently agreed that the thickness was not in fact less, as confirmed by 3-D modelling⁶⁴, and the limited potential gulling in the south-east of the extension site simply duplicates that already encountered in the southern part of the existing quarry⁶⁵. In any event, Mrs Poole accepted that, with effective processing, such as occurs at present, *'a comparable product range could be produced'* from the extension site to that which is currently produced at Hermitage Quarry⁶⁶. Furthermore, Mr Wilkinson was able to correlate geological data from the extension site with Coombe Quarry which exhibits a full sequence of strata. This provided further confidence that a similar range of building/dimension stone would be available in the extension site.⁶⁷
- 7.30. The range of products that is currently produced, and which can be anticipated from the extension site⁶⁸, depends upon both of the quality of the material extracted and the significant investment that GAL has made in advanced processing equipment. There is clearly user satisfaction with the quality of the material from Hermitage Quarry as dimension stone, with Mr Andrew noting that there is *'more suitable block [than Blaise] which has significantly improved over the years'*⁶⁹. There is also wide support from more general users⁷⁰. The draft conditions would ensure the retention of the primary saw and also that a significant quantity of building stone was made available to meet these needs. There was no reason for WT to doubt this in their Closing Submissions⁷¹. The tests that have been undertaken show that Hermitage Quarry material can meet the aggregate specifications for concrete and for bituminous material, as well as for unbound and hydraulically bound aggregates⁷². The same can be expected from the extension site.

⁶² GAL/AW/P, para 4.5.8; WT/JT/P, para 6.13; XX Poole Day 6

⁶³ WT/JP/P, para 4.3 and 7.30

⁶⁴ WT/JP/P paras 5.9 and 9.20, refs to 12 to 13m whereas it is 11.9 – 19.1m: see GAL/AW/PR para 3.1.1; XX Poole Day 6

⁶⁵ GAL/AW/PR para 3.1.3 and its Appendix 2

⁶⁶ WT/JP/P para 7.30

⁶⁷ GAL/AW/P, para 4.4.5

⁶⁸ GAL/AJB/PA2

⁶⁹ GAL/AJB/PA15

⁷⁰ A number of responses are found in GAL/AJB/PA5

⁷¹ WT15, para 30

⁷² GAL22: the only exception relates to high traffic volume road surfacing where concrete surfacing is not used anyway.

Groundwater

- 7.31. Quarrying would be limited to a level 2m above the water table in accordance with the recommendations of the hydrogeological risk assessment⁷³ and boreholes would be installed to monitor groundwater fluctuations and quality. Conditions are proposed to secure this, and there is no objection from the Environment Agency.⁷⁴ There would therefore be no adverse effects on the groundwater.

Ecology and Ancient Woodland

- 7.32. The truism embodied in policy that minerals can only be won where they are found⁷⁵ applies most acutely to ragstone. As Mrs Poole for the WT observed, *'the Ragstone in Kent (with its limited occurrence) is a unique and important resource in south east England'*⁷⁶. The outcrop is narrow⁷⁷.
- 7.33. Whilst there is only 2.7% ancient woodland coverage of England as a whole⁷⁸, Kent happens to be a county with a large proportion of woodland coverage. 13% of Kent's land area comprises woodland, and 57% of that is ancient woodland⁷⁹. The 28,000 ha of ancient woodland in Kent identified in 2003 is likely to be an underestimate, for the reasons explained by Mr Mackworth-Praed in his evidence as the Woodland Witness for GAL. This view is supported by the recent net increase of 74 ha of identified ancient woodland in Maidstone⁸⁰.
- 7.34. The extension site is part of a Local Wildlife Site. It has an area of 33 ha but the development would involve the loss of some 31 ha of plantation on ancient woodland site (PAWS) because the approximately 2 ha 'Cherry Orchard' is not PAWS. Apart from the Cherry Orchard, the site is covered by dense sweet chestnut coppice of which the majority has not been re-coppiced for between twenty and thirty years⁸¹. There are also some 85 mature standard trees.
- 7.35. In his ecology evidence for GAL, Mr Goodwin expressed considerable doubt about whether the extension site should properly be regarded as ancient woodland, having regard to the more modern approach to examining such a status⁸². As set out in GAL's Statement of Case, that status is highly questionable⁸³, but GAL's case at the Inquiry proceeded on the basis that 31 ha of the 33 ha extension site is PAWS. All parties to the Inquiry proceeded on the basis that it should be treated as PAWS of mid-19th Century origin. The suggestion floated by the WT that the site *'functions as ancient semi-natural woodland (ASNW)'* was withdrawn⁸⁴.

⁷³ CD 1.5 Appendix 20

⁷⁴ GAL/AW/P chapter 6

⁷⁵ CD3.1, NPPF, para. 142

⁷⁶ WT/JP/P, para 7.2

⁷⁷ GAL/AW/P paras 3.1 to 3.11

⁷⁸ GAL/MMP/P para 4.2.3

⁷⁹ GAL/MMP/P, para 4.2.7

⁸⁰ GAL/MMP/P, paras 4.2.12 and 4.2.13 and GAL13

⁸¹ GAL/MMP/P, para 3.2.2

⁸² GAL/TG/P, chapter 8 and para 8.75 in particular: GAL/TG/PA Appendix 7 and para 1.31 in particular. The application of the more modern approach reinforces Mr. Goodwin's doubts: RX Goodwin Day 3

⁸³ CD9.1, para 7.8

⁸⁴ WT/AB/P, para 8.15, xx Barnes Day 7

- 7.36. In any case, neither status would provide a bar to development. In both instances, it is necessary to exercise judgment and to examine the attributes of the site beyond merely applying the labels of ancient woodland and a Local Wildlife Site. The Framework does not distinguish between PAWS and Ancient Semi-Natural Woodland (ASNW). Both types of ancient woodland benefit from the protection in paragraph 118 of the Framework, but that cannot mean that the quality – or potential quality – of ancient woodland should be ignored. Mr Barnes for the WT accepted that Policy NE4 of the Tonbridge and Malling DPD, which forms part of the Development Plan, was adopted in conformity with PPS9, that there is no material difference in the relevant test for ancient woodland between PPS9 and the Framework (as confirmed by Natural England⁸⁵) and that it can reasonably be concluded therefore that Policy NE4 is consistent with the Framework. He confirmed that it would conflict with the Development Plan not to consider the ecological and historical importance, and the significance of any loss of the particular ancient woodland in question when striking the required planning balance⁸⁶.
- 7.37. It is also relevant to consider the attributes of the ancient woodland in question when considering the adequacy or appropriateness of the mitigation or compensation package. The WT itself acknowledged that its Position Statement, which still remains extant (although Mr Barnes indicated that there have been intermittent attempts to remove it from the public domain), draws a distinction between PAWS and ASNW in the context of habitat translocation⁸⁷; with ASNW translocation being described as particularly inappropriate. That makes sense since in the case of PAWS, its value principally resides in the soil, which is deemed irreplaceable, in contrast to ASNW where the trees themselves would be irreplaceable and be more likely to possess other important features⁸⁸. In *Keepers of Time*, Defra exercises a judgment on value by confirming that ASNW are generally the most valuable ancient woodland sites⁸⁹, referring in particular to the presence of ancient or veteran trees. In any given case, a judgment must be formed as to what it is that is irreplaceable.
- 7.38. There are appeal decisions where it may not have been necessary to examine the significance of the loss of ancient woodland in any depth, given the absence of need⁹⁰. However in the recent appeal decision following publication of the Framework, where a need was identified, the balance was struck with regard to the quality of the woodland, as well as the proposed compensatory soil translocation⁹¹. So, the fact that there is no explicit policy distinction in the Framework between ASNW and PAWS cannot lead to the conclusion that the qualitative attributes and significance of effect on the ancient woodland in question should somehow be ignored. The point is not that PAWS is to be treated as less valuable simply because it is not ASNW but that the attributes of the ancient woodland in question must be understood and judgment exercised in the light of that understanding.

⁸⁵ CD 6.1, para 7.2.3

⁸⁶ XX Barnes Day 7

⁸⁷ GAL26

⁸⁸ Although it does not follow that these factors will necessarily be absent from PAWS

⁸⁹ CD3.4, p.7

⁹⁰ Eg CD 7.2: but even there, “quality of habitat” was nonetheless examined (see para 27)

⁹¹ CD7.3, para 43 and 44

- 7.39. It would be equally inappropriate if, in the face of evidence to the contrary, the quality of all Local Wildlife Sites (LWS) were treated as identical, notwithstanding the absence of any explicit policy distinction between one LWS and another⁹².
- 7.40. In the present case, there are 21 (2009 survey) or 22 (2012 survey) ancient woodland indicator (AWI) vascular plants within the extension site; such things as field maple, wood anemone, wood sedge, wood spurge, bluebell, slender St John's-wort and yellow archangel⁹³. It was common ground with Kent Wildlife Trust (KWT) that their distribution is patchy and sporadic⁹⁴, that 90-95% of the extension site is dominated by bramble⁹⁵, and that Mr Goodwin's plan, EC02, was a fair general representation of the location of significant areas of AWIs. It was also agreed that none of the AWIs on site are nationally rare. Mr Barnes, on behalf of the WT, agreed that he was giving no evidence about the ecological attributes of the extension site. Neither he nor any other witness on behalf of the WT, sought to disagree with Mr Goodwin's ecological analysis and, consistent with this, the WT did not cross-examine him about his assessment of the inherently poor quality of the ancient woodland.
- 7.41. In many cases it may well be that, with appropriate management, floristic richness can be rejuvenated in woodlands⁹⁶. As Mr Goodwin demonstrated however, where there has been recent coppicing allowing greater light penetration on the extension site, this has not been associated with such rejuvenation. This was in marked contrast to other local woodlands which have had a similar pattern of part coppicing and open patches, where abundant AWI floristic interest is evident.
- 7.42. Natural England recognised that *'the inherent richness of much of the site, particularly for the flora, is limited, compared to some other ancient woodland, by reason of the nature of the soil'*⁹⁷. It confirmed that the loss of ancient woodland in the present case did not in itself *'present risks of national importance to the natural environment'*⁹⁸. Natural England's representatives did not have the benefit of visiting the extension site during the relevant period of the year⁹⁹ and thus its theory that more active coppicing might improve abundance and richness has not been tested by experience on this site¹⁰⁰.
- 7.43. In any event, there can be no certainty that, in the absence of the Application Proposals, any management through coppicing or otherwise would occur. Since Kemsley Mill has not taken coppice for wood pulp for some 20 years¹⁰¹, no party sought to question Mr Mackworth-Praed's conclusion that restoration and management of the woodland as a silvicultural enterprise is *'unlikely to be readily practical or viable in the current coppice market situation'*, as confirmed

⁹² Para 117 of the NPPF refers to locally designated sites but does not explicitly distinguish between such sites.

⁹³ CD1.8 Appendix 14

⁹⁴ KWT/SY/P, para 3.15 (*"sporadic and localised"*), XX Young Day 6

⁹⁵ and effectively impenetrable

⁹⁶ Pursuant to the WT's advice that *"what you see is what you get"*: CD6.36, p. 25

⁹⁷ CD 6.21, Appendix 3, para 6c

⁹⁸ NE letter, 31 May 2011

⁹⁹ GAL/TG/P para 5.23

¹⁰⁰ See GAL/MMP/P para 4.5.4 to 4.5.8

¹⁰¹ Mr Mackworth-Praed Evidence in Chief

by a leading expert¹⁰². The WT Document WT14, suggested the possibility of three woodland management grants, namely the Woodland Planning Grant, the Woodland Improvement Grant and the Woodfuel Woodland Improvement Grant (WPG WIG WFG). However, Document GAL 32 (Table 1) included these as well as other possible sources of income to provide the 'best case'. Even so, Forestry Commission grants are so limited in extent and meagre in amount that they would not to alter the financial position.¹⁰³

7.44. It also appeared to be common ground that the extension site is devoid of archaeological features of the type often associated with ancient woodland.¹⁰⁴ Ancient woodland habitat indicator invertebrates are '*extremely poorly represented*' according to Kent Wildlife Trust's (KWT) own surveyor¹⁰⁵. No-one has suggested there are any ancient or veteran trees and Mr Mackworth-Praed has confirmed that there are none¹⁰⁶. There are no old, or large, coppice stools, nor any significant amounts of standing dead wood¹⁰⁷. Indeed, having regard to the purposes of protecting ancient woodland set out in Natural England's Standing Advice, the extension site is not '*exceptionally rich in wildlife*' (as agreed by Dr Young on behalf of KWT in cross-examination). It does not contain a 'wealth of features of historical and archaeological importance, little altered by modern cultivation or disturbance'. It does not contain remnants from '*the original natural forests*' and it contributes little, or at all, to other facets¹⁰⁸.

7.45. It is not necessary to reach a conclusion about what it is that accounts for the inherent limitations of the floristic interest of the Application Site. Nevertheless, the evidence from Messrs Goodwin, Chadwick and Mackworth-Praed, does present a persuasive explanation. The agreed fact of the comprehensive removal of tree cover in the mid-19th Century, the evidence of Mr Mackworth-Praed as to the contemporaneous methods of tree removal¹⁰⁹, the absence of any surface archaeological features, the evidence of related local activity by the then railway entrepreneur owner¹¹⁰ and the fact that the pockets of floristic interest within the extension site are to be found in only a few hollows are all consistent with a significant act of disturbance to the soils which has affected the inherent value of the site. That is reinforced by the general thinness of the soils¹¹¹ - in contrast to the thicker soils not only on floristically richer sites elsewhere but also in Compartment 17, outside the Extension Site, where the only reasonably sized significant area of AWIs is located¹¹². On behalf of the WT, Mr Allen was unable to explain why cereal pollen was found to be widespread across the extension site¹¹³, including in the hollow at BH63¹¹⁴.

¹⁰² GAL/MMP/P, paras 4.6.1 to 4.6.4, GAL/MMP/PA Appendix 3

¹⁰³ GAL 32

¹⁰⁴ Mr Chadwick describes this as a "striking" absence of archaeological features commonly associated with ancient woodland: GAL/PC/P para 5.7.1

¹⁰⁵ CD1.5 ES Appendix 6, P.(i)

¹⁰⁶ GAL/MMP/P, Para 7.2.6

¹⁰⁷ GAL/TG/P, para 8.34

¹⁰⁸ GAL/TG/P, paras 8.63 to 8.70

¹⁰⁹ GAL/MMP/P, para 4.4.12

¹¹⁰ GAL/PC/P paras 5.4.5 to 5.4.8; GAL8

¹¹¹ Mr Allen's academic review of the various Reading University reports was just that: he had not visited the site. Regrettably he had been instructed not to discuss matters so as to narrow issues, such as the detail of the recording of the thinness of soils.

¹¹² X Goodwin Day 3; GAL/TG/P, para 8.44; GAL/PC/PR appendix 1; GAL15

¹¹³ GAL 15: 12/14 test pits, compared to 4/8 at the less disturbed Cattering Wood and 0/6 at the least disturbed Blaise Quarry

¹¹⁴ CD 1.8, Appendix 16, Table 2; Appendix 22, p.(i)-the hollow is post medieval in origin, consistent with more recent disturbance

- 7.46. In contrast to the WT, Mrs Goldberg of Natural England had at least sought to examine other possible explanations for disturbance. These are unconvincing for the reasons explained by Mr Goodwin¹¹⁵. They include the idea of '*rare long distance dispersal events*' which is entirely inconsistent with the patches being primarily in the hollows and, in any event, it does not sit easily with the idea of ancient woodland status at all¹¹⁶. No party at the Inquiry sought to advance her possible explanations, or to challenge Mr Goodwin's rebuttal of them¹¹⁷.
- 7.47. In terms of other species, Natural England noted that '*many species are restricted in distribution and large areas have a relatively low species-richness*'¹¹⁸. Dr Young noted that there were '*fewer than the optimum*'¹¹⁹ and agreed that the extension site was '*relatively poor*' in terms of species. According to KWT's own surveyors in 2009, as confirmed in 2012, there is a '*low diversity*' of breeding birds with no rare species, Red Data Book or EC Directive Schedule 1 species breeding on the site¹²⁰. Lichens are '*poor*'¹²¹, the '*paucity of dead wood reduces the number of fungal species to a minimum*', with no Red Data Book or nationally rare fungi¹²². Those invertebrates found were of '*negligible ecological interest*'¹²³ and the wood is '*poor for roosting bats*'¹²⁴. The habitat is '*sub-optimal for dormice*', but would be improved if it were not dominated by sweet chestnut¹²⁵, and there was a single common toad found in 2009, but no instances of any amphibians found by 2012¹²⁶. No badger setts were recorded in the extension site in 2009 or 2012, with the focus of activity for badgers to the north of the study area, outside the extension site¹²⁷.
- 7.48. In respect of the species which give the site its Local Wildlife Site (LWS) status, 3 species of reptile (common lizard, slow worm and grass snake) were found in medium or low densities in a limited number of locations; none of them being other than common species¹²⁸. As Mr Goodwin pointed out, the threshold for LWS designation for reptiles does not appear to be a high one. A reasonable number of bryophytes have been recorded, but no nationally rare species, and Dr Young agreed that no bryophyte species would be lost to the area by reason of the development¹²⁹. Requiring microscopic examination, and in a relative backwater of knowledge, bryophytes are notably under-recorded¹³⁰. As such, it is not unreasonable to infer that the record of their existence here owes much to the thoroughness of the range and depth of survey work, rather than to their intrinsic significance.

¹¹⁵ GAL/TB/P para 10.2 – 10.13

¹¹⁶ Indeed, it is directly at odds with what is commonly known about AWIs, as confirmed by Mr Barnes in WT/AR/P para 3.2 "*they tend to disperse poorly*" - see GAL/TG/PR para 3.11

¹¹⁷ As noted at GAL/TG/PR para 3.21

¹¹⁸ NE letter 8 October 2012

¹¹⁹ KWT/SY/P, para 4.2.7

¹²⁰ CD1.5, Appendix 10 (i) and Appendix 11

¹²¹ CD1.5, Appendix 5

¹²² CD1.5, Appendix 5

¹²³ CD1.5 Appendix 6

¹²⁴ CD1.5 Appendix 8

¹²⁵ CD1.5 Appendix 9

¹²⁶ CD1.5 Appendix 13; CD1.7 para 8.187

¹²⁷ XX Young, Day 6

¹²⁸ CD1.5, Appendix 12; grass snake was not found in 2012 but the weather may have affected this

¹²⁹ XX Young Day 6

¹³⁰ GAL/TG/PR paras 5.3 to 5.12 and Appendix 3; XX Young

- 7.49. A very substantial package of mitigation/compensation is proposed (See plan 0257/12/4). In quantitative terms this would provide more than a two for one replacement of the woodland lost:-

Item	Area (ha)	Gains (cumulative, ha)
Removal of woodland to facilitate proposed development	-31	-
Native woodland restoration within application site	+33	2
New native woodland planted and managed	+26.6	28.6
Recently planted woodland to be managed	+4.3	32.9
Existing woodland to be managed	+41.8	74.7
TOTAL GAIN		74.7ha

- 7.50. A carefully crafted Woodland Management Plan, with input from a leading ancient woodland expert, Dr Peter Buckley, would be secured by the section 106 agreement. Neither the WT nor the KWT suggested any additional or alternative mitigation or compensation. Although there is no guarantee that there would be 100% success in translocating the soil, and hence the soils would be irreplaceable, recent experience from Cossington has demonstrated success can be achieved in the short and medium term (up to the present), as confirmed by Dr Young.¹³¹ As part of the proposals, it is proposed to translocate some of the coppice stools, which is an established procedure, though the success of taking the bryophytes with them would be experimental. The replacement of a monoculture of sweet chestnut with native woodland would however bring material ecological benefits. It would also fulfil the objectives in the relevant Biodiversity Opportunity Area Statement¹³² of restoring PAWS to native woodland and with the explicit reference in the Kent Biodiversity Action Plan (BAP) to diversifying sweet chestnut coppice¹³³. That objective accords with Messrs Blakesley and Buckley's work referred in Document KWT 14 that the *'number and variety of species of fungi, invertebrates, birds and mammals tended to be lower [in sweet chestnut woods], especially in monoculture stands'* and refers to *'just 11 species of insects occurring on chestnut, in comparison to over 400 species which use oak and a similar number using willows'*.¹³⁴ Natural England recognised that even if sweet chestnut is considered an honorary native in parts of Kent, it is *'a relative newcomer on this site'*.¹³⁵

- 7.51. As a result of the Application Proposals, there would be net biodiversity gains¹³⁶. On behalf of the KWT, Dr Young agreed that there would be enhancement for dormice, reptiles, badgers, birds, invertebrates and amphibians, as well as greater lichen and bryophyte diversity¹³⁷. The mitigation for bats was also agreed to be appropriate¹³⁸. There would be no 'fragmentation' of habitats but instead linkages would be created or reinforced,

¹³¹ GAL/TG/P para 9.10 to 9.16 and CD 6.27; KWT/SY/PR para 3.5

¹³² GAL/TG/PA Appendix 2

¹³³ CD 6.2; although it now appears that the explicit reference has been removed from an on-line version, the overall objective of securing more native planting remains.

¹³⁴ GAL 33; CD 6.19 section 13.4

¹³⁵ NE letter 8 October 2012; see also CD6.19 at 13.4

¹³⁶ CD3.1, NPPF, para. 109: such gains are to be sought, where possible

¹³⁷ KWT/SY/P para 7.5; KWT/SY/PR para 37 XX, Young Day 6

¹³⁸ KWT/SY/P, para 5.2.1

particularly links to the ASNW at Broke Wood and Fullingpits Wood, in accordance with the objectives of Keepers of Time¹³⁹, the South East Plan¹⁴⁰ and the Tonbridge and Malling BC DPD¹⁴¹. Indeed, as Dr Young acknowledged, there is every reason to suppose that the new woodland planting would qualify as part of the LWS on the basis of one of the ancient woodland criteria¹⁴². The new arrangements for reptiles at the Habitat Creation Field would also qualify.

- 7.52. There is no evidence of any adverse indirect effects from the quarry's current operations, nor any basis for concluding that there would be any with the proposed extension in operation. Mr Barnes' case studies in his Appendix 11¹⁴³ are manifestly inapplicable to the application proposals.
- 7.53. Licences are likely to be required from Natural England in respect of dormice¹⁴⁴. Natural England has not expressed any dissent from the conclusion in the ES Addendum, reiterated in Mr Goodwin's evidence, that there is no basis to conclude that the derogation tests would not be met and it is therefore reasonable to expect that the necessary licences would be forthcoming.¹⁴⁵

Landscape and Visual Impact

- 7.54. The extension proposals are able to take advantage of the dense screen of sweet chestnut, with a minimum distance of at least 50 m being retained between the workings and the permissive path or the public rights of way¹⁴⁶ (including as proposed to be diverted¹⁴⁷). With the phased working, a maximum of four phases of about 2 ha each would be without woodland cover at any one time, a total of some 8 ha in all¹⁴⁸.
- 7.55. In consequence, the visual effects of the proposals would generally be limited, as Mr Etchells agreed for the WT¹⁴⁹. Pursuant to the Woodland Management Plan, the perimeter zone would be managed to ensure that this screening remained effective¹⁵⁰. The only area where any material visual effects, albeit highly localised, would arise is in the location of the cut and cover tunnel but this would be subject to requirements for fencing and landscaping, secured by condition, which in a short period would remove the impact (Mr Jenkins referred to 3-5 years¹⁵¹; Mr Etchells referred to 5-10 years, depending on growth rates¹⁵²). Mr Etchells' only other observation in this respect related to an area to the north-east which from a photograph appeared to provide less dense screening, however, Mr Etchells seems not to have appreciated the fast

¹³⁹ CD 3.4, p.14

¹⁴⁰ CD 4.1, Policy NRMS

¹⁴¹ CD4.10, Policy NE3

¹⁴² XX Dr Young Day 6; LWS criterion WO8

¹⁴³ WT/AB/PA, Appendix 11

¹⁴⁴ Discussed further in GAL 35 and in the ES Addendum

¹⁴⁵ GAL/TG/P, para 6.61-165; CD 1.7, paras 8.163 to 8.169

¹⁴⁶ GAL/GJ/PR Appendix

¹⁴⁷ GAL 29

¹⁴⁸ GAL2 Revised

¹⁴⁹ WT/JE/P para 5.1.1, 5.1.11 p.32 and XX Etchells Day 7

¹⁵⁰ GAL36, Woodland Management Plan, chapter 4

¹⁵¹ CD 1.7, ES Addendum, para 7.3.4

¹⁵² XX Etchells Day 6; WT/JE/P, para. 4.3.3

growing properties of sweet chestnut, as evident from Mr Mackworth-Praed's evidence¹⁵³.

- 7.56. There is a widespread concurrence of view as to the limited nature of any visual effects, confirmed by the Kent AONB unit¹⁵⁴ and Maidstone BC's Landscape Officer¹⁵⁵.
- 7.57. Although without mitigation there would be a major/moderate adverse landscape effect, this would reduce to moderate by reason of the phased approach to the development, with no more than about 8 ha of woodland removed at any one time and would, with additional planting, ultimately be moderate beneficial¹⁵⁶.
- 7.58. Mr Etchells, for the WT, put the assessment higher, noting that the current landscape value of the extension site was high, not least because ancient woodland is of 'national importance', the sensitivity to the development was high, that no account should be taken of the existing quarry in any assessment and that, even with restoration and the substantial additional areas of planting, there would be moderate adverse effects in the long-term.
- 7.59. The WT's case is overstated. The existing landscape is subject to no national or local landscape designation. The Kent-wide Special Landscape Areas, designated for their value, do not include the Extension Site¹⁵⁷. The notion of 'national importance' is disputed by Natural England who considered that the proposals did not raise issues of national importance to the natural environment¹⁵⁸, the plantation is of the mid-19th century with no veteran trees, and it is not of national ecological significance, such as to be designated a SSSI¹⁵⁹. It was mistaken for Mr Etchells to assume that simply because it is PAWS, it must be of high landscape value¹⁶⁰. Furthermore, Mr Etchells did not appear to take account, or at least adequate account, of one of the striking characteristics of coppiced sweet chestnut which is that far from being exclusively '*quiet, shady and enclosed*'¹⁶¹, it would have been subject to episodes of substantial change through coppicing.
- 7.60. The suggestion of high sensitivity does not take sufficient account of the screening effect of the perimeter zone. Both landscape character assessments undertaken by Jacobs refer to moderate sensitivity¹⁶² and the Maidstone Landscape Character Assessment expressly refers to the relevance of screening in forming the judgment – the fact that it envisages 'minor development' (undefined) does not remove the force of the rationale that it is of moderate sensitivity by reason of screening. The use of terms such as '*destructive, not constructive*' and '*literally consume*'¹⁶³ does not assist in the assessment.

¹⁵³ GAL/MMP/PA photograph 12: 1-3 years growth, GAL/MMP/P, para 5.2.6 XX Etchells Day 7

¹⁵⁴ Letter 11 November 2010; GAL/GJ/ P, paras .5.1.7 and 6.8

¹⁵⁵ GAL/GJ/P, para 6.7

¹⁵⁶ CD1.8, ES Addendum, paras 7.40, 7.41 and 7.48

¹⁵⁷ See GAL 24; KSP 2006 and XX Etchells Day 6

¹⁵⁸ NE letter 31 May 2011

¹⁵⁹ NE letter 8 October 2012

¹⁶⁰ Dr Young for KWT described the site as "visually uninteresting"

¹⁶¹ WT/JE/P para 7.2.1

¹⁶² GAL/MMP/PA 3.1; WT/JE/PA Appendix D

¹⁶³ WT/JE/P paras para 4.2.1

- 7.61. The methodological dispute about the appropriate baseline was also of little assistance to the Inquiry. Mr Jenkins for GAL had regard to the baseline in the form of the quarry as it presently exists, and to the required restoration in the absence of the proposals¹⁶⁴. In contrast, Mr Etchells considered that the existing quarry should be ignored¹⁶⁵, even though it would continue under restoration in the absence of the proposals for some 5-7 years. There is scant evidence on the matter and the WT closings do not say if they consider it would make much of a difference.¹⁶⁶ If it does, Mr Jenkins' approach is to be preferred.
- 7.62. Mr Etchells' evidence did not address anywhere whether there would be any landscape benefits from the 26.6 ha of entirely new woodland planting¹⁶⁷ and somewhat grudgingly only referred to something with '*the appearance of woodland*'.¹⁶⁸ This seems to have unduly influenced his statement of moderate adverse effects in the long-term. He was not prepared to accept landscape benefits from replacement of the monoculture of sweet chestnut, but at least he did not assert harm from native woodland planting. His view did not reflect the WT's own aspirations for substantial new woodland, which would be advanced by the Application Proposals.¹⁶⁹ Mr. Jenkins' assessment of moderate positive landscape benefit, following restoration, is consistent with that approach¹⁷⁰.
- 7.63. Mr Etchells did not suggest any additional or alternative landscape mitigation. In his terms, the visual effect on the landscape resource would be limited. Any effect on tranquillity would be highly localised in an environment already affected by other noise. The concept of 'continuity' needs to be understood in the context of mid-19th century plantation where 'continuity' from earlier woodland cover would be no less maintained by 21st Century plantation. Also the nature conservation interest is considerably affected by the 90-95% bramble cover with no prospect of '*phoenix-like*' rejuvenation¹⁷¹. Furthermore, the species value of the trees is poor.

Archaeology

- 7.64. There is no surface archaeological interest, but there remains potential for Palaeolithic interest. A condition would secure any such interest and this was agreed by the KCC Archaeological Officer, as reflected in the SCG¹⁷². Heritage matters have been addressed above under the heading of Need.

Impact on Local Residents

- 7.65. The Application Proposals would generally be further from residential properties than the existing workings¹⁷³. Where relevant, existing criteria have

¹⁶⁴ XX Jenkins Day 4: he explained that it made no difference to the assessment and therefore it can be put on the basis of the existing baseline

¹⁶⁵ XX Etchells Day 7

¹⁶⁶ WT15, paragraph 41

¹⁶⁷ WT/JE/P, para 4.4; the landscape mitigation is described as "extensive" but the comments that follow do not address whether there are any benefits

¹⁶⁸ WT/JE/P, para 5.4.2

¹⁶⁹ GAL/TG/A, Appendix 12

¹⁷⁰ GAL/GJ/PR para. 3.6.2

¹⁷¹ CD6.36, p.5; XX Goodwin Day 3

¹⁷² KCC/MC/P, para 7.12; KCC 6

¹⁷³ GAL 34

been demonstrated to be met, as substantiated by the Environmental Health Officer for Maidstone Borough Council, whose area includes the nearest residential properties¹⁷⁴. 'Unavoidable' noise, dust and blast vibration can be 'controlled, mitigated or removed at source'¹⁷⁵.

- 7.66. New noise bunds would be provided immediately to the south of the processing plant area when the filling is up to ground level and also between the south eastern corner of the extension site and the North Pole Road dwellings before Phase 20 working commenced¹⁷⁶. Accordingly, noise criteria would be complied with in accordance with the Technical Guidance to the Framework.
- 7.67. The Environmental Health Officer for Maidstone BC has raised no concerns about dust¹⁷⁷. Dust emissions can be adequately controlled and mitigated in accordance with the Technical Guidance¹⁷⁸.
- 7.68. Although vibration from blasting at the existing quarry may be perceptible to the surrounding residents, it is well below the 6mm/s peak particle velocity for 95% of events, as required by the present planning conditions. This figure is widely used at other sites and also agrees with Government Guidance and the relevant British Standard. It is proposed to retain the same condition for the proposed extension¹⁷⁹. A scheme in respect of air overpressure could also be imposed even though it is not advised by Minerals Planning Guidance 14 or Vibrock¹⁸⁰. Such a scheme could identify the most sensitive monitoring locations.
- 7.69. Traffic would be limited to the current times and numbers of vehicle movements and it would use the existing quarry access, which has good and direct links to the primary road network.
- 7.70. There are no objections from KCC or its advisors Jacobs who responded to the ES Addendum, noting that 'dust control and PM₁₀ emissions will be kept to a minimum and satisfactorily minimise the impact at the nearest residential properties', and they concluded that noise and vibration can also be controlled satisfactorily¹⁸¹. Maidstone BC's EHO has no objection¹⁸² and the SCG reflects this position¹⁸³.
- 7.71. The Hermitage Quarry Liaison Group provides an effective forum for disseminating information and addressing any of the local residents' concerns¹⁸⁴.
- 7.72. There would be no harm to the amenity of the users of the rights of way or of the permissive perimeter path. It is telling that neither KCC's Rights of Way Officer, the Ramblers Association, nor the British Horse Society raised any objections in this, or any other, regard.

¹⁷⁴ GAL/AJB/P, para 4.48 and ES Map 2

¹⁷⁵ CD31, NPPF, para 144; GAL/GJ/P para 9.3.7

¹⁷⁶ Plan 0257/10/21

¹⁷⁷ GAL/AJB/P para 4.48

¹⁷⁸ GAL/GJ para 9.3.3

¹⁷⁹ CD1.5 Appendix 15, page 21

¹⁸⁰ KCC6: a numerical limit is not advised in MPG14 and Vibrock warn against it (CD1.5, Appendix 15, p 21); see also GAL/AJB/P para. 6.14

¹⁸¹ Jacobs response to ES Addendum 1 October 2012

¹⁸² GAL/GJ/P, para 10.8

¹⁸³ CD9.5, chapters 13,15,16,17

¹⁸⁴ July 2012 Minutes, provided by the Chair of Barming Parish Council, at GAL/AJB/PA12

Waste Permitting

- 7.73. The current landfill operation at the existing quarry is controlled by the provisions of a Planning Pollution and Control Permit¹⁸⁵. In the event of planning permission being granted, the Environment Agency would prefer to vary the existing permit rather than to issue a new one¹⁸⁶.
- 7.74. Infill at the existing quarry is '*in balance with rates of extraction*' and the rate of infilling can be further influenced by pricing, should there be a need to do so. It can therefore be confidently concluded that sufficient infill will be available for the restoration element of the proposals¹⁸⁷.

Economic Effects

- 7.75. The existing quarry, which would need to close if the application proposals did not succeed, makes an important local contribution to economic life, with 105 direct GAL employees and a further 20 indirectly employed¹⁸⁸. GAL's wage bill feeds £4.35 million a year into the local economy¹⁸⁹. The '*core of the workforce would be redundant soon after depletion of the reserve*' with '*phased downsizing of the remainder during backfilling*'¹⁹⁰. In addition to the loss of the concrete and aggregates businesses which are dependent on the continuation of the existing quarry¹⁹¹, damage would be inflicted on the overall Gallagher Group which itself is a '*highly integrated business*'¹⁹². Having regard to the high proportion of employment in Kent in the corporate management and the public sectors, it is significant that the skilled workforce that would be laid off '*makes a considerable contribution to the diversity of the workforce involved in the construction, building and plant management sector*'¹⁹³.
- 7.76. As a small operator, and the sole local producer of crushed rock in Kent, GAL faces established competition from the major firms that operate the aggregate import supply points. This means that GAL has to maintain competitive prices, resulting in higher production efficiency and quality of output. In the absence of the proposed quarry extension, there would be a higher likelihood of margin squeeze pricing with adverse local economic effects¹⁹⁴. Furthermore, maintaining Kent's indigenous hard rock supply would be likely to have cost benefits for local consumers.
- 7.77. In any event, with 95% of the material from Hermitage Quarry going to sites within a 40 km (25 mile) radius¹⁹⁵, the alternative of not providing for this indigenous supply would be demonstrably less sustainable. There would also be large increases in the carbon footprint if the alternatives were transported by road, sea or rail¹⁹⁶. There is no reason for WT's statement in Closing that

¹⁸⁵ GAL/AJB/P, para 4.27; GAL/AJB/PA10

¹⁸⁶ GAL/AJB/P, para 4.27 and KCC3

¹⁸⁷ GAL/AJB/P para 4.25; Bate Day 1, Inspector's questions

¹⁸⁸ GAL/AJB/P, para 4.30: many have long service with GAL dating back to the inception of the quarry in 1990

¹⁸⁹ GAL/BR/P, para 6.4

¹⁹⁰ GAL/AJB/P, para 4.31

¹⁹¹ They provide important synergies: GAL/AJB/P, paras 4.19 and 4.22 and GAL16

¹⁹² GAL/AJB/P, para 4.32

¹⁹³ GAL/BR/P, para 6.5

¹⁹⁴ GAL/BR/P, para 5.27 to 5.28

¹⁹⁵ GAL/AJB/P para 4.44

¹⁹⁶ GAL/PR/PA Appendix 1 Figures 8 and 9; GAL20

importing aggregates into Kent might divert them from longer journeys.¹⁹⁷ Mr Steedman for the WT was silent in his proof on the sustainability implications of the proposals not proceeding. This omission was as curious as his insistence that the loss of local employment should be '*ignored*'¹⁹⁸.

The Proposed Diversion Orders (See Separate Reports)

- 7.78. The two proposed Orders have been applied for by GAL pursuant to the powers under Sections 247, 253 and 261 of the TCPA 1990. They are both dependent on planning permission being granted for the application proposals but are sought now because of the need to proceed expeditiously in the event that planning permission is granted.
- 7.79. Surveys of the usage of the two existing highways showed an average of 14 movements per day on the Bridleway at the western end, compared with 49 movements per day on the permissive path at this point¹⁹⁹. On the Byway the average movements were 60 per day compared with 42 on the permissive path²⁰⁰.
- 7.80. Three modifications are proposed by GAL, in agreement with Kent County Council²⁰¹. It is proposed that MR108 would no longer take effect from the outset but only prior to the commencement of working in Phase 12. This would ensure that the diversion would be for the minimum period necessary. The second is to insert a reference to Section 261 in the wording of the Order for MR496. The MR496 Order already refers on its face to Section 261 and is drafted in the language applicable to a Section 261 application. The third is a correction of the description of one of the replacement routes from footpath to the higher status of bridleway to accord with the application. No prejudice would arise to any person by reason of these modifications, which are within the ambit of the discretion to modify (i.e. '*as he thinks fit*') under Section 252(8), and no further advertisement is thus required.
- 7.81. The tests for making the Orders would be met²⁰². The diverted routes would be appropriate for the amenity of their users. There are no objections to either proposed Order from the Ramblers or the British Horse Society and, subject to the modifications, there are no remaining objections from KCC. Indeed, subject to the modifications, there are no objections to the proposed Order in respect of MR496. None of the objections in respect of MR108 suggest that the diversion is not necessary if planning permission is to be granted and no alternative diversion route has been suggested.

The Balance: the Framework and the Development Plan

- 7.82. The need and other benefits, including economic and biodiversity benefits, would heavily outweigh any adverse effects by reason of the loss of ancient woodland, with its irreplaceable soils. In striking that balance, it is relevant to have regard to the mitigation/compensation package. Mr Barnes for the WT

¹⁹⁷ WT15, para 47

¹⁹⁸ XX Steedman Day 5

¹⁹⁹ GAL/GJ/ROW/P, para 5.7

²⁰⁰ GAL/GJ/ROW/P, para 5.8

²⁰¹ GAL30 and 31 (revised)

²⁰² Set out in GAL28

agreed that the Framework required mitigation and compensation to be taken into account in striking that balance²⁰³, notwithstanding Natural England's advice that consideration of compensation should be deferred to some later stage. As addressed above, striking the balance also requires consideration of the significance of the loss of the ancient woodland in question, rather than a bland attachment of equal significance of loss to all ancient woodland.

- 7.83. The need and other benefits would also strongly outweigh any other adverse effects, including any effect on the interests protected by the Local Wildlife Site (where reptile interest and bryophyte diversity would be enhanced), localised landscape and visual or other amenity effects. None of these effects are in the language of the Framework 'unacceptable' and where 'unavoidable', they can be acceptably controlled²⁰⁴. None of the adverse effects would in any event comprise 'significant harm'²⁰⁵.
- 7.84. The Framework confirms that when determining planning applications 'great weight' should be given to the benefits of mineral extraction, including to the economy, with similar advice confirming that 'significant weight' should be placed on the need to support economic growth through the planning system'²⁰⁶.
- 7.85. Within the meaning of the Framework, the application proposals would comprise sustainable development, fulfilling important economic, social and environmental roles²⁰⁷. The proposals are therefore entitled to the presumption in favour of sustainable development.
- 7.86. The proposals would also accord with the Development Plan²⁰⁸.
- 7.87. The emerging Kent Minerals and Waste Development Framework (MWDF) can have only little weight at this stage. There were various references in the WT Closing Submissions to this emerging Plan²⁰⁹ which KCC anyhow accepted would inevitably have to change as a result of the outcome of the Inquiry, probably with the addition of an exceptions policy. Neither WT nor KWT suggested that the application proposals were premature in their Statements of Case. However Mr Steedman for the WT sought to argue, without any reference in his proof to the relevant Government advice,²¹⁰ that the proposals should be rejected on such grounds. Having regard to the anticipated dates for submission and adoption of the MWDF Core Strategy and the Mineral Sites Plan²¹¹, the timing of the process alone could not justify refusal on grounds of prematurity. Mr Steedman agreed that there was '*no early prospect of submission*' of the MWDF²¹². His only justification for delaying a decision was '*the expectation of further analysis at a local level*'²¹³. It is hard to conceive of a less clear demonstration of prejudice to the MWDF process. Moreover, the

²⁰³ CD 6.1, para. 118; XX Barnes Day 7

²⁰⁴ CD3.1, para 144

²⁰⁵ CD3.1, para 118; GAL/GJ/P, para 9.2.4 to 9.2.6

²⁰⁶ GAL/GJ/P para9.3.7(i)

²⁰⁷ GAL/GJ/P, para 9.3.5; paras 58, 60 and 131 of the NPPF also favour the proposals, as Mrs Maltby for the I.H.B.C. pointed out on Day 9

²⁰⁸ GAL/GJ/P para 9.3.10 to 9.3.11; as noted above, Policy M3 of the SEP should be accorded particular weight

²⁰⁹ WT15

²¹⁰ CD 3.5

²¹¹ CD9.6 Para 5.2

²¹² XX Steedman Day 5

²¹³ XX Steedman Day 5

reserves at the quarry would be exhausted by the time the MWDF process was completed and anyhow no alternative sites were promoted in response to the calls for sites.

- 7.88. There can be no basis for delaying a decision. Determination is urgently required and there has been the opportunity for a far greater depth of assessment with the application process than would be the case through the MWDF process, as indeed Mr Steedman conceded.
- 7.89. Notwithstanding the objections, there is a remarkable breadth of support for the proposals, underlying the strong case of need and the limited adverse effects. This support came, not only from the Mineral Planning Authority who are required to strike a balance with due weight afforded to the competing interests, but it also came from the local Member of Parliament, Tracey Crouch MP, and the Parish Council in which the existing quarry is situated and Aylesford Parish Council. The confirmation from Kent CPRE that it did not object to the proposals was a reflection of its recognition that the interests of the rural economy and those of built heritage must weigh heavily in the balance. Tonbridge and Malling BC and Maidstone BC, who did not appear at the Inquiry, did not seek to strike the balance themselves, recognising that this was a matter for the Mineral Planning Authority in the first instance, and now for the Secretary of State.
- 7.90. It was accordingly requested that permission be granted for the Application Proposals including the three associated Section 73 applications, subject to the proposed conditions and having regard to the Section 106 agreement and its annexed Woodland Management Plan²¹⁴. It was also requested that the proposed diversion orders be made with the suggested modifications.

8. The Case for the Mineral Planning Authority (Kent County Council)

Introduction

- 8.1. The decision in this case turns on the balance between the need for the minerals lying in the westerly extension and the loss of the ancient woodland (AW).
- 8.2. The evidence at the Inquiry supported Kent County Council's (KCC) view that the balance lay in favour of the proposals, which would be consistent with policy at both local and national level. The evidence also demonstrated there to be no other consideration that would require planning permission to be refused, which could not be adequately addressed by appropriate planning conditions or covenants under the Section 106 Agreement.
- 8.3. These conclusions were reached by considering the two key issues, namely the need for the development and the implications for the ancient woodland, alongside all other planning considerations. The balance has to be struck in accordance with paragraph 118 of the National Planning Policy Framework (The Framework) which, amongst other things, aims to prevent the loss of

²¹⁴ GAL 36A

ancient woodland unless the benefits of the development would clearly outweigh that loss.

The Need for the Extension

- 8.4. The need case is set out clearly in the Committee Report²¹⁵ and it was also summarized and updated in the proof of evidence of the KCC witness, Mr Clifton. That need is both compelling and unanswerable²¹⁶, and there was no suggestion that KCC had failed to take any relevant factor into account or that they had had regard to something that they should not have done.
- 8.5. In contrast, the main policy witness for the Woodland Trust (WT) (Mr Steedman) failed to even mention the requirement in the Framework for an adequate and steady supply of crushed rock or the benefits of local employment that would otherwise be lost. Accordingly, little weight should be placed on the contrary contention.²¹⁷

Policy Requirements

- 8.6. The essential role of minerals in supporting sustainable economic growth and our quality of life underpins the approach in the Framework to such development²¹⁸. This advice goes on to highlight the importance of a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.
- 8.7. That importance is translated into specific advice, which *inter alia* states that authorities should (with added emphasis):-
- Give great weight to the benefits of mineral extraction, including to the economy when determining planning applications; and
 - Plan for a steady and adequate supply of aggregates.
- 8.8. Contrary to the impression given by Mr Steedman in cross examination, a steady and adequate supply requires the provision of a separate landbank of at least 10 years for crushed rock²¹⁹.
- 8.9. In Kent, Policy M3 of the South East Plan (SEP) requires a landbank of 0.78 million tonnes per annum (mtpa) for at least 10 years production. As the SEP states at paragraph 10.86, the regional supply figure has been apportioned initially on the basis of average sales²²⁰.
- 8.10. In essence, Mr Steedman suggested that this figure should be ignored²²¹ and that the SEP requirement should be reviewed in the light of the position at Blaise Farm and the approaching end of the permitted reserves at Hermitage Quarry. He sought to gain support for his approach of ignoring the need for an adequate and steady supply in the EIP Report. However, as Mr Jenkins pointed out for GAL, that would be a misinterpretation of the Panel's Report.²²² Some of the local residents also took Mr Steedman's stance.

²¹⁵ CD1.10 from [53] on p. C1.27.

²¹⁶ Section 11 on p.33 of KCC/MC/P.

²¹⁷ See para. 2.2.1 on p.3 of Rebuttal proof of Mr. Jenkins, GAL/GJ/PR.

²¹⁸ [142] on p. 32 of CD3.1.

²¹⁹ [145] at the 6th bullet point on p.35 of CD3.1.

²²⁰ CD3.1.

²²¹ WT/JS/P at e.g. para. 2.9 on p.7 and refer to notes of his oral evidence.

²²² Mr. Jenkins Rebuttal evidence, GAL/GJ/PR at 2.3.5-6 on p.4.

- 8.11. However, this is not the approach set out by the DCLG Chief Planner in his letter dated 6th July 2010²²³. There is no alternative apportionment figure relied upon by KCC, or anyone else, and the suggestion that the decision should be delayed in order to test the apportionment figure through the Minerals and Waste Development Framework (MWDF) would not be consistent with the advice in the Chief Planner's letter. It is clear that minerals planning applications should be considered on their merits and in the context of the SEP apportionment figure, the real landbank, and of course the need to maintain a steady and adequate supply of the mineral.²²⁴
- 8.12. Given the advice in the Chief Planner's letter to apply the apportionment, the prospective revocation of the SEP would make no difference to this conclusion.

The Existing and Potential Reserves

- 8.13. Hermitage Quarry and Blaise Farm Quarry are the only two permitted ragstone sites in Kent and:-
- only approximately 1.3 million tonnes (mt) remains of the permitted Hermitage Quarry reserve, and this will be exhausted by late 2014 or early 2015,²²⁵
 - only some 12.38 mt remains in Blaise Farm (7.68 mt of ragstone and 4.70 mt of hassock) and not the 30 mt plus referred to in both the emerging Framework Documents and the Committee Report,²²⁶
 - the proposed Hermitage Quarry westerly extension comprises about 16 mt, of which 10.67 mt is solid ragstone with the remainder marketable as washed hassock, and²²⁷
 - no other ragstone sites have been proposed.
- 8.14. The lack of existing and potential supplies would appear to be beyond dispute.
- 8.15. Blaise Farm Quarry does not represent a realistic alternative to the Application Site, as robustly confirmed by the evidence before the Inquiry.
- There was an absence of challenge by the Woodland Trust (WT) in Mr Wilkinson's geological evidence,
 - Hansons, the owners of Blaise Farm Quarry, have not objected to the GAL application to extend Hermitage Quarry, or even provided any representation to the Inquiry relating to the future use of Blaise Quarry, and
 - There was very limited disagreement by Mrs Poole, on behalf of WT, with any of GAL's evidence on the geology or the nature and quality of the reserves at Blaise Farm or in the Hermitage Quarry extension.
- 8.16. There are no other alternative sites:-
- This was confirmed by Mr Steedman for the Woodland Trust in cross examination by GAL,

²²³ CD3.7 at para. 15 of the Guidance Note. See also Mr. Jenkins Rebuttal evidence, GAL/GJ/PR at 2.3.3 on p.3.

²²⁴ See 2.3.6 on p.4 of GAL/GJ/PR.

²²⁵ KCC/MC/P at 11.2 on p.33.

²²⁶ GAL/AW/P at 5.5.19 on p. 23.

²²⁷ See Mrs. Poole's answers under xx by GAL and GAL/AW/P at 4.5.8 on p.16.

- No alternative ragstone site has come forward during the preparation of the emerging Development Plan Framework; notwithstanding two separate calls for sites by KCC²²⁸, and
- The only other possible site that came forward during this Development Plan process was for the Richborough Underground Limestone Mine²²⁹, but in cross examination Mr Steedman made clear that he placed no reliance upon this mine. The additional information provided by GAL also confirmed that there can be no reliance on this suggested source.²³⁰

8.17. The lack of any alternative sites to Hermitage Quarry or Blaise Farm was confirmed by the alternative sites assessment carried out by GAL as part of the information that accompanied the original ES²³¹; which was subsequently updated in the ES Addendum.²³² The robustness of this assessment was confirmed not only by Mr Clifton²³³ but also by Mr Steedman (under cross examination by GAL). He did not appear to dispute that it was a thorough and careful assessment and he stated that it was a *'standard approach and had not been skewed in any way'*. The only reservation he had was in respect of Blaise Farm Quarry. However, he had already confirmed that he was relying upon Mrs Poole's evidence on the potential uses of the Blaise Farm materials and their comparison with those of the Hermitage Quarry extension.

8.18. Mr Steedman's case was based upon a 40 year supply at Blaise Farm²³⁴ but, as noted above, it was agreed by Mrs Poole that this numerical landbank is only equivalent to about 16.5 years.

8.19. Mr Steedman also said (under cross examination by GAL) that he *'had to assume that Blaise will change from dormant to active in the same way that GAL had to assume it wouldn't'*. It is of course not a question of 'assuming' anything but the making of an objective assessment on the evidence. GAL and KCC had done that but Mr Steedman had not. His approach would not provide the basis for meeting the objectives in the Framework and its express requirement for an adequate and steady supply of crushed rock.

Real Need and Real Supply

8.20. The existing and potential supply position must be considered in real terms. Even Mr Steedman gave some recognition (under cross examination by GAL) to the fact that you don't just look at the numerical position in terms of permitted reserves in judging the landbank.

8.21. The Planning and Minerals: Practice Guide advises that the management of landbanks should be based on considerations of real need and real supply (see paragraphs 72-75).²³⁵

8.22. In addition, the DCLG Guidance on the Managed Aggregate Supply System (October 2012)²³⁶ advises that:-

²²⁸ See CD4.8, Mineral Sites Assessment Process at section 4 on p.8.

²²⁹ See CD4.8, Minerals Sites Assessment Process at [6.2.5] on p.26 – site 78.

²³⁰ GAL19 in particular pp. 4 & 5.

²³¹ CD1.5 at Appendix 24. See now also GAL 23 – Note on Sites at Ditton South and Langley Park.

²³² CD1.8 at Appendix 9.

²³³ KCC/MC/P at 11.30 and 11.31 on pp.40-1.

²³⁴ WT/JS/P at 2.13 on p.9

²³⁵ CD3.9.

²³⁶ CD3.20, paras. 21-28.

- The landbank should exclude dormant and inactive sites (23),
- The length of the landbank should be calculated using the expected provision (23),
- There should be a landbank of at least 10 years for crushed rock - based on the past 10 years average sales (24), and
- An adequate or excess landbank is not a reason for withholding planning permission unless there are other planning objections, which are not outweighed by planning benefits (26).

8.23. Furthermore, and directly relevant to the current application, the Guidance advises (at paragraph 26) that there may be valid reasons why an application for minerals development is brought forward in an area where an adequate landbank exists including:-

- The nature, type and qualities of the aggregate, such as its suitability for a particular use within a distinct and separate market, and
- Known constraints on the availability of consented reserves that might limit output over the Plan Period.

WT made no reference to this in their evidence to the Inquiry.

8.24. Even at the agreed reduced level of 12.38 mt, Blaise Farm would not be a reliable alternative source. Since the announced closure of the site by Hanson in 2005 the site has only operated very occasionally on a campaign basis, as and when, there has been a demand for lower specification materials for use as bulk fill. Mrs Poole, for the WT, herself described the limited occurrence of ragstone deposits in Kent as 'a unique and important resource in south east England'.²³⁷ English Heritage concurred. Not only is Hermitage Quarry the only source of quality Kentish Ragstone but it is the only source of that stone that is utilized as a natural building/dimension stone.

8.25. As set out in KCC's Draft Local Aggregate Assessment, as well as the Committee Report dealing with this application, the length of the landbank (then assumed to be above 30 mt numerically) is only one of many issues that has to be taken into account.²³⁸ It is also envisaged that although the Hermitage Quarry Extension would not be an allocated site, an exceptions policy would be added to the emerging Minerals Plan.

8.26. Mrs Poole did not dispute that, overall, the ragstone yield for the proposed extension would be likely to be greater than that within Blaise Farm.²³⁹ In that regard Mrs Poole stated in cross examination by GAL, that the test results confirmed that the proportion of hassock at Blaise Farm was twice that from Hermitage Quarry.²⁴⁰

8.27. Mrs Poole did not dispute that processed ragstone, within the current Hermitage Quarry, is shown to be of a superior quality to the processed ragstone at Blaise Farm.²⁴¹ She accepted (under cross examination by GAL)

²³⁷ See Mrs. Poole's proof at 7.2 on p.12 of WT/JP/P. As confirmed under xx by GAL.

²³⁸ CD4.7at 7.2.4 on p.29; and at 7.2.1 on p.27.

²³⁹ Para. 3.3 on p.4 of WT/JP/P.

²⁴⁰ As stated in [7.16] on p. 14 of WT/JP/P.

²⁴¹ Para. 3.4 of WT/JP/P .

that the materials from Hermitage Quarry would comply with the requirements for concreting.²⁴²

- 8.28. It was agreed that the full thickness of the Hythe Formation is present within the Westerly Extension²⁴³ and Mrs Poole accepted that the reserves within the proposed extension are of comparable quality.²⁴⁴ She expressly agreed (under cross examination by GAL) that she was not arguing that a comparable product range wouldn't be achieved from the extension. Moreover, she didn't appear to challenge the 'exceptional quality' of the ragstone within the existing quarry, as claimed by GAL.²⁴⁵ She also accepted that Hanson had never used materials from Blaise Farm for the making of concrete or bituminous mixtures, but that they had been used for similar purposes to those for which GAL had supplied them on a campaign basis.
- 8.29. In his evidence for GAL, Mr Bate emphasised the importance of the Magnesium Sulphate soundness test and Mrs Poole accepted this. Indeed, Mr. Bate told the Inquiry (in his evidence in-chief) that it is the '*most important indicator of usability*'. The material from Hermitage Quarry performed significantly better on this test than did the material from Blaise Quarry. Although only one test was carried out on the Blaise Quarry material and the result was just outside the acceptable limit of 36 (compared with a maximum of 30 or 35), it is plainly inferior to the Hermitage Quarry material in this crucial respect.²⁴⁶ As Mr. Bate said (under cross examination by the WT), the other indicators in any event support the lack of suitable physical properties indicated by the Magnesium Sulphate test.²⁴⁷
- 8.30. In respect of all the tests (see GAL/AJB/PRA3 and GAL22), Mrs Poole accepted in cross examination by GAL that these had been carried out using the advanced grading and processing equipment at Hermitage Quarry. Therefore, as Mrs Poole also accepted, to achieve even these results, similar equipment would be required at Blaise Farm. That would require very significant investment and there was no evidence before the Inquiry to suggest this would be forthcoming. The quality of the reserves at Blaise Farm is such that this investment simply couldn't be justified. Hanson's mothballing of the site is consistent with that conclusion, as is the absence of any objection from them to the Application, and also the absence of any support from any customer or potential customer who might want minerals from that site. Moreover, there was no evidence of any customer satisfaction with materials that had been provided from Blaise Farm. As Mr Bate confirmed, the increase in availability of recycled materials would, if anything, depress the demand for materials from Blaise Farm but not from Hermitage Quarry.²⁴⁸
- 8.31. Specifically with regard to building/dimension stone, Mrs Poole accepted in cross examination by GAL that the greater thickness of the ragstone beds at Hermitage Quarry was needed for the production of coping stones.²⁴⁹ The

²⁴² Cf. 7.21 on p.14 of her proof, of WT/JP/P: she said under xx that things had moved on since she wrote 7.21 and that Hermitage meets the specifications for Britain at the moment, although she did state that a higher specification from Europe is likely.

²⁴³ Para. 3.2 on p.4 of WT/JP/P.

²⁴⁴ Para. 7.30 on p.15 of WT/JP/P.

²⁴⁵ Ditto.

²⁴⁶ See GAL22.

²⁴⁷ See GAL22.

²⁴⁸ See also the note on recycled aggregates in Kent produced by the Applicant, GAL/16

²⁴⁹ As explained in GAL11 produced to clarify the position for the Inspector.

severe limitations of the Blaise Farm stone (in respect of type, colour and quality), as stated by Mr Bate, were borne out by the evidence. The importance of the deep beds was highlighted by the letters from the Historic Royal Palaces, the English Stone Forum and the Ecclesiastical Architects and Surveyors Association (EASA) who referred to it as madness to suggest that unsuitable alternatives should be used.²⁵⁰ In addition, this was supported by English Heritage (EH) in their letter of 23 August 2012 – this refers to no other building/dimension stone, whether indigenous or imported, being of a suitable match either aesthetically or in terms of hardness, permeability and weathering characteristics.²⁵¹ EH also refer to Hermitage Quarry having a greater number of suitable beds.²⁵²

- 8.32. Mrs Poole was unable to point to any evidence supporting the use of Blaise Farm materials. In contrast to the dimension stone from Hermitage Quarry, the evidence of user experience of the Blaise Farm material was all discouraging.
- 8.33. Mr Bate referred to several incidents of the failure of the Blaise Farm material eg Dartford 2006 (where the material was used as a base material to infill lakes). There were also the incidents relating to a right of way, with the strength and durability of the material failing over as little as 2-3 years. There was a further instance of failure where Type 1 stone was supplied to Denton in North Kent and surface rutting occurred.
- 8.34. In relation to dimension stone applications, Mr Andrew, of Essential Stone (one of the leading stonemasons dealing with ragstone), was damning about its quality. He referred particularly to the porosity of the Blaise Farm material²⁵³ and to numerous failures, including 'the Wye Bridge fiasco'. Chilmark stone had to be used to replace the Blaise Farm material for the works on the church of St. Nicholas at Wade. It is clear from the photographs provided by GAL that the replacement Chilmark stone is an incongruous and unfortunate substitute for the required stone.²⁵⁴ The glowing support for Hermitage Quarry stone is even more impressive, given Mrs Poole's evidence that some stonemasons say that ragstone is harder to work than other comparable materials. Thus it is especially important that it has been used for a very long time, including in prestigious buildings, and it is still in great demand for such purposes, as well as (some 30%) for new developments.²⁵⁵
- 8.35. Notwithstanding this powerful need case for the extension, the WT relied upon the non-allocation of the extension in the emerging Minerals and Waste Development Strategy. The approach employed in the emerging plan, in recognition of the problems with the Blaise Farm Quarry, is to include an exceptions policy, rather than to allocate the site²⁵⁶. In reality any debate on this is likely to be academic, since the decision on this application is likely to

²⁵⁰ All included in Mr. Bate's Appendix 5, GAAL/AJB/PA, at pp. 54, 52, 51.

²⁵¹ ES Addendum at Appendix 8 on the foot of the 2nd page, where it refers to the importance that any source of Kentish Ragstone be of good quality and available in sufficient bed-height (of up to 800mm) to match historical applications.

²⁵² Mr. Bate's Appendix 5, GAAL/AJB/PA, at p. 46.

²⁵³ GAL/AJB/PA5, page41(c)

²⁵⁴ GAL 17.

²⁵⁵ GAL18. See also photos in Mr.Bate's Appendix GAL/AJB/PA14 and the examples of the use of Kentish Ragstone in Appendix 6 to the ES Addendum, CD1.8.

²⁵⁶ E.g. CD4.8 at 6.2.6 on p.26.

be received well before the submission of even the Minerals and Waste Local Plan, let alone the Sites Plan²⁵⁷.

- 8.36. However, the attempt by the WT to seek support from the approach in the emerging plan is inevitably a fruitless exercise. Whether the site is allocated or not makes no difference to the determination of the application. It doesn't alter the considerations to be taken into account in striking the balance, and the need for the development is beyond argument. As explained above, that is fully recognized in the emerging Development Plan Document.

Ancient Woodland

The Approach to the Issue

- 8.37. There is of course no dispute that the loss of ancient woodland (AW) is a very important and sensitive issue. KCC understands and respects the concerns over this. However, a loss of ancient woodland has to be approached sensibly and in a balanced way; applying the relevant policies correctly.
- 8.38. The key national guidance on the approach to development, which would result in the loss of ancient woodland, is now found in the Framework document which states:-
- 'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'*
- Contrary to the assertion in Mr Barnes' proof for the WT, this does NOT preclude the loss of ancient woodland ²⁵⁸.
- 8.39. The Framework advice is not materially different from that previously found in PPS9, as Natural England themselves confirm in their Standing Advice (May 2012)²⁵⁹. Thus the Development Plan policies relating to ancient woodland are not out of date merely because of the publication of the Framework.
- 8.40. Two aspects of the Development Plan should be emphasized in this context:-
- SEP Policy NRM7 requires the replacement of woodland unavoidably lost through development with new woodland on at least the same scale.²⁶⁰ That requirement would be complied with, and
 - Policy NE4 of the T&MBC Managing Development and the Environment DPD also does not prohibit loss of AW.²⁶¹ It expressly requires a balancing of the need for, and benefits of, the development against the harm that would be caused to the ecological and historical importance of the AW, which is something that the WT says you shouldn't do. However, NE4 was adopted in the context of PPS9 and in respect of AW must be equally consistent with the Framework.

²⁵⁷ See para. 11.23 on p. 38 of Mr. Clifton's proof, KCC/MC/P.

²⁵⁸ WT/AB/P at 7.1 and 8.12.

²⁵⁹ CD6.1 at 7.2.3 on p.16.

²⁶⁰ CD4.1 at para. 9.38.

²⁶¹ CD4.10 on p.39.

- 8.41. The views of the Kent Wildlife Trust (KWT) and the Woodland Trust (WT) were largely based on form and not substance in this respect. That was at variance with the practical 'can-do', 'should deliver if possible', approach promoted in the Framework²⁶².
- 8.42. The mantra of the WT has been that this is AW and thus IRREPLACEABLE. In reality, their analysis of the issues then stopped at that point but, being irreplaceable, doesn't mean that policy doesn't allow AW to be lost, where the planning merits justify it.
- 8.43. Furthermore, their unwillingness to accept the requirement of a consideration of the value of the particular AW, betrays an unbalanced, and indeed flawed, approach. This was the case in Mr. Barnes' evidence. Despite purporting to acknowledge that a balance is required, it displayed a skewed and partial balance.²⁶³
- 8.44. The WT pointed to appeal decisions and said that the Inspectors (and in one case the Secretary of State) didn't accept that the approach should be any different in relation to Plantation of Ancient Woodland Site (PAWS) than to Ancient Semi-Natural Woodland (ASNW).²⁶⁴ However, again to stop the analysis there does not provide the full picture.
- 8.45. Of the four decisions before the Inquiry (none of which related to a minerals development), in only one of them did the Inspector find a need for the development.²⁶⁵ In that appeal, the Inspector did consider it was relevant to consider the biodiversity value of the AW (i.e. that the loss would be largely of non-native trees).²⁶⁶ Where a need is found, it is very difficult to see how the balance required under paragraph 118 of the Framework could lawfully be struck without weighing the benefits and need on one side, against the ecological and historical interests of the AW in issue.
- 8.46. The Woodland Trust's approach on this can be further tested by asking whether they would, if it were the case, be relying upon the fact that the site was high value ASNW? Of course they would, and they would be right to do so; it would be an important material consideration to be weighed in the balance.

The Loss of Ancient Woodland in Perspective

- 8.47. KCC approached the Application upon the basis that there would be a loss of irreplaceable woodland and it reached its decision on a worst case approach. It nonetheless considered that the need outweighed that loss.
- 8.48. KCC identified a very strong need for the development; identified significant benefits that would arise; and recognized the attributes of the off-setting measures in terms of the loss of the AW and biodiversity. That is an entirely proper approach consistent with the Framework. Despite hints to the contrary, and some of the statements in the WT's evidence, it was not suggested in

²⁶² CD3.1 at e.g. para. 187 on p.45.

²⁶³ Section 8 of WT/AB/P.

²⁶⁴ CD7.1(and WT3 re. the decision letter for Bolnore Village Phases 4 & 5)., 7.2 and 7. 4.

²⁶⁵ CD7.3 at paras. 13-16 on p.3.

²⁶⁶ CD7.3 at para. 43 on p.7.

cross examination of Mr Clifton, the KCC's witness, that there was any error in his approach to striking the balance.

- 8.49. The evidence before the Inquiry confirmed that the site is recognized for its ecological interest only at a county level, as a Local Wildlife Site. It is not considered to be of national interest by Natural England (NE), who did not therefore seek to have the application called-in²⁶⁷.
- 8.50. The ecological surveys indicate that, in respect of nearly all the species present, the biodiversity interest is either limited, or very limited²⁶⁸.
- 8.51. The KWT evidence was largely looking at form rather than substance. Thus the fact that Oaken Wood is described as W10 Woodland (which is a descriptor not a category of woodland) does not mean that it is necessarily of high value in ecological terms. The fact that other W10 Woodlands may, as their witness Dr Young relied upon, be of relatively high value seems to prove nothing in itself. Dr Young said in cross examination that she wasn't comparing Oaken Wood to Blean Wood, which does appear to be of higher value. Although in cross examination by GAL, Dr Young wouldn't accept that the Oaken Wood site was of lower value, she did accept that it was relatively poor.
- 8.52. There was no dispute that 95% of the site is covered with bramble undergrowth and little else of ecological interest. There are 'hot spots'; and Mr Goodwin's Plan ECO 2 painted a very revealing picture in relation to that. So, EVEN IF there was some basis for believing that management of the woodland might be reinstated, if the current application were rejected, there would be no basis to believe that this would result in some kind of *abracadabra* moment that would lead to a sudden, or even a slow burn, transformation of this site to one of higher ecological value.
- 8.53. KWT believed, or perhaps hoped, that there would be regeneration elsewhere on the site or in the woods. Although Dr Young said she wasn't comparing Blean Wood to Oaken Wood she did say that Oaken Wood might 'grow up' to be like Blean Wood 'one day'. But there was no evidence whatsoever of any mechanism by which that was likely to happen based upon the circumstances of Oaken Wood, which had been looked at extremely carefully by the Applicant. No convincing case, based on the circumstances of the Application Site, was made. Some references to the degree of restoration success elsewhere were not convincing without demonstrated similarities between the sites on an objective basis; and that was not done.
- 8.54. There were however three very telling pieces of evidence which cast significant doubt on KWT's stance:-
 - Mr Barnes' evidence for the Woodland Trust recognized that ancient woodland ground flora tend to disperse poorly and, once lost, are at best slow to return, if at all²⁶⁹. Moreover, this evidence acknowledged that the change to chestnut coppice would have a bearing on the ecology of the site, influencing the distribution and abundance of the species²⁷⁰,

²⁶⁷ Their letter of 31 May 2011.

²⁶⁸ See the xx of Dr. Young by GAL on this.

²⁶⁹ WT/AB/P at 3.2 on p.5.

²⁷⁰ WT/AB/P at 3.33 on p.13.

- The slow spread of Ancient Woodland Indicator species (AWIs) is referred to in Rodwell's British Plant Communities (Woodlands and Scrub) which, as Mr Goodwin pointed out, refers to a spread of only 6-10m per century in a Surrey stand,²⁷¹ and
- The WT Report (prepared by the pedigree authors Pryor, Curtis & Peterken) states in this context :-
 - AWIs are slow colonizers and will not readily re-colonise PAWS,
 - AWIs do not generally have long-lived seed, and will thus not rise, phoenix-like, from the soil,
 - In terms of woodland specialist plants '*what you see is what you get*',²⁷² and
 - There is the possible disturbance event, as addressed by Mr Chadwick for the Applicant.

8.55. In addition, the Applicant pointed to other woods to demonstrate that coppicing and the shedding of light can't turn dust into gold, in ecological terms.

8.56. In further contrast, the Applicant provided very compelling evidence that the proposed biodiversity measures would deliver significant benefits, particularly because of the amount of native woodland that would be created as opposed to existing sweet chestnut coppice.

8.57. Although Dr Young said that the Kent Biodiversity Action Plan before the Inquiry was an early edition, it is still relevant and has not been withdrawn. This Plan includes Objectives/Targets:-

- To retain all ancient semi-natural woodland, to restore positive conservation management and enhance woodlands on ancient replanted sites to a more semi-natural character (e.g. diversify sweet chestnut plantations), and
- Implement best practice in woodlands, with increasing biodiversity as a key aim²⁷³.

8.58. It would of course be incorrect to consider sweet chestnut as native woodland species. It has some biodiversity value, as Dr Young sought to stress with her reference to butterflies.²⁷⁴ However, on the evidence before the Inquiry, that value is very restricted in comparison to that of native woodland.

8.59. It is notable that the WT's main aims include increasing the area of native woodland²⁷⁵. It is also relevant that in cross examination by GAL, Mr Barnes dissociated himself from what Mr Brady (the witness that he replaced) had stated in his proof, where he referred to the sweet chestnut coppice of Oaken Wood functioning as Ancient Semi Natural Woodland (ASNW)²⁷⁶. That is plainly wrong and was a further demonstration of the WT's focus being on the label rather than on the substance.

²⁷¹ CD6.37 on p.180 in the right hand column.

²⁷² CD6.36 "Restoring Plantations on ancient woodland sites", Woodland Trust (2002).

²⁷³ CD6.2 under "Woodland and Scrub".

²⁷⁴ KWT13.

²⁷⁵ WT/AB/Pat 1.3 on p.4.

²⁷⁶ WT/AB/P at 8.15 on p.31. Mr. Barnes said that he would prefer to that Oaken Wood functions as ancient woodland within the PAWS category.

8.60. Further, the policy documents that Mr Barnes' referred to:-

- Highlight the importance of NATIVE woodland and thus ASNW rather than PAWS,²⁷⁷ and
- They stress avoiding an 'overall' or 'net loss' of biodiversity.²⁷⁸ A similar approach is adopted in paragraph 109 of the Framework, which seeks the minimisation of impacts on biodiversity and the provision of net gains in biodiversity where possible.

Off-Setting Measures

8.61. The evidence on behalf of the WT and KWT failed to give any proper recognition to the off-setting proposals and benefits that would be delivered. It is simply wrong to categorise these proposals as all loss in that respect, and KCC recognized this in reaching its decision.

8.62. The off-setting measures include replacement mixed planting on the site itself, together with the additional native woodland and hedgerow planting and management of existing woodland.²⁷⁹ In addition, the habitat creation field (of 9ha) would deliver benefits, including meeting its primary objective as the receptor site for reptiles.

8.63. The evidence at the Inquiry showed just how effective the mitigation/compensation measures would be and the clear biodiversity benefits that would be achieved.

8.64. There should be a high degree of confidence in these measures given:-

- The cogent, indeed often compelling and well substantiated, evidence from a very experienced ecologist, Mr Goodwin,
- The progress made in translocation techniques and the advice given in this case by Peter Buckley. Further, this is not translocation of semi-natural ancient woodland, which the WT has previously indicated as 'particularly inappropriate',²⁸⁰ and
- The very detailed, coherent and fully justified Woodland Management Plan that is robustly secured ('belt and braces and all') by the Section 106 Agreement. That Agreement was very carefully formulated and was scrutinized at the Inquiry but not found wanting by the Rule 6 parties (on the usual without prejudice basis).

Other Matters

8.65. The other key matters relied upon in opposition to the proposal relate to landscape and visual impact and the impact on local residents.

Landscape and Visual Impact

8.66. The starting point is that this site has no landscape quality designation. It was not recognized as being of County importance (eg a Special Landscape Area)

²⁷⁷ WT/AB/P at 4.16 & 4.17 on p.18.

²⁷⁸ WT/AB/P at 4.5 & 4.6 & 4.9 on pp.14-16. See also 6.14 on p.24.

²⁷⁹ See plan 0257/11/5A and see KCC/MC/P at pp. 15-16.

²⁸⁰ GAL26 – Position Statement from WT on Ancient Woods and Translocation.

under the former Structure Plan that has now been superseded by the South East Plan (SEP).²⁸¹

- 8.67. It is clear from the Framework that a countryside location is not itself a barrier to such development²⁸² and the approach to AW in the Framework has been set out above.
- 8.68. Accordingly, no 'in principle' objection could arise from the landscape and visual impact case made by the WT, though these factors have to be weighed in the balance. However, that weighing has to take into account the fact that any minerals operation will be likely to have certain impacts, particularly where, as is commonly the case, the site is a greenfield one in the countryside. That is borne out in this case by the landscape character assessment referred to on behalf of the WT by Mr Etchells which refers to 'the numerous quarries' in the countryside and that the Hythe Beds provide hard stone, which is a distinctive feature of local buildings, particularly in the rural areas.²⁸³
- 8.69. Although in this case there is the important added factor of the AW, at the same time, the proposed working site has a high degree of enclosure and screening provided by the existing woodland. Accordingly, the visual impact would be minimal, as would be any perception of the change in the landscape character. Moreover, contrary to Mr Etchells' characterization of the development as being destructive, the application proposals include for the replacement of the existing 31 hectares of woodland with 33 hectares of native woodland on the site alone. Although this would obviously not happen immediately, it is nonetheless an important consideration in both landscape and visual impact terms, and very different from a development with permanent buildings.

Visual Impacts

- 8.70. Mr Etchells' concerns about the visual impact of the development seemed to be very largely addressed by the retention of a minimum 50m wide perimeter buffer strip of woodland.
- 8.71. Mr Etchells accepted that, in accordance with the Woodland Management Plan, the perimeter screening would prevail. He also acknowledged in cross examination that sweet chestnut grows 'quite rapidly' and would be 'a very effective screen'; and also that, as it gets denser, that screening would occur whether it was summer or winter. He agreed that the 50m width would be reasonable, though that is the minimum width; with an average of 68m.²⁸⁴
- 8.72. Mr Etchells accepted that the quarry operations would not generally be visible from the area around the site²⁸⁵. He did not appear to place any real reliance upon longer views and that is consistent with the fact that the extension would barely be noticeable, if at all, from any such viewpoint. Indeed, he accepted that the visual effects would, in principle, be limited.

²⁸¹ See policy EN5 on p.69 of GAL 24 – Kent and Medway Structure Plan (2006)

²⁸² E.g. para. 17 on p.5 of the NPPF (CD3.1) at the 5th bullet point.

²⁸³ Para. D7 in JE Appendix D.

²⁸⁴ See the plan at the back of Mr. Jenkins' rebuttal proof.

²⁸⁵ See Mr. Etchells' proof at paras. 5.1.1 on p.27 and 5.1.11 on p.30 and see p.32.

8.73. The only caveat to that was the impact of the tunnel for the access to the extension, however that would be a very localised impact. Mr Etchells contended that it would be a longer period, of perhaps 10 years duration, rather than the 3-5 years stated in the ES Addendum before the impact became insignificant. However, with the suggested condition (Doc GAL37/1, Condition 12), there is no reason why this impact should be other than very limited.

Landscape Impact

8.74. Mr Etchells placed reliance on the loss of tranquillity. His suggestion that one had to go as far as 500m from the existing operations before the noise became insignificant seemed surprising, as Mr Clifton commented (in-chief). Mr Clifton also referred to the traffic noise from the motorway as often being what one would notice, rather than noise from the existing quarry. However, the opportunity to walk and enjoy this locality is not limited to just the close proximity of the existing quarry or the proposed westerly extension. Oaken Wood extends to about 240 ha, of which the extension site is about 14%. The diverted rights of way would come no closer to the quarry operations than is currently the position at the existing Byway. As Mr Clifton's evidence in-chief indicated, the currently preferred route by the public is the permissive route around the outside of the site. Contrary to Mr Etchells' assertion, the outlook from that would not be materially different to that from the existing rights of way.²⁸⁶

8.75. Mr Etchells agreed with Mr. Mackworth-Praed's arboricultural assessment on behalf of GAL. There also appeared to be little if any dispute with Mr Mackworth-Praed's Rebuttal evidence in terms of the arboricultural aspects and the number and types of trees that would be lost.²⁸⁷

8.76. Mr Etchells overstated the contribution of the existing woodland on the site. There was no dispute that this is a pleasant wooded site, but the perceived landscape character would not be lost, save possibly in respect of the historical dimension. However, the present wooded character is not hundreds of years old. It is of a rather uniform and homogenous nature and it cannot objectively be regarded as unique or particularly special. It should not be considered any higher than of moderate quality or sensitivity.²⁸⁸

8.77. The view of Dr Young for KWT, who (in her additional notes for her evidence in-chief) stated that *'it is indeed a visually uninteresting wood'* also casts doubt on Mr Etchells' assessment in this respect²⁸⁹. Nor does Mr Etchells' view sit happily alongside Rodwell's assessment that the kind of bramble underscrub, as found on this site, presents one of the dreariest scenes among British woodlands.²⁹⁰

8.78. As Mr Etchells contended, there can, in principle, be landscape effects even where the change creating these is not visible. However, it is significant that the Application Site would remain surrounded by a woodland buffer zone and it

²⁸⁶ Proof, WT/JE/P at 6.13 on p.43.

²⁸⁷ Some 85 – in accordance with the BS 6 of which are mature, 42 semi-mature and 37 young: see xx of Mr. Etchells by GAL and Mr. Mackworth-Praed's proof at 5.4.5 on p.53.

²⁸⁸ Cf. Mr. Etchells' assessment of "high quality" – see para. 3.3.8 on p.13 of WT/JE/P.

²⁸⁹ KWT/SY/PS.

²⁹⁰ CD6.37 p.180.

would be worked on in phases with no more than 4 phases in operation at any one time.²⁹¹ Mr Etchells himself stated that the limited visibility of the proposed development within the local landscape would restrict the geographical area over which the landscape effects would be significant.²⁹²

Summary

- 8.79. Mr Etchells complained about the baseline used in the Applicant's assessment, yet had not himself assessed the impact of the existing Quarry (as he acknowledged under cross examination by GAL). However, as Mr Clifton said in his evidence in-chief, the baseline would make little difference because, on either approach, there would be no significant impact. Even Mr Etchells' concluded that all visual effects would tend to become insignificant after about ten years.²⁹³
- 8.80. In summary, when stripped down to the substantive points, Mr Etchells' evidence did not suggest anything other than minor visual impact which did not take the WT's arguments much further than simply their 'in principle' objection to the loss of this 'irreplaceable' AW. Furthermore, Mr Etchells paid little attention to the landscape merits of the replacement and additional native woodland planting, indeed he said in cross examination that there would be no benefit from the extra planting. However, that planting would be consistent with one of the main aims of the WT,²⁹⁴ and this omission from his assessment was symptomatic of his approach.

Impact on Residential Amenity

- 8.81. Inevitably there has been some impact on the amenity of the people living in the vicinity of the existing Quarry. One can sympathise with and understand these residents' concerns. However, the objective has to be (in accordance with the 4th bullet point of paragraph 144 in the Framework) to ensure that noise, dust and blasting impacts would be controlled, mitigated or removed at source and remain within acceptable levels in accordance with the Technical Guidance to the Framework.
- 8.82. There are fewer residential properties proximate to the proposed extension and there would be no operations any closer to residents than for the permitted quarry.²⁹⁵ For most of the time the working would be further, and often significantly further, from the properties, which lie closest to the permitted quarry.²⁹⁶
- 8.83. The position in relation to blasting, noise, dust, and highways was summarized in Mr Clifton's proof of evidence.²⁹⁷ However, the following points should be emphasised.

Blasting

- 8.84. The impacts of blast events in the existing quarry have all been well within Government Guidance. Mr Bate gave evidence for GAL about the

²⁹¹ See GAL2 (revised) and Draft Condition 4.

²⁹² Mr. Etchells' proof, WT/JE/P, at para. 5.4.3 on p.34.

²⁹³ Mr. Etchells' proof, WT/JE/P, at para. 5.5.4 on p.36.

²⁹⁴ WT/AB/P at 1.3 on p.4.

²⁹⁵ Section 9 of KCC/MC/P at 9.5 on pp.28-9. See now also GAL 34 showing distances to Dwellings

²⁹⁶ Seen from looking at GAL34 and plan 0257/10/3, Phasing and Working Plan, together.

²⁹⁷ Section 9 of KCC/MC/P.

improvements over time and he referred to reductions of some 30% in the effects over the last 5-6 years. Blast events are strictly controlled and monitored. The proposed conditions (Draft Conditions 17, 18 & 19) would continue to limit these events to no more than one per day. In addition, in light of the concerns raised by the residents at the Inquiry, KCC considered that it would be appropriate to impose a condition requiring a scheme to minimise air overpressure, if permission were to be granted²⁹⁸.

- 8.85. There is no evidence of any link between blasting at the Quarry and cracks and damage to nearby properties.²⁹⁹ It is not unusual for cracks to appear in properties of all ages. However, there can be several other explanations for this. It is not uncommon, but not necessarily well-founded, for residents to associate all difficulties associated with their homes with what they see as an undesirable activity.

Dust

- 8.86. When on occasions there have been dust problems with the existing quarry, for example during a dry period, this has been addressed by GAL.³⁰⁰

Noise

- 8.87. Similarly the Applicant has in the past addressed noise problems when they have arisen.
- 8.88. Mrs Dyer was concerned about the noise from reversing beepers on vehicles but this can be controlled by a condition requiring the use of white noise reversing warning systems (GAL37/1, Condition 14).

Traffic

- 8.89. The existing access to the permitted quarry would be retained and the current restrictions on vehicle numbers would also be retained. KCC had received no formal complaints relating to vehicles associated with operation of the existing site.
- 8.90. Therefore, although the concerns of the local residents are understandable, the relevant Framework and Development Plan policies would be complied with in respect of residential amenity.

Groundwater

- 8.91. No one suggested that that any possible effects upon the groundwater could not be satisfactorily addressed by way of appropriate conditions (GAL37/1, Conditions 23 & 24)³⁰¹.

Landfill

- 8.92. The Environment Agency (EA) indicated that they would encourage a variation of the existing landfill permit, rather than an application for a separate new permit.³⁰²

²⁹⁸ Based on that in MPG14, as set out in KCC/7 and GAL40.

²⁹⁹ As noted at the Inquiry during Cllr. Gooch's evidence.

³⁰⁰ KCC/MC/P at para. 9.6 p.29.

³⁰¹ See KCC/MC/P at section 4 on p.10.

³⁰² See KCC/3 – the email dated 5 September 2012 from the EA to Angela Watts.

Geology

8.93. There was little, if any, remaining dispute between the parties on geological matters by the end of the Inquiry.³⁰³

Heritage

8.94. By the end of the Inquiry, there was no dispute that there are no visible historical ancient woodland features on the Application Site.

8.95. The possible archaeological interest in the site identified by the County Archaeologist related mainly to Palaeolithic artefacts and these interests could be appropriately protected by a condition (Draft Condition 25)³⁰⁴.

The Balance

8.96. KCC accepted that it was not easy to strike the balance in this case because of the serious issues to be weighed. The loss of a significant area of AW would require clear justification. However, contrary to the approach of the WT and some local residents, KCC could not ignore the requirements for crushed rock in both the statutory Development Plan and national policy.

8.97. Neither could KCC hide behind the emerging Minerals and Waste Development Scheme. Although the extension site is not allocated, the need for it is recognized in the KCC resolution of May 2011 to grant planning permission for the extension. There has been no evidence to show that a responsible Mineral Planning Authority should rely upon supplies from Blaise Farm Quarry. In addition, no alternative site has been suggested by the WT, and no other ragstone site has been put forward, despite a second call-for such sites.

8.98. There can be no possible prematurity argument, given:-

- The lack of any alternative site, and
- The early stage of the Local Plan (projected submission Autumn 2014) and the Sites Plan (projected submission Autumn 2015), and that timescale could well slip, as Mr Steedman acknowledged in cross examination by GAL.

8.99. The lack of a prematurity case is confirmed by the advice in the General Principles document that accompanied PPS1, which is still extant, as well as paragraph 216 of the Framework³⁰⁵. There is no planning reason for putting off the decision. Indeed to do so would have very serious implications for the steady, adequate and sustainable supply of crushed rock, as required by the Framework.

8.100. Although the approach to the loss of AW has not changed in the Framework, greater emphasis is now given to the economic importance of development, including mineral development. The WT acknowledged at the Inquiry that development which is found to comply with the balanced approach in paragraph 118 of the Framework would be 'sustainable development'³⁰⁶.

³⁰³ See KCC/MC/P at section 3 on p.9.

³⁰⁴ See KCC/MC/P at section 7 on p.22.

³⁰⁵ CD3.5 at paras.17-19

³⁰⁶ See xx by WT of Mr. Clifton on this

That is a proper but highly significant recognition of the advice in the Framework.

- 8.101. Thus, despite AW being 'irreplaceable', there can be no dispute that development involving its loss can still be sustainable development within the context of the Framework.
- 8.102. The economic and social roles of developments are recognised in the Framework, as well as the environmental role. The contribution this development would make both locally (with 105 people currently employed on site in the quarrying and recycling activities) and nationally should be beyond argument (see Section 10 of Mr Clifton's proof of evidence and the evidence of Mrs Rosewell for GAL).
- 8.103. Any suggestion that the Framework would look with anything but alarm at the suggestion that this mineral could be imported from another country, would be quite wrong. That would hardly be contributing to a strong, responsive and competitive economy required by the Framework. This requires strong, vibrant and healthy communities and a high quality built environment. The employment brought about by the extension and the use of the stone in local and internationally important buildings would assist in meeting these objectives.
- 8.104. It would be inaccurate to characterise the need case for this proposal, as some have persisted in doing, as being solely for the building/dimension stone. The case for the ragstone aggregate on its own is compelling and unanswerable if the Development Plan and the Framework are properly applied.
- 8.105. Added to that however, the importance of the dimension stone far exceeds its relatively small proportion of the quarry output in quantitative terms. Powerful support for this is seen from numerous parties in writing, including English Heritage (EH). The fact that the Kent Conservation Officers' Group and the Institute of Historic Buildings took the trouble to attend the Inquiry further underlies the importance they attach to this extension.
- 8.106. There is also a very well balanced assessment of the position in the letter from Protect Kent (the Kent branch of the CPRE).³⁰⁷ They very carefully scrutinize any development in the countryside and it is very telling that their balanced and informed assessment concluded in favour of the proposals.
- 8.107. On the evidence before the Inquiry, KCC had every justification for reaching the conclusion that the need for, and benefits of, the Westerly Extension would clearly outweigh the loss of the ancient woodland.

Conclusion

- 8.108. There was a notable lack of substantive evidence to challenge the need for this development and there was a heavy reliance by those opposing the development on the fact that the site is ancient woodland, without accepting that the relative biodiversity value is a material consideration.

³⁰⁷ In its Further Comments dated November 2012

- 8.109. However, perhaps the most telling piece of biodiversity evidence was the acceptance by KWT during cross examination by GAL that, if the offsetting measures were successful, the new woodland would in time be likely to qualify for Local Wildlife Site (LWS) status (just as part of Oaken Wood is currently designated).
- 8.110. Bearing in mind the executed Section 106 Agreement incorporating the detailed and strict Woodland Management Plan and the suite of draft conditions, relating to both the Section 62 and Section 73 applications, that should be the case.
- 8.111. Accordingly KCC requested the Secretary of State to grant planning permission for the Westerly Extension of Hermitage Quarry.

9. The Case for the Woodland Trust

The Applicable Policy Framework

- 9.1. Section 38(6) of the Planning & Compulsory Purchase Act 2004 provides that the application scheme must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2. The Development Plan comprises³⁰⁸:-
- The saved policies of Kent Minerals Local Plan (1993),
 - The saved policies of the Borough Local Plan (1998),
 - The Tonbridge & Malling Core Strategy (2007),
 - The South East Plan (2009), and
 - The Tonbridge & Malling Managing Development and the Environment DPD (2010).
- 9.3. The starting point is thus the policies set out in the Development Plan, but there was a general consensus in this case that ultimately the relevant policy tests are as set out in the National Planning Policy Framework (the Framework), i.e. that the Framework encapsulates what the relevant Development Plan policies are seeking to achieve³⁰⁹. The Framework is of course not to be interpreted by reference to Local Plan policy³¹⁰.
- 9.4. It is also common ground that planning judgement must be exercised principally in relation to two aspects of national planning policy; the need to protect ancient woodland and the need to secure a steady and adequate supply of minerals³¹¹.
- 9.5. The scheme would result in the loss of 31ha of ancient woodland. The key policy test in this case is therefore as set out in paragraph 118 of the Framework, namely:-
- 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:- ... Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland ... unless*

³⁰⁸ CD9.5 para. 7.3

³⁰⁹ Jenkins cross-examination ("xx");

³¹⁰ Ibid.

³¹¹ See e.g. Clifton proof at paragraphs 2.4 and 2.9.

the need for, and benefits of, the development in that location clearly outweigh the loss.'

The Approach to Planning Judgement

- 9.6. The question then is how to strike the balance required by paragraph 118, both in terms of general principles and on the facts of the case.
- 9.7. In policy terms the starting point is that ancient woodland is irreplaceable, as is expressly confirmed by the Framework. At one point during the Inquiry the Applicant disputed this, Mr Mackworth-Praed saying that paragraph 118 should be read as if it had the words 'what may or may not be' in front of the words 'irreplaceable habitats'³¹². However, the Applicant subsequently accepted that such an approach would be wrong both as a matter of the proper interpretation of policy³¹³ and as a matter of ecological fact³¹⁴.
- 9.8. The question then is whether – and if so to what extent – the fact that ancient woodland is irreplaceable should weigh in the planning balance. Plainly it is a highly relevant consideration and one that should attract considerable weight. This is clear from the Secretary of State's decision in the Bolnare Village case³¹⁵:
'The Secretary of State agrees with the Inspector at IR 13.65, for the reasons he gives in IR 13.46-64 that FAW/Cell 5B1 is ancient woodland, as categorised in the Inventory. The Secretary of State also agrees with the Inspector at IR 13.70, for the reasons he gives in IR 13.67-89, that FAW/Cell 5B1 has considerable other acknowledged ecological interest and importance'.
- 9.9. As can be seen therefore, the approach adopted by the Secretary of State is to place significant weight on the fact that ancient woodland is irreplaceable (this is after all what the Framework makes plain), and then goes on to see whether there are other additional factors that also weigh in favour of the woodland's retention. These factors are of course not limited to matters of ecology; rather, any relevant planning factor can be weighed in the paragraph 118 balance.

The Benefits of Mineral Extraction

- 9.10. The scheme comprises mineral extraction and the Framework makes plain that minerals are essential to support sustainable economic growth and our quality of life. Furthermore, it is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs (paragraph 142).
- 9.11. The Framework also makes clear that in determining planning applications, such as the present Application, great weight should be given to the benefits of mineral extraction, including to the economy.
- 9.12. There is no dispute in this case that the proposed extraction would be beneficial in that it would bring a substantial volume of minerals to the local market and it would also be beneficial in terms of other important matters

³¹² Mackworth-Praed xx.

³¹³ Jenkins xx

³¹⁴ Goodwin xx

³¹⁵ WT3, paragraph 20 of the Secretary of State's decision

such as employment and consequential economic benefits. It must of course be recognised that mineral extraction creates jobs and consequential economic benefits regardless of its location³¹⁶.

9.13. The issue in this case is how to strike the balance required by planning policy.

Landbank Requirements

9.14. It is common ground that there are already sufficient consented ragstone reserves to meet the minimum 10 year landbank of crushed rock required by paragraph 145 of the Framework. There is however no landbank requirement, or regional apportionment, for building/dimension stone.

9.15. Planning permission was granted in 1994 for ragstone extraction from Blaise Farm Quarry³¹⁷. It currently has approximately 12m tonnes of reserves (7.7mt of ragstone and 4.7mt of hassock³¹⁸), and with the regional apportionment for Kent being 0.78mtpa, this represents well in excess of the required 10 year landbank.

9.16. Given that the Blaise Farm site contains enough mineral reserve to meet the necessary landbank, the question then is whether it is a good idea in planning terms now to permit the proposed extraction of a further 16mt from the Application Site³¹⁹. The risk would be of consenting more minerals than need to be extracted.

9.17. Blaise Farm was 'mothballed' by its current owners, Hanson, in 2005³²⁰. The issue for the Secretary of State is whether, on the information currently available, it can properly be concluded that Blaise Farm is unlikely to make a material contribution to Kentish Ragstone production over the next two decades or so.

9.18. Hanson issued a press release at the time³²¹ citing 'declining sales and weak demand for Kentish Ragstone in local markets' and 'increasing competition from recycled and other materials'. It is not possible to draw any firm conclusions from this statement about the viability of extraction from Blaise Farm or the quality of the reserves.

9.19. Further, there was no information before the Inquiry about Hanson's intentions for Blaise Farm in the future. The Applicant sought to argue that it would not be economically viable for Blaise Farm to be operated on anything other than a campaign basis³²². Mr Bate put forward his professional view about the viability of relocating the current Hermitage Quarry processing equipment to Blaise Farm³²³ but that is not the issue here.

9.20. It is not possible, on the information before the Inquiry, to draw anything more than tentative conclusions about the viability of working Blaise Farm; for

³¹⁶ Steedman xx.

³¹⁷ Bate proof para 5.3

³¹⁸ Wilkinson proof para 5.5.19

³¹⁹ Wilkinson proof para 4.5.8

³²⁰ Bate proof 5.4

³²¹ GAL/AJB/PA8

³²² Bate para 5.18

example there is no information about the likely revenue that sales from Blaise Farm would generate in a 'no-Hermitage Quarry' scenario; nor is there any detailed assessment of the likely costs of extraction. It certainly cannot be concluded that it is unlikely that Blaise Farm could be worked viably.

9.21. This conclusion is reinforced by the fact that Kent County Council is plainly not of the view that Blaise Farm is unviable, otherwise it could not logically have taken the approach it has done in the emerging Minerals Plan, nor properly have its publicly stated concerns about Blaise Farm stifling competition³²⁴.

9.22. Finally, given that Blaise is operated by one of the 'majors', questions of viability are necessarily to be approached differently, given the size and attitude of the parent organisation³²⁵. So, unless it could be concluded that Blaise Farm is unlikely to be worked (regardless of the economic return it may bring its operator), then that quarry remains very much in the equation. In short, on the information before the Inquiry, Blaise Farm cannot conceivably be ruled out.

9.23. It follows that the Inquiry should proceed on the basis that Blaise Farm is capable of contributing around 12mt of crushed rock. That is already more than the 10 year landbank. To grant planning permission for the Application Scheme would more than double the landbank and would undermine the whole purpose of the minerals planning regime.

9.24. It is common ground that Blaise Farm cannot produce aggregates to match the complete range of end products³²⁶ that can be produced from Hermitage Quarry but there is no 'apportionment-within-the-apportionment'. Blaise Farm can meet Kent's 0.78mtpa regional apportionment in full. Again, this is endorsed by the approach taken by Kent in the preparation of its emerging minerals plan:-

'In view of the large, consented landbank for land-won crushed rock [i.e. Blaise Farm] it is not proposed to allocate any crushed rock sites. The NPPF recognises [footnote refers to para 145] situations where large landbanks bound up in a few sites may stifle competition. *It is proposed to address these issues through a policy in the Core Strategy*' (italics added).'³²⁷

9.25. As can be seen, Kent's concern is with the possibility of stifled competition. This was also a point raised by the Applicant in support of the grant of permission for the Application Scheme. But again there was no evidence before the Inquiry on which it could properly be concluded that refusing the Application Scheme (and thus leaving Blaise Farm as the only consented ragstone quarry) would have any material impact on competition.

9.26. On behalf of GAL, Mrs Rosewell noted that the Office of Fair Trading (OFT) has published a market study of the aggregates, cement and ready-mix concrete sectors in Great Britain and has proposed a reference to the Competition Commission following stakeholder concerns about how competition operates in the market³²⁸.

³²⁴ CD 4.6 p.36

³²⁵ See Rosewell proof paragraph 5.18 - 19

³²⁶ GAL 22

³²⁷ CD 4.4

³²⁸ Rosewell proof 5.15

9.27. However, it is important to note that:-

- The OFT study was simply the precursor to the reference to the Competition Commission, which has yet to report,
- The OFT considers that even if there was an issue in this regard there is a reasonable prospect of finding appropriate remedies³²⁹, and
- Most importantly for the purposes of this Inquiry, it was common ground that before any proper conclusions could be reached about competition in Kent it would be necessary to undertake a very detailed analysis of the issue, which no one has attempted in this case³³⁰.

9.28. It would therefore not be appropriate to draw any conclusions about whether the refusal of the Application Scheme would have any material impact on aggregates competition in Kent.

9.29. Nor was there any suggestion before the Inquiry that refusing permission would in any way prejudice Kent's ability to secure as much aggregate as it needs: there would continue to be a steady and secure supply of minerals. In a nutshell, there is no evidence that price or quantity would be affected.

Emerging Policy

9.30. KCC's Minerals and Waste Development Framework is in the course of preparation. It is instructive to follow KCC's considered approach to the proper planning of its area. The current application was considered in May 2011. This was very shortly after KCC had published its Minerals & Waste Core Strategy, *Strategy & Policy Directions Consultation*, paragraph 5.3.1 of which provides as follows:-

'The results of the Sustainability Appraisal commentary as well as the responses to the Core Strategy 'Issues' document indicate that option 3A is the preferred option. No sites need to be identified for further ragstone working in the plan period or for underground limestone mining. However, to allow for flexibility in the plan making process, it is considered prudent to prepare emerging policy on the basis that there may be the possibility of an alternative supply of crushed rock required in the plan period, if the large (consented) deposit at Blaise Farm is found to be uneconomic for an extended period, and remains largely unworked'.

9.31. Kent reached this view after GAL's application had been with the Council for almost a year³³¹, so Kent cannot say they were unaware of the factual position about the remaining reserves at Hermitage Quarry.

9.32. Option 3A is:

'Do not identify any crushed rock (ragstone and/or underground limestone) sites as the landbank for crushed rock is more than sufficient for the plan period and beyond (taking into account an extra 10% for flexibility) and remaining economic reserves of ragstone should be covered by safeguarding policies only'

³²⁹ CD 5.2 paragraph 1.28; CD 5.3 paragraph 1.11

³³⁰ Rosewell xx.

³³¹ CD 9.5 paragraph 3.1 – application submitted June 2010

- 9.33. Clearly, KCC's preferred approach as the Mineral Planning Authority with regard to the plan-led approach is:-
- Not to allocate any sites in addition to Blaise, but
 - To allow for flexibility in the plan on the basis that an alternative supply of crushed rock may be necessary if Blaise does not produce the goods.
- 9.34. As set out above, there is no suggestion from KCC either that it would be unviable to work Blaise Farm, or that Blaise Farm is unlikely to be worked during the plan period. Rather, KCC's preferred option in terms of ensuring that the plan-led approach works properly is to design in a degree of flexibility in the Core Strategy. That would, in Kent's view, give an appropriate degree of flexibility in the plan-making process and would ensure a sustainable approach to minerals planning, i.e. to avoid further reserves being consented unnecessarily. That is why Kent did not think it would be appropriate to allocate the Application Site for minerals development³³².
- 9.35. It is plain that to grant planning permission for the Application Scheme would render pointless any further consideration in Kent's emerging policy of the proper planning of crushed rock production in Kent³³³. Given KCC's carefully considered conclusion that it would not be appropriate even to allocate the Application Site; a consistent approach would logically conclude that it is not appropriate to grant planning permission for the site now.
- 9.36. The fact that the emerging Plan is not due for imminent adoption³³⁴ does not diminish the logic of that position, as Kent's position was of course reached in the knowledge of the likely adoption dates for its emerging policy.

Building Stone

- 9.37. A draft condition would require the Applicant to 'make available' a minimum of 25,000tpa of building stone³³⁵. It is not clear precisely what the Applicant would need to do in order to comply with this condition.
- 9.38. However, the demand for ragstone for building/dimension stone is relatively low with Hermitage Quarry producing only about 2-3% of its total output as building stone³³⁶. Of this figure, about 70% has been used for 'heritage' uses with the remainder going to new build projects³³⁷.
- 9.39. Whilst the production of ragstone for use for heritage or new build purposes would be a benefit of the scheme it needs to be put into context:-
- The Applicant accepts that there would be no need to quarry ragstone on the scale proposed in the current application in order viably to deliver the amount of building stone that it says would be delivered (25,000tpa).
In this regard, it is relevant to note that in the emerging policy, Policy CSM6³³⁸ gives clear support to bespoke building/dimension stone quarries.

³³² See Site 7, and reasons for non-allocation: "The landbank of consented reserves of ragstone is more than sufficient for the plan period; no site allocations for crushed rock are necessary. However, it is acknowledged that there are technical and competition issues with the majority of the crushed rock reserves being held in one large site [Blaise]. These issues will be addressed through a policy in the Core Strategy" (emphasis added).

³³³ Clifton xx.

³³⁴ CD 9.5 section 7.5

³³⁵ Draft conditions 25

³³⁶ Average output 700,000tpa (Bates 4.2); all premium products including building stone 20,000 – 25,000tpa (Bates 4.41).

³³⁷ GAL 18

³³⁸ CD 4.4 p 69

Plainly KCC is not of the view that small scale proposals for the extraction of local building/dimension stone would be unviable. The fact that there are currently no such operators in Kent is not particularly relevant to the debate. The issue is whether there would be a market for such stone without the proposed Westerly Extension of Hermitage Quarry and no one has sought to produce a viability assessment on that basis. It cannot therefore be concluded that the benefits that this scheme would deliver could not viably be delivered without the accompanying extraction of a little under 16mt of other stone,

- It is plainly not a sustainable solution to the long term provision of Kentish Ragstone for building stone purposes to authorise the crushing of the remaining 98% of what is promoted as the only source of ragstone in Kent, and
- The support voiced by groups such as the Kent Conservation Officers' Group (KCOG) was contingent upon the imposition of certain conditions upon the grant of any permission. It is clear that those conditions would not be workable and Mr Sargent, for KCOG, confirmed that the 'conditions currently proposed don't solve the problems'.

9.40. Accordingly, very little weight can properly be given to the scheme's provision of building/dimension stone.

Landscape

Methodology

9.41. There were two competing assessments of the scheme's landscape and visual impact before the Inquiry. However, the Applicant's assessment – set out in the Environmental Statement (ES), the Addendum (ESA) and in the evidence of Mr Mackworth-Praed and Mr Jenkins can safely be set aside. This is because it is clearly based on a flawed methodology. The key point being that the Applicant's assessment was based on the impermissible assumption that, without the proposed extension, the exiting quarry would remain as it is today, i.e. that it would not be restored over time.

9.42. This state of affairs only became apparent when, in his rebuttal evidence, Mr Mackworth-Praed argued that Mr Etchells had used the wrong baseline to assess the scheme because he had assumed that, without the application scheme, the existing quarry would be worked out and restored. Mr Etchell's approach is of course entirely correct, a fact that Mr Mackworth-Praed conceded under cross examination. The correct approach is as follows:-

*'It is important to bear in mind that the baseline is not static. The landscape may already be changing for reasons unrelated to the development. The baseline studies therefore address not only the existing landscape, but also such landscape dynamics as may be identified, together with the likely future characteristics of the landscape without the development...'*³³⁹

9.43. It follows that it was the Applicant's approach that was flawed, as Mr Mackworth-Praed fairly accepted. In contrast Mr Jenkins said that the Applicant had originally assessed the scheme on Mr Etchell's baseline, but had

³³⁹ Guidelines for Landscape and Visual Impact Assessment, produced jointly by the Institute of Environmental Management and Assessment and the Landscape Institute, 1995, revised 2002: extract at WT4.

not committed any part of that assessment to writing. He said that the Applicant had then compared that assessment with a further assessment, carried out against the (incorrect) assumption that the existing quarry would not be worked and restored. Again, that comparison exercise was not set down in writing. Mr Jenkins then said that the Applicant had concluded that there was no difference between the two assessments and the decision was taken to present the second assessment as set out in the Applicant's evidence. No explanation was offered why the Applicant thought it appropriate to undertake the comparison exercise set out above, having already apparently gone to the effort of assessing the scheme against the real world and the correct scenario used by Mr Etchells.

- 9.44. Given that the Applicant's assessment was against the wrong baseline it follows that Mr Etchells assessment methodology is plainly to be preferred. It would be irrational to conclude otherwise.

Impact

- 9.45. The quarry would be a very large scale development in an area of coppiced woodland which has been recognised as a major landscape feature in the nearby Mereworth Woodlands area in the Landscape Assessment of Kent³⁴⁰. Whilst extraction would be undertaken in stages, as much as 8ha would be in the process of being worked at any one time. However, the Applicant is wrong to say that only 8ha would be 'without woodland cover' at any one time³⁴¹. Although the quarry would not be widely visible, it would nonetheless have materially adverse visual impacts³⁴², the most significant of which would be around the new underpass (itself an incongruous feature in the countryside). It would also have high adverse landscape effects³⁴³ and the proposed restoration and compensatory planting would not offset this harm.

Ecology

- 9.46. The Woodland Trust relied on the ecological evidence presented by the Kent Wildlife Trust.

Soils

- 9.47. In the end, the Applicant's evidence on soils did not bear much relevance to the overall planning judgment that must be made in this case.
- 9.48. However, it is worth remembering the genesis of the Applicant's evidence. The Applicant originally submitted a report dealing only with Oaken Wood³⁴⁴, the purpose of which was to '*evaluate the potential of establishing the following: (1) the character of the ancient woodland on the site [between 1600 AD and the current period of chestnut coppice]; (2) the date of the transition from ancient woodland to chestnut coppice, and (3) the vegetation history of the site prior to the known period of mixed deciduous woodland growth (i.e .prior*

³⁴⁰ WT/JE/PA,Appendix D)

³⁴¹ Mackworth-Praed paragraph 5.4.1; With 15 phases over a 23 year period, or around 1.5 years per phase, then after around 15 years, 10 phases would have been worked, with perhaps the next phase already cleared (i.e. 11 phases in total). That would be 22ha, of which the first phase would have been planted probably 13 years previously and only that phase (and only with favourable growth) would be starting to achieve heights of 10 to 15m, so there would be 20 to 22ha without woodland cover: Etchells in chief.

³⁴² Etchells paragraph 5.4.5 – 5.5.4

³⁴³ Etchells proof paragraph 5.4.1

³⁴⁴ ES Addendum Appendix 16.

to 1769 AD)³⁴⁵. It can readily be seen that the answers to these questions do not bear to any significant degree on the main matters before the Inquiry.

9.49. This is amply demonstrated by the conclusions reached in the report:-

*'The soil is not considered to be too old, nor is it thought to represent a long history of ancient woodland ...', and
'...the study has been successful in providing an indication of the past vegetation cover at the site prior to chestnut coppice. However, due to the taphonomic constraints of soil pollen analysis, and the possible effects of bioturbation (reworking of organic material in the soil by earthworms and insects) on the seed assemblage, the chronology or vegetation change is uncertain ...'*³⁴⁶

9.50. The Applicant subsequently commissioned two further reports, comparing the soils of Oaken Wood with Blaise Wood and Cattering Wood³⁴⁷. This was said to be in order to assess the relative value of the geo-archaeological resource at Oaken Wood³⁴⁸ but again very limited conclusions are actually drawn in the reports³⁴⁹. The extent to which the soils at the three woodlands may have been disturbed is not itself relevant to the question of the value of the ecological resource (a soil with a greater history of disturbance is not necessarily less valuable than a soil with a lesser history of disturbance). The QUEST reports do not in fact draw any conclusions as to value.

Carbon Footprint

9.51. The Applicant relied on the increased carbon footprint that would result from longer transportation distances if aggregate is to be imported into Kent. Whilst Mrs Rosewell's figures were not disputed, plainly they did not take into account the carbon footprint of the scheme itself, nor do they address the extent to which mineral that would be imported into Kent might in fact be diverted away from longer journeys.

Mitigation / Compensation

9.52. The application scheme did not propose any mitigation for the loss of Oaken Wood, because it could not. Natural England's Standing Advice makes the position clear:-

*'New woodland creation does not provide a direct replacement for the conditions found in ancient woodland and hence cannot be considered as mitigation for an irreplaceable environmental asset'*³⁵⁰.

9.53. The application does however propose the translocation of the topsoil from Oaken Wood and its re-use as part of the restoration programme. Again, the starting point is NE's Standing Advice:-

'Ancient wood as a system cannot be moved ... Therefore whilst the translocation of ancient woodland is sometimes proposed as a compensation measure for the loss of ancient woodland, it is not possible to replicate the

³⁴⁵ Ibid p.1 and p.31

³⁴⁶ Ibid p. 33; see also Chadwick proof paragraph 5.6.2

³⁴⁷ CD 6.44 and 6.45

³⁴⁸ Chadwick proof 5.6.3

³⁴⁹ See e.g. CD 6.45 (Cattering)

³⁵⁰ CD 6.1 page 33

*conditions at the site lost. At best some of the elements of the system – for example coppice stools, some soil (but not in its current structure) ... can possibly be moved but the long term benefits from this for biodiversity are largely unproven*³⁵¹.

9.54. There is no scientific data on which it can be concluded that the proposed translocation is likely to be successful³⁵².

9.55. Finally, it is necessary to identify the point at which the proposed compensatory measures may be placed in the planning balance. Natural England's Standing Advice on the approach that should be adopted in applying paragraph 118 of the Framework is as follows:-

*'... where measures seek to address issues of loss or deterioration of ancient woodland, through the provision, for instance, of replacement habitat (compensation), or else through attempting to minimise the area of ancient woodland affected (mitigation) Natural England's advice is that these should be issues for consideration only after it has been judged that the wider benefits of a proposed development outweigh the loss or damage of ancient woodland*³⁵³.

Conclusion

9.56. All parties recognise that this case turns on a matter of planning judgment. As CPRE puts it, this is a finely balanced argument³⁵⁴ and there are compelling arguments on both sides³⁵⁵. In short, a balance has to be struck between the need for mineral extraction against the need to protect the environment, including of course the need to protect irreplaceable ancient woodland. The Woodland Trust considered that, in this case, the balance lay in favour of refusing permission.

³⁵¹ CD 6.1 page 32; See also David Tyldsley at WT12

³⁵² Barnes appendix 9 paragraph 2.3.4 (Biggin Wood); and 2.4.4 (Mold Bypass – less than 50% successful relocation); CD 6.27 (Cossington Fields) – no long term data available, this being required even to confirm trends shown in available data (see paragraph 1.1.1.9).

³⁵³ CD 6.1 page 31 - 32

³⁵⁴ Document 97; CPRE *Further Comments to for the Planning Inquiry*, November 2012, para. 8.1

³⁵⁵ *Ibid*, para 8.8.

10. The Case for Kent Wildlife Trust

Ancient Woodland

- 10.1. All parties agreed that the Application Site is Ancient Woodland; specifically that it is sweet chestnut plantation on an ancient woodland site (PAWS). Kent Wildlife Trust was satisfied that this is accurate because:-
- It is listed on the Ancient Woodland Inventory, as reviewed in 2010 and its ancient woodland status has been confirmed by Natural England's Senior Forestry and Woodland Officer, and
 - Botanical surveys of the Application Site in 2009 and 2012 confirm the presence of plant species that indicate the woodland is ancient.
- 10.2. The Applicant suggested that some major past disturbance may have occurred that was sufficiently disruptive to call the ancient woodland status into question, however the ecological evidence simply does not support this.
- 10.3. The distribution of ancient woodland indicators is typical of the ecology of a plantation on ancient woodland. No scientific evidence or published research was offered in support of the proposition that the ground flora of Oaken Wood is not typical of this type of ancient woodland. It is accepted practice to assess the diversity of ancient woodland indicators by recording their presence within woodland, and by that measure, the range of species found at the application site compared extremely favourably with the results of recent reviews of the Ancient Woodland Inventory in other parts of Kent.

Loss of Ancient Woodland

- 10.4. Should the development go ahead, the woodland and its ecology would be destroyed. Not only would all vegetation growing on the site, including the plantation trees, be removed, but all soils would be lifted, transported and tipped. Although the soil would be returned to the excavated area and some plants would be translocated, the integrity and structure of the present ancient woodland habitat would be destroyed completely. The proposals for restoration of the site do not amount to PAWS restoration.
- 10.5. A new habitat would be created and it is agreed that the management plan for creating this new habitat is of high quality, and follows current best practice. The new habitat would benefit generalist species. However, there is no evidence that, even after many years, the habitat would support the current diversity of specialist ancient woodland species. Indeed the evidence suggested otherwise. Experts in woodland translocation say that, at best, it would create woodland that supported only some of the species found in the original habitat. Monitoring shows that the number of ancient woodland indicators decreases over time after translocation and the success of woodland translocation for bryophytes is completely unknown.
- 10.6. This is an ecologically valuable site, worthy of its Local Wildlife Site designation at a county level. The evidence presented by the Kent Wildlife Trust (KWT) demonstrated that the ancient woodland ecology, the specialised ancient woodland plants, the bryophyte diversity and the presence of three species of reptiles give it that value.

- 10.7. Of course, there are also other species of conservation interest present within the woodland, and the sweet chestnut itself should not be dismissed out of hand, as it does support native wildlife. This is why one of the priority actions within the Kent Biodiversity Action Plan (KBAP) for this habitat is to bring it into conservation management with the reinstatement of the coppicing cycle, which would allow those species to thrive. Even in the absence of active management, the woodland would be exposed to the natural processes of decay, damage and regeneration and, in consequence, the normal renewal of biodiversity interest of ancient woodland habitat.

Conclusion

- 10.8. The National Planning Policy Framework (the Framework) presumes against the grant of planning permission in this case, stating that ... *'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland'*.
- 10.9. Accordingly, the Application should be refused.

11. The Cases for the Other Third Parties

In Support of the Proposals

Kent Conservation Officers' Group (Doc G5/1, 90A)

- 11.1. The Kent Conservation Officers' Group (KCOG) is a forum for conservation officers working in Kent. It has a particular interest in encouraging building owners to use ragstone for the repair of historic buildings and in the erection of new developments where ragstone is one of the prevalent building materials. To this end, the group has been working with English Heritage, the Diocesan Advisory Committee, local planning authorities, architects and the building industry in general.
- 11.2. In the past, it has been difficult to persuade architects and contractors to use ragstone, even in the most important buildings. This has been due to the perceived difficulties of using the material, for which 400% wastage rates have been quoted. Such high wastage rates were largely as a result of masons buying small quantities of large blocks to cut up for a job; but it is not possible to judge the quality of the stone until it is cut.
- 11.3. More recently however Mr Andrew, of Essential Stone, who specialises in working ragstone, has started buying quantities of large blocks. This allows him to cut out vents or other problem areas and to set aside the smaller pieces for other purposes. He has reduced the wastage rate to below 50% which has brought the cost down. He also sells stone on to other masons as well as using it himself for finished work.
- 11.4. Gallaghers are the only company currently quarrying ragstone. If the extension were refused, there would be no other source because, with the difficulties already encountered in persuading people to use ragstone, no one would be interested in opening a specialist building/dimension stone quarry. That is compounded by the high costs of obtaining planning permission and setting up the quarry, especially when set against the intermittent demand for building/dimension stone.

- 11.5. If ragstone were not available for building restoration purposes, alternative stones would have to be used and, where this has happened in Kent, the result has been generally most unsatisfactory. The other stones do not match the original ragstone and the mismatch gets worse with weathering. The loss of a source of ragstone would not only be a disaster for Kent, but also for a much wider area including London and Essex, where ragstone has been used in the past. For example, it was used in the White Tower at the Tower of London.
- 11.6. The group is involved in a study designed to identify what particular beds in Hermitage Quarry can supply stone with the same characteristics as those of the stone previously used in old buildings. This should lead to specification advice for the use of ragstone in historic and other buildings.
- 11.7. There are hardly any remaining stonemasons in the south east of England with the primary saws required to cut large blocks of stone. Instead, they require six sided sawn blocks which they can then handle and work. The primary saw cutting helps to identify stone that is suitable for dimension stone purposes. The best place for a primary saw is at the quarry where the large blocks can be easily selected, handled, sawn and any poor stone and the off-cuts can be returned for use as an aggregate. Gallaghers have such a saw at Hermitage Quarry.
- 11.8. KCOG supported the application for the Westerly Extension of the quarry, which they considered to be the only realistic way to achieve a reliable supply of ragstone for building/dimension stone purposes. However, they considered it essential that conditions should be attached to the permission in order to ensure an adequate supply of this stone, the retention of a primary saw on the site and completion of the study to aid identification of the historic stone used in old buildings.

Institute of Historic Building Conservation (Doc 5/2, 104)

- 11.9. Members of the Institute of Historic Building Conservation include local authority officers, architects, archaeologists, landscape architects, building contractors and others who support the sustainable conservation of the historic environment.
- 11.10. The supply of Kentish Ragstone is essential for the sustainable conservation of the historic environment in the south east of England. It is required for the repair and extension of existing heritage assets and for new buildings and structures within the historic environment. It has been used in four of the 12 World Heritage Sites in the United Kingdom. It has also been used in a number of listed buildings and structures in the area, including prominent manor houses, medieval churches, vernacular buildings and walls, as well as Victorian churches. They range from the Grade I listed Knole House to a Grade II listed pig sty.

- 11.11. Paragraph 131 of the National Planning Policy Framework advises that in determining planning applications, account should be taken of the positive contribution a development could make to the local character and distinctiveness of the area. Paragraphs 58 and 60 also aim to ensure that developments establish a strong sense of place and respond to the local character and history, reflecting the local surroundings and materials, integrate with the historic environment and promote or reinforce local distinctiveness. The use of Kentish Ragstone is important in this context because of its particular characteristics, such as coursing and, having been extracted from the local geological strata, it is part of the natural palette of the area.
- 11.12. The Practice Guide to Planning Policy Statement 5 is still extant and is supported by the Government guidance note 'Building in Context'. It recognises that the organic model of development has produced a harmonious result with the co-existence of buildings of differing styles having remained consistent over the centuries. The Practice Guide refers to the deeply-rooted special character having been reinforced with new additions that take account of the general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
- 11.13. Ragstone for building repairs is particularly necessary to match the original in substance, texture, quality and colour. It helps to maintain the building's authenticity and ensures that the repair is technically and visually compatible. This is in line with the advice in British Standard BS 7913 - the Guide to the Principles of the Conservation of Historic Buildings.
- 11.14. A reliable supply of ragstone is therefore required and accordingly Hermitage Quarry is a valuable source of this dimension stone, which would only be viable as part of the associated extraction of stone for aggregate use.
- 11.15. The application should therefore be approved subject to the conditions suggested by KCOG.

Aylesford Parish Council (Doc G5/1, 65)

- 11.16. The main issue is whether the temporary loss of some woodland should be permitted in order to generate the economic benefits from jobs and wealth creation in this part of Kent.
- 11.17. Nobody would dispute that Oaken Wood is a valuable and much-loved resource or that quarrying can be a dirty and disruptive business, but KCC have proposed sensible environmental and operating conditions. The quarrying would be undertaken in stages with progressive restoration of the woodland; and GAL's track record on restoration has been very good. This should reassure those who have expressed concerns. Continuing public access to the site would also contribute to public amenity and the recycling operations would divert waste from landfill.
- 11.18. Hermitage Quarry provides jobs for local people and contributes to the local economy at a time when other employment opportunities are contracting. Without the quarry, local jobs would be put at risk and people would have to travel further to find work, which would have its own environmental and social consequences.

- 11.19. The local community has co-existed with the present quarry with its blasting and lorry movements for many years, to the mutual benefit of all. The application should therefore be approved.

Mr Hathorn (Doc G5/2,113)

- 11.20. Mr Hathorn enjoyed walking in Oaken Wood and had visited the quarry at the invitation of GAL. He admired GAL's success and praised the quality of their maintenance operations and their support for local causes.
- 11.21. He was concerned that refusal of the application would lose all the benefits currently available to the local community from the quarrying operations. In this connection, he referred to the harm caused to the local economies by the loss of industry in Birmingham and the Black Country and in the North West of England. On an international scale, he pointed to the decision made by Dyson, the domestic appliance company, to set up business in the Far East.

In Opposition to the Proposals

Save Oaken Wood Action Group (Doc G5/2, 118 & 122)

- 11.22. Save Oaken Wood Action Group was formed in 2010 by residents of Barming in response to Gallagher's application for a Westerly Extension of Hermitage Quarry. The local residents have put up with the present effects on their amenities for some 22 years and they thought the quarrying operations were coming to a close. To find that the proposal would continue the operations for another 25 years or so would be quite unacceptable. There is also the matter of the loss of ancient woodland.

Woodland

- 11.23. As stated by the Woodland Trust and Kent Wildlife Trust, Oaken Wood is ancient woodland (PAWS) and should accordingly be protected in accordance with the National Planning Policy Framework. From a layman's point of view that should be the end of the story.
- 11.24. The proposed restoration to native woodland might be better in bio-diversity terms than the present woodland but, in the same way that a new building may be better, eg better insulated and more efficient or more attractive, than an old one, there would be an outcry if all the old buildings were knocked down.
- 11.25. Whilst Oaken Wood may not be the best looking woodland, it is wild, different and natural and, when the quarry is not in operation, it is a tranquil place to be. Even if some of the species in the wood are considered to be of low bio-diversity importance, it is their home; their habitat. For example, with slow worms, common lizards and grass snakes, it is a designated key reptile site and, although they may be quite common reptiles, if their habitat is increasingly destroyed they will eventually become rare, threatened, and then extinct. It may be that the noise and vibration from blasting in the existing quarry is the reason that such notable species as the Nightjar and Tree Pipit (both red-list status birds) are no longer found on the site.
- 11.26. Many local residents enjoy Oaken Wood as an amenity. It is used by individual walkers, cyclists, dog walkers, horse riders, families and ramblers, together with local groups such as Barming Scouts and Guides, Belmont Pre-

School, Barming Primary School, Maidstone Harriers Running Club and a local walking group. Although the circular permissive route would still be available, the quarrying of the woodland in the middle of that route would inevitably harm the whole woodland environment for those people who presently use it.

Need

- 11.27. Although KCC resolved to grant planning permission for the application it was certainly not a clear cut decision. There was opposition from Tonbridge and Malling Borough Council, Maidstone Borough Council, Barming Parish Council, Ditton Parish Council and East Malling and Larkfield Parish Council. The vote was 9 Counsellors in favour, 6 against with two abstentions.
- 11.28. It is not proposed to allocate the Westerly Extension in the emerging Minerals Sites Development Plan Document and that is because there is an ample supply of crushed rock at Blaise Farm Quarry. The vast majority of the demand could be met from that source, and the remaining 2% or so could surely be found from elsewhere.

Noise

- 11.29. The local residents live with continual noise from the existing quarry 6 days a week. It starts at 7 am and continues throughout the day. The noise is generated by the vehicles moving and processing the stone and, in particular, the rumbling and banging from the 'drum'. The sound from the vehicles' reversing beepers can be quite intrusive, a matter that GAL were supposed to have addressed.
- 11.30. The noise effects vary from day to day depending upon such things as the wind direction, the air pressure and the time of year, eg whether the leaves are on the trees. It is clearly more noticeable when their windows are open or people are outside in the summertime.
- 11.31. The local residents have put up with these conditions for some 22 years and consider they have had enough harm to their living conditions. Regardless of any graphs or tables predicting the future effects, they know what it is like to live close to a quarry and they do not want it to continue for another 25 years.
- 11.32. It is not known why the noise from the site was unrepresentatively low during the accompanied site visit made by the Inspector on Wednesday 12 December 2012. It did not correlate with the experiences of the local residents, as expressed in the many letters on the point. The same can be said about the effects of the blast on the same day, which were much less than often experienced by the local residents.

Conclusion

- 11.33. The local residents have lived next to the quarry for 22 years and are prepared to do so for another three years or so, but they object to being sentenced to live under these conditions for another 25 years, particularly when there is no need for the stone and there would be a loss of ancient woodland.

- 11.34. Furthermore, there is a fear that if this Application was to be approved, it could be followed by further applications to extend the quarry in the future.

Barming Parish Council (Doc G5/2,115)

- 11.35. The status and threat to Oaken Wood is covered by others.
- 11.36. Gallaghers operate very professionally in their employment of skilled people, recycling materials and their restoration standards. They have also recently explored different methods to help mitigate the effects of blasting, and there is no reason to doubt that the levels of noise, dust and vibration would be controlled by planning conditions to be within the national guidelines.
- 11.37. Nevertheless, residents have been living with the effects of quarrying for over 15 years and continue to harbour serious concerns. Residents experience the vibration from blasting, witness things falling off shelves and see cracks appearing in their walls. Not unreasonably they fear for the long term cumulative effects on the structural integrity of their homes. Residents have put up with this for long enough in the expectation that it would all end in 2015. They do not want it to continue for another 25 years.
- 11.38. With no change in national policy on blasting in the National Planning Policy Framework, if the application is approved, along with other conditions, it would be appropriate to attach a condition to ensure that blasting effects for local residents are limited to those identified in the Vibrock Ltd report No R10.6322/2/DW - Addendum.

Mrs Dyer (Doc G5/2,119)

Need

- 11.39. The Kent Minerals Topic Report 1 sets out the need for minerals in the county and shows that there is a huge range of options for meeting that need. There is already a massive landbank of more than four times what is required for crushed rock; yet GAL and KCC seem to have little regard to this, and KCC have had ample time to revise their figures. Additional supplies are also available from imports by sea and rail, marine-dredged and secondary aggregates as well as recycled products. There is also the possibility of the East Kent underground limestone mine at Richborough.
- 11.40. KCC has not been beholden to Gallagher and there is no reason why they should be to Hanson if the extension were refused. There would therefore be no stifling of competition.
- 11.41. If, as GAL say, the Blaise Farm rock quality is not suitable for higher-grade uses, supplies could come from other sources, as they already do to some extent. Kent currently imports over 1 mtpa of crushed rock which contributes to the steady and adequate supply to the South East. The big suppliers in the market are falling over themselves to sell more primary crushed rock in Kent.
- 11.42. It may be more expensive to import stone into the region, but the South East is the most populous English region and millions of pounds have been spent on such things as the new pavements in Maidstone High Street, for which granite was imported from China. A little more money spent on importing crushed rock would be more beneficial than the loss of ancient woodland.

- 11.43. The increase in carbon emissions from imports (net of those resulting from site clearance, quarrying, infilling and restoration) would be miniscule compared to the loss of part of the remaining 2.7% Ancient Woodland coverage of England.
- 11.44. The figures for the land-won crushed rock production in Kent have been confidential for some years, but they are essential to confirm the apportionment figure of 0.78 mtpa is appropriate and that GAL's assumed 0.7 mtpa extraction rate is reasonable. Any change in this latter figure could well affect the duration of quarry working on the site.
- 11.45. Bearing in mind that the Minerals and Waste Development Framework is due for adoption in Autumn 2014 it can hardly be said to be at a 'very preliminary stage'. This shows no need for the development and, in the present economic climate of a second or even third dip recession, it would be advisable to wait and see what happens. Without a substantiated need the area of Ancient Woodland would have been lost for no good reason. This 'do nothing approach' is simply common sense and the use of foresight; something that could have avoided the current Ash Tree fungus problem.

Historic Buildings

- 11.46. Too much weight seems to be given to the use of ragstone from Hermitage Quarry in the upkeep of historic buildings. Canterbury Cathedral and the Tower of London pre-date Hermitage Quarry by about 900 years, and yet they have been built and repaired with stone from somewhere throughout all that time. They would also need stone after Hermitage Quarry is worked out. With the prospective closure of the current quarry fast approaching, it would be surprising if English Heritage does not have contingency plans. A considerable supply must anyhow be available from demolished buildings. Prince Charles has rescued some for his garden. The very low proportion of building stone at Hermitage Quarry would not justify the development, but if it did, then all suitable building stone in the quarry should be retained for that purpose.

Birds

- 11.47. As longstanding members of the RSPB, Mr and Mrs Dyer moved to their present property, Eastfield House, to enjoy the peace and quiet, and the birdlife of the countryside. Eastfield House is only about 370m from the north-west corner of the proposed quarry site. With feeding stations and bird boxes, they attract a huge range of birds into their garden. These include red-list species such as yellowhammers, marsh tits and turtle doves with their young. The population of the latter has dropped by more than 90% in the last 40 years and RSPB is trying hard to save them.
- 11.48. Even if, as the ES says, birds adapt to routine background sounds, blasting is not a routine background sound and it would cause significant disturbance which is very likely to drive away such species as the collared doves. 44 million birds have already disappeared from the UK over the last four decades and there is no need to increase that number.

Noise

- 11.49. Reversing beepers emit a continuous stream of piercing, monotonous high-pitched beeps which are most irritating. If the scheme is permitted, then a condition should be attached requiring the equipment on these vehicles to play music instead, for example jazz when moving forwards and classical when reversing. Although GAL had previously undertaken to install white noise beepers, they have not done so.

Jobs

- 11.50. As the application was only submitted in June 2010 and the existing quarry is due to be exhausted by about the end of 2014 there is only limited time for a planned run-down of jobs on the site. With differing figures from 50 to 105 employees, it is unclear how many would lose their jobs. Some would anyhow be required for the restoration work, others may be employable elsewhere in other Gallagher enterprises, or they might find alternative employment in the aggregate businesses in Kent, or in the recycling industry. It is hoped that a redundancy package would help to off-set any loss of pension for those who failed to gain new employment.

Conclusion

- 11.51. The drop in demand for crushed rock due to the recession provides an opportunity to take a considered approach to longer-term needs, instead of making a hasty decision that may be regretted later.
- 11.52. On 20 September 2011, David Cameron promised to protect the countryside. As an area of ancient woodland, Oaken Wood is even more important. It is so far untouched by development and should remain so.

Mrs Malthouse (Docs G5/1, 19 and G5/2, 113)

Woodland

- 11.53. As a long-time resident of Rede Wood Road, Barming, Mrs Malthouse explained that in addition to Oaken Wood being an ancient woodland, as defined by English Nature, it was also a rich habitat for wildlife. This included songbirds, bats, hedgehogs, dormice, foxes, owls and badgers; many are protected species and all of them would be affected by the proposals.
- 11.54. The woodland is an area where people of all ages, the elderly and children alike, can interact with the environment whether walking, horse riding, cycling or just playing. The current coppicing of Oaken Wood is the most eco-friendly way to manage the woodland.

Residential Amenity

- 11.55. Blasting vibration from the existing quarry is already at such a level that the local residents are concerned about the structure of their homes. There is a constant need to dust window seals and clean cars because of the dust from the quarry, which is also a huge health concern for the present residents and for future generations. Noise is already a problem when the wind blows in the wrong direction. These effects are especially hard on the elderly who are more likely to be at home during the daytime. Mrs Malthouse's father had made many complaints over the years. The local residents have put up with

these conditions for about 20 years, but they should not be given another life sentence.

Mr Mew (Docs 5/2, 116 & 120)

Introduction

- 11.56. The current environmental limits were set when the quarry was first approved and, at the time, it was anticipated that the site would be operational for some 20 years. Since then, with the expanding suburban areas, the public's sensitivity to quarrying operations has increased. This point is made in the Sustainable Aggregates publication 'Reducing the Environmental Effects of Aggregate Quarrying: Dust, Noise & Vibration'.
- 11.57. KCC has shown little understanding of the changes that have taken place in best practice over the years and there would be no requirement to minimise the impacts for the local residents over the next 23 years if the scheme were approved.

Blasting

- 11.58. The Sustainable Aggregates document says that 120dB air overpressure from blasting will lead to rattling windows and ornaments, and feelings of annoyance and fright. This is made worse by the fact that the explosion is unannounced. It is not like the noise of planes, lorries or trains where the sound rises and then falls away as they approach and leave, or in thunderstorms where there is usually a flash of lightening as a warning. Furthermore, meteorological conditions can amplify the air pressure by up to 10dB, making the sound twice as loud and exerting four times the pressure. Despite this, no limit was proposed on the air overpressure from this scheme; the Environmental Statement saying that it would be totally impracticable to set one.
- 11.59. However, there is no reason why an air overpressure limit should not be imposed as has been done at least by Leicestershire, Northumberland and Neath & Port Talbot Councils. Even though there would still be the prospect of annoyance and fright to the local residents, all three Councils based their limits on 120dB. If planning permission is given for the extension, an air overpressure limit should be set.
- 11.60. Ground vibration from blasting travels best through solid rock and, with the solid rock rising to the south, that is where vibration would be most significant. For the purposes of ground vibration monitoring, the sensitive properties have been selected on the basis of their proximity to the quarry, whereas the most sensitive could be a little further away, if sited on solid rock.
- 11.61. The offered monitoring of other properties in the area under the present blasting regime has not taken place, but if it had, that might have demonstrated this point.

Noise

Quarrying Operations

- 11.62. The noise predictions have been made with a Hitachi excavator and a Bell dump truck working at the closest approach to the sensitive properties. However with the need to transport material much further from the extension to the present processing plant, considerably more plant is likely to be required, with the attendant increase in noise. The best practice for this transfer over a distance would be by belt conveyors, rather than by mobile plant as proposed in this case.
- 11.63. Additionally best practice calls for the processing plant to be situated in the new quarry in order to minimise both the cost and noise of transport. Again this is not proposed. Furthermore, it is unclear if the daytime background noise levels used in the Environmental Statement include the existing site operations as part of the background. If not, the impact of the total site operation would be incorrect.

Mobile and Fixed Plant

- 11.64. The noise from the quarry's fixed and mobile plant can impact very considerably on the local residents, especially that from the Trommel Screen, the Primary Crusher and vehicle reversing warning beepers.
- 11.65. Some of the plant has been on site for years and may no longer be up-to-date in terms of its noise output. There are a number of methods by which the noise output from both fixed and mobile plant can be limited. These are recommended for quarries in developing countries and the residents of Barming should be accorded at least the same standards.

Mr Power (Doc G5/2, 117 & 121)

- 11.66. Mr Power has been a resident of Barming for the last 50 years and currently lives in North Pole Road backing onto Oaken Wood.

Building Stone

- 11.67. Even if the Tower of London, Canterbury Cathedral, lots of ancient churches and other buildings all over Kent are built of Kentish Ragstone, they were built long ago when Hermitage Quarry did not exist. Anyhow, if approved, what would happen after the Western Extension was worked out? Would the local residents be subjected to just the same process again in say 25 years time?
- 11.68. If the Application was refused and suitable building stone was not available from the proposed extension site, there are millions of tonnes of it around Kent in derelict buildings and walls that could be used. Recycled material could also replace other building materials, where required.

Employment

- 11.69. There was no wish to see people lose their jobs, but it would be likely that many of the current employees would be retained within the Gallagher group of enterprises. After all, the recycling operation should increase.

- 11.70. If, in the end, some employees were made redundant, that would be unfortunate, but that is what happens. Mr Power himself had been made redundant nine times in a 20 year period.

Carbon Footprint

- 11.71. Until an alternative is found to the use of lorries to deliver our commodities, there is little prospect of reducing our carbon footprint.

Woodland

- 11.72. If the application were to be approved and quarrying permitted in Oaken Wood, there would be the loss of 31 ha of ancient woodland, the equivalent area of many football pitches. Once this 400 year old ancient woodland was lost it could never be replaced.
- 11.73. According to GAL, this is poor woodland for biodiversity purposes which would be replaced with better woodland in the future. However, not all schemes designed to produce a superior product come to fruition.

Residential Amenity

- 11.74. The experts may say that the noise, vibration and dust levels would be within acceptable guidelines, but they do not live in the houses a few hundred metres from the quarry where blasting causes the furniture and ornaments to rattle, the birds to fly off and the cars to get covered in dust.
- 11.75. The blast observed by the Inspector was not representative in that it did not even register on the equipment at Mr Power's house, whereas there have been recordings of the air overpressure as high as 123 dB³⁵⁶.
- 11.76. KCC's view that there is more noise on the site from the M20 Motorway than from the existing quarry is completely wrong. The noise starts at 7 am with the grading drum being loaded and starting to rotate together with the lorries and dumper trucks bleeping as they reverse in the quarry.

Conclusion

- 11.77. The overriding argument for the scheme is the extraction of the dimension stone for building purposes which makes up only about 2% of 70% (just 1.4%) of the total material to be extracted. That would destroy the 400 year old Oaken Wood, which has been enjoyed by the local people since their grandparents were children playing there. School children, joggers, dog walkers, horse riders Scouts and Cubs, mountain bikers and teenagers just out for a walk all enjoy the fresh air, peace and tranquillity of Oaken Wood. People could still come to within 50m of the workings in the wood, but that would not be a nice experience like the present one because of the noise and activity in the quarry. Accordingly the scheme should be rejected.

³⁵⁶ Doc G5/2, no 121

Mr Ridout

Need

- 11.78. A previous planning application to quarry in Oaken Wood was refused in 1995 because of inadequate need, but at least there were major construction projects going on at the time. There was the Channel Rail Tunnel Rail Link, the A2 widening scheme, widening of the M25 from Junctions 1 to 3 as well as the A256 and the A299 widening schemes. There was also a large increase in housing development around Ashford.
- 11.79. In contrast the only major road schemes at present in Kent are the widening of the A21 between Tonbridge and Tunbridge Wells and the Junction 10a improvements on the M20. There is also the possibility of built development around Dartford and North Kent, but it would be more cost effective to import sea dredged aggregate for concrete than to use crushed rock for these projects.
- 11.80. In 1995, the then projects required a 1.2 mtpa apportionment of crushed rock in Kent, but now the requirement is down to just 0.78 mtpa. With a landbank of permitted reserves in the order of 50 years there is simply no need for the proposed extension. This is what it says in the Minerals Topic Report 1 for the Kent Minerals and Waste Development Framework Core Strategy which rejects the option of extending Hermitage Quarry on this very point. The Richborough Limestone Mines are similarly not proposed for allocation.
- 11.81. The Core Strategy Sustainability Appraisal Commentary says that, from a sustainability perspective, it would not necessarily be preferable to place a greater emphasis on land-won crushed rock. It also notes the significant constraint of ancient woodland to the extension of Hermitage Quarry; just what the Development Framework mineral site assessment methodology seeks to avoid.
- 11.82. There is even less need now for the extension which would destroy ancient woodland, whereas there is plenty of rock at Blaise Farm which is simply farmland and its extraction would not affect ancient woodland.

Quality and Quantity of Rock

- 11.83. Ragstone has been quarried in various quarries in Kent and used for building purposes for hundreds of years. It is not uniform between the various beds but the buildings using ragstone have stood for many years; in some case for centuries. It seems unlikely that, as claimed by GAL, Hermitage Quarry can be the only source of this sound building stone. The quality of the deposit at Blaise Farm satisfied the planners in 1995, so why is it no longer suitable?
- 11.84. Hanson owns Blaise Farm Quarry, yet GAL had unilaterally downgraded the reserve on the site, both in terms of quality and quantity. Even with the GAL revised figure of 17.25mt for the Blaise Farm reserve given in Appendix 23 to the ES, that would last about 22 years at the annual apportionment rate of 0.78mtpa.

- 11.85. Nowhere is there a minimum quality requirement for crushed rock in the emerging Core Strategy. However, GAL quoted a strength value of 140 KN from Blaise Farm and 175 KN from Hermitage Quarry. Both figures are well in excess of the 50KN required for a Type 1 Sub-base material. Presumably Hanson made a commercial decision to provide only the very basic processing plant installed at Blaise Farm Quarry but, with a slight improvement, this could probably produce a vastly improved product. This would allow a profitable return on operating the site; as GAL has done from time to time.
- 11.86. For many decades crushed rock from the Hythe Beds at Offham Quarry, some 1km from Blaise Farm, and Allington, 2 km north of Hermitage Quarry, was used for road sub-bases and other construction purposes. These sites are in the area highlighted on the GAL website as having superior ragstone deposits and should therefore be capable of supplying the market.
- 11.87. Most of the material supplied by GAL is for earthworks, capping layers, drainage, concrete and Type 1 Sub-base. It is not used in the bituminous bound materials for the upper courses of road construction because of its variability. Crushed rock for that purpose is usually brought in from outside Kent.
- 11.88. Apart from capping materials, the main product from Hermitage Quarry is clean graded material which GAL produce through their substantial investment in excellent processing plant; not as a result of the quality of the raw material.
- 11.89. The dimension stone required to repair historic buildings is probably not much more than 10,000 tpa and it may be that the total amount of rock for which there is a specific requirement (apart from grading) is only about 50% of the annual requirement. It is likely that, at most, some 15% could not be sourced from Blaise Farm leaving say 0.12 mtpa. To achieve that output the proposed extension would require little expenditure by the Applicant whereas a considerable area of ancient woodland would be sacrificed. That would make it a commercial decision, rather than an environmental one.
- 11.90. With a mineral reserve of some 16mt in the proposed extension at Hermitage Quarry, that in itself would amount to a further 22 years supply. Therefore providing over 40 years landbank would be vastly in excess of the 10 years required by policy.

Competition

- 11.91. Prior to 1990, ARC with their two quarries, was the only supplier of crushed rock in Kent. If the application is approved, Blaise Farm would be uneconomic to operate because of the low demand and the investment required. Again, there would be only one supplier; in this case the Applicant operating Hermitage Quarry. With no other competition, they would be able to set the price, which may not be to the benefit of the people of Kent.

Restoration

- 11.92. It would not be feasible or economical to restore mature woodland for some 50 years from starting the quarry and the costs of restoring to woodland would far outweigh restoration to agriculture, as would be required at Blaise

Farm. The latter could be profitable after only two or three years. In any case, GAL has only restored land to farmland so far at Hermitage Quarry. There would need to be careful monitoring of their restoration to woodland and some basis to assume it would be completed, should anything happen to GAL.

Blasting

- 11.93. When blasting in the quarry, the shock waves radiate outwards, primarily along the densest strata. The waves from the proposed extension would affect the residents in many more houses in Barming and East Malling. No consideration has been shown towards these residents in the planning of the existing or proposed quarrying operations. In Staffordshire for example, there is a 500m buffer zone around quarries where blasting takes place, whereas there are properties within about 250m of the proposed extension. Blasting could also affect the Geomorphological SSSI to the west of the site.

Woodland

- 11.94. Scouts and other children have used the woods for generations for tracking, hiking and expanding their knowledge of nature. If Oaken Wood is sacrificed for quarrying, future generations would never have this experience.

Conclusion

- 11.95. KCC accept the quantity and quality of the mineral reserve at Blaise Farm Quarry which provides a landbank until at least 2030. There is therefore even less need for the extension than when it was previously refused. It would be wrong to sacrifice the right of future generations to enjoy the environment purely on commercial grounds and accordingly the application should be refused.

12. Written Representations (Docs G5/1 & 2)

- 12.1. In addition to the cases heard at the Inquiry, there have also been a considerable number of written representations. These included objections from both Maidstone and Tonbridge & Malling Borough Councils and Teston Parish Council, as well as representations from the local Member of Parliament, numerous organisations, companies and private individuals, together with a petition from a number of Gallagher employees. The gist of these representations has mostly been covered by the cases already reported, but certain other matters are also raised.
- 12.2. Natural England maintained their objection to the loss of ancient woodland³⁵⁷. English Heritage supported the application particularly because they said that Kentish Ragstone is something of a hybrid stone for which there is no suitable match. They also commented on development of 'smooth blasting techniques' and their commitment to a Strategic Stone Study designed to identify the right stone for restoring buildings³⁵⁸.

³⁵⁷ Doc G5/1, 91

³⁵⁸ Doc G5/1, 69

- 12.3. Orica, one of the UK's main civil explosive suppliers, supported the application and referred to co-operation with Gallaghers on trials into the most efficient use of explosives³⁵⁹.
- 12.4. The West Kent Green Party opposed the application³⁶⁰. In addition to seeking to retain the ancient woodland and any possible archaeological remains on the site, they considered there to be no need for the stone. In their view, there should be no further road building, and they said that ragstone is not a viable building material because it does not provide the necessary insulation value and it is not carbon neutral. Furthermore, it is a finite resource which should be replaced by wood and other sustainable materials. They argued that it was simply not ecologically sustainable to continue extracting non-renewable resources such as ragstone.
- 12.5. Other individual representations argued that high noise levels could induce stress-related illnesses, and that sudden noises from the proposed extension could frighten the horses ridden in Oaken Wood. It was suggested that the name Oaken Wood may derive from Saxon times and it was also said that coppicing of sweet chestnut woodlands is still a viable use of the land. Furthermore, one representation said that the site was within the setting of the Kent Downs AONB³⁶¹.

13. Planning Obligation (GAL 36A)

- 13.1. A completed Section 106 Agreement between the Applicant and the Mineral Planning Authority (Kent CC) was submitted before the end of the Inquiry³⁶².
- 13.2. This obligation confirms that it applies in relation to the planning applications for the Westerly Extension and the continued use of the previously approved quarry (Schedule 3). It gives the Owners' and Applicant's covenants with the Council (Schedule 4) and also the Council's covenants with the Owners and the Applicant (Schedule 5). Furthermore, it covers the aftercare management of the site (Schedule 1), the form of the Annual Ecological Monitoring Report (Schedule 2) and the Woodland Management Plan is attached as Annex 1.
- 13.3. Covenants with the Council would require the implementation of the Woodland Management Plan for the long term restoration and management of the Application Site and the existing quarry site, together with the establishment of the Habitat Creation Field. Other covenants would require an aftercare management plan, the payment of a blast monitoring fee and the setting up of a Management Advisory Group.
- 13.4. The Council simply covenants to consider and respond promptly to the requests for approvals contained in the Applicant's covenants, without fettering their discretion under any other powers.
- 13.5. The Woodland Management Plan has the vision of providing high quality native woodland cover to replace the current non-native monoculture on the Application Site, as well as the establishment of new native woodland to promote connectivity with, and between, the existing woodlands at Fullingpits

³⁵⁹ Doc G5/1, 38

³⁶⁰ Doc G5/1, 17 & 52

³⁶¹ Doc G5/1, 55

³⁶² Doc GAL36A

Wood and Broke Wood. It also seeks management that would maximise opportunities for wildlife and the provision of public access. This Plan looks at the baseline conditions in terms of the present ecology and puts forward an interim woodland management strategy, followed by the long term strategy and it looks in some detail at the way in which these could be achieved.

- 13.6. The Management Advisory Group would advise on, and monitor, the mitigation and management of the Woodland Management Plan at all stages of the quarrying, infilling and restoration operations, as well as considering the results of the separate Ecological Monitoring Strategy. The anticipated timetable for the ecological works is given in Appendix 1 to the Woodland Management Plan.

14. Variation of Existing Permissions

- 14.1. As set out in Section 2 of this report, the original quarry has already been extended on three occasions under previous permissions (2.4-2.8).
- 14.2. The Original Quarry was permitted under Permission TM/88/295 (GAL37/5) but the conditions on that permission have already been varied and the current conditions are those attached to Permission TM/03/2782 (CD2.1).
- 14.3. The Southern Extension was originally permitted under Permission TM/95/761 (GAL37/6) but again the conditions have been varied, in this case by Permission TM/03/2784 (CD2.3).
- 14.4. The Eastern Extension to the earlier Southern Extension was permitted under Permission TM/03/2784 (CD2.2) which is still extant.
- 14.5. The Western Extension was permitted under Permission TM/97/2068 which has subsequently been varied by Permission TM/07/4294 (CD2.4).
- 14.6. Amongst other things the conditions on these various permissions set out the required form and phasing of the development and restoration. The current application is for a Westerly Extension to the quarry with the retention of the plant and operational areas within the present quarry site, before subsequent restoration of the land in accordance with the principles of the Woodland Management Plan. The phases of working proposed in the current application would follow on from those already approved in the Southern and Western Extensions - hence the first phase of quarrying in the proposed extension would be Phase 8.
- 14.7. To this end, the conditions attached to the permissions for the original quarry and the Southern and Eastern Extensions would need appropriate variation. There is no need to vary the conditions on the permission for the present Western Extension which accommodate the phased working and restoration scheme currently proposed³⁶³.
- 14.8. If the proposed Westerly Extension is approved, it was suggested that the descriptions for the new permissions to replace those that cover the existing quarry site should be as follows (GAL 39):-

³⁶³ GAL/GJ/P, para 3.2.3

Original Quarry

'Ragstone quarry with restoration to original levels.'

Southern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent and being a southern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road, recycling of construction aggregates.'

Eastern Extension

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone Kent and being an eastern extension of the existing quarry for extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration to native woodland, continued use of existing quarry plant, buildings and access road.'

15. Suggested Planning Conditions

15.1. Schedules of the draft conditions for the proposed Westerly Extension and the three existing permissions had been agreed between the Applicant and the County Council and were discussed at the Inquiry (GAL37/2-4).

15.2. In addition, the **Kent Conservation Officer's Group** and the **Institute of Historic Building Conservation** advocated conditions to ensure the completion of a study into the identification of the appropriate lanes in the quarry to match the stone used in historic buildings. They also sought conditions to ensure an adequate supply of building stone from the extension and that the primary saw should be used to cut stone on site (11.8, 11.15). For the latter purposes, KCOG suggested the following condition:-

At all times, ragstone shall be available prior to sale if requested with at least one side sawn so that the quality can be established before purchase (G5/1,90A).

15.3. As well as some other conditions, **Barming Parish Council** suggested that the effects of blasting should be limited to those identified in a Vibrock report (11.38) and both **Mr Mew** and **KCC** suggested an air overpressure condition (KCC/7)(8.84, 11.59).

15.4. **Mrs Dyer** suggested musical reversing alarm systems for vehicles (11.49) and **Mr Mew** suggested that the noise from mobile and fixed plant should be limited at least in accordance with the recommended conditions in developing countries (11.65).

15.5. The merits of all these conditions are covered in paragraphs 16.128- **Error! Reference source not found.** below.

16. Conclusions

The figures in brackets (...) indicate the paragraphs from which the evidence is taken.

Main Considerations

- 16.1. In the call-in letter, the Secretary of State wished to be informed of the extent to which the applications would comply with the policies of the Development Plan, 'emerging' Development Plan policies and national planning guidance, as well as any other issues identified by the Inspector.
- 16.2. Accordingly, the main considerations relate to:-
 - The need for, and supply of, the minerals, taking into account the geology of the area,
 - The loss of ancient woodlands and biodiversity,
 - The landscape and visual impact,
 - The archaeological and heritage impacts,
 - Landfill and waste permitting,
 - Effects on groundwater,
 - The amenities of local residents from blasting, noise, dust and traffic,
 - The socio-economic effects,
 - Sustainability,
 - The consequential effects of the scheme on the existing planning permissions, and public rights of way, and
 - Compliance with the Development Plan and other considerations.

Need for, and the Supply of, the Minerals

Crushed Rock

- 16.3. There is a high demand for construction aggregates in the South East of England in the form of sand and gravel and crushed rock (7.3). The sand and gravel may be land-won or marine dredged material, and it may be replaced in some cases by recycled aggregates (11.39).
- 16.4. Recycled materials, similar to those currently produced at Hermitage Quarry (2.13), can also replace the need for some crushed rock, but the indigenous supplies of crushed rock account for less than half of the total used, with the remainder being made up of imports from other parts of the UK and abroad (7.3). Policy M1 of the South East Plan (SEP) calls for mineral supplies to be sourced indigenously where possible, to reduce the need to transport materials over long distances and to minimise carbon emissions (7.8).
- 16.5. Set against this background, and the anticipated level of development in the area (11.78-11.80, 12.4), the proposed changes to Policy M3 of the SEP give the sub-regional apportionment for Kent as 0.78 million tonnes per annum (mtpa), and Kent County Council (KCC), as Mineral Planning Authority, accepted that figure (7.6).
- 16.6. Some local residents questioned this apportionment (11.44, 11.80), but the Chief Planner at the Department for Communities and Local Government confirmed it as the figure to use for planning purposes, even when the SEP is revoked (8.11). In any case, an apportionment cannot be amended at an Inquiry into a planning application. It is set through other means, and with all the relevant information (7.7).

- 16.7. Whilst hassock may be used for fill and capping purposes (2.10), ragstone is the principal source of hard stone to meet Kent's crushed rock apportionment (8.24), which the planning system should make every effort to facilitate (7.9).

Building/Dimension Stone

- 16.8. Apart from its use as crushed rock, the better quality Kentish Ragstone has been used for 'building' purposes for centuries (11.46, 11.67). Not only has it been used in relatively mundane walls and buildings, but it has also been used in more specialist 'heritage' buildings (11.11).
- 16.9. It has been used in a long list of very prestigious buildings such as the Tower of London, Canterbury Cathedral, Rochester Cathedral, the Guild Hall, the Greenwich Maritime Complex and the precincts of Westminster Abbey, as well as over a thousand listed buildings. It has been used in four of the UK's 12 World Heritage Sites and it is also significant in the character of at least 51 Conservation Areas in Kent (7.18, 7.19, 11.10).
- 16.10. From time to time, new dimension stone is required for the restoration, alteration or extension of these buildings. Whilst alternative materials such as Chilmark Stone have been tried in the past for restoration purposes, they do not match the original ragstone in substance, texture, quality or colour. Nor do they have the same weathering characteristics (8.34, 11.5, 11.13). Accordingly, English Heritage and those responsible for the upkeep of these historic buildings consider it essential to maintain a supply of Kentish Ragstone for dimension stone purposes (7.19, 7.20, 11.5, 11.10).
- 16.11. Although there is no separate apportionment for building stone in general, or dimension stone in particular (9.14, 9.24), there is a substantial need to maintain a supply of Kentish Ragstone for dimension purposes, and little prospect that it could be replaced by timber, as advocated by the West Kent Green Party (12.4).

Geology

- 16.12. Kentish Ragstone is a hard glauconic sandy limestone which is only found in a narrow outcrop of the Hythe Formation that stretches east to west across Kent. It is inter-bedded with the poorly cemented clayey sandstones, clayey sands or sandy mudstones known as hassock (3.2, 3.3, 7.32).
- 16.13. The movement of the East Malling Faults to the north of Hermitage Quarry caused that part of the Hythe Formation, part of the Sevenoaks Division, to become more condensed and therefore stronger. This is known as the Hermitage Group (3.6, 3.7).

Sources of Supply

- 16.14. Whilst reference was first made in the 1970s to the possibility of underground mining of limestone at Richborough, a 2011 report for the Department for the Environment, Food and Rural Affairs (Defra) concluded that there was still no realistic prospect of such workings taking place (7.5, 8.16).
- 16.15. Some local residents suggested that building/dimension stone could be obtained from the demolition of old buildings (11.46, 11.68). It might be

possible to obtain a limited supply in that way for general walling or other non-specific purposes, but there is no information to indicate that the approximately 20,000 tonnes a year currently produced at Hermitage Quarry could be obtained from this source (2.15). It is also unlikely that much of this partially weathered stone would be successfully reworked for specific purposes such as quoins or copings which require deep beds of high quality ragstone (7.20, 8.31). It is more likely that demolition stone would be reused in some form of decorative application, such as Prince Charles is said to have done in his garden (11.46). Accordingly, demolition stone is not likely to make a significant contribution to the regular supply of building stone, let alone dimension stone with its more demanding requirements.

- 16.16. At present, supplies of ragstone and hassock all come from the existing Hermitage Quarry, though some intermittent supplies of lower grade materials have also been sourced on an occasional campaign basis from Blaise Farm Quarry (2.15, 7.13, 8.13).
- 16.17. There have been two separate calls for minerals sites as part of the Kent Minerals and Waste Development Framework, but no other ragstone sites have been forthcoming (7.27, 8.13, 8.16).
- 16.18. The lack of any other viable alternative site for ragstone extraction is supported by the Alternative Sites Study carried out by the Applicant, which was further updated in Appendix 9 to the Addendum to the Environmental Statement. This identified an initial 118 possible sites. 18 were studied in detail and none found to be viable alternative sites to Hermitage and Blaise Farm Quarries (7.27, 8.17).
- 16.19. At Blaise Farm Quarry there are considerable resources of both ragstone and hassock with planning permission. They amount to a combined notional total of some 33 million tonnes (7.16). Both the emerging Minerals and Waste Framework Documents and the Committee report used this figure, but that did not take account of the poor quality material at the base of the Broughton Division and the large depth of overburden and further tipped overburden in some places. It was however acknowledged at the Inquiry that, taking into account these constraints, the viable workable reserves were more like 12.38 mt in total (7.68 mt of ragstone and 4.70 mt of hassock) (7.16, 8.13, 9.15).
- 16.20. At the current rate, the existing consented reserves at Hermitage Quarry will be exhausted by late 2014 or early 2015 (7.10).
- 16.21. It was agreed at the Inquiry that the proposed Westerly Extension contains workable reserves of some 16.01 mt, of which 10.67 mt is ragstone and 5.34 mt is saleable hassock. Furthermore, with the strata in the existing quarry extending into the proposed site, that would permit the production of the same range of products to those already produced from the existing quarry, including good quality dimension stone (7.29, 8.28, 9.12).

Landbank

- 16.22. Paragraph 145 of the National Planning Policy Framework (the Framework) says that there should be a landbank of at least 10 years for crushed rock aggregates (9.14). On the face of it, with a 0.78 mtpa apportionment (16.5) the 12.38 mt at Blaise Farm would provide well over the required

figure on its own, let alone another two years or so supply at Hermitage Quarry (7.16, 8.18, 9.15, 11.90); and the proposed extension would add a further approximately 16 mt (4.3, 8.13, 9.16).

- 16.23. Having carried out plant scale trials and particularly magnesium sulphate tests (8.29) of the material at Blaise Farm, it was accepted at the Inquiry that the stone at that site is inferior in quality to that at Hermitage Quarry. It is not suitable for higher grade uses in concrete or bituminous materials and, with much greater wastage, the cost of production would be greater. Even ignoring the Aggregates Levy, at some £4.75 - £5.00 per tonne, the cost of the Blaise Farm material would be materially higher than the £3.50 - £4.00 for recycled material (7.12-7.14, 8.27-8.30, 9.24).
- 16.24. These financial considerations are in line with the decision by Hanson, the owners of Blaise Farm Quarry, to mothball the site in 2005 citing, amongst other things, increasing competition from recycled and other materials. It has only been used by the Applicant to supply bulk fill and capping materials on an occasional campaign basis since that time (7.11, 7.13, 8.15, 8.24, 8.28, 9.17, 9.18).
- 16.25. Hanson did not make any representations to the Inquiry, but they have not operated the site now for some seven years and there is no evidence to show that they would be likely to do so in the future (8.15, 9.17-9.20).
- 16.26. In both the Committee Report on this Application and in their Draft Local Aggregate Assessment for the emerging Minerals and Waste Local Plan, KCC accepted that there are significant resources at Blaise Farm which form part of the crushed rock landbank. Consequently, they did not propose to allocate the Westerly Extension to Hermitage Quarry. Instead, they anticipated adding an exceptions policy to the Plan but, in any case, this Plan is unlikely to have progressed very much further towards adoption before the Secretary of State's decision is known (7.87, 8.25, 8.35, 9.21).
- 16.27. Paragraph 145 of the Framework advises that large landbanks bound up in very few sites may stifle competition and the Office for Fair Trading has been concerned about competition (9.26). However, as set out above, there is only one real supplier of ragstone at present and the situation would not change if the proposed extension were approved (9.25, 11.91).
- 16.28. Whilst there is certainly a theoretical landbank of well over the required 10 years, paragraph 145 of the Framework acknowledges that 10 years is a minimum and that longer periods may be required in certain circumstances. The Guidance on the Managed Aggregate Supply System says, at paragraph 26, that an adequate or excess landbank is not a reason for withholding planning permission, unless there are other planning objections that are not outweighed by planning benefits (8.22). Accordingly, the large theoretical landbank should not preclude permission for the proposed Westerly Extension at Hermitage Quarry.

Steady and Adequate Supplies

Crushed Rock

- 16.29. Paragraph 72 of Planning and Minerals: Practice Guidance advises that the management of landbanks should be based on considerations of real need

and real supply (8.21), and paragraph 145 of the Framework starts off by saying that Mineral Planning Authorities should plan for a steady and adequate supply of aggregates (7.9). The same point is made in paragraph 11 of the Guidance on the Managed Aggregate Supply System (8.22).

- 16.30. Without the proposed extension, Hermitage Quarry would be worked out by the end of 2014 or early 2015 (7.10). Even if Hanson did decide to reopen the quarry, which seems unlikely, higher quality stone could not be supplied from Blaise Farm (16.23, 16.25). This would certainly not provide the steady and adequate supply of aggregate sought by national planning policy.

Dimension Stone

- 16.31. Although there is no apportionment for building/dimension stone, it has already been concluded that there is a considerable need for good quality stone for restoration purposes (16.11). The ragstone from Blaise Farm that has been used as dimension stone in the past has not been successful, mainly because of its inherent quality. However, there are also inadequate depths of ragstone in the various beds at Blaise Farm Quarry from which to cut such pieces as quoins and copings (7.21, 7.22, 8.29, 8.31, 8.33).
- 16.32. Building stone has been produced in the area for centuries (11.46, 11.67) but at present Hermitage Quarry is the only source of good quality Kentish Ragstone for dimension purposes (7.18, 11.4). Policy CSM6 of the emerging Minerals Plan does support bespoke building stone quarries (9.39). However, the need to remove large quantities of overburden or other material in order to extract the ragstone is likely to make it uneconomical to operate a bespoke building/dimension stone quarry in this area in the current economic climate (7.26, 11.14).
- 16.33. Nevertheless, the proposed extension would enable the production of a steady supply of building/dimension stone for more than 20 years, which would not otherwise be available for restoration purposes. No predictions can be made at present about where a supply of Kentish Ragstone would, or would not, be available from after that time (11.46, 11.67).

Combined Supply

- 16.34. As concluded above, the proposed Westerly Extension is required to provide a steady and adequate supply of aggregates (16.30) and it is also required if an adequate supply of good quality building/dimension stone is to be maintained (16.33).

Summary of Conclusions on Need and Supply

Crushed Rock

- 16.35. There is a 0.78 mtpa sub-regional apportionment of crushed rock for aggregates to be produced in Kent and the ragstone of the Hythe Formation is the only source of good quality rock whilst at least some of the inter-bedded hassock can also be used for fill and capping purposes (16.4, 16.7).
- 16.36. At present, there are only two consented sources of ragstone, those at Blaise Farm and Hermitage Quarries, and no realistic prospect of any more in the near future (16.14-16.18).

- 16.37. At Blaise Farm there are some 30 mt of consented ragstone and hassock but only about 12 mt would realistically be workable (16.19). On its own, this would exceed the 10 year landbank for crushed rock and there are also some remaining reserves at Hermitage Quarry (16.22). Nevertheless, because of the stone quality and economic considerations, Blaise Farm has been mothballed for some time, except for certain campaigns for low grade materials. It is unlikely to make a significant contribution to the steady and adequate supply of crushed stone in the foreseeable future (16.34). Accordingly, there is a very considerable need for the crushed rock that could be supplied from the proposed Westerly Extension.

Dimension Stone

- 16.38. Although there is no separate apportionment for building/dimension stone, there is a substantial need to maintain a supply of specifically Kentish Ragstone for maintenance and restoration of many very notable buildings (16.8-16.11).
- 16.39. There is little prospect of a significant supply from the demolition of existing buildings (16.15) and also little prospect of any bespoke building/dimension stone quarries being started in the area (16.32). Building/dimension stone would however be available from some of the beds in a ragstone quarry worked primarily for aggregates. Not only are the ragstone beds at Blaise Farm mainly too thin to produce the larger pieces for quoins and copings for restoration work, but they have been tried for some dimension purposes and found unacceptable because of their relatively poor quality (16.32). In contrast, the Westerly Extension to Hermitage Quarry would provide good quality deep bed Kentish Ragstone for which there is a well established need (2.15, 0, 16.11).

Combined Need and Supply

- 16.40. With the limited remaining supplies at Hermitage Quarry as the only regular source of crushed rock in Kent, there is a strong need for the proposed extension which would also provide a source of high quality dimension stone for which there is also a very considerable need (16.20, 16.37, 16.39).

Ancient Woodland

- 16.41. Regardless of the Applicants' doubts about the designation of much of Oaken Wood as 'plantation on ancient woodland site' (PAWS), one of the two categories of ancient woodland (7.35), this is its designation in the Ancient Woodland Inventory, and that has been confirmed by Natural England (10.1, 12.2). On that basis, 31 ha of the 33 ha Application Site was PAWS and it would be irreplaceably lost to the development (7.34, 8.47, 9.5, 10.1).
- 16.42. There is only about 2.7% ancient woodland coverage of England (7.33, 11.43), and paragraph 118 of the Framework states that planning permission should be refused for developments that would result in the loss of ancient woodland unless the need for, and benefit of, the development in that location clearly outweigh the loss (8.38, 9.5). Whilst seeking to protect ancient woodland, this advice clearly does allow for circumstances where the loss can be outweighed by other considerations (7.36, 8.38, 8.42, 9.9, 10.8,

- 11.23). Natural England did not consider the prospective loss of ancient woodland to be sufficiently important to call-in the Application (7.42, 8.49).
- 16.43. Not all ancient woodland is the same and, in order to properly balance the harm against the benefits, the characteristics of the ancient woodland in question must be assessed (7.36, 7.38, 8.41-8.46, 9.8 10.8).
- 16.44. The Framework advice does not differentiate between Ancient Semi-Natural Woodland (ASNW) and PAWS but the Keepers of Time Statement by Defra seems to draw a distinction by saying that ASNWs are generally the most valuable ancient woodland sites. The Woodland Trust's Position Statement on the subject also draws a distinction between PAWS and ASNW in the context of habitat translocation which, in the latter case, is said to be particularly inappropriate (7.37). That would accord with the fact that particularly the mature trees of ASNW woodlands could not be translocated. In contrast the main interest in PAWS resides in the soils, for which there may be rather more success with translocation schemes (7.37).
- 16.45. Within the primarily non-native sweet chestnut coppice (with a few more mature trees) on the Application Site, there were 21 or 22 (2009 or 2012 surveys) ancient woodland indicator (AWI) plant species. Their distribution was found to be patchy, largely restricted to a few hollows and none of them are nationally rare. Furthermore, the site is otherwise dominated by bramble (7.34, 7.40, 7.45, 7.50, 8.52, 10.1).
- 16.46. Although the Kent Wildlife Trust (KWT) considered the distribution of AWIs to be typical of a plantation on ancient woodland site, Natural England considered the inherent richness of much of the site to be limited when compared to other ancient woodland sites (7.42, 10.3). The Applicant had compared the soils on the Application Site with other sweet chestnut coppice woodlands in the area, which showed rather more floristic interest and greater soil depths (9.47-9.50, 8.51).
- 16.47. It was suggested that there may have been a significant disturbance of the soils at the time that the site was replanted with sweet chestnut in the mid-19th Century (7.45). However, for the purposes of this assessment there is no particular need to identify the cause of the relatively poor quality of this ancient woodland; that is simply the case (7.40, 7.45, 8.51, 8.54, 10.2).
- 16.48. Both Natural England and KWT envisaged that the reintroduction of the traditional coppicing cycle would provide periods of greater daylight that would allow the AWI species to thrive (7.42, 8.53, 10.7). Nevertheless, the Applicants' evidence showed that on the Application Site there was no greater abundance of AWIs in areas with greater daylight, as had been found in other comparable woodlands (7.41, 8.55). In any case, with the loss of a viable sweet chestnut coppicing industry in the area and limited woodland management grants, there is no reason to suppose there would be a return to a regular coppicing cycle if the proposed extension was refused (7.43).
- 16.49. The Woodland Management Plan includes the translocation of the ancient woodland soils, along with some old coppice stools and their associated bryophytes. They would be moved from one phase to another as part of the restoration scheme that is designed to create native woodland. With recent

improvements in techniques, similar translocation schemes have been carried out elsewhere in the area and achieved reasonably good results, although time will tell if they retain those ancient woodland indicator species that have so far survived. Regardless of the relatively poor quality PAWS and the results achievable through translocation, this would not be the restoration of the PAWS lost to the scheme (7.50, 8.64, 9.53, 9.54, 10.4, 10.5, 16.47).

Biodiversity

- 16.50. Local residents reported seeing a considerable range of wildlife on the site (11.53), but Natural England and the Kent Wildlife Trust (KWT) both accepted that the Application Site is relatively poor in terms of species, even though it is part of a Local Wildlife Site (LWS) (7.47, 8.109, 10.6).
- 16.51. Despite the apparently greater birdlife interest around Mrs Dyer's home (11.47), the surveys carried out on the Application Site showed there to be a low diversity of breeding birds with no rare species, Red Data Book or EC Directive Schedule 1 species breeding on the site (7.47).
- 16.52. The lichens on the site are considered poor and the Environmental Statement says that the paucity of dead wood reduces the number of fungal species to a minimum, with no Red Data Book or nationally rare fungi (7.47).
- 16.53. The invertebrates were found to be of negligible ecological interest and the woodland is poor for roosting bats (7.47).
- 16.54. The habitat is considered sub-optimal for dormice, but that would be improved if it were not dominated by sweet chestnut (7.47). There is no reason to suppose that the necessary dormice licences would not be forthcoming from Natural England (7.53).
- 16.55. There was just one single toad in the 2009 survey, and no amphibians at all were found in 2012 (7.47).
- 16.56. There were no badger setts on the Application Site, although there were some in the wider Oaken Wood (7.47).
- 16.57. Three common species of reptiles (common lizard, slow worm and grass snake) were present on the site in medium to low densities in a limited number of locations. It is these which primarily justified the Local Wildlife Site designation (7.48, 11.25). They would be translocated to the Habitat Creation Field as part of the preliminary work at the beginning of each phase of working (8.62).
- 16.58. A reasonable number of bryophytes had been recorded on the site, though none that were nationally rare and KWT accepted that none would be lost to the area as a result of the development (7.48).
- 16.59. The loss of this area of PAWS and its reinstatement to native woodland would help to achieve one of the objectives of the Kent Biodiversity Action Plan which envisages the enhancement of more semi-natural character woodlands on ancient replanted sites, for example through the diversification of sweet chestnut plantations, (7.50, 8.57). The same

approach is taken in the relevant Biodiversity Opportunity Area Statement (7.50), and one of the Woodland Trust's main aims is to increase the area of native woodland cover (8.59).

- 16.60. As recorded above, there are some species of biodiversity interest in the present non-native sweet chestnut woodland (10.7, 16.50-16.58). Nevertheless, restoration to native woodland should, in the longer term, considerably increase the species richness with habitat enhancement for dormice, reptiles, badgers, birds, invertebrates and amphibians, as well as greater lichen and bryophyte diversity (7.50, 7.51, 10.5). However, also as noted above (16.49), the ancient woodland indicator species may not translocate very well and those that did survive would be very slow to spread because of their inherently poor colonising abilities (8.54, 10.5).
- 16.61. Whilst there would be a loss of 31 ha of PAWS, the full 33 ha of the Application Site would be restored to native woodland and new native woodland would be planted on the existing quarry site to link up the ancient woodlands of Broke Wood and Fullingpits Wood with Oaken Wood (13.5). This would provide significant opportunities for the movement of wildlife. Furthermore, some areas of recently planted woodland and existing woodland would be brought into conservation management, thereby providing a total net gain of some 74.7 ha, considerably more than a two for one replacement (7.49, 7.51). In addition there would be the 9 ha Habitat Creation Field and the management of some 6.8 km of existing hedgerows (4.13, 7.51, 8.62).
- 16.62. Overall, despite designation as a Local Wildlife Site (7.34, 7.51, 8.109), the relatively poor biodiversity interest in the current woodland would, in the longer term, be considerably increased by the restoration to native woodland and the conservation management of other off-site woodlands (7.51, 8.63). In due course the site could re-qualify for Local Wildlife Site designation (7.51).

Landscape and Visual Impact

Methodology

- 16.63. The Woodland Trust contended that the Applicant had taken the wrong baseline for the assessment of the landscape and visual impacts by assuming that the existing quarry would remain as it is and not be restored over time. They considered that the baseline should assume the existing quarry had been restored (7.61, 8.79, 9.41). It was argued on behalf of the Applicant that the restoration had been implicitly included in the assessment, though not specifically documented (7.61, 9.43).
- 16.64. It is clear that any landscape and visual impact assessment should have regard to the existing conditions, otherwise the change brought about by the development could not be properly established. The baseline may not of course be static (9.42) but, having established the baseline, it is usual to simply consider the effects of the proposed development.
- 16.65. In this case, the baseline should take into account the conditions as they are now, ie with a working quarry. Thereafter the assessment of the future impacts should be with, and without, the scheme, bearing in mind the

restoration of the existing quarry either in five to seven years time, or at the end of a much longer period of more like 35 years (4.5, 7.61).

Visual Impact

Existing Conditions

- 16.66. Although the existing quarry is a large site in the countryside, there are remarkably few public vantage points from which it can be seen. There are limited views from the public footpath behind the Rede Wood Road houses to the south, and occasional glimpses from Byway MR 496 to the west. The other main views are the very distant ones from the higher ground of the Kent Downs AONB, such as from Bluebell Hill some 7 km to the north (4.10). With regard to the latter, the Kent AONB Unit has confirmed the very limited impact of any visual effects (7.56, 12.5).
- 16.67. The Application Site is almost completely covered in dense sweet chestnut coppice which forms part of the much larger Oaken Wood and, apart from the bridleway that crosses the site, it is only really visible in the long distance views referred to above, (7.55, 16.66).

Future Conditions

- 16.68. Without the proposed extension, the existing quarry would be restored mainly to agricultural land within about five to seven years and Oaken Wood would remain as at present (7.61, 7.62).
- 16.69. With the proposed extension, much of the existing quarry would remain in use and only be finally restored in up to 35 years time, therefore retaining those limited views that do exist of the working quarry for many more years (4.5).
- 16.70. A minimum 50 m wide perimeter zone of sweet chestnut coppice would be retained between the edge of the extension site and the circular permissive path/track which, with the proposed woodland management, should be adequate to prevent any material views of the site by users of that route (7.54, 7.55, 8.70, 8.71). There would be some views of the site from the Byway where it crossed the tunnel into the site, but those could be reasonably obscured by screen fencing and planting that would mature over a period of years (7.55, 8.73, 9.45). Although the tunnel itself would be an artificial element in the landscape, the only material views of it would be from within the existing quarry and the extension site, which are not of course public vantage points.
- 16.71. The proposed extension would be progressively worked in phases of about 2 ha at a time. Whilst there would be no more than four phases without tree cover at any one time, the newly planted native trees and shrubs would take a significant further period to develop into recognisable woodland cover (7.54, 7.57, 9.45).
- 16.72. Taking into account the surrounding retained woodland and the lack of public view points, the working, filling and restoration of the extension site for some 23 years would have little visual impact (4.5, 7.55, 7.56, 8.69, 8.72, 8.78). The delay in restoring part of the existing quarry site would

prolong the, admittedly limited, visual impact of that element of the scheme for perhaps another 30 years.

- 16.73. Overall, the visual impact during the lifetime of the scheme would be quite small and, once completed, it would perhaps be slightly positive because of the additional woodland planting on the existing quarry site (7.51).

Landscape Impact

- 16.74. There is no landscape quality designation of the site and, although it is ancient woodland, that is not a landscape designation (7.59, 8.66).

Existing Conditions

- 16.75. The existing quarry is a busy operational site with all the vehicles and plant necessary to extract the minerals, fill and then restore the void, process the stone into graded aggregates or building/dimension stone, as well as recycling materials and supplying ready-mixed concrete (2.10-2.17).
- 16.76. There is some noise from the working of the existing quarry which affects the tranquillity of the eastern end of Oaken Wood (11.25), but that is relatively localised and mostly noticeable from the public footpath behind the Rede Wood Road houses and from Byway MR 496 running along the western boundary of the existing quarry (4.1, 4.10).
- 16.77. The proposed extension site is currently part of the considerably larger Oaken Wood which is almost completely occupied by sweet chestnut coppice, with just the occasional larger tree. Such coppiced woodland has been recognised as a strong landscape feature in the nearby Mereworth Woodlands area in the Landscape Assessment of Kent (9.45) and the adjoining Maidstone Landscape Character Assessment (7.60). It certainly dominates the landscape of the Application Site, though there are also some areas where recent coppicing has left open areas that will quickly grow back into dense woodland (7.55).
- 16.78. Although the majority of the site is designated as ancient woodland, there is no particular historic value to the trees themselves which are of relatively recent origin (7.35, 7.37)
- 16.79. Clearly the complete removal of the woodland makes the Application Site itself sensitive to the development.

Future Conditions

- 16.80. During the lifetime of the scheme, there would be little change to the landscape impact of the existing quarry which therefore would prolong the present landscape impact for a further 30 years or so (4.5).
- 16.81. As noted above, the sweet chestnut coppice on the Application Site would be completely removed and replaced by native woodland in phases but, although becoming less common, it is part of the traditional coppicing cycle to remove all the growth from the chestnut stools every few years, resulting in open compartments within the woodland (7.59). Accordingly, the creation of clearings themselves in the woodland is not out of character with the historic landscape, although the creation of areas of some 8 ha or more, and the planting of trees that would not grow at the same rate, would be.

- 16.82. Although there may be biodiversity benefits from the proposed new native woodland in due course (16.62, 7.62), in an area dominated by sweet chestnut coppice, this would not completely accord with the current landscape character.
- 16.83. Despite the 50m wide perimeter zone, those persons using the permissive path/track around the site or Byway MR 496 would undoubtedly be aware of noise and disturbance from the quarry workings and would therefore have lost the present degree of tranquillity (7.63, 11.25, 11.77).
- 16.84. Overall, the surrounding woodland and the lack of public vantage points result in very little visual impact from the proposed scheme. The effect on the landscape character would also be quite limited (8.69). However, there would be a loss of recreational tranquillity during the operating life of the extension and the final restoration to native woodland would not be strictly in accordance with the present sweet chestnut dominated landscape character of the area.

Archaeology and Heritage Impacts

- 16.85. Although the site is mostly covered by ancient woodland, there are no veteran trees (7.59), and it was accepted by the Kent Archaeological Officer that there were also no features of surface archaeological interest, although there is the potential for some Palaeolithic interest (12.4). The latter can be the subject of a suitable planning condition (7.64, 8.94, 8.95).
- 16.86. The other heritage consideration is the supply of dimension stone which is covered above in the section on need and supply (16.38, 16.39).

Landfill and Waste Permitting

- 16.87. The proposal is to fill the excavated void with inert waste, as is already being done on part of the existing quarry site. This infilling is still in progress (2.4-2.8) and the evidence at the Inquiry was that an adequate supply of inert waste was currently being obtained. This supply could be further influenced by pricing, should the need arise. Accordingly, there is no reason to suppose that an adequate supply of fill material would not be forthcoming (7.74).
- 16.88. The landfilling operations on the existing site are currently controlled under a Pollution Prevention and Control Permit issued by the Environment Agency, who have indicated that they would prefer to vary the existing permit to include the proposed extension rather than to issue a new one (2.8, 7.73, 8.92). There is therefore no reason to doubt that the landfilling operations would be properly controlled.

Groundwater

- 16.89. In accordance with the recommendations of the hydrogeological risk assessment, quarrying would be limited by planning conditions to a level 2m above the groundwater table, which would be monitored by boreholes. The Environment Agency, who have responsibility for safeguarding the groundwater, raised no objections (7.31, 8.91) and the safeguarding of the groundwater would of course be part of their consideration of the

environmental permit. There is no reason to anticipate any detrimental effects on the groundwater of the area.

Residential Amenity

Blasting

- 16.90. A number of local residents expressed concerns about the vibration and air overpressure caused by blasting at the existing quarry and the prospect of it continuing for another 23 years or so. In some cases they said that they feared for the structural safety of their homes. Mr Power submitted readings of the blast monitoring at his home to demonstrate air overpressure readings of up to 123dB (11.37, 11.55, 11.58-11.60, 11.74, 11.74, 11.93, 12.5).
- 16.91. It may be that the effects of the blast witnessed by the Inspector at Mr Power's home were not representative of other blasts, which Mr Power's records indicate can have considerably greater effects on occasions (11.74).
- 16.92. Although still perceptible, the existing limit of 6 mm/s peak particle velocity for 95% of blast events is widely used and does comply with current guidance. The evidence shows this limit has been complied with, and that further improvements have been achieved over recent years (11.36). Furthermore, the Applicant is involved in more trials into the most efficient use of explosives (7.68, 8.84, 12.3).
- 16.93. There is no air overpressure condition at present and, although not widely used, restrictions on air overpressure have been applied at other sites (11.59). A condition could however require a scheme to limit air overpressure to say 120dB.
- 16.94. There is no sound evidence to link the blasting in the quarry to cracks or other damage to the local residents' houses, which may have other causes.
- 16.95. Nevertheless, blasting at the existing quarry is clearly a considerable irritant to some local residents which they would not wish to continue for another 23 years or so (16.90).
- 16.96. As proposed, the locations of the blasts would generally move westwards and therefore be further away from the Rede Wood Road houses. They would also remain at least as far away from residential properties as at present (4.10, 8.82). A planning condition could require approval of a blasting scheme in which the monitoring locations would be identified (7.68). Despite Mr Mew's suggestion, there is no evidence to show that properties a little further away than the closest would be any more affected by transfer of vibrations through the solid rock (11.60).
- 16.97. Whilst blasting on the proposed Westerly Extension site would undoubtedly be perceptible to the nearby local residents, the ground vibration and air overpressure effects could be controlled by planning conditions to a level that is normally considered acceptable.

Noise

- 16.98. Much like the effects of blasting, there were a number of local residents who considered the noise from the present quarry unacceptable, especially if it were to continue for another 23 years or so (11.29, 11.31, 11.49, 11.55, 11.64, 11.74, 12.5).
- 16.99. Apart from blasting, the sources of noise include the vehicles, plant and machinery necessary to load and transport the mineral, as well as that required for the processing and export of it from the site (2.11-2.17). Although concerned about the noise in general, the local residents especially complained about the noise from the trommel screen, the crushers, and the vehicles' reversing beepers (11.29, 11.49, 11.64).
- 16.100. The noise from the existing operations may, or may not, have been less than usual during the Inspector's site visit (11.32), but the noise is monitored at identified noise sensitive locations. Despite the occasional complaints, it is within the prescribed limits, as confirmed by the Environmental Health Officer for Maidstone Borough Council, which covers the properties on Rede Wood Road and North Pole Road (2.2, 7.65).
- 16.101. In the proposed scheme, the stone would be excavated in the extension area and transported by dumpers to the present processing facilities within the existing quarry (4.7). Whilst in some cases, the use of conveyors might be appropriate (11.62) that is usually over fixed distances, rather than the relatively short variable distances in this case.
- 16.102. In essence, the noise generated from the site would not be very different from the present operations. If anything, the workings would be a little further from noise sensitive properties and additional noise bunds would be provided between the workings and both the Rede Wood Road and the North Pole Road dwellings (7.65, 7.66, 8.82). A condition is proposed to require the use of 'white noise' reversing systems, rather than the more intrusive high pitched beeper variety (8.88). This should help to reduce the noise impact.
- 16.103. The proposed noise limits in the planning conditions would comply with the noise requirements of the Technical Guidance for mineral workings attached to the Framework (7.66). These noise levels are not set at such a low level that they would preclude the nearby residents from hearing the quarrying operations. Instead, they are intended to permit minerals extraction whilst at the same time avoiding undue harm to their residential amenity. In this case, the proposed noise conditions would do just that (8.81, 11.38).

Dust

- 16.104. There were also representations from some local residents on the subject of dust (11.55, 11.74). Problems with dust have been experienced during dry spells, but the Applicant has addressed the problem when it has arisen and the Environmental Health Officer has not raised any concerns on the matter. Furthermore, the proposed conditions should ensure that the development would conform to the Framework's Technical Guidance on dust (7.67, 8.86).

- 16.105. There is no reason to consider the development would cause undue harm through dust emissions.

Traffic

- 16.106. The existing quarry has good access to the principal highway system and the same access and routes would be used for the proposed extension (2.2, 4.7, 7.69). The same restrictions on vehicle numbers and times would also apply (8.89) and there should be no undue harm to residential amenity or highway safety from the traffic generated by the extension.

Recreational Uses

- 16.107. Oaken Wood, and the paths through it, are clearly a recreational resource for the local residents. For instance, it is used by individuals and families for walking, with or without dogs, cycling and horse riding, and by organisations such as the Scouts, Guides, schools and running clubs (11.20, 11.26, 11.54, 11.77, 11.94, 12.5). Nevertheless, the figures in the rights of way surveys do not indicate very large numbers of people using this resource (7.79).
- 16.108. The recreational routes through and around the Application Site are currently well wooded and, despite some motorway noise, are relatively tranquil routes (8.74, 11.77) which, even with the minimum 50 m retained tree screen, would be impacted to some extent by the proposed quarry workings (11.77). Clearly the rides that cross the site would not be available when the site was being worked and, despite adequate visual screening from the permissive circular path, the presence of the quarry would certainly be apparent from the general noise and disturbance, and the occasional blast (16.83).
- 16.109. The proposed extension would therefore have some adverse effect on this recreational amenity during the 23 years or so of the quarry operations. However, the restored native woodland would in future be open to the public (4.5) and would probably be more attractive than the sweet chestnut coppice that was described by Kent Wildlife Trust as 'rather visually uninteresting' (8.77).

Prolonged Effects

- 16.110. The existing quarry and its previous extensions, has been in operation for some 20 years and the proposed extension would take a further 23 years or so, followed by perhaps another 10 years for the final restoration of the existing quarry (2.3, 4.5, 11.22). The focus of activity would move around this large site, thereby affecting different locations at different times. Nevertheless residential amenity in one form or another would be affected for a long period. This is particularly the case for the occupiers of the Rede Wood Road houses that are closest to the processing plant. This has already been there for some time, and would be there until the extension was completed. However, the new noise bund closer to the processing plant should reduce the noise reaching the rear of these dwellings (7.66).
- 16.111. Mr Mew suggested that improvements in best practice should result in tighter environmental controls and a minimisation of impacts during the lifetime of the scheme (11.57). Old minerals permissions may have been granted many years ago with what are now considered to be inadequate

conditions for which a review procedure exists. However, conditions are now set at the time that permission is granted and are not generally reviewed in the light of best practice without an application from the owner/operator. In contrast, the Environment Agency are more likely to revise conditions on an environmental permit as a result of changes in best operating practice.

- 16.112. Even though the proposed conditions for such things as blasting and noise would include the same limits as those attached to the existing planning permissions, they would still be in line with the current standards (7.66, 7.66, 8.81, 8.84); and the Environmental Health Officer confirmed that the effects of blasting, noise and dust could be adequately controlled by conditions (7.65). Furthermore, the Hermitage Quarry Liaison Group (7.71) would be available for local residents to raise any concerns.

Summary of Residential Amenity Impacts

- 16.113. Whilst there would be little harm to the amenities of the local residents from dust or traffic, there would be some residual impacts from blasting, noise and the effects on the quiet recreational use of Oaken Wood for a significant number of years (16.97, 16.103, 16.105, 16.106, 16.109). The development would therefore prolong the effects of the existing quarry for the local residents (16.110) and this should be considered in the planning balance.

Socio-Economics

- 16.114. The Applicants' quarrying and other operations on the existing site directly employ some 105 people, with a further 20 being indirectly employed. The Applicants' £4.35m pa wage bill would continue to contribute substantially to the local economy (7.75, 8.102, 9.12, 11.18, 11.21, 11.50)
- 16.115. In the absence of permission for the Westerly Extension, the currently permitted reserves would be exhausted in late 2014 or early 2015, after which time the core of the workforce would no longer be required and there would be a phased downsizing of the remainder (7.75). It is unlikely that many of these employees would be re-deployed within the associated Gallagher businesses (11.50, 11.69). Because of the integrated structure, these other businesses could also be affected by the closure of the quarry. Not only would the loss of these jobs be a personal blow to the employees (11.70), but these skilled workers currently make a beneficial contribution to the diversity of the workforce in Kent (7.75).
- 16.116. In the event that permission for the proposed extension was refused and the existing quarry closed by early 2015, crushed rock would have to be imported into Kent by other suppliers, who would not necessarily be subject to the competition currently provided by the Applicant company. That could well increase prices, to the detriment of the local economy (7.76).

Sustainability

- 16.117. Paragraph 142 of the Framework says that minerals are essential to support sustainable economic growth and our quality of life (8.6). Against that background, Kent has a sub-regional apportionment to provide 0.78 mtpa of crushed rock, almost all of which comes from Hermitage Quarry at present,

and would do so in the future if the proposed extension is allowed (16.6, 16.16).

- 16.118. Almost all the aggregates supplied from Hermitage Quarry are used within a radius of about 40 km (7.77) but, without the Westerly Extension, an equivalent additional quantity would have to be imported into Kent (7.8). Bearing in mind that this is hard rock, the replacements would probably come from the Mendips, Leicestershire, Scotland or France (7.8). This would hardly be in accord with the Framework which seeks a strong responsive and competitive economy and not imports from abroad (8.103).
- 16.119. Regardless of where the materials might otherwise have been used, there is no basis to assume that they would have been diverted from longer journeys (7.77). They would simply represent an increase in imports into the county that would clearly have to be transported over an increased distance, thereby making that a less sustainable option.
- 16.120. Even if the bulk supplies were transported by sea or rail, the local delivery distances could well be comparable to the 40km radius for the Hermitage Quarry materials, and would still be carried out by HVGs (11.71). Accordingly, as the carbon emissions from extraction wherever it takes place are likely to be similar, the combined carbon footprint of imports from a significant distance away would be greater (7.77, 9.51, 11.43). It may be that there were other considerations behind the import of stone from China to pave Maidstone's High Street (11.42).
- 16.121. Whilst the supply of crushed rock for aggregates is important, so to is the supply, in much smaller quantities, of dimension stone (16.40). This would not be a case of wastefully crushing large volumes of good quality building stone (11.77) because much of the stone extracted would not be suitable for dimension purposes. In any case, it is most unlikely that any dimension stone would be extracted without the much larger aggregates operation (16.31-16.33).
- 16.122. Accordingly, whilst there are a number of other considerations to be weighed in the balance (11.43, 8.100), there is no reason why the scheme should be considered unsustainable. Given that conclusion, and the substantial need already identified, it could hardly be said that to allow the extension would be purely based on economic grounds, or that it would sacrifice the right of future generations to enjoy the environment (11.95).

Consequential Effects

- 16.123. The existing quarry was permitted under four principal planning permissions. Three of them would require changes to update their conditions in line with the stage of completion and/or the modifications necessary to implement the Application Proposals. For example some areas would be restored to native woodland instead of agriculture (2.4-2.8, 4.11, 14.1-14.7). The suggested conditions are considered at paragraphs 16.154-16.172 below.
- 16.124. As explained previously, it would be necessary to divert Byway MR496 during the construction of the proposed cut and cover tunnel from the existing quarry into the extension site (1.9, 4.6). The separate report to the

Secretary of State at the Department for Transport (DfT) covers this application (1.9).

- 16.125. Similarly, there is a separate report to the Secretary of State at the Department of the Environment, Food and Rural Affairs (Defra) into the application for a temporary (25 year) diversion of Bridleway MR108 which crosses the proposed working area (1.10).

Planning Obligation (Doc GAL36A)

- 16.126. The completed Section 106 planning obligation would primarily regulate the restoration to, and future management of, the Application Site and parts of the existing quarry to native woodland, whilst also maximising the opportunities for wildlife and public access (13.5). It would set up a Management Advisory Group to consider the Ecological Monitoring Strategy and to advise on the operation of the Woodland Management Plan (13.6).
- 16.127. This obligation is in the form of an agreement with the Mineral Planning Authority (KCC), who endorsed its terms (13.1). No one at the Inquiry argued against the terms of the obligation, and there is no reason to doubt that it would be effective in achieving its objectives, if the Application were to be allowed.

Suggested Planning Conditions (Doc GAL/37)

- 16.128. In the event that planning permission is granted for the proposed Westerly Extension, certain planning conditions would be required. Schedules of suggested conditions had been agreed between the Applicant and the Mineral Planning Authority (MPA), and they were considered at the Inquiry (15.1).

Proposed Westerly Extension (GAL/37/1)

- 16.129. Although the previous permissions had five year time limits for implementation, three years is now the normal period and no sound reasons were given to depart from that norm. There should therefore be a three year time limit.
- 16.130. Conditions are required to properly identify the approved development and, for that purpose, a schedule of approved plans is required. Furthermore, as the Application Site is not clearly identifiable in the general woodland, it should be properly identified and permanently marked out on the ground.
- 16.131. To avoid harmful effects on the land drainage in the area, details of the measures to dispose of water from the site should be approved by the Mineral Planning Authority (MPA).
- 16.132. Whilst some information is already available about the proposed lifting, management, handling and re-use of topsoil and overburden, this is a critical matter if the maximum benefits of the proposed translocation are to be achieved. Full details, including the maximum acceptable moisture content for handling the soils, should therefore be approved by the MPA.
- 16.133. To ensure proper restoration of the site, conditions are required giving the details of the levels, depth of the topsoil and clean overburden. Bearing in mind the limited depth of topsoil on the site (16.46), the suggested

condition should be varied to require a minimum of 0.95m of subsoil or soil forming material and a minimum of 100mm of topsoil within a total depth of at least 1.2m between the two.

- 16.134. In the event that the minerals operation was to cease, the site would still need restoration. A condition should therefore be required for a revised scheme after a period of two years cessation.
- 16.135. The extension scheme includes for the construction of a cut and cover tunnel from the existing quarry into the Application Site. Once completed, it is proposed that this would be the only access to the extension; a matter that should be guaranteed by condition. The scheme includes the provision of landscaping and screen fencing to obscure views from the Byway above the tunnel and, in the interests of visual amenity, this should be required by a condition.
- 16.136. To safeguard highway safety, a condition should also be required to ensure that the existing highway access is used by all traffic coming to and from the whole of the enlarged site.
- 16.137. To minimise disturbance to the local residents, a condition should require all vehicles, plant and machinery to be maintained to the manufacturers' specifications.
- 16.138. The scheme has been assessed on the basis that the existing processing plant and operational areas would remain in the existing quarry until the extension is completed. Accordingly, a condition should preclude any buildings or fixed processing plant in the extension site.
- 16.139. In order to protect the amenities of the local residents, a condition should be required to limit the amount of dust from the operation.
- 16.140. For the same reason, the operating hours should be limited and conditions would also be required to limit the effects of blasting and noise.
- 16.141. The suggested blasting conditions would accord with the Vibrock Report (15.3) and, given the apparently high air overpressure readings on occasions, a scheme should be required to minimise air overpressure with a maximum of 120 dB (15.3).
- 16.142. Whilst there was a suggestion of 'musical' reversing bleepers (15.4), there was no evidence to show that they are available, or indeed that they would achieve the necessary safety standards. However, 'white noise' reversing warning systems are now used on some sites and they would reduce the annoyance for local residents. A condition should therefore require their use for all plant and vehicles that operate solely on the site. The site operator would not have direct control of the visiting vehicles which may need other forms of reversing bleepers. It would not therefore be reasonable to require all visiting vehicles to be so equipped.
- 16.143. The suggested noise limits would conform to the currently recommended standards for mineral workings in England (15.4). They should be monitored at the identified noise sensitive properties but, for the higher permitted noise level during temporary works, that should be the nearest point to each dwelling, and the hours of working should also be more

restricted. The noise screen bund close to the south-east corner of the extension site should be erected before the start of Phase 20 in order to prevent undue noise disturbance for the local residents (7.66).

- 16.144. The proposals include backfilling the void with inert waste, which is also a matter for the environmental permit, but the consideration of the application has been based on the use of such material and not other forms of waste which could for example affect the groundwater. A condition is therefore required to limit the permission to inert waste only.
- 16.145. The proposals have been assessed on the basis that quarrying would not extend lower than 2m above the watertable. This should be the subject of a condition, as should the monitoring arrangements in order to prevent harm to the groundwater. The fly-tipping of possibly contaminated material should also be prevented for the same reason.
- 16.146. There remains the possibility of some archaeological interest in the site, for which a programme of work should be approved under a condition.
- 16.147. Whilst there is much more detail in the Woodland Management Plan attached to the Section 106 agreement, a condition should prevent the removal of trees from March to July inclusive, in order to avoid disturbing breeding birds.
- 16.148. Another condition should ensure that details of the planning permissions and subsequently approved schemes are available on site for easy consultation when required. Without such information it could be difficult to enforce any planning issues quickly and efficiently.
- 16.149. Part of the scheme is to provide dimension / building stone for use in new works and for the restoration of old buildings. It would therefore serve a sound planning purpose to require up to 25,000 tonnes per annum of this stone to be available from the site (9.37). Because suitable quality stone may not always be readily available from the current working face, it would be necessary to retain a stockpile of half that amount on the site. In order to monitor this, the MPA should be supplied with annual returns of the quantities sold and held on site. It would be an unreasonable restriction to include any reference to financial viability in this condition, as originally sought by the Kent Conservation Officers' Group (11.8).
- 16.150. The primary saw already provided by the Applicant is of considerable benefit in establishing the quality of the ragstone for dimension / building purposes before it leaves the site (11.7). This would reduce unnecessary transport and wastage and allow the recycling of off-cuts to the aggregates production process. Accordingly, it should be retained for use on the site through a planning condition but, bearing in mind that at least one customer is currently happy to take un-sawn stone, it would be unreasonable to require all building stone leaving the site to be sawn (11.2, 15.2).
- 16.151. The Kent Conservation Officers' Group and the Institute of Historic Building Conservation both sought a condition requiring the completion of a study into the best lanes to restore high profile buildings and the production of recommended specification clauses (11.8, 11.15). That study has already started and is likely to be completed before the Secretary of State's decision

is published but, in any case, this study would have a rather tenuous link to planning. It is more a marketing matter for the Applicant and no such condition would therefore be appropriate.

- 16.152. Although the Woodland Management Plan sets out the intention to retain and to manage the perimeter zone of coppiced woodland between the Application Site and the perimeter path (13.5, 16.70), more details are still required by condition.
- 16.153. If the Application is approved, the recommended conditions are those set out in Annex C1.

Variation of Existing Permissions

- 16.154. Three of the four existing permissions (as already amended) would need variation to comply particularly with the phasing and restoration included in the proposals for the Westerly Extension and those conditions which no longer serve a purpose should be removed (14.7).
- 16.155. As these are applications under Section 73 of the Town and Country Planning Act 1990 new permissions would be created and the descriptions of the developments should also be updated.
- 16.156. Whilst the proposed descriptions for the Southern and Eastern Extensions are fully descriptive of the development, that suggested for the original quarry is not (14.8). If approved, that latter description should be:-

'The development of land situated at Hermitage Quarry, Hermitage Lane, Maidstone, Kent for the extraction of ragstone and hassock, backfilling to former levels with inert waste, restoration in part to native woodland and in part to agriculture, continued use of existing quarry plant, buildings and access road and the recycling of construction aggregates.

- 16.157. Comparable new conditions would generally be required for the same reasons that have already been given above for the Westerly Extension (16.122-16.153). These are not repeated here, but some conditions specific to these other permissions would also be required.

Original Quarry (GAL 37/2)

- 16.158. The original quarry has of course been commenced, but there is still a need to define the extent of the development by reference to a schedule of plans and the restoration scheme would be different (2.4, 7.49).
- 16.159. The moisture content of the soil and subsoil must be below the plastic limit for the good handling and placing of these materials. For efficient cultivation and the appearance of the land, any settlement depressions in the restored agricultural land should be made good.
- 16.160. This permission includes the site access onto the highway. The times and numbers of HGV movements should remain as before, in order to avoid harm to both highway safety and residential amenity (7.69). For highway safety purposes, vehicles leaving the site should not deposit mud on the highway and the present visibility splays should be retained until final completion of the works.

- 16.161. With some of the plant and equipment being located on this site, precautions, such as impervious bunds, are necessary to avoid pollution of the groundwater.
- 16.162. There is already plant and equipment on the land, but in this location where noise and visual considerations could be unacceptable, permitted development rights should be removed for more buildings and fixed plant.
- 16.163. All plant and buildings must also be removed from the site to enable the approved restoration to take place. A condition is required for that purpose.
- 16.164. If the Application is approved, the recommended planning conditions for the original quarry are given in Annex C2.

Southern Extension (GAL/37/3)

- 16.165. There is still some mineral that could be worked in the Southern Extension and for that reason the operational conditions omitted from the list of recommended conditions for the Original Quarry are required.
- 16.166. All vehicles accessing the Southern Extension from the highway would have to pass through the Original Quarry and for that reason the access and numbers of vehicles do not need to be reflected in these conditions, although any other route should be prevented. To safeguard the amenities of the local residents, a condition is required to ensure that the proposed new noise bund to the south of the processing area is provided (7.66).
- 16.167. With some of the fixed plant being within the Southern Extension site, there should be a condition for the bunding of fuel tanks etc to avoid harm to the groundwater from any spillages.
- 16.168. If the Application is approved, the recommended planning conditions for the Southern Extension are given in Annex C3.

Eastern Extension (GAL/37/4)

- 16.169. The minerals have been extracted from this extension. It is currently being filled and will in due course be restored (2.7). The conditions should therefore reflect the remaining operations, which no longer involve blasting.
- 16.170. As with the Southern Extension, all vehicles would have to pass through the Original Quarry. A condition is required to ensure this, but not to control the times or numbers of HGV movements.
- 16.171. The suggested conditions relating to planting trees and shrubs are covered in the Woodland Management Plan attached to the Section 106 Agreement. Such conditions are not therefore required.
- 16.172. If the Application is approved, the recommended planning conditions for the original quarry are given in Annex C4.

Compliance with the Development Plan

- 16.173. As confirmed in paragraph 2 of the National Planning Policy Framework (the Framework), *'Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.'*

The Development Plan

16.174. The Development Plan in this case currently includes the following:-

- The South East Plan (SEP) (May 2009),
- The saved policies of the Kent Minerals Local Plan: Construction Aggregates (1993),
- The Tonbridge and Malling Borough Council (TMBC) Core Strategy (2007),
- The TMBC Managing Development and the Environment Development Plan Document (2010), and
- The saved policies of the Adopted Tonbridge and Malling Local Plan (1998) (5.1-5.8).

16.175. The following emerging plans are also relevant:-

- The Kent Minerals & Waste Core Strategy (Local Plan), and
- The Kent Minerals Sites Plan.

Weight to be accorded to Policies

16.176. The weight to be accorded to the policies of the Development Plan and emerging plans is set out in Annex 1 to the Framework. Because they were adopted after 2004, paragraph 214 says that the policies of the SEP, the TMBC Core Strategy and the TMBC Managing Development and the Environment DPD should carry full weight, providing there is no more than limited conflict with the policies of the Framework.

16.177. In accordance with paragraph 215, the policies of the Kent Minerals Local Plan: Construction Aggregates and the Tonbridge and Malling Local Plan, which were adopted before 2004, should be given due weight according to their degree of consistency with the policies of the Framework.

16.178. Paragraph 216 of the Framework says that emerging Development Plan policies, such as those in paragraph 16.175 above, should be given due weight according to how advanced the plan is, whether there are unresolved objections and the degree of consistency with the Framework.

Need for, and Supply of, the Mineral

16.179. Although it has been announced that the SEP is to be revoked, the Chief Planner at the DCLG has endorsed the crushed rock apportionment of 0.78 million tonnes per annum for Kent contained in the Proposed Changes as the quantity to be used for future planning purposes (16.6).

16.180. Taking that into account, the need for a steady and adequate supply of aggregates, as well as the current theoretical landbank and the possible sources of supply, there is a very considerable need for the proposed Westerly Extension if the sub-regional apportionment in SEP Policy M3 is to be met (16.35-16.37).

16.181. The extensive assessment of the geology of the local area and the mineral reserve on the application site provides ample evidence to comply with Kent Minerals Local Plan Policies CA7 and CA8A (5.5, 16.12 - 16.21).

16.182. Accordingly, the proposal would comply with the Development Plan in terms of the need for, and supply of, crushed rock in Kent.

Ancient Woodland

- 16.183. Policy NRM7 of the South East Plan and Policy NE4 of the TMBC: Managing Development and the Environment seek to protect ancient woodland, unless the need for, and benefits of, the development would outweigh the harm (5.2, 5.7). Because some 31 ha of ancient woodland, in the form of Plantation on Ancient Woodland Site (PAWS), would be lost (16.49) the proposals would not comply with this aspect of the Development Plan, unless that loss would be outweighed by the benefits. This assessment can only be made once the other planning considerations have been assessed, and that is done at paragraph 16.211 below. The requirement in Policy NRM7 for replacement planting would in this case be exceeded (8.40).

Biodiversity

- 16.184. Between them, Policy NRM5 of the South East Plan and Policies NE1, NE2 and NE3 of the TMBC: Managing Development and the Environment DPD aim to avoid harm to Local Wildlife Sites and to protect habitats and networks where these would contribute to Biodiversity Action Plans. Where however there would be adverse impacts from a development they seek measures to achieve a net gain (5.2, 5.7).
- 16.185. Whilst there would be an initial loss of biodiversity, in the longer term, there would be significant net benefits which would therefore accord with the policies of the Development Plan (16.50-16.62).

Landscape and Visual Impact

- 16.186. Policies CP5 and CP14 of the TMBC Core Strategy seek to prevent development in the Mid-Kent Strategic Gap and in the countryside, unless the development is essential in that location (5.6, 8.67). Clearly however minerals can only be extracted where they are found (7.32) and accordingly the proposals do not conflict with these policies.
- 16.187. Policy CP24 of the TMBC Core Strategy calls for high quality design (5.6), and Policy SQ1 of the TMBC: Managing Development and the Environment DPD seeks to protect, and where possible to enhance, the character and local distinctiveness of the area (5.7).
- 16.188. During the lifetime of the development, the visual impact would be quite small and, on completion, it would be slightly beneficial (16.73). Similarly, during the lifetime of the scheme, the impact on the landscape character would be somewhat adverse. On completion, the proposed native woodland would not fully accord with the present character of area, which is dominated by sweet chestnut coppice (16.84). Accordingly, the scheme would not entirely comply with Policy SQ1.
- 16.189. It would however comply with SEP Policy M1 and Policies CA22 and CA23 of the Kent Minerals Local Plan in that satisfactory landscaping, working and restoration schemes have been put forward (5.3, 5.5). Similarly, the siting, design and appearance of the fixed plant and buildings would comply with Policy CA21 of the latter Plan (5.5).

Archaeology and Heritage Impacts

- 16.190. Policy CP25 of the TMBC Core Strategy calls for appropriate mitigation measures to counteract adverse impacts on historic resources (5.6). As noted above, there would be a loss of ancient woodland, but there are no surface features of archaeological interest and any Palaeolithic interest could be adequately safeguarded by a planning condition (16.85). In respect of archaeology and heritage impacts, the proposals would therefore accord with the Development Plan.

Landfill and Waste Permitting

- 16.191. Although mostly concerned with non-inert waste, Policy W13 of the SEP says that provision should continue to be made for landfill capacity (5.2). In this case the proposal is to fill the void with inert waste which should be available for the purpose and, in this respect, the proposals accord with the Development Plan (16.87).
- 16.192. There is no reason to consider that the necessary environmental permit would not be forthcoming because the Environment Agency have indicated that they would be happy to vary the one that already covers the existing quarry (16.88)

Groundwater

- 16.193. Policy NRM2 of the SEP seeks to protect groundwater quality (5.2). Subject to the restriction of the depth of working to 2m above the water table, the Environment Agency, who have responsibility for groundwater quality, have no objections, and there is no reason to anticipate any adverse effect on the groundwater in the area (16.89). In this regard, the proposals accord with the Development Plan.

Residential Amenity

- 16.194. SEP Policy NRM10 seeks to control noise pollution and Policy CA18 of the Kent Minerals Local Plan for Construction Aggregates requires the satisfactory control of noise, vibration and dust (5.5). Policy SQ4 of the TMBC Managing Development and the Environment DPD seeks to avoid harm to air quality. Policy SQ6 of the same document relates to noise, but that is noise from transport-related sources and this policy is not directly relevant in this case (5.7).
- 16.195. There would be perceptible noise from the quarry workings but it could be adequately controlled to the normal levels by conditions (16.103).
- 16.196. Vibration from blasting in the extension would also continue to be perceptible, but again that would be adequately controlled to normal levels by conditions (16.97).
- 16.197. Similarly, there is no reason to consider that dust emissions could not be adequately controlled by conditions (16.105).
- 16.198. The proposals therefore accord with the Development Plan in respect of noise, vibration and dust.

- 16.199. Policy CA16 of the Minerals Local Plan, Policy CP2 of the TMBC Core Strategy, and Policy SQ8 of TMBC Managing Development and the Environment DPD seek to avoid harm to highway safety (5.5, 5.6, 5.7) which would not be harmed by the scheme, subject to continued limitations imposed by conditions. There would also be no undue harm to residential amenity from the traffic generated by the proposed extension (16.106).
- 16.200. Policy SQ1 TMBC Managing Development and the Environment DPD includes consideration of the prevailing level of tranquillity (5.7). The current tranquillity enjoyed by local residents in their recreational use of the site and the surrounding woodland would be somewhat affected during the lifetime of the development (16.107-16.109).
- 16.201. This would be a long-term development which has already been ongoing for some 20 years and would continue for about another 23 years, followed thereafter by perhaps 10 years for the final restoration of the existing quarry (16.110). Whilst planning conditions could limit the effects to normally accepted standards, there would still be some residual long term impacts on the amenities of the local residents, which should be taken into account in the planning balance (16.113).
- 16.202. In summary, the development would harm the tranquillity of the area for recreational uses during the lifetime of the extension, contrary to the Development Plan, and it would also continue the limited harm to residential amenity for a longer period.

Public Rights of Way

- 16.203. Policy CA21 of the Kent Minerals Local Plan requires consideration of the effects on the users of the affected public rights of way. Other than the reduced recreational amenity for rights of way users (16.109), the proposed temporary diversions of Byway MR496 and Bridleway MR108 are considered in the two separate reports to the Secretaries of State at the Department for Transport and the Department for the Environment, Food and Rural Affairs which recommend the making of the Orders if planning permission is granted for the Westerly Extension.

Socio-Economics

- 16.204. SEP Policy RE1 calls for the regional economy to contribute to the UK's long term competitiveness (5.2).
- 16.205. The proposed extension would benefit the local community both in direct financial terms and in terms of employment (16.114-16.116). In this respect the scheme would be in line with the Development Plan.

Sustainability

- 16.206. SEP Policies CC1 and M1 and Policy CP1 of the TMBC Core Strategy all seek sustainable developments (5.2, 5.6) and, without the proposed extension, the required crushed rock would be imported into Kent from considerable distances away, with the commensurate effects on its carbon footprint (16.118).

- 16.207. There would be a loss of ancient woodland (16.183) but, with the social and economic benefits, as well as benefits to biodiversity, the scheme should be considered a sustainable development (16.122, 16.183).

Consistency with the Framework

- 16.208. Both the relevant pre- and post-2004 Development Plan policies referred to above are generally consistent with those of the Framework (9.3) and should therefore carry considerable weight in reaching the planning decision (16.176, 16.177).
- 16.209. Bearing this in mind, the possible revocation of the South East Plan before the decision is made would have little effect on the policy considerations in this case (7.6, 8.12).

Overall Compliance with the Development Plan

- 16.210. Leaving aside the loss of ancient woodland, the proposed extension would comply with the Development Plan in all respects, except for a limited effect on the landscape character and the recreational tranquillity of the area, as well as prolonging the current limited impacts on residential amenity (16.179-16.206).
- 16.211. The benefits of the proposals include a sustainable steady and adequate supply of crushed rock, improved biodiversity in the longer term which, with the ongoing socio-economic benefits, would clearly outweigh the loss of the ancient woodland and the other adverse effects noted in the preceding paragraph (16.179-16.206). Therefore, the loss of ancient woodland would not be contrary to Development Plan policy in this case.

Other Material Considerations

Emerging Development Plan Policies

- 16.212. The emerging Minerals and Waste Core Strategy (Local Plan) has only reached the stage of a Consultation Document and is unlikely to be submitted for examination before the autumn of 2014, with adoption in 2015 (8.98, 9.30). With regard to crushed rock supplies, Consultation Option 3 does not propose to allocate any crushed rock sites, though the supporting text recognises that the Blaise Farm resource may be uneconomic and therefore remain unworked (9.33). In any case, because of the early stage of preparation, this option carries only limited weight in the determination of this Application (7.87, 16.178).
- 16.213. Apart from the aggregate supplies that would be available from the proposed Westerly Extension, the scheme would also provide building / dimension stone (16.33).
- 16.214. Draft Policy CSM6 of the Consultation version of the Minerals and Waste Core Strategy would support small scale proposals for building stone quarries, but the evidence at the Inquiry indicated that such an operation was unlikely in the near future (16.32).
- 16.215. A Preferred Options Consultation Document for the Mineral Sites Plan has been issued and it does not propose to allocate the Westerly Extension to Hermitage Quarry because it says there is an adequate landbank. It also

says that the technical and competition issues of the majority of crushed rock reserves being held in one large site would be addressed by a policy in the Core Strategy (8.35, 9.24). Again however, this Plan carries only limited weight in view of the distance it still has to go to adoption, which is likely to take place about a year after the Core Strategy (8.98, 9.36).

- 16.216. The General Principles document that accompanied Planning Policy Statement 1 is still extant and, at paragraphs 17 and 18, it makes clear that where a DPD is still at the consultation stage, refusal on prematurity grounds would seldom be justified, unless it would be so significant that it would prejudice the policy decisions that should properly be taken at the Development Plan stage (8.99). In this case, the emerging minerals strategy for Kent is only at the consultation stage and there is no doubt that at least as much information was available at the Inquiry about the alternative sources of stone and their characteristics as could be anticipated at the Development Plan stage. Furthermore, the County Council accepted that changes would need to be made as a result of the outcome of the Inquiry (7.87, 9.35). Accordingly, prematurity would not be a sound reason to refuse the application, particularly in the light of the need for a steady and adequate supply of aggregates and the limited reserves left at Hermitage Quarry (7.87, 7.88, 8.99).

The National Planning Policy Framework (the Framework)

- 16.217. Paragraph 2 of the Framework confirms that it should be taken into account as a material planning consideration in planning decisions, even though the law still requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 16.218. As concluded above, the relevant Development Plan policies are generally consistent with the Framework (16.208). In paragraph 118 for instance, it similarly seeks to protect ancient woodland, unless the benefits would outweigh that loss (7.36, 8.38, 9.5).
- 16.219. However, in paragraph 144 of the Framework it places great weight on the benefits of mineral extraction, including those to the economy. Paragraph 19 also says that significant weight should be placed on the need to support economic growth through the planning system (7.84, 8.7). In both cases, this adds considerable weight to counter the scheme's limited non-compliance with the Development Plan.
- 16.220. Paragraph 14 of the Framework says that there is a presumption in favour of sustainable development, and paragraph 197 confirms that the presumption in favour of sustainable development should be applied in determining applications. Paragraph 6 defines sustainable development as being in compliance with the policies set out in paragraphs 18 to 219 of the Framework. It has been concluded above that this scheme would be sustainable development (16.206) and therefore the presumption should apply in this case.

Biodiversity Action Plans

- 16.221. The reinstatement in due course of the sweet chestnut coppice on the Application Site with native woodland would help to achieve one of the

objectives of the Kent Biodiversity Action Plan and the relevant Biodiversity Opportunity Area Statement (16.59). This would be a benefit of the proposals that further outweighs the limited harm to the dominant landscape characteristics of the site (16.84).

Overall Conclusions on the Westerly Extension Application

- 16.222. The proposed Westerly Extension would comply with the Development Plan, except to a limited extent in terms of landscape and tranquillity considerations. It would also prolong the limited effects on nearby residents' amenities (16.210, 16.211). However, the very considerable need for both crushed rock aggregates and dimension stone, together with the eventual biodiversity improvements, would outweigh these considerations.
- 16.223. Accordingly the Application should be approved with the recommended planning conditions shown in Annex C1.

Consequential Decisions

- 16.224. Part of the overall scheme that has been assessed above includes changes to the form and phasing of the restoration for the existing quarry, which is currently covered by four principal planning permissions (14.2-14.5). There is no need to vary the permission for the Western Extension because it is compatible with the proposals for the currently proposed Westerly Extension (14.7).
- 16.225. In the event that the Westerly Quarry Extension Application is approved, a new planning permission should be granted in place of each of the three remaining permissions (16.155).
- 16.226. The descriptions for these permissions should be as set out in paragraph 14.8 above for the Southern and Eastern Extensions and as set out in paragraph 16.156 for the original quarry. The recommended conditions are set out in Annexes C2-C4 below.
- 16.227. In order to carry out the Westerly Extension, it would also be necessary to divert Byway MR496 for a while, whilst the cut and cover tunnel was constructed into the extension site, and to divert Bridleway MR108 for a longer period whilst the extension was worked, filled and restored. Separate reports into the necessary Highways Orders have been prepared to the Secretaries of State at the Departments for Transport and Environment, Food and Rural Affairs (1.8-1.10).

17. Recommendations

- 17.1. It is recommended that the application for a Westerly Extension of Hermitage Quarry should be approved and new planning permissions granted to replace three of the permissions that cover the existing quarry. In each case, the recommended planning conditions should be attached.

J I McPherson
Inspector

Glossary of Abbreviations in the Report**Annex A**

AONB	Area of Outstanding Natural Beauty
ASNW	Ancient Semi-Natural Woodland
AW	Ancient Woodland
AWI	Ancient Woodland Indicator Species
BAP	Biodiversity Action Plan
CPRE	Campaign to Protect Rural England
DCLG	Department of Communities and Local Government
Defra	Department for the Environment, Food and Rural Affairs
DfT	Department for Transport
EH	English Heritage
EIP	Examination in Public
ES	Environmental Statement
ESA	Environmental Statement Addendum
Framework	National Planning Policy Framework
GAL	Gallagher Aggregates Limited
HGV	Heavy Goods Vehicle
KCC	Kent County Council
KCOG	Kent Conservation Officers' Group
KWT	Kent Wildlife Trust
LWS	Local Wildlife Site
m ³	Cubic metres
mAOD	Metres above Ordnance Datum
MPA	Mineral Planning Authority
mtpa	Million tonnes per annum
MWDF	Minerals and Waste Development Framework
NE	Natural England
OFT	Office of Fair Trading
PAWS	Plantation on Ancient Woodland Site
PPC	Planning Pollution and Control
RSPB	Royal Society for the Protection of Birds
SEP	South East Plan
TMBC	Tonbridge and Malling Borough Council
tpa	Tonnes per annum
WMP	Woodland Management Plan
WT	The Woodland Trust

Glossaries of Specialist Terms**Annex B1****Annex B1 - Quarrying etc Terms from Mr Bate's Evidence (GAL)**

Aggregates Levy	a UK tax on the commercial exploitation of rock.
Ashlar block	a square or rectangular large block of building stone.
Asphalt arisings	reclaimed asphalt from millings, planings, return loads and offcuts from bituminous layer of roads/pavements.
BSI accreditation (ISO 9001)	British Standards Institution – Quality Management System Accreditation
Bulk fills	material of low economic value used in construction projects.
Capping materials	construction material layer to protect the underlying ground and distribute load bearing characteristics of overlying formation.
Cretaceous period	135 million to 63 million years ago; end of the age of reptiles; appearance of modern insects and flowering plants.
Cut-waters	The wedge-shaped end of a bridge pier.
Dimensional building stone	natural stone or rock that has been selected and fabricated (i.e., trimmed, cut, drilled, ground, or other) to specific sizes or shapes
Flocculants	chemicals to aid the assembly of destabilized particles into aggregates.
Floor screeds	a cementitious material made from a 1:3 or 1:4.5 ratio of cement to sharp sand.
Granular fills	consists of pit-run gravel, sand or crushed gravel placed upon the prepared areas and in excavations. Often used for capping, reinforced soil and anchored earth structures.
Hassock	bands of a loose material occurring and alternating within wider bands of Kentish Ragstone.
Hyper-competition	the rapid escalation of competition based on price-quality positioning, competition to protect or invade established product or geographic markets - strategic manoeuvring amongst competitors.
Interbedded deposit	geological layers occurring between beds (of lava flows or sills) occurring between strata of a different origin or character.
LAPPL Risk Assessment	Local Authority Pollution Prevention License/Permit – Risk Assessment. This risk assessment is intended for use by local authorities in determining the relative level of risk associated with activities regulated under the Local Pollution Prevention and Control regimes.
Marker beds	distinctive geological units or beds of the same age and of such distinctive composition and appearance that, despite their presence in separate geographic locations, there is no doubt about their being of equivalent age and of common origin.
Outliers	a portion of stratified rock separated from a main formation by erosion.
PPC Permit	Environmental permits granted for activities discharging to

	the environment including the management of waste.
Scants	Blocks or sheets of stone sawn on two sides down to the bed level.
Screed	a cementitious material made from a 1:3 or 1:4.5 ratio of cement to sharp sand.
Spalling	flakes of a material that break off a larger solid body.
Tracery	ornamental stone work of interlaced and branching lines (often seen around the glass in a Gothic window)
Trommel Screen	Rotating drum screen for separating different sizes and grades of stone
Utility arisings	reclaimed material from utility trenches, unbound aggregate.
Quoins	masonry blocks at the corner of a wall to provide actual strength or implied strength and or corner feature.
Windrows	a heaped up row of material.

Glossaries of Specialist Terms**Annex B2****Annex B2 - Mineral and Testing Terms from Mr Wilkinson's Evidence (GAL)**

PERC	The Pan-European Reserves and Resources Reporting Committee
Resources	A 'Mineral Resource' is a concentration or occurrence of material of economic interest in or on the Earth's crust in such form, quality and quantity that there are reasonable prospects for eventual economic extraction. The location, quantity, grade, continuity and other geological characteristics of a Mineral Resource are known, estimated or interpreted from specific geological evidence and knowledge. Mineral Resources are subdivided, in order of increasing geological confidence, into Inferred, Indicated and Measured categories. Portions of a mineral deposit that do not have reasonable prospects for eventual economic extraction must not be included in a Mineral Resource (The PERC Code, 2008)
Reserves	A 'Mineral Reserve' is the economically mineable part of a Measured and/or Indicated Mineral Resource. It includes diluting materials and allowances for losses, which may include feasibility studies, have been carried out, and include consideration of, and modification by, realistically assumed mining, metallurgical, economic, marketing, legal, environmental, social and governmental factors. These assessments demonstrate at the time of reporting that extraction could reasonably be justified. Mineral Reserves are sub-divided in order of increasing confidence into Probable Mineral Reserves and Proved Mineral Reserves (The PERC Code, 2008).
MPa (Mega-Pascal)	Standard unit of rock strength used by Engineering Geologists for field and laboratory tests (not necessarily directly correlatable to Aggregate test results).
UCS	Uniaxial Compressive Strength, the 'standard' laboratory test for rock strength
MgSO ₄ Soundness	Magnesium Sulphate Soundness Test. This is a laboratory test to replicate the repeated winter freeze/thaw cycles that would be inflicted upon an aggregate in the field. The test simulates ice growth with Magnesium Sulphate. A high test value represents a less durable material.

Glossaries of Specialist Terms**Annex B3****Annex B3 - Biodiversity Terms from Mr Goodwin's Evidence (GAL)**

A Horizon	The top layer of the Soil Horizons or "topsoil".
B Horizon	A category within Soil Horizons, commonly referred to as "subsoil".
Baseline	Existing environmental conditions present on, or near a site, against which future changes may be measured or predicted.
Biodiversity	Abbreviated form of 'biological diversity' referring to variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part.
Biodiversity Action Plan	Plans which set specific, measurable, achievable, realistic and timebounded conservation targets for species and habitats.
Bryophytes	Bryophyte is a traditional name used to refer to all embryophytes (land plants) that do not have true vascular tissue and are therefore called 'non-vascular plants'. The group includes mosses, liverworts and hornworts.
Compartment	A discrete section or land parcel within a woodland, defined either by physical boundaries (e.g. tracks), or by common characteristics of the tree crop within it, such as age, size or species.
Coppice-with-standards	A two-storey forest crop, where coppice is interspersed with trees being grown to larger timber size. Generally 30-50 standards/hectare are retained, depending on tree size.
Coppicing	Coppicing is a traditional method of woodland management which takes advantage of the fact that many trees make new growth from the stump or roots if cut down. In a coppiced wood, young tree stems are repeatedly cut down to near ground level. In subsequent growth years, many new shoots will emerge, and, after a number of years the coppiced tree, or stool, is ready to be harvested, and the cycle begins again.
Coupe	Term given to an area over which coppicing has been (or is planned to be) undertaken. Of variable size, but typically between 0.5-3.0ha within coppiced woodlands.
DAFOR	A scale for assessing the relative abundance of species, typically applied to botanical species during an ecological survey as follows: D = Dominant, A = Abundant, F = Frequent, O = Occasional, R = Rare
Dust	Fine particles of solid materials ranging in size from 1 to 75 µm diameter (see British Standard 3405) capable of being resuspended in air and settling only slowly under the influence of gravity where it may cause nuisance.

Effect	A physical or measurable change to the environment attributable to the Proposed Development.
E Horizon	A category within Soil Horizons. Most commonly used to label a horizon that has been significantly leached of its mineral and/or organic content, leaving a pale layer largely composed of silicates.
Epiphyte	A plant that grows upon another plant (such as a tree) non-parasitically or sometimes upon some other object (such as a building or a telegraph wire), derives its moisture and nutrients from the air and rain and sometimes from debris accumulating around it, and is found in the temperate zone (e.g., many mosses, liverworts, lichens and algae) or in the tropics (e.g., many ferns, cacti, orchids, and bromeliads).
Fauna	Animal life
Flora	Plant life.
Fungi	A fungus is a member of a large group of eukaryotic organisms that includes microorganisms such as yeasts and moulds, as well as the more familiar mushrooms. One major difference is that fungal cells have cell walls that contain chitin, unlike the cell walls of plants, which contain cellulose
Ground flora	A general term describing plants of the field layer and ground layer.
Groundwater	Water located beneath the ground surface in soil pore spaces and in the fractures of geologic formations
Habitat	The environment in which populations or individual species live or grow.
Hydrology	The movement, distribution and quality of water throughout the earth.
Invertebrate	Any animal lacking a backbone.
Lichen	Lichens are composite organisms consisting of a fungus (the mycobiont) and a photosynthetic partner (the photobiont or phycobiont) growing together in a symbiotic relationship.
Local Nature Reserve	A statutory designation of a site of local nature conservation significance, declared by local planning authorities under the National Parks and Access to the Countryside Act, 1949. Other non-statutory local nature reserves are established and managed by a variety of public or private bodies (e.g. county wildlife trusts, Royal Society for the Protection of Birds).
Local Wildlife Site	Non-statutory site, designated at Local Authority level for its nature conservation interest.
Mesophyte	A terrestrial plant which can establish in the broad middle ground between acidic and basic soils; can also be used to refer to a plant that is adapted to neither a particularly dry nor particularly wet environment.
Mitigation Measures	Actions proposed to moderate adverse impacts and to

	enhance beneficial impacts arising from the whole or specific elements of the Proposed Development.
National Vegetation Classification (NVC)	The National Vegetation Classification or NVC is a system of classifying natural habitat types in Great Britain according to the vegetation they contain. In total there are 286 communities in the National Vegetation Classification. They are grouped into major categories, including (but not restricted to) Woodland & Scrub, Mires, Heaths, Mesotrophic Grasslands and Aquatic Communities.
Native tree	Tree that has reached an area other than by human agency. British native trees are those trees that are believed to have colonized the British Isles after the last ice age.
Naturalised tree	A non-native tree that has become established or spread (without human intervention) in the area beyond its native or natural distribution, into which it has previously been introduced.
Non-native (or introduced) tree	Tree that is not native to a particular place but has been introduced, deliberately or accidentally, by humans.
O Horizon	A category within Soil Horizons. A surface layer, dominated by the presence of large amounts of organic material in varying stages of decomposition.
Perennating organs	These are used by plants to survive adverse periods in the plant's life-cycle (e.g. caused by cold, excessive heat, lack of light or drought). During these periods, parts of the plant die and then when conditions become favourable again, re-growth occurs from buds in the perennating organs. For example geophytes growing in woodland under deciduous trees (e.g. bluebells) die back to underground storage organs during summer when tree leaf cover restricts light and water is less available.
Podzol	An infertile acidic soil having an ashlike subsurface layer and a lower dark stratum.
Podzolisation	The comprehensive name for the process of mobilisation and precipitation of dissolved organic matter, together with aluminium and iron as they leach down from the A and E horizons to the B horizon. Through this process the overlying eluvial horizons are bleached. The process of podzolisation usually occurs under low pH values. The corresponding soil type is called Podzol
Pollard (or pollarded tree)	A tree which has been cut (on one or more past occasions) so as to remove its entire crown, leaving a tall stump (normally 2-3m high in woodlands), from which the shoots which regenerate will arise above ground level and thus out of the reach of browsing animals. The regenerative mechanism is identical to coppice.
Pollarding	The technique by which trees are cut or re-cut to form, or maintain, pollards. In the past, undertaken at regular

	intervals in the same way as coppice. A technique often used in urban areas to control or restrict the size of street trees on an ongoing basis.
Receptor	A component of the natural, created or built environment such as human being, water, air, a building, or a plant that is effected by an impact.
Risk assessment	An assessment of the likelihood and severity of an occurrence.
Ruderal	Robust, sturdy and vigorous plant community inhabiting disturbed sites or growing amongst debris or rubbish.
Silviculture	The practice of controlling the establishment, growth, composition, health, and quality of woods to meet diverse needs and values.
Soil Horizon	A layer parallel to the soil surface, whose physical characteristics differ from the layers above and beneath. Each soil type has at least one, usually three or four horizons. Horizons are defined in most cases by obvious physical features, chiefly colour and texture. These may be described both in absolute terms (particle size distribution for texture, for instance) and in terms relative to the surrounding material, i.e. 'coarser' or 'sandier' than the horizons above and below.
Surface water	Water collecting on the ground or in streams, rivers or lakes.
Subsoil	Subsoil is the layer of soil under the topsoil on the surface of the ground.
Topography	The natural or artificial features, level and surface form of the ground surface.
Topsoil	Topsoil is the upper, outermost layer of soil, usually the top 5 cm to 20 cm. It has the highest concentration of organic matter and microorganisms and is where most of the Earth's biological soil activity occurs
Typical (Ecology)	Exhibiting the qualities, traits, or characteristics that identify a kind, class, group, or category.
Understorey (Ecology)	The layer formed by grasses, shrubs, and small trees under the canopy of larger trees and plants.

Glossaries of Specialist Terms**Annex B4****Annex B4 - Woodland Terms from Mr Mackworth-Praed's Evidence (GAL)**

Ancient tree	Term usually considered to be synonymous with 'veteran tree', but distinguished by some authors to refer specifically to trees in the final stage of their natural biological life.
Canopy	The cover over the area of a woodland formed by the contiguous or intermeshing crowns of the taller trees within it.
Canopy closure	The stage of woodland growth at which the crowns of trees merge or intermesh to form a continuous (or nearly continuous) canopy.
Cant	Local (S.E. England) term given to smaller working units within a larger coupe.
Clear-felling	Timber harvesting system whereby all trees within a given area are felled at the same time, and their stumps are either removed or killed (or alternatively left to decay in the case of species which do not produce coppice shoots), in order for the area to be replanted with a new timber crop. The normal harvesting system within commercial coniferous high forest.
Compartment	A discrete section or land parcel within a woodland, defined either by physical boundaries (e.g. tracks), or by common characteristics of the tree crop within it, such as age, size or species.
Coppice	A forest crop raised from shoots produced from the cut stumps of the previous crop.
Coppicing	The operation of felling and regenerating forest crops in this way; the silvicultural technique in which trees are cut at just above ground level and allowed to re-sprout to produce wood or timber for specific uses.
Coppice rotation or cycle	The interval of years between successive episodes of coppicing. This generally differs according the coppice species being grown, the desired size of the crop for its intended use(s), and the growth rate or performance of the crop according to site conditions.
Coppice stool (or stock)	The cut stump or stumps of a coppiced tree, from which the regenerating shoots emerge and grow.
Coppice-with-standards	A two-storey forest crop, where coppice is interspersed with trees being grown to larger timber size. Generally 30-50 standards/hectare are retained, depending on tree size.
Coupe	Term given to an area over which coppicing has been (or is planned to be) undertaken. Of variable size, but typically between 0.5-3.0ha within coppiced woodlands.
Crown	The entire branch framework and foliage of a tree.
Drawn up	Tree that has a height to diameter ratio that is increasingly large, typically appearing tall with a small crown, few or no lower branches, and with very little taper at the base. A phototropic response as a result of close competition by adjacent trees, often observed in a woodland situation.
Epicormic	Juvenile shoots arising from the trunk or main stems from latent buds or adventitious buds. Production can be triggered by pruning, wounding, fire, or root damage but may also be as a result of stress or decline.

Etiolated	Excessively drawn up due to lack of light.
Field layer	General term for all (normally non-woody) vegetation growing on the woodland floor, beneath the canopy and understorey.
High forest	Woodland consisting predominantly of standard trees being grown to larger timber size, with underwood occupying a smaller or less significant proportion of the total woodland area and biomass.
Native tree	Tree that has reached an area other than by human agency. British native trees are those trees that are believed to have colonized the British Isles after the last ice age.
Naturalized tree	A non-native tree that has become established or spread (without human intervention) in the area beyond its native or natural distribution, into which it has previously been introduced.
Non-native (or introduced) tree	Tree that is not native to a particular place but has been introduced, deliberately or accidentally, by humans.
Pollard (or pollarded tree)	A tree which has been cut (on one or more past occasions) so as to remove its entire crown, leaving a tall stump (normally 2-3m high in woodlands), from which the shoots which regenerate will arise above ground level and thus out of the reach of browsing animals. The regenerative mechanism is identical to coppice.
Pollarding	The technique by which trees are cut or re-cut to form, or maintain, pollards. In the past, undertaken at regular intervals in the same way as coppice. A technique often used in urban areas to control or restrict the size of street trees on an ongoing basis.
Protective fencing	Temporary fencing, erected for the duration of demolition and construction activities; designed to prevent access and disturbance to the trunks and root protection areas of trees.
Pruning	The removal of living or dead parts of a tree, especially branches, to reduce size, to maintain shape, health, safety, or to regulate growth.
Ring shake	The internal separation of wood within a tree's trunk around the annual growth rings.
Root-plate	The central coherent heavy mass of interwoven roots and soil particles, shaped like a disc or inverted cone, extending around the base of the trunk, which provides much of a tree's anchorage. Generally considered to be of a radius within the range of 1.5 to 4 times a tree's trunk diameter, measured from trunk centre.
Root Protection Area ('RPA')	The area around a tree within which construction or development activities would be likely to cause unacceptable damage to the roots. Defined as the minimum area around a retained tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. (per BS 5837:2012) Calculated as an area equivalent to that of a circle with a radius 12 times the stem diameter for single-stemmed trees, or the combined stem diameters of trees with more than one stem arising below 1.5m above ground level.

Root spread	The total physical extent of a tree's root system, often extending beyond the limit of its crown spread.
Shaw	Local (S.E. England) term used to denote a narrow band or strip of woodland, normally forming a boundary between agricultural fields.
Shoot (or spring)	Term given to the young regenerating regrowth arising from a coppice stool.
Simple or pure coppice	A woodland in which the crop consists entirely of coppice, all of which is worked on the same cycle.
Standard	A tree which has been allowed to grow on as a single-trunked specimen to produce larger sized timber. Normally of seedling origin (known as 'maidens'), but may have developed from a stump shoot intentionally left for the purpose.
Star shake	The internal splitting of a tree's trunk along the radial medullary rays from or through the trunk centre.
Stored coppice	A tree or stand of trees which has been coppiced in the past, but which has been left or retained (either intentionally or unintentionally) beyond the normal rotation interval, so that the regrown stems have developed to a greater size than the maximum which would be achieved within the normal coppicing cycle.
Sub-compartment	A discrete section or component part of a woodland compartment, normally defined by reference to differing characteristics of the tree crop within it from those of the compartment as a whole.
Understorey (or underwood)	General term for all coppice or woody saplings and shrubs occurring under the canopy of another tree crop.
Veteran tree	Tree that, by recognized criteria, shows features of biological, cultural or aesthetic value that are characteristic of, but not exclusive to, individuals surviving beyond the typical age range for the species concerned. (per BS 5837: 2012).
Wind snap	The breaking of a tree's trunk or main stems above ground level by wind.
Windthrow	Tree failure and collapse when the force exerted by wind against the crown and trunk overcomes resistance to that force in the root-plate, such that the root-plate is lifted from the soil on one side as the tree tips over.

Glossaries of Specialist Terms**Annex B5****Annex B5 - Abbreviations used in Kent CC's Evidence**

Applicant	Gallagher Aggregates Ltd
ASS	Alternative Sites Study
CD	Core Document
CHA	Cultural Heritage Appraisal
Committee	the County Council's planning applications committee
County Council	The Kent County Council
EA	Environment Agency
EASA	Ecclesiastical Architects and Surveyors Association
EH	English Heritage
ES	Environmental Statement submitted with the planning application
Framework	National Planning Policy Framework
GAL	Gallagher Aggregates Ltd
KMLP	Kent Minerals Local Plan
LPA	Local Planning Authority
LWS	Local Wildlife Site
MPA	Mineral Planning Authority
MPG	Minerals Planning Guidance
MPS	Minerals Policy Statement
NE	Natural England
PAWS	Plantation on Ancient Woodland Site
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
SC	Statement of Case
SCG	Statement of Common Ground
SEP	South East Plan
SOS	Secretary of State

Glossaries of Specialist Terms**Annex B6****Annex B6 - Geological Terms from Mrs Poole's Evidence (WT)**

Anticlinal Dome	A geological structure that is folded convex up with older sediments at its core.
Ashlar Blocks	Cut ('dressed') and generally cuboid building stone.
Cambering	The tilting, cracking and downhill displacement of geological strata which can occur, particularly where strong rocks overlie weaker mudstone or clay-rich rocks, in response to repeated alternation of freezing and thawing of the ground.
Coping Stone	Flat uppermost building stone.
Geological Succession	A group of rock units that succeed one another in chronological order.
Fullers Earth	A highly plastic 'greasy' clay generally containing the mineral montmorillonite.
Gulls	Widened tensional joints within rock that may be infilled with loose material and which develop roughly parallel to the contours of the slope. Areas subject to cambering are often characterised by gulling.
Hassock	Poorly cemented clayey sandstones, clayey sands or sandy mudstones.
Head	Head describes deposits at the very top of the geological succession that cannot be classified more accurately. The term has been used by British geologists since the middle of the 19th century. Areas identified as head include deposits of aeolian origin such as blown sand and loess, slope deposits and recently eroded soil material, called colluvium. With geologists becoming more interested in studying the near-surface environment and its related processes, the term head is becoming obsolete.
Facies Variation	How the <i>lithology</i> of a sediment may vary depending on the local environment and process that led to its deposition.
Fault	In geology a fault is a planar fracture or discontinuity in a volume of rock across which there has been significant displacement along the fractures as a result of earth movement.
Lithology	A description of the physical characteristics of a sediment such as colour, texture, grain size, or composition.
Marine Transgression	A marine transgression is a geological event during which sea level rises relative to the land and the shoreline moves toward higher ground, resulting in flooding. Transgressions can be caused either by the land sinking or the ocean basins filling with water (or decreasing in capacity).

Quoin Stones	Right-angled cornerstones
Ragstone	Hard glauconitic sandy limestones
Ragstone Lane	Names given to individual ragstone layers ('beds') by quarrymen, particularly in the former building stones quarries around Maidstone which related to their visual attributes and workability.
Rubble Walling	Rubble is broken stone of irregular size, shape and texture. Work executed with these stones and put together without any attempt at distinct layers (or 'courses') is called rubble walling
Stratigraphical Framework	Provision of an order to layers of sediments at a location including information on how they are characterised and the sequence in which they occur.

Glossaries of Specialist Terms**Annex B7****Annex B7 - Soils Terms from Mr Allen's Evidence (WT)**

Acidic soil	A soil that has pH characteristics below 6.5. Strongly acid soils have a value less than 4.5. Moderately acidic soils are between 4.5 and 5.5. Slightly acidic soils are between 5.6 and 6.5.
Argillic (luvic) brown earths	These are well-drained lowland brown earth soils that have developed in loamy and sometimes clayey material over a long time period and originating as woodland soils. The long period of development means that there has been time for leaching of any calcium carbonate that may have been present and for fine clay particles to have been translocated in suspension down the profile to accumulate as a clay enriched (argillic) layer at depth and resulting in well developed horizonation.
Bioturbation	The mixing of soil materials by fauna. This ranges from the action of burrowing mammals (e.g. mole, fox, and badger) in digging and throwing up soil, down to that of earthworms in moving soil from depth up to the surface as casts.
Brown forest soil	A term used by the Soil Survey of Scotland to denote brown coloured well-drained acid soils on sands, loams and clays occurring mostly in humid western and northern areas and typically having poor horizonation and sometimes showing evidence of leaching typical of podzolisation. In England and Wales they occur less commonly and are known as brown earths (<i>sensu stricto</i>) or orthic brown earths. The lowland equivalent are argillic (or luvisol) brown earths (see above).
Calluna	A plant (ling heather, <i>Calluna vulgaris</i>) that grows on acidic soils where woodland is prevented from development by management creating a heathland plant community. Calluna has acidic plant tissues that assist in acidifying soils changing their soil forming characteristics.
Clay enrichment	The process whereby fine clay particles are carried in suspension by water to lower levels in the soil and so enriching the lower levels in clay (clay translocation). This is a common process in lowland soils with clay-rich loamy or clayey layers.
Head	This is a geological material originally given the name by Victorian geologists because it often occurred on tops of hills. The term is now redefined to mean material that accumulated on footslopes and valley floors derived from the downward movement of originally upslope materials. The movement generally occurred towards the final stages

	of ice ages when the melting of frozen ground led to a slurry of mixed saturated material that easily slipped down slopes (a process technically called 'solifluction'). Material that has been moved downslope following loosening by cultivation is called colluvium (the result of colluviation).
Horizonation	<p>This term refers to the natural layering seen in vertical sections through a soil (the soil profile). The soil layers are technically called 'horizons' and horizonation refers to a vertical sequence of horizons. Soils that have developed over a long period of time (usually thousands of years) are affected by downward leaching and accumulation at depth variously of iron, organic carbon, fine clay particles, calcium carbonate and other substances. The differing amounts of leaching and accumulation at different depths in different types of soil leads to the development of different soil layers with differing properties. Generally, older soils with loamy or clayey profiles have well developed horizonation, sandy soils (that lack clay and silt particles) generally have poor horizonation and strongly leached soils (podzols) generally have extreme horizonation.</p> <p>The term can also be used in an archaeological sense in which vertical horizonation relates also to the differing layers created by man's occupation on and use of soil materials.</p>
Lithostratigraphic information	Information about the different layers (horizons) of geological and soil materials at a location and in particular how they are described, characterised and also of the sequence in which they occur. This information allows the interpretation of the layers in terms of geology, soil processes and history.
O horizon	These are peaty soil horizons accumulated under wet conditions. They are saturated with water for at least 30 consecutive days in most years and generally occur where permanent or prolonged waterlogging prevents oxidation of accumulating organic matter. Peat soils have thick O horizons. Mineral soils with prolonged waterlogging develop thinner O horizons at the surface.
pH (soil)	A measure of soil reaction according to a scale of acidity and alkalinity. A soil that has pH characteristics below 6.5 is considered acidic, between 6.6 and 7.5 as neutral, and above 7.5 as alkaline.
Podzolic soil	A type of soil in which an acid humus layer accumulates at the surface and black or dark brown or ochreous humus and iron-enriched subsoil layers form as a result of intense acid weathering conditions. There are many different types and they may be well-drained (podzols) or affected by water (gley or hydromorphic podzols). They are often

	formed on sandy soil layers under heathland but podzol characteristics can also be more weakly expressed under some woodland conditions. A 'peaty podzol' is a podzol sufficiently affected by long term wetness to develop a peat upper layer.
Sandy soil	A soil material comprising a very high proportion of sand grade particles (0.06-2mm diameter) and minimal amounts of finer silt and clay particles. These soil materials are usually highly permeable and may be well drained or may be affected by high groundwater. Lack of clay and silt particles mean that different layers in sandy soil profiles may not be well developed and so difficult to identify.
Soil	That material in which plants root, gain physical support and draw on nutrients and water to enable them to grow. Soils have generally developed their characteristics naturally over many thousands of years by the action of soil forming processes on a pre-existing geological parent material. Some soils have formed more recently such as on salt marshes, mountain screes and recent lake or river sediments.
Soil profile	The soil as seen in vertical section to a depth usually of 1 - 1.5m and as seen in the sides of a carefully excavated soil pit. The soil profile seen in this way will reveal the sequence of layers (horizons) and allow a technical layer by layer description to be made (soil profile description).
Soil Survey of England and Wales	An organisation originally funded by the Ministry of Agriculture, Fisheries and Food to described soil distribution and related land quality and which from 1979 to 1986 developed a systematic soil inventory and which was published as sets of six maps and six explanatory bulletins (books or memoirs) and based on updated surveys over the past 40 years.
Stony soil	A soil material that contains stones. The stones may be hard and impermeable to water such as flint and chert, or may (in a suitable landscape) be softer and permeable such as chalk. Stones are soil materials greater than 2mm in diameter.
Well drained soil	A term used to describe soils that are permeable and not greatly affected by either groundwater or surface water.
Wind-throw	The process whereby trees become blown over in storms. Such trees may have grown tall and top heavy and may have weak root systems. The result is often that their shallow but extensive root systems become uplifted leaving a hollow in the ground. Loosened soil from around the roots

	<p>falls back into the hollow leading to mixing of soil materials. On slopes, the loosened material may be washed down slope. Over many generations of wind thrown trees, a whole area of woodland can be affected by this disturbance of the soil layers, and given any subsequent erosion, can lead to loss of the surface soil layers (truncation).</p>
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Glossaries of Specialist Terms

Annex B8

Annex B8 - Woodland Terms from Mr Barnes' Evidence (WT)

Core Area	The area that is unaffected by negative edge effects from adjacent land-use. The core area of a woodland is a product of its shape, size and distance to which edge effects penetrate. Larger core areas contribute more to biodiversity.
Fragmentation	Woodland forms part of a larger network of habitats over a landscape, but quality of the network is dependent on the hostility of surrounding habitats. Increasing the hostility of the habitats surrounding woodland has harmful consequences for the flora and fauna of the area due to the increase in habitat isolation. This is a particular threat to less mobile woodland species.
Translocation	A term used to describe a compensation strategy which involves the physical removal of habitats from one location to another in an attempt to offset the impact of development on the wildlife interest of a site.

Mitigation Measures

Mitigation	To <i>mitigate</i> is a verb meaning to 'make less severe, serious or painful'. This is consistent with the Institute of Ecology and Environmental Management's of mitigation 'any deliberate action taken to alleviate adverse effects, whether by controlling the sources of impacts or the exposure of ecological receptors to them' or, more simply, 'measures taken to reduce adverse impacts'. 'Mitigation' has developed a wider meaning and common usage in environmental assessment, planning and management and can sometimes be used as a generic term for some kinds of 'counter-acting measures', all of which are intended to 'prevent, reduce and where possible offset any significant adverse effect on the environment' as a result of something, whether it be a strategy, plan, programme or project, or simply ongoing management of the environment. Mitigation can be used to encompass measures intended to avoid, cancel or reduce adverse effects.
Avoidance Measures	Are intended to stop or prevent effects from occurring, or to eliminate the risk of them occurring, perhaps by relocating a project away from a sensitive area, or removing from a plan or project the element that may cause an adverse effect. Successful avoidance measures mean there would be no effect.
Cancellation Measures	Are intended to completely neutralise or fully negate the adverse nature of effects. There would be an effect, but its negative outcomes would be cancelled out by the measures.
Reduction Measures	These are mitigation measures in the narrower, but accurate, sense. They are intended to make effects smaller or less in amount, degree, size or likelihood, either by reducing the effect itself, or the likelihood of it occurring, or both. These

	measures may so reduce the adversity of the effect, or they become so unlikely, that they are no longer of concern. There will nevertheless be a residual effect and it may be necessary to check that the residual effects of one proposed change do not exacerbate the effects of others, by way of cumulative, combined or synergistic processes.
Compensatory Measures	Are measures, only taken into account after a decision has been made, and are intended to at least try to recompense, or otherwise make up for, or off-set, the adverse effects of a proposed change that could or would occur and would be of concern. Again this is consistent with the Institute's definition, 'measures taken to offset significant residual adverse impacts, <i>i.e.</i> those that cannot be entirely avoided or mitigated to the point that they become insignificant' and 'measures taken to make up for the loss of, or permanent damage to, biological resources through the provision of replacement area'. Thus, an important negative effect is anticipated and ecological loss or harm is likely to occur. However, it has been decided that change should nevertheless go ahead, for whatever reasons, and the compensatory measures try to make amends. The objective should be that the recompense is made in time to make good the ecological function that would be affected.
The Distinction between Avoidance, Cancellation, Reduction and Compensatory Measures	<p>Avoidance, cancellation and reduction measures are essentially aimed at making a change less damaging or not damaging at all (often generically referred to as 'mitigation'). They are designed to address the potential harm to the natural environment, eliminating or minimising it, so that a decision maker is more inclined to allow or carry out the change.</p> <p>Compensatory measures, however, do not prevent or reduce the potential harm <i>per se</i>. They cannot alter the balance between the benefits of the change and the potential for <i>in situ</i> harm to ecological resources. They should not, therefore, be taken into account in the decision as to whether potentially damaging proposals should proceed. Rather, they are measures intended to at least try to offset the potential damage. They try to either repair the damage or provide something else. This could be something new, additional or different, or something to benefit the environment in some way. Compensatory measures aim to make the consequential damage more palatable, more acceptable.</p>

Glossaries of Specialist Terms**Annex B9****Annex B9 - Biodiversity Terms from Dr Young's Evidence (KWT)**

Ancient Woodland Indicator species	Vascular plant species that are typically found in Ancient Woodlands and, because of their ecological requirements, are less likely to be found outside of undisturbed woodland habitats
Avoidance Biodiversity	Measures to avoid adverse effects on wildlife species and habitat. Aka biological diversity. Commonly used to describe the number, variety and variability of living organisms.
Biodiversity Action Plan	A plan identifying biodiversity priorities and the means of their conservation. They can be written for species or habitats.
Bryophytes	The collective term for mosses, liverworts and hornworts.
Capsule (mosses)	The spore-producing organ of mosses and liverworts.
Compensation	The provision of positive environmental measures to correct, balance or otherwise atone for the loss of environmental resources and any residual adverse effects that cannot be reduced further by mitigation.
Coppicing	Coppicing is a traditional method of woodland management which takes advantage of the fact that many trees make new growth from the stump or roots if cut down. In a coppiced wood, young tree stems are repeatedly cut down to near ground level. In subsequent growth years, many new shoots will emerge, and, after a number of years the coppiced tree, or stool, is ready to be harvested, and the cycle begins again.
Ephemeral	Plant species which spend most of the year or longer as seeds before conditions are right for a brief period of growth and reproduction.
Epiphyte	Any plant that grows upon or is attached to another plant or object merely for physical support. They obtain water and minerals from rain and from debris on the supporting plants.
Fauna	All animal life.
Flora	All plant life.
Fruiting body (fungi)	Fruiting bodies contain the reproductive spores. They vary in size from small and insignificant, to large eye-catching structures. They are usually produced at the surface of the food source, rather than hidden within it, to allow the spores to be shed and carried away by the wind, or by water, or animals. They are usually the only visible indication that a fungus is present.
Fungi	Species with no chlorophyll that get their food by absorbing nutrients from their surroundings. Fungi include mushrooms, rusts, smuts, puffballs, truffles, morels, moulds, and yeasts, and thousands of other organisms and microorganisms. They range from microscopic single-celled organisms, such as yeast, to gigantic multicellular organisms.
Glade (Woodland)	Glades are non-linear, permanently open areas, with few or no trees.
Ground flora /	The plants that grow near the ground including grasses and

Ground vegetation / Field layer.	herbs.
Habitat	The environment in which populations or individual species live or grow.
Herbs	Non woody plants that generally die back in the autumn.
Invertebrate	Any animal lacking a backbone.
Lichen	Organisms that grow on rocks, tree branches, or bare ground. They do not have roots, stems, flowers, or leaves. Lichens are composed of a green alga and a colourless fungus which co-exist for their mutual benefit.
Local Wildlife Site (LWS)	Non-statutory sites forming part of the hierarchy of sites protected through criteria-based planning policies. They comprise areas considered to be of county importance for the wildlife habitats they hold and/or the species which they support. The Kent Biodiversity Partnership oversees the selection of LWSs in the administrative areas of Kent and Medway.
Lower plants	General collective term for non-vascular plants i.e. bryophytes, lichens and fungi.
Mitigation	Measures to minimise, reduce and, if possible, remedy significant adverse effects.
Mycorrhizal association	A mycorrhizal association is formed when a fungus and a plant root combine. The association between the fungus and the root is a symbiotic one, in which both the plant and the fungus benefits from the relationship. More than 95% of vascular plant species have this fungal association occurring within their root systems. For some tree species a mycorrhizal association is essential to sustain life.
National Vegetation Classification (NVC)	A system of classifying natural habitat types in Great Britain according to the vegetation they contain. It covers nearly all natural, semi-natural and a number of major artificial vegetation communities in terrestrial, freshwater and maritime situations across Great Britain.
Native tree	A tree that grew in the British Isles after the retreat of the last Ice Age some 10,000 years ago and before rising sea levels formed the English Channel some 8,500 years ago, thereby preventing the natural migration of other plants from the Continent.
Ride (Woodland)	Tracks or corridors of open space in woodlands, which include all the area between the trees on either side. They provide access to the woodland on foot or with vehicles.
Shrub layer	The undergrowth of a woodland consisting usually of plants from three to about fifteen feet in height and including both shrubby vegetation and seedling trees.
Survey refugia (reptiles)	Artificial objects placed on the ground and used to attract reptiles for the purposes of surveying or monitoring. They may comprise a variety of materials including corrugated tin and roofing felt and are usually at least 0.5m ² (70cm by 70cm) in size.
Taxa	Groups or ranks in a biological classification into which related organisms are classified.

Translocation	The movement of assemblages of species, mainly plants, (typically including the substrates, such as soil and water, on and in which these species occur) from their original site to a new location.
Understorey	The layer formed by grasses, shrubs, and small trees under the canopy of larger trees and plants.
Vascular plant	A general term for plants which have a vascular system transporting water, minerals, and photosynthetic materials throughout the plant's roots, stems, and leaves.
W10 / W10a	W10 = Oak/Bracken/Bramble woodland; one of the woodland communities in the National Vegetation Classification system. It is one of the six communities comprising the "mixed deciduous and oak/birch woodlands" group. W10a is the 'typical sub-community' of this particular woodland community.

Recommended Planning Conditions

Annex C1

Westerly Extension Application

NB The reasons for the following recommended conditions are set out in paragraphs 16.129 to 16.153 of the report.

Implementation

1. The development to which this permission relates shall be commenced not later than three years from the date of this permission. Written notification of the date of commencement shall be sent to the Mineral Planning Authority within seven days of such commencement.

Development Scheme

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans contained in the application as referred to in the attached Schedule and as stipulated in the conditions set out below, together with those further details required to be submitted for approval.
3. The working and restoration of the site shall be carried out in accordance with the following:-
 - a) working and restoration in the Application Site shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on Plans:-
 - 0257/10/3/rev L 'Hermitage Quarry Phasing and Working Plan', and
 - 0257/10/2. rev. F 'Quarry Working Plan', and
 - b) within 3 months of the date of the decision, the phased restoration Plans 0257/10/211 to 0257/10/225 inclusive which were originally submitted showing the progressive restoration of the individual phases of the site, shall be updated for consistency with the plans referred to in a) above, and shall be submitted to the Mineral Planning Authority for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior written approval of the Mineral Planning Authority.
4. In implementing the development scheme illustrated on plans 0257/10/3/ rev L entitled 'Hermitage Quarry phasing and working plan' and 0257/10/2 rev F entitled 'Quarry Working Plan', no more than three individual phases shall be in operational use at any one time, comprising quarrying, filling and restoration. Advance woodland clearance works shall only take place in one further phase at any one time.
5. Prior to the commencement of the development hereby permitted, the boundary of the permission shall be marked out by the installation of robust ground markers around the extension site boundary and these shall remain in place for the duration of the development.

Coppicing Regime

6. Notwithstanding the details of the coppicing sequence for the perimeter woodland area around the Westerly Extension site shown on plans ref 0257/10/1/L and 0257/10/14, a woodland management scheme for the coppicing of the westerly extension site perimeter woodland area shall be submitted for the written approval of the Mineral Planning Authority prior to the commencement of the development. The scheme shall be consistent with the

principles for ensuring visual screening set out in Section 4, paragraphs 4.21 – 4.23 of the Woodland Management Plan attached to the Section 106 Agreement. The scheme shall thereafter be implemented as approved.

Drainage

7. Prior to the commencement of the development hereby permitted, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Handling of Soils

8. Within 3 months of the date of this decision, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out details of the management, handling and re-use of the topsoil and overburden stripped from the phased application site development. This scheme shall accord with the sequence of soil movements illustrated on drawing number 0257/10/12 rev B entitled Management of Overburden and Ancient Woodland Topsoil dated July 2012 and shall include the maximum acceptable moisture contents for handling the soils. The development hereby permitted shall be carried out in compliance with that scheme and no variations to, or omissions from the approved scheme shall take place without the prior written approval of the Mineral Planning Authority.

Infilling and restoration

9. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
10. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
11. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
12. The pre-settlement and final restoration levels shall be those identified on drawing number 0257/10/15 entitled 'Final restoration and pre-settlement levels'.
13. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 3. The site shall thereafter be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access & Traffic

14. Prior to the commencement of the development hereby permitted, details of the construction of the access into the application site from the existing Hermitage Quarry shall be submitted for written approval by the Mineral Planning Authority and shall be implemented as approved. Once formed, this access shall be the only access into and out of the extension site with all vehicles accessing the highway via the existing plant area and weighbridge.
15. The details of the new cut and cover tunnel access shall include provision for landscaping and screening within the area disturbed by the construction works

designed to minimize potential views from Byway MR496 into the existing quarry to the east and the extension area to the west.

16. All vehicles, plant and machinery operating solely within the site shall be maintained in accordance with the manufacturers' specifications at all times, and shall be fitted with, and shall use, effective silencers. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Plant

17. No buildings shall be erected, or fixed materials processing plant shall operate, within the area of the Application Site.

Hours of working

18. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays.
19. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Dust

20. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down using water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority ,
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm, and
 - (ix) A minimum width of 50 metres of tree cover shall be maintained between the permissive path and the perimeter of the extraction area.

Blasting

21. Blasting shall not take place other than between the hours of 10.00 and 12.00 and 13.00 to 15.00 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
22. No more than one blast shall take place in any one day.

23. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
24. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure with a maximum of 120 dB shall have been submitted to and approved in writing by the MPA. Blasting shall only be carried out in accordance with the approved scheme.

Noise

25. Except for those temporary operations described in Condition 26, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

Location	Criterion dB $L_{Aeq, 1 \text{ hr free field}}$
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

26. For temporary operations, which are defined as site preparation, soil and overburden stripping, bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 25 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work within 300m of any noise sensitive property.
27. Phase 20 of the development hereby permitted shall not commence unless the noise screen bund shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029 between the working area and the North Pole Road dwellings has been provided as detailed on the drawing and no variations or omissions shall take place.

Groundwater

28. Within 3 months of the date of this decision notice, a scheme shall be submitted for the written approval of the Mineral Planning Authority setting out proposals for groundwater monitoring. The scheme shall be consistent with the principles set out in sections 4.2 and 4.3 of Appendix 20 to the ES (ref Hydrogeological Risk Assessment (Voelcker, May 2010)), and shall confirm the locations for additional groundwater observation boreholes; the frequency of monitoring during an initial one year monitoring period; the reporting and interpretation of results and, following a one year period of monitoring, proposals for a monitoring regime for the remaining duration of the development. The approved scheme shall thereafter be implemented as approved.

29. The quarry floor shall not be excavated below 43m AOD or at least 2m above the highest recorded ground water levels, whichever is the higher. The depth of the quarry floor shall be subject to annual topographic surveys, and the results of such surveys shall be made available to the Mineral Planning Authority upon request.
30. Prior to the commencement of the development hereby permitted, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Archaeology

31. No groundworks shall take place within the area of the Application Site until a programme of archaeological work has been approved in writing by the Mineral Planning Authority and that programme shall thereafter be implemented as approved.

Ecology

32. No removal of trees within the site of the development hereby permitted shall take place between 1st March and 31st July inclusive in any year.

Building Stone

33. The operator of the hereby permitted Westerly Extension to Hermitage Quarry shall make available for sale a minimum of 25,000 tonnes of building stone per annum throughout the operational life of the quarry. A stockpile of half this quantity shall be maintained on the site after the first year of operation for the duration of extraction operations. Records shall be submitted annually to the Mineral Planning Authority to confirm the sales of building stone in the preceding year and the amounts held on site.
34. The operation of the Westerly Extension development shall cease in the event that the stone cutting saw approved by KCC on 8th August 2012 (ref TM/88/295R) is not available (save for essential maintenance) at the Hermitage Quarry processing plant site for the processing of sawn six-sided stone.

Display of Permissions

35. The terms of this planning permission, and any schemes or details approved pursuant there to, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/2/F	Quarry Working Plan
0257/10/6/B	Access between existing quarry and Oaken Wood
0257/10/12/B	Management of overburden and ancient woodland topsoil
0257/10/1/L	Woodland Management *
0257/10/14	Conversion of Chestnut Coppice Around Quarry to Scrub with Standards*
0257/09/1C	Final Restoration and Habitat Management
0257/10/4D	Final restoration of quarry, Habitat Creation Field & woodland management around quarry (proposals for Habitat creation field are for illustrative purposes only)
0257/10/10/F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/15	Final Restoration and Pre-Settlement Levels
0257/10/211 - 225	Phases 11- 25 restoration (subject to update required by condition 3b)
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

* Subject to the provisions of Condition 6

Recommended Planning Conditions

Annex C2

Original Quarry (Section 73 Application to vary Conditions)

NB The reasons for the following recommended conditions are set out in paragraphs 16.158-16.164 of the report.

Working Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place without the prior approval in writing of the MPA.
3. The site shall be worked and restored in accordance with the Quarry Working Plans numbers 0257/10/02 Rev F and 0257/10/03 Rev L and with the Restoration Drawings numbers 0257/10/202 to 0257/10/204 and 0257/10/226 to 0257/10/230 (subject to Condition 2b above), together with the final restoration plan number 0257/10/10 Rev F, and woodland management plans 0257/11/5/A and 0257/12/4.
4. The pre-settlement levels of the restored site and their merging with the adjoining ground levels, including those approved for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension), shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
7. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
8. On completion of each phase of infilling, as detailed on drawing number 0257/10/12 Rev B entitled Management of Overburden and Ancient Woodland, topsoil and soil materials shall be re-spread to a total depth of at least 1.2

metres of final cover, consisting of a minimum 0.95 metres of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.

Traffic and Access

9. The highest average daily number of HGV movements both entering and leaving the site during any one calendar month excluding non-working days shall not exceed a combined total of 300 movements per day and the number of movements on any single day shall not exceed 600 movements.
10. During the morning and evening peak periods of 0730 hours to 0930 hours and 1600 hours to 1800 hours, the maximum number of HGVs entering and leaving the site shall not exceed 30 movements.
11. With effect from the date of the permission hereby granted, the operators shall submit to the Mineral Planning Authority six-monthly returns of all HGV movements to and from the site showing daily and peak hour movements.
12. Measures shall be taken to ensure that vehicles leaving the site do not deposit mud or other materials onto the public highway and such measures shall include the continued provision of wheel and chassis cleaning equipment at Hermitage Quarry.
13. The present visibility splays of 9 metres by 160 metres at the site entrance shall be maintained free of all obstruction to a height of 0.9 metres clear of the carriageway on Hermitage Lane throughout the life of the quarry, including that period of time during which final restoration works are being completed.
14. Upon cessation of all operations that are subject to this decision, the highway access shall be restored in accordance with the details approved under Condition 2.

Cessation and Aftercare

15. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.
16. Notwithstanding the approval on 18th December 1990 of the details of aftercare management of the restored area, an updated aftercare management scheme shall be submitted for the written approval of the MPA prior to the commencement of restoration of infilling Phase 30. The scheme shall be implemented as approved.

Hours of Working

17. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
18. There shall be no operation of plant associated with the construction and removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

19. Except for those temporary operations described in Condition 20, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations in the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Table 1

Location	Criterion dB $L_{Aeq, (1 \text{ hour})}$, freefield
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

20. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$, expressed in the same manner as for Condition 19 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
21. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles solely operating on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

22. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
- (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Drainage

23. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

24. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage.
25. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

26. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority;
27. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

Display of Permissions

28. The terms of this planning permission, and any schemes or details approved pursuant thereto, shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2782 (Original Quarry).

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10/F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

Recommended Planning Conditions**Annex C3****Southern Extension (Section 73 Application to vary Conditions)**

NB The reasons for the following recommended conditions are set out in paragraphs 16.157 and 16.165-16.168 of the report.

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. the details hereby approved, and the phasing as identified on Plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of the decision notice, the phased restoration plans 0257/10/202 to 205 0257/10/226 to 0257/10/230 inclusive shall have been updated for consistency with the plan referred to in a. above, and they shall have been submitted to the MPA for written approval. The restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details set out in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
5. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.

Cessation

9. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

10. All vehicles shall enter and leave the site via the existing access onto Hermitage Lane.

Hours of Working

11. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
12. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

13. Except for those temporary operations described in Condition 14, the free-field Equivalent Continuous Noise Level $L_{Aeq, 1 \text{ hour}}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

Location	Criterion dB $L_{Aeq, (1 \text{ hour})}$, freefield
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

14. For temporary operations, which are defined as bund removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq, 1 \text{ hour}}$ expressed in the same manner as for Condition 13 above. Temporary operations shall not exceed a total of eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.
15. No mineral extraction shall take place in Phase 5 of the quarry unless the noise screen bunds shown to the south and the east of the processing area have been erected as shown on plan ref 0257/10/21 entitled 'Noise Screen Bunds' as submitted under TM/10/2029. They shall thereafter be retained until the processing plant is no longer in use.
16. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers'

specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

17. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following :-
- (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsters,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (vii) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (viii) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Blasting

18. Blasting shall not take place other than between the hours of 1000 and 1200 and 1300 to 1500 on Mondays to Fridays. No blasting shall take place on Saturdays, Sundays or Bank Holidays
19. No more than one blast shall take place in any one day.
20. Ground vibration as a result of blasting operations shall not exceed a peak particle velocity of 6mm/sec in 95% of all blasts when measured over any period of 1 month, and no individual blast shall exceed a peak particle velocity of 10mm/sec as measured at any vibration sensitive property, and at no time shall vibration exceed 0.3mm/sec as measured at an agreed location at Maidstone Hospital; the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.
21. Prior to the commencement of blasting operations, details of the methods to be employed to minimise air overpressure to at least 120 dB shall have been approved in writing by the MPA, and the approved scheme shall be implemented.

Drainage

22. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Groundwater

23. The level of the quarry floor shall not be excavated below 47m AOD at grid reference northing 155 965 (along an east west line) and below 55m AOD at grid reference northing 155 575 (along an east west line) and the gradient of the quarry floor between these two lines shall not be steeper than 1:51 with the gradient measured between the above grid reference points.
24. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
25. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage.
26. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
27. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

28. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority.

Display of Permissions

29. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of the Approved Plans relating to the Section 73 Application to vary conditions on permission TM/03/2787 (Southern Extension)

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

Recommended Planning Conditions**Annex C4****Eastern Extension (Section 73 Application to vary Conditions)**

NB The reasons for the following recommended conditions are set out in paragraphs 16.157 and 16.169-16.172 of the report.

Working, Infill and Restoration

1. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the plans referred to in the Schedule attached to this decision notice and as stipulated in the conditions set out below, together with those further details required to be submitted for approval; no variations or omissions shall take place without the prior approval in writing of the Mineral Planning Authority (MPA).
2. The working and restoration of the site shall be carried out in accordance with the following:-
 - a. working and restoration shall be undertaken pursuant to the details hereby approved, and the phasing shall be as identified on plan 0257/10/3/rev L entitled 'Hermitage Quarry Phasing and Working Plan' dated July 2012, and
 - b. within 3 months of the date of this decision, the phased restoration plans 0257/10/202 to 205 and 0257/10/226 to 0257/10/230 inclusive shall be updated for consistency with the plans referred to in a. above, and shall be submitted to the MPA for written approval: the restoration scheme shall thereafter be implemented in accordance with the approved plans, and no variations or omissions shall take place.
3. The pre-settlement levels of the restored site shall be in accordance with the details for the existing quarry permitted under reference TM/88/295 and TM/03/2785 (Western Extension) in Planning Design Solutions letter dated 20 June 2008 and drawing number 0108/08/01 approved on 6 October 2008, and no variations or omissions shall take place.
4. Topsoil and subsoil shall only be handled when their moisture contents are at least 5% and 3% below their respective plastic limits. The plastic limits shall be determined and the results notified to the Mineral Planning Authority at least one week before the soils are stripped.
5. No material shall be imported to the site for use in backfilling, except for subsoil, topsoil and solid inert waste (excluding notifiable asbestos).
6. The top one metre of infill shall consist of either overburden or clean fill and, in either case, be free from any objects larger than 100mm in any direction.
7. On completion of each phase of infilling, topsoil and soil materials shall be re-spread to a total depth of at least 1.2 metres of final cover, consisting of a minimum of 0.95m of subsoil or soil forming material, covered by a minimum thickness of 100mm of topsoil.
8. All plant, buildings, machinery and sanitary facilities and their foundations and bases, together with any internal access roads and vehicle parking shall be removed from the site at such time as they are no longer required for the working or restoration of the site, and the site shall be restored in accordance with the restoration scheme approved pursuant to Condition 2.
9. In any part of the site to be restored to an agricultural after use where differential settlement occurs during the restoration and aftercare period, where

required by the Mineral Planning Authority, the Applicant shall fill the depression to the approved final specified settlement levels with suitable imported soils, to a specification previously approved by the Mineral Planning Authority.

Drainage

10. Within three months of the date of this permission, details of the provision to be made for the disposal of all water entering, arising on, or leaving the site during the permitted operations shall be submitted to the Mineral Planning Authority for written approval, and the scheme shall be carried out as approved.

Cessation

11. In the event that the winning and working of minerals ceases for a period of two years, the operations shall be deemed to have been abandoned and a revised scheme shall be submitted for approval in the same terms as set out under Condition 2. The site shall be restored and landscaped in accordance with that revised scheme and within the timescales set out therein.

Access

12. No vehicles shall enter and leave the site other than via the existing access onto Hermitage Lane.

Hours of Working

13. No operation other than essential maintenance shall take place on site except between 0700 and 1800 hours Mondays to Fridays and 0700 and 1300 hours on Saturdays. No servicing, planned maintenance or testing of plant shall be undertaken outside these hours except between 1800 and 2000 hours Mondays to Fridays, 1300 to 1800 hours Saturdays and 0800 to 1800 hours Sundays and Bank Holidays.
14. There shall be no operation of plant associated with the removal of the soil screen bunds surrounding the site except between 0800 hours and 1600 hours on Mondays to Fridays inclusive.

Noise

15. Except for those temporary operations described in Condition 16, the free-field Equivalent Continuous Noise Level $L_{Aeq\ 1\ hour}$ due to operations on the site shall not exceed the relevant limit specified in Table 1 at each nominated representative dwelling for the periods specified. Measurements taken to verify compliance shall be undertaken in accordance with the monitoring scheme approved by the Mineral Planning Authority on 12th March 1997.

Table 1

Location	Criterion dB $L_{Aeq, (1\ hour), freefield}$
Luckhurst Farm	48
Kiln Barn Farm	48
Hermitage Farm	55
Water Tower	55
Merrybrow	55

16. For temporary operations, which are defined as bund formation and removal and final restoration, the free field noise level due to work at the nearest point to each dwelling shall not exceed 70dB $L_{Aeq\ 1\ hour}$, expressed in the same manner as for Condition 15 above. Temporary operations shall not exceed a total of

eight weeks in any calendar year for work closer than 300m to any individual noise sensitive property.

17. All vehicles, plant and machinery solely operated within the site shall be maintained in accordance with the manufacturers specification at all times, and shall be fitted with, and shall use, effective silencers to the manufacturers' specification. All vehicles operating solely on the site shall be fitted with, and shall use, 'white noise' reversing warning systems.

Dust

18. Measures shall be taken to minimise dust emissions from quarrying operations and they shall include the following:-
 - (i) Soils and overburden shall not be handled during dry conditions likely to give rise to fugitive dust emissions unless the working areas are damped down with water bowsers,
 - (ii) Drilling of shot holes shall be undertaken by an air flushed drilling rig fitted with a dust collection system,
 - (iii) Site haul roads within the quarry shall be dampened down in dry conditions using a water bowser,
 - (iv) Site haul roads shall be regularly maintained by grading to minimise dust generation,
 - (v) When loading vehicles, drop heights shall be kept to the maximum that has previously been approved in writing by the Mineral Planning Authority,
 - (vi) All HGV's travelling on internal haul roads shall be subject to a speed limit of 15mph,
 - (ix) Once loaded at the existing quarry plant site, all lorries shall pass through the existing vehicle wheel wash before exiting onto the public highway,
 - (x) All aggregate lorries accessing the highway shall be sheeted, except for those carrying stone greater than 75mm.

Groundwater

19. The level of the quarry floor shall not be excavated below 47m AOD or at least 2m above the highest recorded groundwater levels, whichever is the higher.
20. Arrangements for the monitoring of groundwater levels at the site shall be implemented in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
30. The recycling operation shall be undertaken in accordance with the scheme approved by the Mineral Planning Authority on 12th March 1997.
31. Prior to the commencement of the Westerly Extension, a scheme shall be submitted for the written approval of the Mineral Planning Authority to prevent tipping by unauthorized persons on the site. The scheme shall be implemented as approved and any unauthorized material tipped on the site shall be removed within 24 hours of such tipping taking place.

Plant and Buildings

32. Notwithstanding the provisions of Part 19 of Schedule 2 of the Town and Country Planning General Development Order 1995 as may be amended, no additional buildings, fixed plant or machinery shall be located on site without the

prior approval in writing of the details of their siting, design and external appearance by the Mineral Planning Authority;

Display of Permissions

33. The terms of this planning permission and any schemes or details approved pursuant there to shall be displayed at the office on site, and shall be made known to any person(s) involved in the management or control of operations at the site.

Schedule of Approved Plans relating to Section 73 Application to vary conditions on permission TM/03/2784 (Eastern Extension)

Plan ref	Title
0257/10/9/C	Oaken Wood application area, existing quarry and access
0257/10/3/L	Hermitage Quarry Phasing & Working Plan
0257/10/21	Noise Screen Bunds
0257/10/10F	Hermitage Quarry and Oaken Wood - Final Restoration Plan
0257/10/101	Quarry Working Plan phase 1
0257/10/102	Quarry Working Plan phase 2
0257/10/103	Quarry Working Plan phase 3
0257/10/125 - 130	Quarry Working Plan phases 25 – 30
0257/10/202	Phase 2 Restoration
0257/10/203	Phase 3 Restoration
0257/10/204	Phase 4 Restoration
0257/10/226 - 230	Phases 26 - 30 Restoration
0257/11/5/A	Land under proposed woodland management agreement
0257/12/4	Woodland areas in KCC Committee report

APPEARANCES

FOR GALLAGHER AGGREGATES LTD

Mr Andrew Tait, QC

Instructed by Mr D Hicken of DHA Planning,
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He called

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Mr Adrian Wilkinson,
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MIMQS
Mr Paul Chadwick,
BA (Hons), FSA, MIFA
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BA (Hons), MPhil, ILM
Mr Graham Jenkins,
BA (Hons), MRTPI, MIQ

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FOR THE MINERAL PLANNING AUTHORITY

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Principal Planning Officer
Kent County Council, ME14 1XX

FOR THE WOODLAND TRUST

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FOR THE KENT WILDLIFE TRUST

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OTHER THIRD PARTIES AND LOCAL RESIDENTS

Supporters

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Conservation

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C/o Aylesford Parish Council
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Local Resident

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Cllr Fay Gooch
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Mr David Mew
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Mr Max Power
Local Resident

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Mr Mike Ridout
Local Resident

22 Rede Wood Road, Maidstone,
Kent, ME16 9HL

DOCUMENTS

GENERAL DOCUMENTS

- G1** Notes of Pre-Inquiry Meeting
- G2** Inquiry Notification
- G3** Attendance Lists
- G4** Inspector's Inquiry Notes
 - 1 – Initial Comments on Suggested Conditions attached to the Supplementary Statement of Common Ground
 - 2 – Comments on the Section 106 and the Woodland Management Plan
 - 3 – Initial Comments on the Section 73 Suggested Conditions
- G5** Bundle of third party letters
 - 1 - Received before the Inquiry (Numbers 1 - 98)
 - 2 - Received during the Inquiry (numbers 99 - 119)

CORE DOCUMENTS

Application Documents

- CD 1.1 Application Form and Certificates and accompanying Letter dated 21st June 2010
- CD 1.2 Application Plans (including updated plans)
- CD 1.2a Westerly Extension Application Plans
- CD 1.2b Section 73 Application Plans
- CD 1.2c Illustrative Plans and Environmental Statement Figures
- CD 1.2d Superseded Plans
- CD 1.3 Planning Statement (2010)
- CD 1.4 Environmental Statement (2010)
- CD 1.5 Environmental Statement Appendices (2010)
- CD 1.6 Environmental Statement Non Technical Summary (2010)
- CD 1.6a Responses to the Environmental Statement
- CD 1.7 Environmental Statement Addendum (September 2012)
- CD 1.8 Environmental Statement Addendum Appendices (September 2012)
- CD 1.9 Environmental Statement Addendum Non Technical Summary (Sept 2012)
- CD 1.9a Responses to the Environmental Statement Addendum
- CD 1.10 Officers Report to KCC Planning Applications Committee meeting and minutes (May 2011)

Planning Permissions

- CD 2.1 Original Quarry Area TM/03/2782
- CD 2.2 Eastern Extension TM/03/2784
- CD 2.3 Southern Extension TM/03/2787
- CD 2.4 Western Extension TM/07/4294
- CD 2.5 Blaise Farm Planning Documents

National Policy, Guidance and Legislation

CD 3.1	National Planning Policy Framework and supporting Technical Guidance (March 2012)
CD 3.2	Local Growth: Realising Every Place's Potential, Cm 7961 (Oct 2010)
CD 3.3	The Natural Choice: Securing the Value of Nature, DEFRA (June 2011)
CD 3.4	Keepers of Time Statement of Policy for England's Ancient & Native Woodland, DEFRA and the Forestry Commission England (2005)
CD 3.5	The Planning System, General Principles (2005)
CD 3.6	DEFRA – Local Wildlife Sites, Guidance on the Identification, Selection and Management (2006)
CD 3.7	Letter to Planning Authorities from Steve Quartermain, the Governments Chief Planner (6 July 2010)
CD 3.8	Circular 06/05 (DEFRA/ODPM, 2005)
CD 3.9	Planning and Minerals: Practice Guide (Nov 2006)
CD 3.10	PPS4 Planning for Sustainable Economic Growth (2009) Superseded by the NPPF (March 2012)
CD 3.11	PPS5 Planning for the Historic Environment (2010) Superseded by the NPPF (March 2012)
CD 3.12	PPS5 Practice Guide (2010)
CD 3.13	PPS7 Sustainable Development in Rural Areas (August 2004) Superseded by the NPPF (March 2012)
CD 3.14	PPS9 Biodiversity and Geological Conservation (August 2005) Superseded by the NPPF (March 2012)
CD 3.15	PPS10 Planning for Sustainable Waste Management (March 2011) Superseded by the NPPF (March 2012)
CD 3.16	Mineral Planning Guidance 7: Reclamation of Minerals Workings (May 2006)
CD 3.17	Mineral Policy Statement 2: Controlling and Mitigating the Environmental Effects of Minerals Extraction in England (March 2005) including Annex 1: Dust and Annex 2: Noise
CD 3.18	Written Ministerial Statement 3 rd July 2012
CD 3.19	Mineral Policy Statement 1: Planning and Minerals (November 2006)
CD 3.20	Guidance on the Managed Aggregate Supply System, DCLG (Oct 2012)

Local Policy

CD 4.1	South East Plan (May 2009)
CD 4.2	South East Plan – 'Proposed Changes' to the revision of Mineral Policy MP3 (19 March 2010)
CD 4.3	Kent Minerals and Waste Development Framework, Scheme 2010 – 2014 (December 2011)
CD 4.4	Minerals & Waste Core Strategy, Strategy & Policy Directions Consultation (May 2011)
CD 4.5	Mineral Sites Development Plan Document, Options Consultation (May 2011)
CD 4.6	Minerals Site Plan (MSP): Preferred Options Consultation (May 2012)

CD 4.7	Minerals Topic Report 1: Construction Aggregate Apportionment & Need: Draft Local Aggregate Assessment (May 2012)
CD 4.8	Minerals Topic Report 9: Mineral Sites Assessment Process (May 2012)
CD 4.9	TMBC LDF Core Strategy (September 2007)
CD 4.10	TMBC LDF Managing Development and the Environment (April 2010)
CD 4.11	Saved Policies of the Kent Minerals Local Plan: Construction Aggregates (1993)
CD 4.12	Saved Policies of Tonbridge and Malling Local Plan (1998)
CD 4.13	KCC report, 'Unlocking Kent's Potential' (2009)
CD 4.14	Kent Design Guide, Kent Design Initiative (2005)
CD 4.15	Panel Report on the Examination in Public of the Modifications to Policy M3 of the SEP
CD 4.16	Kent Waste Local Plan

Economic and Geological Documents

CD 5.1	Strategic Stone Study: A Building Stone Atlas of Kent, J Blows (27 October 2011)
CD 5.2	The OFT's Reason for Making a Market investigation Reference to the Competition Commission (2012) Office of Fair Trading
CD 5.3	Aggregates: Report on the Market Study and proposed decision to make a market investigation reference (2011) Office of Fair Trading
CD 5.4	Stocker, M. Kentish Ragstone (March 2008)
CD 5.5	2011 Guidelines to Defra /DECC's GHG Conversion Factors for Company Reporting (August 2011)
CD 5.6	BS EN 12620:2002+A1:2008 Aggregates for Concrete
CD 5.7	PD6682-1:2009 Aggregates Part 1: Concrete – Guidance on the use of BS EN 12620
CD 5.8	BS EN 13043:2002 Aggregates for Bituminous Mixtures and Surface Treatments for Roads, Airfields and other Trafficked Areas
CD 5.9	PD6682-2:2009 Aggregates Part 2: Aggregates for Bituminous Mixtures and Surface Treatments for Road, Airfields and other Trafficked Areas – guidance on the use of BS EN 13043
CD 5.10	BS EN 13242:2002+A1:2007 Aggregates for Unbound and Hydraulically Bound Materials for use in Civil Engineering Work and Road Construction
CD 5.11	PD 6682-6:2009 Aggregates Part 6: Aggregates for Unbound and Hydraulically Bound Materials for use in Civil Engineering Works and Road Construction – Guidance on the use of BS EN 13242
CD 5.12	BS EN Aggregates Part 9: Guidance on the use of European Test Method Standards
CD 5.13	BS EN 932-1:1997 Tests for General Properties of Aggregates, Part 1 Methods for Sampling

Ecological/Arboricultural Documents

CD 6.1	Standing Advice for Ancient Woodland, Natural England (May 2012)
CD 6.2	Kent Biodiversity Action Plan (current)
CD 6.3	Kent Habitat Survey (2003)
CD 6.4	British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations (April 2012)
CD 6.5	Natural England – Assessment Checklist of Applications Affecting Ancient Woodland (current)

-
- CD 6.6 Natural England – State of the Natural Environment (2008)
 - CD 6.7 Ancient Woodland Inventory for Tonbridge and Malling (March 2010)
 - CD 6.8 Ancient Woodland Inventories for Ashford (March 2009)
 - CD 6.9 Ancient Woodland Inventories for Tunbridge Wells (October 2007)
 - CD 6.10 Local Wildlife Sites in Kent, Criteria for Selection and Delineation (2006)
Kent Biodiversity Partnership
 - CD 6.12 MA/TM 12 Oaken Wood, Barming, Local Wildlife Site, circulation and map
 - CD 6.13 Waite, A (Ed). 2000. The Kent Red Data Book: A provisional guide to the rare and threatened flora and fauna of Kent. KCC
 - CD 6.14 Reptile Survey: An Introduction to planning, conducting and interpreting surveys for snake and lizard conservation (1999) Froglife Advice Sheet 10. Froglife, Halesworth
 - CD 6.19 Buckley P and Howell R, (2004) The ecological impact of sweet chestnut coppice silviculture on former ancient, broadleaved woodland sites in south-east England, English Nature research (report no. 627, p 26)
 - CD 6.20 11. JNCC (2003) A Habitats Translocation Policy for Britain
 - CD 6.21 K. Kirby, 'Oakenwood near Maidstone, Kent TQ1715555 – query over Ancient Woodland Status' report (October 2010) 'K Kirby email to N.Yandle of Gallagher Aggregates (10.11.2010)
 - CD 6.22 Kent Inventory of Ancient Woodland (Provisional) (1994 revision) (Pritchard, C. Phillips, P. Jones, A. & Reid C.), English Nature and KCC
 - CD 6.23 National Inventory of Woodland and Trees – England Inventory Report (2001) Forestry Commission
 - CD 6.24 National Inventory of Woodland and Trees – Kent County Report (2002) Forestry Commission
 - CD 6.25 The area and composition of plantations on ancient woodland sites (2002) (Pryor, S.N., and Smith, S.), Woodland Trust
 - CD 6.26 A review of the revision of the Ancient Woodland Inventory in the South East (2011) (McKernan, P. and Goldberg, E.), Natural England
 - CD 6.27 Cresswell Associates (2012) A2/M2 Cobham Junction 4 Widening Scheme: Ten-Year Ecological Monitoring Strategy 2000-2009, Final Monitoring Report. Cresswell Associates, Stroud
 - CD 6.28 Forestry Recommissioned: Bringing England's woodlands back to life, Plant Life (2011)
 - CD 6.29 Glaves, P, I D Rotherham, B Wright, C Handley & J Birbeck (2009). The identification of ancient woodland: demonstrating antiquity and continuity – issues and approaches. A Report to the Woodland Trust. Hallam Environmental Consultants Ltd., Sheffield.
 - CD 6.30 Rotherham, I D, M Jones, L Smith & C Handley (eds.) The Woodland Heritage Manual: A Guide to Investigating Wooded Landscapes. Wildtrack Publishing, Sheffield
 - CD 6.31 Rotherham, I D (2011). New Insights into the Ancient Woodland Paradigm. Problems and possibilities on the border between historical ecology and environmental history and archaeology, Zurich, August – September, 2011
 - CD 6.32 Woodland Trust (2005) Guide to the conservation and restoration of plantations on ancient woodland sites
 - CD 6.33 Kent Wildlife Trust's Planning & Development Policy Statement
 - CD 6.34 J Hendey, Assessment of the Relative Value of Oaken Wood for Bryophytes, 2012
-

- CD 6.35 MA/TM12 Oaken Wood, Barming, (draft, revised) Local Wildlife Site, citation and map, 2012
- CD 6.36 Pryor, Curtis and Peterken, Restoring plantations on ancient woodland sites, Woodland Trust
- CD 6.37 Rodwell (ed), British Plant Communities, Vol 1, woodland & scrub, 1991
- CD 6.38 Gent & Gibson, Herpetofauna Workers Manual, 2003
- CD 6.39 Tonbridge & Malling Borough Council (Ditton No. 2) TPO 1993
- CD 6.40 Maidstone Borough Council TPO No. 1 of 1993
- CD 6.41 Indicators of Ancient Woodland (Rose), British Wildlife, Volume 10, April 1999
- CD 6.42 Buckley, P & Hietalahti, M (2012). Responses of two woodland geophytes, bluebell and anemone, to disturbance caused by soil translocation. (Unpublished draft)
Hietalahti, M & Buckley, P (2012). Vegetation responses of the field layer of an ancient woodland to soil translocation: methods and timing. (Unpublished draft)
- CD 6.43 Anderson, P (2003). A Review of Habitat Translocation. C601, CIRIA, London. [Excerpt]
- CD 6.44 Hermitage Quarry Westerly Extension: Fieldwork and Environmental Archaeological Assessment Report for Blaise Quarry and Comparisons with the Findings from Oaken Wood and Cattering Wood, Quaternary Scientific (QUEST), October 2012
- CD 6.45 Cattering Wood, Watlingtonbury, Kent: Fieldwork and Environmental Archaeological Assessment Report, Quaternary Scientific (QUEST), October 2012

Appeal Decisions

- CD 7.1 Appeal by Crest Nicholson (Bolmore Village, Phases 4/5, Haywards Heath W Sussex, 2007)
- CD 7.2 Appeal decision APP/Y2003/A/09/2101852 Forest Pines Golf Club; Lincolnshire, 2010
- CD 7.3 Appeal decision APP/X0360/A/11/2159190 Redhatch Copse via Sibly Hall, Redhatch Drive, Earley
- CD 7.4 Appeal decision APP/Y9507/A/11/2167570 Singing Hills Golf Course

Rights of Way

- CD 8.1 PROW Oder MR108
- CD 8.2 PROW Order MR496

Statements of Case/ Statements of Common Ground

- CD 9.1 GAL Statement of Case (July 2012)
- CD 9.2 KWT Statement of Case (July 2012)
- CD 9.3 WT Statement of Case (July 2012)
- CD 9.4 KCC Statement of Case (July 2012)
- CD 9.5 Statement of Common Ground KCC/GAL (July 2012)
- CD 9.6 Supplementary Statement of Common Ground KCC/GAL

STATEMENTS OF COMMON GROUND

(See CD 9.5 & 9.6)

DOCUMENTS SUBMITTED BY THE PARTIES

PROOFS FROM GALLAGHER AGGREGATES LTD

GAL/AJB/PS	Summary Proof of Evidence of Andrew Bate in respect of Operational Matters
GAL/AJB/P	Proof of Evidence of Andrew Bate in respect of Operational Matters
GAL/AJB/PA	Appendices to Proof of Evidence of Andrew Bate in respect of Operational Matters
GAL/PRC/PS	Summary Proof of Evidence of Paul Chadwick in respect of Heritage, Archaeology & Historic Land-Use
GAL/PRC/P	Proof of Evidence of Paul Chadwick in respect of Heritage, Archaeology & Historic Land-Use
GAL/PRC/PA1 to 6	Appendices to Proof of Evidence of Paul Chadwick in respect of Heritage, Archaeology & Historic Land-Use
GAL/TG/SP	Summary Proof of Evidence of Timothy Goodwin in respect of Ecology and Nature Conservation
GAL/TG/P	Proof of Evidence of Timothy Goodwin in respect of Ecology and Nature Conservation
GAL/TG/A	Appendices to Proof of Evidence of Timothy Goodwin in respect of Ecology and Nature Conservation
GAL/GJ/PS	Summary Proof of Evidence of Graham Jenkins in respect of Minerals Planning
GAL/GJ/P	Proof of Evidence of Graham Jenkins in respect of Minerals Planning
GAL/GJ/ROW/P	Proof of Evidence of Graham Jenkins in respect of Rights of Way Issues
GAL/GJ/ROW/P/A	Appendices to Proof of Evidence of Graham Jenkins in respect of Rights of Way Issues
GAL/MMP/PS	Summary Proof of Evidence of Mark Makworth-Praed in respect of Arboriculture
GAL/MMP/P	Proof of Evidence of Mark Mackworth-Praed in respect of Arboriculture
GAL/MMP/P/A	Appendices to Proof of Evidence of Mark Mackworth-Praed in respect of Arboriculture
GAL/BR/PS	Summary Proof of Evidence of Bridget Rosewell in respect of the Socio-Economic Case
GAL/BR/P	Proof of Evidence of Bridget Rosewell in respect of the Socio-Economic Case
GAL/BR/PA	Appendices to Proof of Evidence of Bridget Rosewell in respect of the Socio-Economic Case
GAL/AW/PS	Summary Proof of Evidence of Adrian Wilkinson in respect of Geology and Reserve Assessment
GAL/AW/P	Proof of Evidence of Adrian Wilkinson in respect of Geology and Reserve Assessment
GAL/AW/PA	Appendices to Proof of Evidence of Adrian Wilkinson in respect of Geology and Reserve Assessment

REBUTTAL PROOFS FROM GALLAGHER AGGREGATES LTD

GAL/AJB/PR	Rebuttal of Andrew Bate
GALPRC/R	Rebuttal of Paul Chadwick
GAL/TG/R	Rebuttal of Tim Goodwin
GAL/GJ/PR	Rebuttal of Graham Jenkins
GAL/MMP/PR	Rebuttal of Mark Mackworth-Praed
GAL/AW/PR	Rebuttal of Adrian Wilkinson

OTHER DOCUMENTS FROM GALLAGHER AGGREGATES LTD

GAL/1	Opening statement - Mr Andrew Tait QC
GAL/2	Operational bar chart (revised 30 th Nov 2012)
GAL/3	3D block diagram of HQ strata (vertical exaggeration x 2.0)
GAL/4	Adrian Wilkinson replacement appendices
GAL/5	Planning application plan schedule
GAL/6	Mark Mackworth-Praed glossary of terms
GAL/7	Mark Mackworth-Praed replacement appendix 1 of Environmental Statement Addendum Appendix 13
GAL/8	Paul Chadwick historical map comparison sheet
GAL/9	GAL response to IN2 dated 23 Nov 2012
GAL/10	Tim Goodwin glossary of terms
GAL/11	Coping stone note
GAL/12	Amended 3D block diagram of HQ strata (vertical exaggeration x 2.5)
GAL/13	Note on the revision of the Ancient Woodland Inventory for Maidstone Borough
GAL/14	Andrew Bate glossary of terms
GAL/15	QUEST rebuttal note re: R Allen's Proof of Evidence
GAL/16	Recycled Aggregates Note
GAL/17	St Nicholas Church restoration stone
GAL/18	Note on Building Stone Usage 28 11 12
GAL/19	The Barriers to Underground Mining of Aggregates - An Overview
GAL/20	Note on Carbon Footprint
GAL/21	Note on Consent for coppicing in TPO woodland
GAL/22	GAL-AJB-PRA3 Revised during Inquiry
GAL/23	Ditton & Langley Note
GAL/24	KMSP SLA Policy Extract
GAL/25	WT Comments 31 Jan 2011
GAL/26	Ancient Woods Translocation Policy WT2001
GAL/27	Note on Ragstone as a building stone
GAL/28	Gallaghers opening statement on orders
GAL/29	Plan showing bridleway in relation to Phase 11
GAL/30	Revisions to bridleway order
GAL/31	Revisions to BOAT order
GAL/31A	Further revisions to BOAT order
GAL/32	Note on woodland grants
GAL/33	Note on KWT additional submission
GAL/34	Plan showing distance to properties
GAL/35	Revisions to woodland management plan
GAL/36	Draft Section 106
GAL/36A	Signed Section 106
GAL/36B	2005 Planning Obligation
GAL/37	Draft conditions – westerly extension, eastern extension, original quarry, southern extension

	Schedule of changes – original quarry and southern extension
	Planning permission – original quarry and southern extension
GAL/38	Blast monitoring data
GAL/39	Descriptions of the previous planning permissions
GAL/40	Dates of blasting for twelve months
GAL/41	Closing submissions

PROOFS FROM KENT COUNTY COUNCIL

KCC/MC/PS	Summary Proof of Evidence of Michael Clifton
KCC/MC/P	Proof of Evidence of Michael Clifton

REBUTTAL PROOFS FROM KENT COUNTY COUNCIL NONE

OTHER DOCUMENTS FROM KENT COUNTY COUNCIL

KCC/1	Opening statement - Mr Stephen Morgan
KCC/2	Glossary of terms
KCC/3	Environment Agency Permits
KCC/4	Corrections to KCC/MC/P
KCC/5	Biodiversity comments dated 23 Oct 2012
KCC/6	Letter from KCC Archaeological Officer dated 5 Oct 2012
KCC/7	Air Overpressure condition
KCC/8	Closing submissions on main application
KCC/9	Closing submissions on the orders

PROOFS FROM THE WOODLAND TRUST

WT/AB/PS	Summary Proof of Evidence of Austin Brady
WT/AB/P	Proof of Evidence of Austin Brady
WT/AB/PA	Appendices to Proof of Evidence of Austin Brady
WT/JE/P	Proof of Evidence of John Etchells
WT/JE/PA	Appendices to Proof of Evidence of John Etchells
WT/JP/PS	Summary Proof of Evidence of Jane Poole
WT/JP/P	Proof of Evidence of Jane Poole
WT/JS/PS	Summary Proof of Evidence of John Steedman
WT/JS/P	Proof of Evidence of John Steedman

REBUTTAL PROOFS FROM THE WOODLAND TRUST NONE

OTHER DOCUMENTS FROM THE WOODLAND TRUST

WT/1	Opening Statement – Mr Robert Walton
WT/2	Ron Allen report on soils
WT/3	Bolnore SOS letter pg 1, 5
WT/4	Landscape Baseline Measurement
WT/5	Comment on GAL Paul Chadwick Rebuttal 30 11 12
WT/6	Ron Allen glossary of terms
WT/7	Jane Poole proof revised figure 1
WT/8	Jane Poole proof figures 4 to 7
WT/9	GAL-AJB-PRA3 revised during inquiry
WT/10	Glossary of terms Jane Poole
WT/11	Sweet Chestnut coppice regrowth

- WT/12** Richard Barnes replacement information
- WT/13** Richard Barnes glossary
- WT/14** Note on Forestry Commission grants and other income for coppicing
- WT/15** Closing submissions

PROOFS FROM KENT WILDLIFE TRUST

- KWT/SY/PS** Summary Proof of Evidence of Sue Young
- KWT/SY/P** Proof of Evidence of Sue Young

REBUTTAL PROOFS FROM KENT WILDLIFE TRUST

- KWT/SY/PR** Rebuttal Proof of Evidence of Sue Young

OTHER DOCUMENTS FROM KENT WILDLIFE TRUST

- KWT/1** Rebuttal Proof Appendices
- KWT/2** West Blean and Thornden Woods Site of Special Scientific Interest citation. Natural England.
- KWT/3** Forestry Commission. 2005. Guide to Managing Woodland Rides and Glades for Wildlife. EWGS Operations Note 011
- KWT/4** A comparison of DEFRA Local Sites Guidance and the Kent LWS Process, October 2012
- KWT/5** Letter from Plantlife dated 1 Nov 2012
- KWT/6a & 6b** 2 pages from Oliver Rackham. 2003. Ancient Woodland its history, vegetation and uses in England. Castle Point Press, Kirkcudbrightshire
- KWT/7** West Blean and Thornden Woods Site of Special Scientific Interest, condition report, 2012. Natural England
- KWT/8** Opening Statement – Dr Sue Young
- KWT/9** Sue Young Glossary of terms
- KWT/10** Response to Inspector's questions
- KWT/11** West Blean woods PAWS restoration
- KWT/12** Parsonage wood photos
- KWT/13** Sweet Chestnut Butterfly Conservation Trust factsheet
- KWT/14** Managing your woodland for wildlife Blakesley & Buckley 2010
- KWT/15** Closing submissions

DOCUMENTS FROM THIRD PARTIES

(NB Previous numbers are in the Third Parties bundle document G5/1)

- 99** Email submitted by Mr Steve Connolly dated 27 Nov 2012
- 100** Summary Statement submitted by Save Oaken Wood Action Group
- 101** Statement submitted by Mrs Geraldine Dyer dated 28 Nov 2012
- 102** Email submitted by Ms Anne Connolly dated 1 Dec 2012
- 103** Summary Statement submitted by Mrs Geraldine Dyer dated 5 Dec 2012
- 104** Statement submitted by Institute for Historic Building Conservation
- 105** Email submitted by Mr Max Power dated 23 Nov 2012
- 106** Summary Statement submitted by Mr David Mew dated 22 Nov 2012
- 107** Statement submitted by Mr Mike Ridout
- 108** Email submitted by Ms Stephanie Littlewood dated 27 Nov 2012 08:46
- 109** Email submitted by Ms Stephanie Littlewood dated 27 Nov 2012 12:02
- 110** Statement from Mr Jeff Wilkinson
- 111** Email submitted by Mrs Liz Day dated 13 Dec 2012
- 112** Statement from Mrs Deborah Malthouse dated 14 Dec 2012
- 113** Email submitted by Mr William Hathorn dated 12 Dec 2012
- 114** Letter submitted by Barming Primary School dated 13 Dec 2012
- 115** Statement submitted by Barming Parish Council dated 13 Dec 2012
- 116** Statement submitted by Mr David Mew
- 117** Statement submitted by Mr Max Power
- 118** Statement submitted by Save Oaken Wood Action Group dated 14 Dec 2012
- 119** Statement submitted by Mrs Geraldine Dyer
- 120** Evidence submitted by Mr David Mew – Environmental, Health and Safety Guidelines for Construction Materials Extraction
- 121** Evidence submitted by Mr Max Power – Blast Monitoring results taken between June 22nd 2010 to December 2010
- 122** Note from Sarah Cooper – Save Oaken Wood Action Group dated 18 Dec 2012
- 123** Suggested condition from Mr Sargent – Kent Conservation Officers Group



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

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

Appendix F



Department for
Communities and
Local Government

Mr Andrew Wilford
Barton Willmore
The Observatory
Southfleet Road
Swanscombe
Kent
DA10 0DF

Our Ref: APP/U2235/A/14/2226326
and
APP/H2265/A/14/2226327

19 October 2015

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEALS BY CROUDACE STRATEGIC LTD
LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT
APPLICATION REFS: 13/1749 & TM/13/03147/OA**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P W Clark MA MRTPI MCMI, who held a public inquiry on 5 days between 2 to 9 June 2015 into your client's appeals against the refusal of Maidstone Borough Council (MBC or 'the Council') and Tonbridge and Malling Borough Council (TMBC) to grant planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2No new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013.
2. On 14 October 2014 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for recovery was that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Julian Pitt
Planning Casework Division
Department for Communities and Local Government
3rd Floor, Fry House
2 Marsham Street
London SW1P 4DF

Tel 0303 44 41630
Email pcc@communities.gsi.gov.uk

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006 (IR27). Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010 (IR27). The Secretary of State agrees with the Inspector that the most relevant policies to these appeals are those listed at IR29-36.
6. The Secretary of State notes that MBC is in the process of producing a new Local Plan (IR37 - 43). The latest draft is the 2014 Regulation 18 Consultation Document, which proposes to allocate the northern field for 500 dwellings, but the woodland and southern field are proposed to be designated for public open space. However, as this plan is still at an early stage and may change, the Secretary of State gives it limited weight.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (The Framework), the associated planning practice guidance issued in March 2014, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also considered the other documents referred to at IR26 and IR44 – 46.

Procedural matters

8. The Secretary of State notes that there are two identical applications and two appeals because the development proposed straddles the boundary between the two local authorities, but that no buildings are envisaged within TMBC's area (IR3). He agrees with the Inspector's conclusion regarding Appeal B at IR209.
9. The Secretary of State notes that both MBC and TMBC adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment.

Main issues

Housing supply

10. MBC cannot demonstrate a five year housing land supply and therefore the relevant policies in the development plan for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework.
11. The Secretary of State notes that both the main parties agree that 30% of dwellings should be provided as affordable housing, and therefore the proportion of affordable housing offered is not an issue in this appeal.

Ecology

12. For the reasons given at IR218-236, the Secretary of State agrees with the Inspector's conclusions that majority of the area has been correctly designated as ancient woodland (IR227) and that the site has medium to high ecological value at local level (IR237).
13. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR238-252, including that there is no convincing justification for a condition insisting on the delivery of the proposal through the option 3 route to gain access to the southern field, as other options may prove to be more preferable (IR252). As this is an outline application the exact route would be decided at reserved matters stage. The Secretary of State endorses the Inspector's consideration of the option 3 route as an exemplar of how access would be resolved at reserved matters stage because this option is the appellant's currently preferred option (IR247). However, for the reasons at IR245-252, the Secretary of State considers that further investigation at the reserved matters stage might lead to another option to gain access to the southern field being identified and chosen that would be less harmful in ecological terms than option 3. Consequently he considers that option 3 may be regarded as the 'worst case' scenario for the purpose of deciding if the proposal would comply with Framework paragraph 118.
14. Option 3, if taken forward, would result in an absolute loss of about 0.03 ha of Ancient Woodland, equating to only 1.8% of the designated area (IR98 and 253). The Secretary of State agrees with the Inspector's assessment at IR253-260 of the ecological effects of the proposal on the basis of option 3. Although the small loss of Ancient Woodland would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland, the Secretary of State agrees with the Inspector that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. For the reasons given at IR253-260, the Secretary of State does not consider that harm to biodiversity if option 3 were taken forward would be significant. In respect of the loss of Ancient Woodland, he considers that the need for, and benefits of the development in this location clearly outweigh the loss. He therefore agrees that the tests of Framework paragraph 118, bullets 1 and 5 are clearly met in this case (IR259 and 260).

Landscape

15. For the reasons given at IR261-270 the Secretary of State agrees with the Inspector's conclusion that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12 (IR271).

Other matters

16. The Secretary of State has had regard to the New Allington Action Group's concerns referred to at IR272 – 273. However he agrees with the Inspector that there is no substantive evidence on which to disagree with Kent County Council and TMBC that the outcomes of this proposal in terms of highway safety and air quality would be acceptable.
17. The Secretary of State agrees with the Inspector's reasons and conclusions at IR275-280 regarding infrastructure, loss of agricultural land, archaeological interest, the Strategic Gap, access to the development and issues arising with development on the Hythe beds.

Conditions

18. The Secretary of State agrees with the Inspector's assessment at IR281-300 regarding planning conditions. He is satisfied that conditions proposed by the Inspector and set out at pages 76-78 of the IR meet the tests of Paragraph 206 in the Framework and comply with the Planning Practice Guidance.

Section 106 planning obligations

19. The Secretary of State agrees with the Inspector's assessment at IR301-304 on the proposed planning obligations. He agrees with the Inspector that with the exception of the provision of £426 per dwelling for the provision and maintenance of strategic open space, the remaining obligations do accord with Paragraph 204 of the Framework and the CIL Regulations 2010 as amended, and so should be taken into account in making the decision.

Overall balance and conclusion

20. The Secretary of State agrees with the Inspector's conclusions at IR305-313. As the relevant policies for the supply of housing in the development plan are out of date the decision taking process in this case should be that set out in the final bullet of paragraph 14 of the Framework.
21. The social and economic benefits of the housing would be very significant. The effect of development on landscape character would be acceptable and there would be a positive overall environmental balance.
22. The harm to biodiversity would not be significant and Framework paragraph 118 does not represent a policy which indicates that development should be restricted in this case for the reasons set out in paragraph 14.
23. Overall, the significant benefits of the proposal would not be outweighed at all, let alone significantly or demonstrably, by the limited adverse impacts. It follows that the scheme should benefit from the presumption in favour of sustainable development.

Formal decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby allows your client's appeals and grants planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2Nº new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013, subject to the conditions set out at Annex A of this letter.
25. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
26. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
28. A copy of this letter has been sent to Maidstone Borough Council and Tonbridge and Malling Borough Council. A notification e-mail or letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

JULIAN PITT

Authorised by Secretary of State to sign in that behalf

ANNEX A

Conditions applicable to planning applications referenced 13/1749 & TM/13/03147/OA:

- 1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.
- 5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.
- 6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.
- 7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.
- 8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).
- 9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.
- 10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase 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. No building shall be occupied or used until its foul and surface water drainage has been completed in accordance

with the approved details. The drainage shall thereafter be retained in an operational condition.

- 12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.
- 13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy 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.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) working hours on site
 - ii) the parking of vehicles of site operatives and visitors
 - iii) loading and unloading of plant and materials
 - iv) construction traffic management
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vii) wheel washing facilities
 - viii) measures to control the emission of dust and dirt during construction
 - ix) measures to control noise and vibration during construction
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.
- 16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.
- 17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.

- 18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase 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. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.
- 19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.
- 20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.
- 21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.



Report to the Secretary of State for Communities and Local Government

by P W Clark MA MRTPI MCMI

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

Date: 5 August 2015

TOWN AND COUNTRY PLANNING ACT 1990

APPEALS BY

CROUDACE STRATEGIC LTD

AGAINST

MAIDSTONE BOROUGH COUNCIL

AND

TONBRIDGE AND MALLING BOROUGH COUNCIL

Inquiry opened on 2 June 2015

Land East of Hermitage Lane, Maidstone, Kent

File Refs: APP/U2235/A/14/2226326 and APP/H2265/A/14/2226327

File A: APP/U2235/A/14/2226326

Land East of Hermitage Lane, Maidstone, Kent

- 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 Croudace Strategic Ltd against the decision of Maidstone Borough Council.
- The application Ref 13/1749, dated 11 October 2013, was refused by notice dated 3 July 2014.
- The development proposed is a mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2N^o new vehicular accesses from Hermitage Lane and Howard Drive.

Summary of Recommendation: That the appeal be allowed, and planning permission granted subject to conditions.

File B: APP/H2265/A/14/2226327

Land East of Hermitage Lane, Maidstone, Kent

- 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 Croudace Strategic Ltd against the decision of Tonbridge & Malling Borough Council.
- The application Ref TM/13/03147/OA, dated 11 October 2013, was refused by notice dated 30 July 2014.
- The development proposed is a mixed-use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2N^o new vehicular accesses from Hermitage Lane and Howard Drive.

Summary of Recommendation: That the appeal be allowed, and planning permission granted subject to conditions.

Application for Costs

1. At the Inquiry an application for costs was made by Croudace Strategic Ltd against Maidstone Borough Council. That application is the subject of a separate Report.

Procedural Matters

2. The Inquiry sat for five days (2-5 and 9 June 2015). I made an accompanied site visit on the sixth day (10 June 2015). The Inquiry was held open but did not sit whilst closing submissions were made in writing. The Inquiry was closed in writing on 26 June 2015.
3. There are two applications and two appeals because the development proposed straddles the boundary between two local authorities. In accordance with the advice contained in National Guidance, identical applications were made to each authority. Although the wording of each application is identical, the result is not, strictly speaking, accurate in the case of the application to Tonbridge and Malling Borough Council because no buildings are envisaged within that local authority's area. But it is a single development proposal and my Report treats it as such.

4. The applications are in outline form with details of access submitted for immediate approval. Details of appearance, landscaping, layout and scale were reserved for later consideration. Both authorities adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment¹.
5. The application to Maidstone Borough Council (MBC) was refused on 3 July 2014. The application to Tonbridge and Malling Borough Council (TMBC) was refused on 30 July 2014. The subsequent appeals were recovered for determination by the Secretary of State by Directions made on 14 October 2014. The stated reasons for the Directions are that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
6. Most of the site lies within Maidstone but the main vehicular access would lie within Tonbridge and Malling. The decision notice from Tonbridge and Malling contains one reason for refusal. It refers to the lack of approval (implicitly, by Maidstone) of any development that would be served by the new access which would thus make an unjustified incursion into a Strategic Gap established by its Core Strategy policy CP5, intended to maintain the separation and separate identities of the built up areas of Maidstone, Medway Towns and the Medway Gap.
7. Tonbridge and Malling Borough Council's subsequent Statement of Case comments on both appeals but makes it clear that its refusal of permission for the element of the development within its own area arose simply because the principal application was refused by Maidstone Borough Council. In its view, the appeal that falls within its boundary stands and falls upon the decision on the appeal that falls within the Maidstone area. Tonbridge and Malling Council did not appear at the Inquiry, nor did it make any submissions in writing other than those in its Statement of Case and the Statement of Common Ground².
8. Maidstone Borough Council's decision notice gives three reasons for refusal. The second of these quotes policies from the adopted Maidstone Borough-Wide Local Plan and its emerging Local Plan but refers to the effects of the proposal on land within Tonbridge and Malling. By letter dated 27 March 2015³, the Council gave notice that it would not pursue this reason for refusal.⁴ The third reason for refusal cites the absence of an appropriate legal mechanism to secure the provision of affordable housing and other matters. Planning obligations in the form of deeds to address these matters were submitted at the Inquiry and are material considerations in these appeals. The Council had anticipated this action⁵ and did not otherwise pursue this reason for refusal at the Inquiry. I return later to the provisions of the obligations.

¹ Core Document 2/23, Appendix D

² Core Document 1/5, section 7

³ Core Document 3/5

⁴ Confirmed by Mr Bailey in his evidence (Core Document 1/13, paragraphs 1.9 and 3.7)

⁵ Core Document 1/5 (Statement of Common Ground) paragraph 6.24

9. So, only the first of MBC's reasons for refusal remains at issue. It reads; *"The development by virtue of the development of the southern field for housing and the link road through designated ancient woodland and works to existing footpaths through the woodland would erode the setting of the woodland as a landscape feature and result in the loss and deterioration of ancient woodland where the need for and benefits of the development does not clearly outweigh the loss contrary to policy H12 of the Maidstone Borough-Wide Local Plan (2000), advice contained within paragraph 118 of the National Planning Policy framework 2012 and policies H1(2) and DM10 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014."*

The Site and Surroundings

10. The site and its surroundings are most fully described in the Statement of Common Ground⁶, the Highways statement of Common Ground⁷, the Landscape and Visual Impact Assessment⁸, the Arboricultural Impact Assessment⁹, the revised Design and Access Statement¹⁰, revised Planning Statement¹¹ and revised Transport Assessment¹² submitted during consideration of the application, in the officers' report to Maidstone Council's Planning Committee and in Mr Chard's and Mr Lovell's evidence¹³.
11. Two main roads lead westwards out of Maidstone; the A26 and the A20. The A26 runs on an alignment slightly south of due west. The A20 runs north-west. The angle between them encompasses much of the western built up area of Maidstone.
12. About 2.5km from the centre of Maidstone along the A20, the developed area of Maidstone comes to an end. At this point the road is crossed by the borough boundary at approximately right angles, running from south-south-west to north-north-east.
13. Along the A26 the developed area of Maidstone extends further than 2.5km but at around 2.5km there is a junction with the B2246. This road runs more or less due north-south between the A20 and the A26. For most of its length it is known as Hermitage Lane. Where it crosses the borough boundary is the location of the land the subject of these appeals. To the south of the boundary is the urban development of Maidstone Hospital on one side of the road and a new housing development being built on the other. To the north of the boundary is open countryside with a quarry not far away to the west. The location is therefore on the urban edge of Maidstone.
14. At the point where Hermitage Lane crosses the borough boundary it is descending a north-facing incline, passing through woodland and, on its east, passing by The Old Hermitage, a country residence. At the foot of the hill, to the

⁶ Core Document 1/5, section 2

⁷ Core Document 1/8, section 1.2

⁸ Core Document 2/13, sections 2 and 3

⁹ Core Document 2/20, section 2.1

¹⁰ Core Document 2/22, sections 2, 4 and 7

¹¹ Core Document 2/23

¹² Core Document 2/27, sections 1.4 and 3

¹³ Core document 1/10, section 2 and paragraphs 5.1 to 5.9 of section 5 and Core Document 1/14 paragraphs 4.1 to 4.17

west of the road is Hermitage Court, now a business park. Fronting the road on its east side is a row of dwellings known as Hermitage Farm Cottages. Behind the cottages is a paddock, not part of the site. North of Hermitage Farm Cottages and the paddock is an arable field which extends as far north as Barming station, about half a mile from the site. Most of this field lies outside the site, except for a fringe abutting the length of Hermitage Lane and a corridor across the field, through which the access to the rest of the site would be taken.

15. Between The Old Hermitage and Hermitage Farm Cottages the appeal site has a small frontage to Hermitage Lane on which scrub is well advanced. Behind this is the part of the site known as The Knoll, which is identified as containing remains of some archaeological interest.
16. The site is 30.66 ha in area¹⁴. Just over 27.5 ha lie within Maidstone; just over 3ha are within Tonbridge and Malling. The vast majority of the site is located back from Hermitage Lane, to the rear (east) of The Old Hermitage, The Knoll and the paddock to the rear of Hermitage Farm Cottages. It extends as far eastwards as the existing built up area of Maidstone, which surrounds it on three sides.
17. In addition to The Knoll and the corridor which would connect with Hermitage Lane, the site has four elements and is currently structured by four public footpaths. Two of these footpaths diverge from Hermitage Lane on either side of the Knoll and The Old Hermitage. The southernmost (KB18) climbs the hill on the south side of The Old Hermitage and then runs on fairly level ground alongside a hedgerow forming the boundary of the site adjoining Maidstone Hospital.
18. At the south-east corner of the site it forms a junction with several other footpaths. From this point, footpath KB19 descends gently through a woodland belt abutting the boundary of the site with the rear gardens of existing housing.
19. The footpath passes out of the site at its eastern corner. From this corner an informal path falls in a north-westerly direction through a tree belt abutting the boundary of the site with the rear gardens of housing in Howard Drive. The site includes two dwellings fronting Howard Drive.
20. The informal path reaches the lowest part of the site at its northern corner and joins footpath KB47 (also known as MR489). This footpath/bridleway runs from Howard Drive, through the site, in a straight line, climbing gently back towards Hermitage Lane.
21. On the northern side of footpath KB47/MR489 and to the east of the paddock behind Hermitage Farm Cottages is an orchard. About half of this orchard on its southern side would be included within the development. This represents the first element of the site. The proposed site boundary across the orchard would follow an apparently arbitrary line, seemingly unrelated to any existing field boundaries or reference points.

¹⁴ Core Documents 1/5 (Statement of Common Ground), paragraph 2.4, 2/22 (Revised Design and Access Statement) paragraph 2.2 and 2/23 (Revised Planning Statement) paragraph 2.4 and Maidstone Council Committee report paragraph 1.01

22. The second element of the site is the largest of the four. It is an open arable field. It lies to the south-east of footpath KB47/MR489. It would be almost rectangular but for a covered reservoir and associated land which takes a large bite out of the field part way along its north-western boundary and around which the field now wraps. The reservoir is excluded from the site of the appeal. The field slopes up from its northern to its southern corner. From it there are extensive views across the Medway valley to the north, notwithstanding the belts of trees which surround it on three sides.
23. Two of these tree belts have already been referred to as edging the south-east and north-east boundaries of the site. They are protected by Tree Preservation Orders. The tree belt on the third side of the field is deeper than the other two belts and forms the third element of the site. It does not run along the boundary of the site but rather divides the larger field (sometimes referred to as the "reservoir" or "northern" field) from a smaller field (known as the "southern" or "hospital" field which forms the fourth element of the site). This tree belt is also protected by Tree Preservation Orders. Part is designated as Ancient Woodland. It has a further public footpath, KB51, running through it from end to end.
24. The smaller field which is the fourth element of the site currently lies fallow, not farmed. It is fairly level and surrounded by trees on three sides and a hedgerow adjacent to footpath KB18 to its south beyond which are the car parks, service road and ancillary buildings of Maidstone Hospital. There are indications that a now largely disused track through the tree belt partly designated as Ancient Woodland connected it to the northern field. It has no other access.

Planning Policy

25. Relevant planning policy is described in section 5.0 of the Statement of Common Ground¹⁵, in sections 2 of Andrew Wilford's, Rupert Lovell's and James Bailey's evidence¹⁶ and section 3 of Matthew Chard's evidence¹⁷. Biodiversity and Nature Conservation Policy is set out in the Ecological Assessment¹⁸ and in section 2 of Mr Forbes-Laird's evidence¹⁹. Policy on Noise is summarised in section 2 of Core document 2/21. Relevant Transport Planning Policy is set out in section 2 of the revised Transport Assessment²⁰.
26. During the Inquiry, extensive reference was made to the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (Guidance). Of particular relevance to this appeal are sections 1, 4, 6, 7, 8, 11 and 12 of the Framework. Paragraph 118 was frequently referred to. In pursuit of NPPF paragraph 118, reference is also made to the Standing Advice for Ancient Woodland and Veteran Trees (April 2014)²¹ produced by Natural England, the

¹⁵ Core Document 1/5

¹⁶ Core Documents 1/9, 1/13 and 1/14

¹⁷ Core Document 1/10

¹⁸ Core Document 2/12, section 2

¹⁹ Core Document 1/11, volume 1

²⁰ Core Document 2/27

²¹ Core Document 10/1. Copy also at Appendix 13 of Mr Bailey's Proof of Evidence (Core document 1/13)

government's adviser on the natural environment, and to "Keepers of time", the government's statement of policy for England's Ancient and Native Woodland.²²

Adopted policy

27. Within Maidstone, the statutory Development Plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006.²³ Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010.²⁴
28. No single document submitted to the Inquiry contains a copy of all the policies of the Maidstone Borough-Wide Local Plan referred to.²⁵ The policies described below are those most relevant to the issues raised by this appeal.
29. Maidstone Borough-Wide Local Plan policy H1 simply lists sites defined on the Proposals Map as allocated for housing. Item (xvii) in the list reads "East of Hermitage Lane, Maidstone" and has an allocation of 380 units. The Proposals Map itself²⁶ shows the land allocated for housing to be appeal site elements 2, 3 and 4, i.e. the northern field, including its tree belts and the reservoir, the dividing tree belt (including the Ancient Woodland, not designated as such at the time but recognised as such prior to its designation²⁷) and the southern field. Other notations applying to the same land parcel are policies H12, H24(x), CF6(i) and CF8(v) but policy H24(x) has been superseded by the Affordable Housing DPD. Element 1 of the appeal site (the Orchard to the north of footpath KB47/MR489) is overlaid with a stippling which denotes Strategic Gap policy ENV31 and has the notation for policy ENV24. Other than policy H24(x) all are saved policies and still extant.
30. MBC Policy H12 is very detailed, filling nearly a page of A4 text²⁸. In summary it would permit housing development on the three allocated elements of the appeal site subject to the retention of trees and woodland, their future management,

²² Core Document 10/4

²³ Core Documents 8/1 and 8/2, 8/4 and 8/5

²⁴ Core Documents 9/1, 9/2 and 9/3

²⁵ Copies of Maidstone Borough-Wide Local Plan policies ENV24, ENV26 and part of EN27 are in Core Documents 1/2 and 8/1. A copy of Policy H12 is in Core Document 8/1, quoted in full in Andrew Wilford's evidence (Core Document 1/9 paragraph 2.9) and in part in Matthew Chard's, Julian Forbes-Laird's and Rupert Lovell's evidence (Core Documents 1/10 paragraph 3.10, 1/11 volume 1 paragraph 2.2.2 and 1/14 paragraphs 2.8 and 2.9). A copy of Policy CF1 is in Core document 1/2. Copies of policies ENV6, ENV22, ENV49, H1 and H12 are to be found at technical appendix 3 of the Ecological Assessment (Core Document 2/12). Parts of policy ENV6 are quoted in James Bailey's evidence (Core Document 1/13 paragraph 2.7) and more fully in Rupert Lovell's evidence (Core Document 1/14 paragraph 2.7). Policy ENV49 is quoted in Matthew Chard's evidence (Core document 1/10 paragraph 3.12). Copies of other Borough-wide Local Plan policies listed in the Statement of Common Ground are not provided but, in the event, were not referred to in the evidence submitted to the Inquiry.

²⁶ Core Document 8/2

²⁷ See Inquiry Document 40, fourth bullet of paragraph 3.18 demonstrating that it was regarded as Ancient Woodland in 2012, though not so designated at the time.

²⁸ Core Document 8/1, page 67

additional landscaping along footpath KB47/MR489, access and turning facilities for public transport, a high standard junction onto Hermitage Lane and a secondary emergency access to the Allington area (to the east), laying out and maintenance of "the proposed woodland park" for public access, a traffic management scheme in Barming, a contribution to a park and ride scheme at Barming station, cycle and pedestrian links from the site to Barming station and on to the A20, improved public transport along Hermitage Lane and the provision of affordable housing, education, health and shopping facilities in accordance with policies H24 (now to be read as the DPD), CF1 and R10. Justificatory paragraph 4.121 makes it clear that the reference to "the proposed woodland park" is a reference to policy ENV24, relating to the orchard (element one of the site), not, as might be thought, the existing woodland belt (element three of the site).

31. MBC Policy CF1 requires new residential development to provide for new community facilities to serve its needs if existing capacity is lacking. Policies CF6(i) and CF8(v) specifically reserve land for a general medical practitioners' surgery and for a primary school on the land allocated on the proposals map (elements two, three and four of this appeal site, i.e. the northern and southern fields and the dividing woodland belt). Policy R10 allows for new local centres anchored by a convenience store or supermarket particularly in areas deficient in such facilities, subject to criteria, such as access arrangements and impact on existing centres and other neighbouring uses, set out in policies R1, R2 and R11 (and formerly, policy R15, not now saved).
32. MBC's Affordable Housing DPD²⁹ policy AH1 seeks to negotiate the provision of a minimum of 40% of dwellings as affordable housing on a site of this size, more on allocated greenfield sites. Of the affordable housing provision, 24% is to be rented.
33. MBC's Open Space DPD³⁰ policy OS1 requires open space provision on all residential developments of 10 dwellings or more in proportion to the expected population. Because the current proposal is in outline, an expected population cannot be calculated but, by way of illustration, a development with an expected population of 1000 people would be expected to provide 2.3 ha of parks and gardens, 1 ha of Local Nature Reserve, 0.7 ha of amenity greenspace, 0.12 ha of children's and young persons' equipped play areas, 1.4 ha of outdoor sports facilities, 0.21 ha of allotments and community gardens and 0.66 ha of cemeteries or graveyards.
34. MBC policy ENV24(xiii) allocates the part of the orchard land within Maidstone (element one of the site) for public open space. Policy ENV31 would not permit development significantly extending the defined urban area or the extent of settlement on to this land.
35. TMBC policy CP5³¹ applies to the part of the orchard within TMBC, to the road corridor and to the part of The Knoll which is within TMBC. Unless justified by special circumstances, this policy would not permit development that would harm the function of the Strategic Gap as a physical break maintaining the separation

²⁹ Core Document 8/4

³⁰ Core Document 8/5

³¹ Core Document 9/1

and separate identities of Maidstone, the Medway towns and the settlement known as the Medway Gap.

36. TMBC policy CP1³², referred to in its reasons for refusal, is a general policy requiring development to result in a high quality sustainable environment, providing for needs but balancing these against protection of the natural and built environment, minimising waste generation, water and energy consumption and the need to travel, avoiding areas liable to flood, promoting mixed use developments and providing a mix of house types and tenures, built at the highest density compatible with the local environment, focussing on brownfield land and accessible locations, designing out crime and providing for necessary infrastructure.

Emerging policy

37. Maidstone Borough Council is in the process of producing a new Borough Local Plan. But it has been much delayed by several iterations at Regulation 18 stage.³³ Regulation 19³⁴ publication is not now expected until December 2015, submission for examination at Easter 2016 and adoption in Spring 2017.³⁵
38. The weight to be given to relevant policies in the emerging plan is set out in the NPPF at paragraph 216. The various iterations of emerging policy to date are;
- Core Strategy Strategic Site Allocations Public Consultation 2012³⁶
 - Interim Approval of Maidstone Borough Local Plan policies 13 March 2013³⁷
 - The Maidstone Borough Local Plan Regulation 18 Consultation Policies March 2014³⁸.
39. Core Strategy Strategic Site Allocations Public Consultation 2012 policy SS1 proposed three strategic housing locations to the north-west of Maidstone which were to contribute as necessary towards a series of Highway junction improvements and to a circular bus route. One of these is land to the east of Hermitage Lane. Policy SS1b would have made no allocation for the orchard (element one of the current appeal), would have allocated the northern field only (i.e. element two of the current appeal but including the reservoir) for the development of 415 dwellings. It would have allocated the woodland belt (element three), the southern field (element four) and The Knoll for designated open space. It would have specified 40% affordable housing, Code for Sustainable Homes (CfSH) level 4 from 2013, level 5 from 2016, transfer of land and/ or contributions for primary education, provision of appropriate community and health facilities, a buffer incorporating existing trees along the north-eastern boundary, protection of the wooded character along the south-eastern boundary

³² Core Document 9/2

³³ Regulation 18 of the Town and Country Planning (Local Planning)(England) Regulations 2012

³⁴ Regulation 19 of the Town and Country Planning (Local Planning)(England) Regulations 2012

³⁵ Inquiry Document 13 and Mr Bailey's evidence given orally in cross-examination

³⁶ Core Document 8/14

³⁷ Core document 8/15

³⁸ Core Document 8/16

and an ecological survey. Access was to be taken from Hermitage Lane, preferably along the route of footpath KB47/MR489 and a bus and emergency access from Howard Drive³⁹. There were to be pedestrian and cycle links to existing residential areas, a direct pedestrian footpath to Hermitage Lane as close as possible to Barming station and financial contributions towards education, health, open space and community facilities, a pedestrian and cycle route on Hermitage Lane and towards increasing the size of Barming station car park.⁴⁰

40. The Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013 document contained a policy also SS1b which again would have made no allocation to the orchard. It would have allocated both the northern and the southern fields (including the reservoir) for housing development of 600 dwellings (elements two and four of the current appeals). The woodland belt and The Knoll were to be allocated for multifunctional green space. Added requirements would have been the provision of a local shopping parade, a 30m buffer to the Ancient Woodland, an archaeological survey and securing the use of 15.4 ha of land in Tonbridge and Malling for ecological mitigation measures, site access and open space. Access requirements were to be changed to an access on Hermitage Lane opposite the entrance to Hermitage Quarry for the western part of the site and to an access from Howard Drive for the eastern part of the site and for a bus gate to provide limited access between the two. Other requirements would have remained largely unchanged from the 2012 document.
41. The Maidstone Borough Local Plan Regulation 18 Consultation 2014 document allocates the orchard (element one of the current appeals) for a combination of community infrastructure and public open space. It allocates the northern field (element two of the current appeals but including the reservoir) for approximately 500 dwellings. It allocates the woodland belt, the southern field (elements three and four of the current appeals) and The Knoll for public open space. Further added requirements are for air quality mitigation measures. The buffer to the Ancient Woodland would be reduced to 15m but otherwise requirements for the appeal site remain unchanged from the 2013 document.
42. No feasibility study underpinned these proposals. There remain unresolved objections to them.⁴¹
43. The 2014 Regulation 18 Consultation Document also contains a proposed policy DM10 which is referred to in the reasons for refusal. It is very detailed, covering two A4 pages of text. In summary it would require new development to protect and enhance the historic and natural environment. Subsection (i) would require protection for Ancient Woodland, amongst other matters. Subsection (iv) would require development to enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland. Other relevant elements of the proposed policy would seek protection for landscape character and would require developments to take account of a Landscape Character Guidelines supplementary planning document (SPD) and a Green and Blue Infrastructure SPD.

³⁹ The appellant objected to this provision on the basis that the proposal was made without evidence (Inquiry document 40, paragraphs 4.16 and 4.17)

⁴⁰ Core Document 8/14

⁴¹ Mr Bailey's evidence given orally in chief

44. Other documents produced in support of emerging policy and which are relevant to these appeals are;
 - Local Plan Viability Testing: Economic Viability Study April 2013⁴²
 - The Consultation Draft of the Green and Blue Infrastructure Strategy⁴³
45. The significance of the Local Plan Viability Testing document is firstly that it recommends a balance between affordable housing and CIL contributions in urban extensions to Maidstone which would reduce the affordable housing sought to 25% and a maximum contribution to CIL of £84 per square metre.⁴⁴ Its second point of significance is that the East Hermitage Lane site was subject to a detailed appraisal. This resulted in advice that affordable housing at 40% is not likely to be achieved on the site and that a modest level of CIL/s106 of between £50 and £80 per sq m would enable affordable housing at 30%.⁴⁵
46. The significance of the Consultation Draft of the Green and Blue Infrastructure Strategy lies in its draft proposals⁴⁶. These show much of the appeal site to be a Biodiversity Opportunity Area. They also show in diagrammatic form a "Maidstone green and blue corridors and action plan" passing to the south of the site and also, in diagrammatic form, a Strategic green link (the "King's Hill Link") extending beyond the "green and blue corridor", outside the borough boundary.

Planning History

47. Relative to these appeals the planning history of this site begins with the considerations of objections to the Maidstone Borough-Wide Local Plan. Croudace Homes sought (i) the removal of the site from the then proposed Strategic Gap policy and (ii) from the then proposed Oakwood Green Corridor, (iii) the deletion of the designation ALLI (Area of Local Landscape Importance) from the site and (iv) its designation south of the KB47 footpath as a housing site and as an informal woodland park north of the KB47 footpath.
48. The consideration of the first and fourth of these points in the report of the Inspector who considered the objections to the Maidstone Borough-Wide Local Plan is copied in Appendix 3 to Mr Bailey's Proof of Evidence⁴⁷. It led to the deletion from the Strategic Gap of the site south of the KB47 footpath and to its allocation for development of housing, education, health, shopping and open space in policies H12, CF1, CF6, CF8 and ENV24 described previously.
49. The Inspector's consideration of the Green Corridors then proposed and of the Oakwood Green Corridor in particular is set out elsewhere in his report⁴⁸. He recommended their deletion. He also recommended deletion of the designation

⁴² Core Document 8/21

⁴³ Appendix 10a to Mr Bailey's Proof of Evidence (Core Document 1/13)

⁴⁴ Core Document 8/21, paragraph 9.2.1

⁴⁵ Core document 8/21, paragraph 7.1.4

⁴⁶ Miss Thomas's closing submissions paragraph 42, referencing Maps 5 and 10 on pages 32 and 80 of Appendix 10a to Mr Bailey's Proof of Evidence (Core Document 1/13) Extracts are also found at appendix B to Mr Lovell's Proof of Evidence (Core Document 1/14)

⁴⁷ Core Document 1/13

⁴⁸ Core Document 8/3, paragraphs 3.263 to 3.271 and paragraphs 3.287 to 3.295 on pages 73 to 79 and paragraphs 3.349 and 3.350 on page 91

of this site as an ALLI.⁴⁹ These recommendations were carried through to the adopted plan.

50. Subsequent planning history is described in the appellant's revised Planning Statement⁵⁰, the Statement of Common Ground⁵¹ and Mr Wilford's Proof of Evidence⁵².
51. Following the adoption of the Maidstone Borough-Wide Local Plan in December 2000, in January 2001 Croudace Ltd made planning applications to MBC and to TMBC for the development of the site in accordance with the Local Plan allocation. But the then extant government Planning Policy Guidance Note 3: Housing (PPG3) advised that planning applications for development of Greenfield sites allocated in a development plan should be decided in the light of policies set out in PPG3. One of these was that previously developed land should be developed before greenfield land. During 2001, MBC undertook an Urban Capacity Study (UCS). This reported in December 2001 and by April 2002 MBC had resolved that its findings (in effect that brownfield land alone provided capacity in excess of the Council's housing requirements for the following four years) be adopted as a material consideration for development control purposes.
52. Meanwhile, the 2001 applications were not determined. In September 2001 Croudace appealed on the grounds of non-determination. The appeals were heard at a Public Inquiry in May 2002, shortly after the findings of the UCS were finalised and MBC resolved to adopt them as a material consideration. By letter dated 2 October 2002⁵³ the Deputy Prime Minister and First Secretary of State dismissed the appeals on the grounds that the UCS was robust and showed that the housing requirement for Maidstone could be met from brownfield sites; that consequently there was no need to release a greenfield site for housing at that time; and that this was a material consideration which outweighed the fact of the site's allocation for development in the Local Plan.
53. MBC imposed a moratorium on the development of the greenfield sites allocated for housing in the Local Plan. This moratorium was reviewed and renewed in 2008. In March 2013 it was revoked because the Council could not demonstrate a five-year housing supply in the terms required by paragraph 47 of the NPPF. Applications which led to the current appeals were made in October 2013.
54. Meanwhile, the Council began work on replacing its Borough-Wide Local Plan, consulting in January 2007 on emerging Core Strategy Preferred Options which identified a south-eastern urban extension to Maidstone and issuing a revised Issues and Options Core Strategy in September 2011 identifying that the south-east urban extension was not feasible and putting forward a strategy including 975 dwellings in north-west Maidstone. August 2012 saw the Core Strategy Strategic Site Allocations Public Consultation on the document described earlier. In March 2013 MBC approved the use of the Interim Approval of Maidstone Borough Local Plan Policies 13 March 2013 document, described earlier, for development management purposes (an approval which appears to have no

⁴⁹ Core Document 8/3, paragraphs 3.404 to 3.408 on pages 104 and 105

⁵⁰ Core Document 2/23, section 4

⁵¹ Core Document 1/5, section 3

⁵² Core Document 1/9, section 2 (i)

⁵³ Core Document 13/1

statutory significance). In March 2014 consultation began on the Maidstone Borough Local Plan Regulation 18 Consultation 2014 document described earlier. Croudace made representations on this document which remain unresolved.

55. In September 2014, Croudace submitted further outline applications known as Schemes 2 and 3⁵⁴. Scheme 2 is identical to elements one and two of the current appeals. Scheme 3 is identical to elements 3 and 4 of the current appeals. At the time of the Inquiry no decision had been taken on these two further applications. The relevance of these two subsequent applications to the current appeals lies in parts of Maidstone Council's case, which I summarise at paragraphs 132 and 172 below.

The Proposals

The application

56. The Statement of Common Ground⁵⁵ includes an agreed description of the proposals but the basis for this description needs to be understood. The application is in outline with some details of access submitted for immediate approval. All other details are reserved for later approval. Some of the elements included in the description in the Statement of Common Ground are suggested in supporting documents but would need to be secured by condition. Others would be secured by the planning obligations submitted to the Inquiry⁵⁶.
57. The application forms contain the description of development reproduced in the Headers to this report. The submitted detailed drawings of the secondary access (to Howard Drive within Maidstone Council's area) show that its construction would require the demolition of two houses so the net quantity of housing proposed would be up to 498 additional dwellings.
58. The submitted drawings include a site boundary plan, drawing number EB-M-02⁵⁷. This simply shows the red line around the site boundary and shows by blue lining that the appellant also owns or controls two adjacent properties, one in Howard Drive adjacent to the proposed secondary site entrance and one in the cul-de-sac called The Weavers, on the south-eastern boundary of the site near its southern corner, both within Maidstone Council's area.
59. Article 2 (1) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 defines access, in relation to reserved matters, as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The submitted details of access, shown on drawings 1402-GA-32 revision B and 1402-GA-37 revision A⁵⁸ only show a secondary access from Howard Drive to a point approximately 67m into the site and the site access alignment from Hermitage Lane to a point about 581m into the site.

⁵⁴ Core Documents 14/3, 14/4, 14/5 and 14/6

⁵⁵ Core Document 1/5, section 3 (ii)

⁵⁶ Inquiry Documents 38 and 39

⁵⁷ Core Document 2/5

⁵⁸ Core Documents 2/7 and 2/8

Illustrative drawings

60. Beyond that, no details are shown in the drawings submitted for approval of other pedestrian or cycle accesses to the site nor of the access arrangements within the site. Drawing number LN-M-02 revision I, entitled Illustrative Masterplan, substituted for that originally submitted during the Councils' consideration of the applications, indicates a layout of Primary Access, Bus and Emergency Access, Pedestrian/Cycle access, Primary Vehicular/Bus route, Bus gate, Secondary route, Access Street (shared surface), Lane/private drive (shared surface), pedestrian and/or cycle route and pedestrian/cycle link. But the diagrammatic nature of the drawing, the terminology of the notations and the title of the drawing itself make it clear that it is purely illustrative, as does the Design and Access Statement⁵⁹. If its provisions were thought to be necessary to make the development acceptable they would have to be secured by condition, if not secured by planning obligation.
61. Appendices JFL23 and JFL24 of Mr Forbes-Laird's Proof of Evidence⁶⁰ are entitled "Engineers' Detail for Construction of the Boardwalk" and "Engineers' Example Detail for Vehicular Access Link" but as the latter title indicates, it is an example detail. Mr Forbes-Laird states⁶¹ that as part of the delivery of the appeal scheme it is proposed to form two internal site accesses between the larger area of development of the appeal site in the north and the smaller area to the south. The two accesses would comprise a footway/cycleway boardwalk along the line of the existing informal path towards the western end of the designated ancient woodland and a vehicular and pedestrian access formed towards the eastern end of the designated ancient woodland. He continues that the footway/cycleway would be constructed as a boardwalk in accordance with the details in appendix 23 of his proof but he goes on to say⁶² that notwithstanding the information at his Appendix 23, it is envisaged that final details of the boardwalk would be secured by means of a planning condition, thus making it clear that the drawing at his Appendix 23 is not submitted as a definitive detail but as an illustration of what might be submitted. Similarly, in a later paragraph⁶³ he states that the drawing in his appendix 24 for the vehicular and pedestrian access is but one design option, again making it clear that the drawing is not submitted as a definitive detail but as an illustration of what might be submitted.
62. The Illustrative Masterplan drawing also shows; existing public rights of way, proposed mown paths, key spaces, open space, an area safeguarded for archaeology potential (no construction), existing trees and woodland to be retained, existing orchard to be retained and enhanced, proposed structural planting, children's play areas, proposed attenuation basins and proposed swales. But all of these matters are purely illustrative and, if thought necessary to make the development acceptable, would have to be secured by condition if not already secured by planning obligation.

⁵⁹ Core Document 2/22 paragraph 1.5

⁶⁰ Core Document 1/11 volume 3

⁶¹ Core Document 1/11 volume 1, Paragraph 4.1.2 and 4.4.1

⁶² Core Document 1/11, volume 1, paragraph 4.4.2. Mr Wilford says the same in his evidence (Core Document 1/9 paragraph 4.9)

⁶³ Core Document 1/11, volume 1, paragraph 4.4.3

63. A Parameters Plan was also submitted with the application and substituted by an amended version⁶⁴ during the Councils' consideration of the applications. This has designations and notations indicating areas for; residential development of 2, 2.5 and 3 storeys up to 11m high, including gardens, associated planting, movement routes and parking; an area for a 2 form entry primary school including proposed structural planting; the approximate location of a school building up to 11m to ridgeline; an area for community hall, including proposed structural planting, access and parking, Community Hall up to 11m to ridgeline; existing structural planting, woodlands, landscape buffers and orchards to be retained and enhanced; amenity open space including children's play areas, foot/cycle routes, proposed structural planting and sustainable drainage systems; ancient woodland to be retained and maintained; a 15m buffer to ancient woodland to accommodate open space, planting and recreational use; an area safeguarded for archaeology potential (no intrusive works); approximate location of children's play area; proposed primary vehicular access; proposed bus and emergency access only; existing pedestrian and/or cycle access; access roads; link road; existing Public Right of Way (PROW) and approximate link of proposed pedestrian and cycle link.
64. MBC took this Parameters Plan as being a substantive drawing of the proposals and protests at doing otherwise.⁶⁵ Although it is described as such in paragraph 3.25 of the Statement of Common Ground⁶⁶ and as being "submitted for approval" in the Design and Access Statement⁶⁷, the matters it deals with are clearly stated to be reserved matters on the application form. Furthermore, its diagrammatic nature and tentative notation (e.g. reiterated use of word "approximate") make it clear that its provisions are illustrative and, if thought necessary to make the development acceptable, would have to be secured by condition if not already secured by planning obligation. At the Inquiry, the appellant's advocate confirmed that the Parameters Plan is not fixed but he urged the Secretary of State to adopt it by condition. An alternative Parameters Plan was submitted during the Inquiry⁶⁸.
65. There is also a drawing of a Landscape Strategy - Landscape Character Zones⁶⁹. It shows designations and notations for fifteen landscape zones and notes for their treatment. But, as noted in the Landscape and Biodiversity Management Strategy⁷⁰, these zones are illustrative and provide just one example of how the appeal site could be defined. The species shown are noted to be indicative and the zones are superimposed on the Illustrative Masterplan layout and so, like the Illustrative Masterplan itself, the drawing can only be regarded as illustrative. Paragraph 3.25 of the Statement of Common Ground confirms this as the parties' understanding. If the provisions of this drawing are thought to be necessary to make the development acceptable, they would need to be secured by condition, if not secured by obligation. Paragraph 3.22 of the Statement of Common Ground makes it clear that the provisions of the Landscape Strategy are not agreed.

⁶⁴ Core Document 2/26

⁶⁵ Miss Thomas's closing submissions, paragraphs 54 and 55

⁶⁶ Core Document 1/5

⁶⁷ Core Document 2/22, paragraph 1.5

⁶⁸ Inquiry Document 34

⁶⁹ Core Document 2/33

⁷⁰ Core document 14/7, paragraphs 2.3 and 4.2

Supporting documents

66. The applications were also accompanied by a Design and Access Statement⁷¹, a Planning Statement⁷², an Ecological Assessment⁷³, a Landscape and Visual Impact Assessment⁷⁴, a Landscape and Biodiversity Management Strategy⁷⁵, a Flood Risk Assessment including a Drainage Strategy⁷⁶, a Heritage Statement⁷⁷, a Statement of Community Involvement⁷⁸, a Transport Assessment⁷⁹, an Air Quality assessment of Watlington Junction⁸⁰, a Preliminary Framework Travel Plan⁸¹, an Arboricultural Impact Assessment⁸² and a Site Suitability Assessment report: Noise⁸³.
67. Some of these make recommendations for the proposal, relevant to their subject matter⁸⁴. Other documents submitted during the Inquiry make further recommendations for inclusion within the proposals. These include a Lighting Design report⁸⁵. If the recommendations of these reports are thought to be necessary to make the development acceptable, they would need to be secured by condition, if not previously secured by obligation.

Planning obligations

68. The two submitted planning obligations both contain conditionality clauses to the effect that if this report recommends and the Secretary of State agrees that any one or more of the obligations in their schedules does not satisfy the

⁷¹ Core Document 2/10, superseded by Core Document 2/22

⁷² Core Document 2/11, superseded by Core Document 2/23

⁷³ Core Document 2/12

⁷⁴ Core Document 2/13

⁷⁵ Core Document 2/14, superseded by Core Document 14/7

⁷⁶ Core Document 2/15

⁷⁷ Core Document 2/16

⁷⁸ Core Document 2/17

⁷⁹ Core Document 2/18, superseded by Core Document 2/27

⁸⁰ Core Document 2/18a

⁸¹ Core Document 2/19

⁸² Core Document 2/20

⁸³ Core Document 2/21

⁸⁴ Core Document 2/12 makes somewhat generalised recommendations for ecology in section 13 and at table 7; Core document 2/13 contains Landscape guidelines at paragraph 8.8 and suggested responses to key sensitivities at paragraph 8.13; Core Document 14/7 provides a Management Strategy for the fifteen zones of the illustrative Landscape Strategy but is specific to that strategy so, although its principles might apply, its details might not apply if finally approved layouts were to differ from the Illustrative Masterplan and Landscape Strategy; Core document 2/15 makes observations at paragraphs 6.3.7 concerning the location of drainage infiltration and at paragraphs 4.7.2 and 9.1.9 for engineered site levels to cope with such matters as catastrophic failure of the water supply reservoir adjacent to the site; Core Document 2/16 makes recommendations from archaeological investigations at section 9; Core Document 2/27 makes recommendations for potential transport mitigations in section 10 and section 2 of the Highways Statement of Common Ground (Core Document 1/8) sets out the parties' agreement on which of these are thought to be necessary; Core Document 2/20 contains Appendices FLAC 4 and 5 including a Data table and drawing 33-1010.03 giving recommendations for trees to be retained and their root protection areas. Core Document 2/21 makes recommendations at paragraphs 4.1.8 – 4.1.10 and 5.4 for night-time noise insulation to parts of the site.

⁸⁵ Appendix 11 to Mr Baxter's Proof of Evidence (Core Document 1/12, volume 2)

requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 then such obligation or obligations shall not have any effect. To that extent, the provisions of the obligations are not secured. There is discussion of compliance with the CIL regulations later in this report.

69. The planning obligation agreement with Kent County Council would provide for the transfer of the Primary School Plot to the County for an agreed price, for the County to construct the school within ten years and for index-linked financial contributions;

- £41.57 per dwelling for new and expanded adult care facilities and services
- £30.86 per dwelling for new and/or expanded facilities and services through dedicated adult learning centres and outreach community learning facilities
- £2825 per dwelling towards:
 - Modification of the junction of Fountain Lane and Tonbridge Road
 - Modification of the layout and approaches to the Coldharbour Roundabout on the London Road
 - Improvement of junction 5 of M20 by a white lining scheme
 - Additional pedestrian crossing facilities on Hermitage Lane north of the site
 - Site works for shared pedestrian and cycle use of the eastern footway of Hermitage Lane
 - Supporting the initial five years of a bus service
- £48.02 per dwelling to provide additional book stock and services at Allington Library
- £14,286 per pupil (calculated by a formula) towards the cost of constructing the Primary School to be provided on the Primary School Plot
- £30,000 towards surfacing and other improvements to public rights of way KB35 and KB18
- £11,799 per pupil (calculated by a formula) towards the expansion of the Maplesden Noakes Secondary School
- £8.48 per dwelling for the provision of youth based services serving the development

70. The Unilateral Undertaking to Maidstone Borough Council would provide for between 30% and 40% of the dwellings to be affordable housing, of which 60% would be for rent. It would require the developer, before commencing any phase of development, to submit to the Council for approval a Landscape and Ecological Management Plan (LEMP), prepared in accordance with the principles of the Landscape Management Biodiversity Strategy (May 2015)⁸⁶, the Ecological Assessment 2013⁸⁷ and updated 2014/2015 survey work of the woodland⁸⁸,

⁸⁶ Core Document 14/7

⁸⁷ Core Document 2/12

which would included details of legal and funding mechanisms for its implementation, ongoing monitoring and remedial measures and also to carry out the development in accordance with the LEMP.

71. The Undertaking would provide for the construction, at the developer's expense, of a single storey community hall of approximately 600 square metres and ancillary parking on 0.36 ha of land. Its freehold, together with that of the woodland and public open space to be provided in accordance with the LEMP, would be transferred to the Council or, failing that, to a management company owned by purchasers of flats or dwellings on the site, to be managed by the Council or, failing that, by the management company with a power to levy a charge on freeholders or leaseholders for the purpose.
72. The Undertaking would also provide for index-linked financial contributions;
- £100 per dwelling towards the cost of improvements, refurbishment and replacement of facilities including play equipment at Giddyhorn Lane
 - £426 per dwelling to be used for the provision and maintenance of strategic open space within the vicinity of the site
 - £864 per dwelling towards improvements to health care provision in the locality, particularly Blackthorn Medical Practice, Allington Park Surgery, Aylesford Medical Practice and Brewer Street surgery.

Other Agreed Facts

73. A Statement of Common Ground between the appellant, MBC and TMBC and a Highways Statement of Common Ground between the appellant and Kent County Council were submitted prior to the Inquiry. In summary, these confirm agreement on;
- The subject of the appeals and their joint consideration.
 - The description of the appeal site and its immediate surroundings.
 - The planning history of the site.
 - The description of the proposals (but note my reservations set out earlier).
 - The timeline of the application leading to the appeal.
 - The reasons for refusal.
 - The Development Plan.
 - Relevant planning policies.
 - The following other material considerations:
 - The emerging Maidstone Borough Local Plan as a material consideration.
 - The lack of an adequate Five-Year Housing Land supply.

⁸⁸ Possibly a reference to Appendix 5 of Mr Baxter's Proof of Evidence (Core Document 1/12 volume 2)

- The written Ministerial statement: Housing and Growth 6.9.12⁸⁹.
- Natural England Standing Advice for Ancient Woodland and Veteran Trees⁹⁰.
- The position of TMBC in relation to the appeal within its area.
- Matters not in dispute:
 - The principle of development on the greater part of the site.
 - That 30% of the dwellings would be provided as Affordable Housing.
 - That highway matters are acceptable to the highway authority subject to the mitigation proposed.
 - Some construction details of the vehicular and cycleway accesses to the southern field are agreed with the highway authority. (Some matters remain not agreed but not actively disputed).
 - That measures proposed would result in the development having a neutral impact upon air quality.
 - That drainage and flooding matters are acceptable subject to mitigation proposed, secured through condition.
 - That adequate water supply would be secured by provisions under the Water Industry Act 1991.
 - The viewpoints for the Landscape and Visual Impact Assessment.
 - That a full ecological assessment has been made which describes the mitigation and enhancement incorporated into the proposal.
 - That the appeal does not seek to locate any development in the area of highest archaeological potential.
 - Noise.
 - The quantity of open space proposed.
 - The intention to address the third reason for refusal by means of a planning obligation.
 - That the appeal proposals do not constitute EIA development.
- Matters in dispute
 - The designation as Ancient Woodland.
 - The extent of harm caused to woodland.
 - The ecological impact on woodland.
 - The balance between harm to woodland and the benefits arising.

⁸⁹ Core Document 7/1

⁹⁰ Core Document 10/1

- The effects of the proposal on the setting of woodland as a landscape feature.
- The weight to be given to emerging policy.

The Case for Croudace Strategic Ltd (the appellant)

(i) The development plan allocation

74. The appellant's opening remarks point out that there is no outstanding objection from TMBC and that Council does not appear at the Inquiry. In closing, the observation is made that no objection is made in respect of the Tonbridge and Malling development plan, nor in respect of adopted supplementary planning guidance. There is no neighbourhood plan made or in preparation and no prematurity objection is raised⁹¹.
75. The scheme was originally refused permission by MBC for three reasons. One is now withdrawn. One other will be dealt with by planning obligations. That leaves one reason for refusal with several strands. The development is alleged to cause harm to Ancient Woodland through ecological deterioration and in terms of its setting as a landscape feature. The latter was acknowledged in cross-examination not to justify refusal of permission in its own right.⁹²
76. Both of these issues relate only to the impact of developing part of the site, that is the "southern" or "hospital" field. Development of the "northern" or "reservoir" field is considered by the Council to be entirely acceptable.⁹³
77. The site lies within the settlement boundary for Maidstone set within the adopted Maidstone Local Plan and hence, excluded from the restricted policies applied to "the countryside" in policy terms. Policy H12 has been saved and forms part of the adopted development plan. The plan period has expired and, in the absence of a five-year housing land supply⁹⁴ relevant policies for the supply of housing should not be considered up to date but it conforms to the NPPF aim of seeking to boost the supply of land for housing.⁹⁵
78. The appeal scheme accords with those parts of policy H12 still considered to be relevant. Non-conformity is justified by the passage of time or is explained by reconfiguration of elements of the proposal within the overall scheme.⁹⁶ The main access road is accepted in principle by TMBC as a consequence of any permission for housing development within MBC.⁹⁷
79. It is policy H12 of the adopted Local Plan which allocates both the northern and southern fields for residential development. The woodland belt, not then identified as Ancient Woodland but nonetheless recognised as an important constraint, is to be retained⁹⁸. The inevitable consequence is that there would be

⁹¹ Mr Boyle's closing submissions, paragraph 6

⁹² Mr Boyle's closing submissions, paragraph 3

⁹³ Mr Boyle's closing submissions paragraph 2

⁹⁴ Confirmed in paragraphs 2.5 to 2.8 of Inquiry Document 12

⁹⁵ Mr Wilford's evidence (Core Document 1/9, paragraphs 3.2 and 5.5)

⁹⁶ Mr Wilford's evidence (Core Document 1/9, paragraphs 5.9 and 5.10 referencing his Appendix 1)

⁹⁷ Mr Wilford's evidence (Core Document 1/9, paragraph 5.11)

⁹⁸ Mr Boyle's closing submissions paragraph 7

housing on both sides of the Ancient Woodland and a link through it⁹⁹. Although it was not designated ancient woodland at that time, its ecological value would have been recognised and is not alleged to have increased in the intervening years.

80. In addition, any landscape impact on the setting of the woodland belt from development of the southern field would have been apparent and acceptable – indeed it had the sanction of statutory policy.¹⁰⁰ The allocation came about by virtue of the Local Plan Inspector's report, where he concluded that three factors limited the impact of additional development in this location: the existing surrounding urban uses, the limited visibility of the site and the urban character of Hermitage Lane. Moreover, these observations applied to the whole site whereas the only issue now relates to the particularly well-enclosed southern field. The Council's landscape witness, Mr Lovell, accepted that all three factors applied unchanged today.¹⁰¹
81. The subsequent identification as Ancient Woodland is said to justify a change in policy. Yet this was not an issue which prevented the allocation of the southern field for development in the Interim Approval of Maidstone Borough Local Plan Policies 2013 when the presence of Ancient Woodland on the site was well known to the Council and, indeed, referenced in the allocation policy SS1b itself¹⁰². Yet, the policy allocates for development both parcels, north and south of the Ancient Woodland but with only one point of access to the Highway network, namely Hermitage Lane and so there is an expectation of a link between the northern field and the southern field, through the woodland belt somewhere along its length. Once more, impact on the setting of the woodland belt was plainly judged acceptable (as it was and still is in relation to the northern field) and so, is endorsed by the (albeit non-statutory) adopted policy.¹⁰³ The appeal scheme largely accords with the relevant parts of policy SS1b. Sufficient justification is set out where it does not wholly comply¹⁰⁴. The council adopted the Interim Approval Local Plan in 2013 for "development control purposes", a status that has not subsequently been revoked or superseded.¹⁰⁵
82. This is a site, therefore, the development of which benefits from positive support in the statutory and emerging development plan. Furthermore, this is an authority that is unable to demonstrate a five-year housing land supply, thereby engaging paragraph 49 of the NPPF and adding especial weight to the need to provide for additional housing supply¹⁰⁶. Policy H12 contains a number of control criteria which have either been met, or have been agreed to be no longer

⁹⁹ Mr Boyle's opening submissions and paragraph 9 of closing submissions, Mr Wilford's evidence (Core Document 1/9 paragraph 5.12), Mr Chard's evidence (Core Document 1/10, paragraph 10.2), Mr Forbes-Laird's evidence (CD1/11) volume 1, paragraph 2.2.1 and Mr Baxter's evidence (Core Document 1/12 paragraph 5.3)

¹⁰⁰ Mr Boyle's closing submissions paragraph 9

¹⁰¹ Mr Boyle's closing submissions paragraph 8

¹⁰² Mr Wilford's evidence (Core Document 1/9 paragraph 4.4), Mr Chard's evidence (Core Document 1/10) paragraphs 3.23 and 10.3 and Mr Boyle's closing submissions paragraphs 3 and 13

¹⁰³ Mr Boyle's closing submissions paragraph 13

¹⁰⁴ Mr Wilford's evidence (Core Document 1/9, paragraph 5.15, referencing his appendix 3)

¹⁰⁵ Mr Boyle's closing submissions paragraph 12

¹⁰⁶ Mr Boyle's opening submissions and closing submissions paragraphs 1 and 11

relevant in present circumstances¹⁰⁷, so this is a scheme which accords with the material parts of the statutory development plan and the non-statutorily “adopted” emerging plan and should, therefore, be granted permission in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 and the advice in the first bullet of the “decision taking” part of paragraph 14 of the NPPF, “without delay”¹⁰⁸.

83. Harm is alleged in respect of emerging Regulation 18 policy H1(2) in so far as that policy does not allocate the southern field for housing but allocates it for open space¹⁰⁹. But:

- The 2014 regulation 18 draft policy is subject to significant unresolved objection and is yet to be consulted upon under regulation 19.
- It seeks to allocate open space when the Council’s planning witness acknowledges that the Council cannot justify a need for open space.
- There is no cogent justification for the de-allocation of the southern field for housing development between the Interim Approval Local Plan of 2013 and the 2014 consultation draft¹¹⁰:
 - Ancient Woodland designation was known in 2013 yet did not prevent allocation then¹¹¹.
 - Required housing numbers are going up, not down, leading to increased pressure to identify more land for housing, not less.¹¹²
 - Evolution of the Green and Blue Infrastructure Strategy has as much relevance to the development of the northern field as to the southern and is an ex-post facto attempt to rationalise the change.
 - Deletion of the allocation occurred not because the developer proposed an access through the woodland but because Council members took fright at the number of objections to the planning application.
- By virtue of the failure to demonstrate a five-year housing supply, any such allocation would be out of date by the test of NPPF paragraph 49 and so would not prevent a grant of planning permission under the tests in NPPF paragraph 14.¹¹³

84. Harm is also alleged in respect of emerging regulation 18 policy DM10(1) concerning Ancient Woodland. However, this policy is, quite clearly on its face, in conflict with NPPF paragraph 118(5) in that it omits the necessary test of balancing need with harm which the NPPF requires¹¹⁴. In any event, the appeal

¹⁰⁷ Mr Boyle’s closing submissions paragraph 10 and Mr Wilford’s evidence (Core Document 1/9, paragraph 5.9 referencing his Appendix 1)

¹⁰⁸ Mr Boyle’s closing submissions paragraph 4 and Mr Wilford’s evidence (Core Document 1/9 paragraphs 5.13 and 6.2)

¹⁰⁹ Mr Wilford’s evidence (Core Document 1/9, paragraph 5.16 referencing his Appendix 4

¹¹⁰ Mr Chard’s evidence (Core document 1/10), paragraphs 3.23, 5.18 and 10.5

¹¹¹ Mr Chard’s evidence (Core document 1/10), paragraphs 3.23 and 5.18

¹¹² Inquiry Document 14

¹¹³ Mr Boyle’s closing submissions paragraphs 14 and 16

¹¹⁴ Mr Forbes-Laird’s evidence (CD1/11 volume 1) paragraph 2.5.4

scheme accords with emerging policy DM10¹¹⁵. Moreover, the equivalent policy CS13 in the adopted Interim Approval Local Plan in 2013 was not considered by the Council to warrant exclusion of the southern field from development. Quite the contrary: it was in accordance with CS13 that policy SS1b (allocating the land) was formulated. Development of the southern field entailed no unacceptable harm to the Ancient Woodland.¹¹⁶

(ii) Ecology and Ancient Woodland

85. In opening, the appellant accepted that if the second bullet in the second half of NPPF paragraph 14 was engaged, then NPPF paragraph 118, making a specific reference to Ancient Woodland might amount to a specific policy indicating that development should be restricted¹¹⁷. Although the appellant challenges the designation as Ancient Woodland, the scheme has been designed as though the designation were correct. NPPF paragraph 118 requires a balancing test¹¹⁸; identifying the degree and nature of the harm caused, after allowing for mitigation and compensation; and then identifying the benefits of the scheme, that is, the whole scheme, not just part of it. On the cautionary principle, the appellants have assessed the benefits of developing the southern field only and conclude that these alone outweigh any harm.¹¹⁹

86. There are therefore three strands to the appellant's case in relation to ecological harm¹²⁰;

- Is there Ancient Woodland affected?
- If so, what is the effect of the development, taking account of mitigation?
- Do the need for and benefits of the development in this location (including any compensatory provision proposed) clearly outweigh any harm?

Woodland not Ancient

Map evidence

87. Cross-examination of the Council's Ancient Woodland expert Mr Sansum established that the exercise which led to designation as Ancient Woodland was wholly desk based. It rests on map evidence. On site survey of Ancient Woodland vascular plants or dendrochronology played no part in the designation process.¹²¹

88. The appellant's witness, Mr Forbes-Laird initially disputed the conclusions to be drawn from nineteenth century historic maps but, as more were produced during the Inquiry he withdrew much of his evidence relating to this point and was content to proceed on the basis that a map (Mudge) of 1801 shows woodland in

¹¹⁵ Mr Wilford's evidence (Core Document 1/9, paragraph 5.18 referencing his Appendix 5

¹¹⁶ Mr Boyle's closing submissions paragraph 15

¹¹⁷ Mr Wilford's evidence (Core Document 1/9, paragraphs 3.4 and 5.26)

¹¹⁸ Mr Wilford's evidence (Core Document 1/9, paragraph 5.23) and Mr Forbes-Laird's evidence (Core Document 1/11 volume 1 paragraph 9.4)

¹¹⁹ Mr Boyle's opening submissions and Mr Wilford's evidence (Core Document 1/9 paragraphs 5.24(1), 5.28, 6.18 to 6.21 and table 6.2)

¹²⁰ Mr Boyle's closing submissions paragraph 31

¹²¹ Mr Boyle's closing submissions paragraphs 33 and 34

the disputed area of Ancient Woodland and that the draft Ordnance Survey map of 1797 was capable of three interpretations and so he did not rely on it as evidence of an absence of woodland at that date.¹²²

89. However, Ancient Woodland designation depends on a view taken that a site has been continuously wooded since 1600¹²³. Five other maps were examined covering the period between 1596 and 1797.¹²⁴
90. By referencing the administrative boundary between Hundreds on the historic maps to modern day Ordnance Survey maps showing the designated Ancient Woodland¹²⁵, the latter can be shown to lie outside (or largely outside) treed areas shown on all four of the oldest historic maps spanning the period 1596 to 1695.¹²⁶
91. A map of 1769 (Andrews, Dury and Herbert) clearly shows a substantial open area to the east of the Hermitage, showing no trees in the region of the disputed Ancient Woodland.¹²⁷ This depiction is likely to be correct because there would be an open line of sight to Allington Castle from the ridgeline above the Hermitage; Mr Forbes-Laird argues that had trees been present, blocking the line of sight, the cartographer would have shown them.¹²⁸
92. Natural England describes the Inventory of Ancient Woodland as “provisional” because it recognises that a desk based exercise will always be flawed.¹²⁹ Designation is always liable to be challenged or updated depending on the evidence available.¹³⁰

Other evidence

93. Experts advise that up to sixteen corroborating indicators should be used as evidence of Ancient Woodland.¹³¹ Those adduced by the appellant are a dendrochronological assessment based on the White method and a coppice stool

¹²² Mr Forbes-Laird’s supplementary evidence (Core Document 1/11 volume 4), paragraphs 3.3 to 3.5

¹²³ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1) paragraphs 5.1.1 and 5.1.2, quoting Natural England’s Standing Advice (Core document 10/1), NPPF Annex 2 Glossary and Woodland Trust definition (Appendix 7 of his evidence).

¹²⁴ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 4), Paragraph 4.1 and Mr Boyle’s closing submissions paragraph 36

¹²⁵ Inquiry Documents 19 and 30

¹²⁶ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 4), Paragraph 5.3 and Mr Boyle’s closing submissions paragraph 37

¹²⁷ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1), Paragraph 6.3.3 and Mr Boyle’s closing submissions paragraph 38

¹²⁸ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1), Paragraph 6.3.5

¹²⁹ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1), Paragraphs 5.1.7 and 5.2.4

¹³⁰ Mr Boyle’s closing submissions paragraph 33 and Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1 paragraphs 5.1.3 to 5.2.7, 9.5 and 9.6)

¹³¹ Mr Forbes-Laird’s evidence (Core Document 1/11 volume 1), Paragraphs 5.3.1, 5.3.2 and 6.7.3 and table 4 and Mr Baxter’s evidence (Core Document 1/12, paragraph 3.5)

age estimate¹³², a soil survey¹³³ and a survey of ancient woodland vascular plants¹³⁴. Other indicators were sought but not found.¹³⁵

94. The dendrochronological assessment suggests that the principal standard oaks range in age from 69-171 years and that the coppice analysis suggests an old hedgerow on the edge of the woodland dating from 1538 and three zones of coppice plants, one dating from the mid-nineteenth century, the other two from the turn of the nineteenth and twentieth centuries.¹³⁶ The Council's witness, Mr Sansum also sought to use the White method of calculating the age of trees from a measurement of the girth of their trunk to show pre-1797 trees on the site.¹³⁷ But he provided an empirical control in the form of a felled tree, estimated by ring count to be about 150-190 years old¹³⁸. However, its girth was comparable to the largest trees whose origins Mr Sansum's use of the White methodology had placed 200 years older. The dendrochronological analysis bears out the map analysis to indicate that the woodland is not ancient.¹³⁹
95. Similarly, the soil analysis showed a distinct break or discontinuity in the soil profile between samples taken at the extreme western end of the designated Ancient Woodland on the one hand and those taken in the rest of the designated Ancient Woodland, in woodland not designated and outside the woodland in the southern field on the other. This was manifest in topsoil depth and in organic matter.¹⁴⁰ The Council's witness, Mr Sansum had himself claimed that he would expect to see discontinuity if only part of the Ancient Woodland was correctly designated.¹⁴¹ Despite Mr Sansum's attempts to cast doubts upon the scientific robustness of the work¹⁴², he had to accept that the expert authors considered the methodology fit for purpose and he had no expertise to bring to the exercise¹⁴³.
96. Species with poor dispersal mechanisms which are slow to colonise new woodland can indicate the presence of Ancient Woodland. These are termed Ancient Woodland Vascular Plants. Their presence in high numbers may indicate the presence of Ancient Woodland. It does not on its own indicate proof but may be used as confirmatory evidence.¹⁴⁴ Equal numbers of Ancient Woodland Vascular Plants were recorded within the designated Ancient Woodland and within

¹³² Appendix 18 of Mr Forbes-Laird's evidence (Core Document 1/11 volume 3)

¹³³ Appendix 8 to Mr Forbes-Laird's evidence (Core Document 1/11 volume 2)

¹³⁴ Plan AB6 and Appendix 5 to Mr Baxter's evidence (Core Document 1/12, appendices volumes 1 and 2)

¹³⁵ Mr Forbes-Laird's evidence (Core Document 1/11 volume 1), Paragraph 6.7.2

¹³⁶ Mr Forbes-Laird's evidence, Core Document 1/11 volume 1, section 3.6 and paragraph 6.7.3

¹³⁷ Mr Boyle's closing submissions, paragraph 39

¹³⁸ Inquiry Document 2, paragraphs 2.24 and 2.25. Mr Forbes-Laird counted 155-170 rings, Mr Sansum more than 190

¹³⁹ Mr Boyle's closing submissions, paragraph 39

¹⁴⁰ Section 5 of Tim O'Hare Associates' Soil Investigation report, found at Appendix 8 to Mr Forbes-Laird's evidence (Core Document 1/11 volume 2)

¹⁴¹ Mr Sansum's evidence (Core Document 1/16) paragraph 5.2

¹⁴² Mr Sansum's Note on the Soil Investigation Report (Inquiry Document 1)

¹⁴³ Mr Boyle's closing submissions paragraph 40, referencing Sansum in cross-examination

¹⁴⁴ Mr Baxter's evidence (Core Document 1/12), paragraphs 3.8 and 3.9

woodland not designated Ancient¹⁴⁵. Though different plants appeared in different locations within the different areas, in aggregate, Ancient Woodland Vascular Plants were found in equal numbers in the areas not alleged by anyone to be Ancient Woodland. In short, their presence is entirely consistent with the disputed Ancient Woodland not being ancient but being a Plantation on an Ancient Woodland Site (PAWS).¹⁴⁶

Effect on woodland

97. Part of the appeal site lies within an identified Biodiversity Opportunity Area but no other identified statutory ecological designation affects the site.¹⁴⁷ The high proportion of non-native Sweet Chestnut precludes the Ancient Woodland from designation as a priority habitat under the Kent Biodiversity Action Plan.¹⁴⁸ For the same reason its canopy is generally not of high ecological value.¹⁴⁹ The lack of recent woodland management has led to bramble restricting the majority of Ancient Woodland Vascular Plants to small, localised patches.¹⁵⁰ Survey work records two Priority Species of bird, one further Bird of Conservation Concern, a Soprano Pipistrelle bat roost and two inactive badger setts within the designated Ancient Woodland¹⁵¹. These are not particularly sensitive to disturbance.¹⁵² Considering the above factors, the designated Ancient Woodland area should be considered to be of medium to at most medium/high value at the local level.¹⁵³
98. The appellants have consistently treated the proposals as if the Ancient Woodland were correctly designated.¹⁵⁴ The actual loss of designated Ancient Woodland would be 305 sq m, or 1.8% from the vehicular access¹⁵⁵, a tiny percentage of the total Ancient Woodland area within Maidstone.¹⁵⁶ Partial mitigation for the loss of soil resulting from the proposed access road would be achieved by a soil translocation exercise.¹⁵⁷ The intended boardwalk through the woodland would not constitute a loss of Ancient Woodland because it would not result in ground damage or soil loss.¹⁵⁸

¹⁴⁵ Conclusion (paragraph 4.1) of Woodland Botanical Survey by Aspect Ecology, found at Appendix 5 to Mr Baxter's evidence (Core Document 1/12, appendices volume 2)

¹⁴⁶ Mr Baxter's evidence (Core Document 1/12), paragraphs 3.12 to 3.19 and Mr Boyle's closing submissions, paragraph 41

¹⁴⁷ Mr Baxter's evidence (Core Document 1/12), section 4.2

¹⁴⁸ Mr Baxter's evidence (Core Document 1/12), paragraphs 4.3.1 to 4.3.4

¹⁴⁹ Mr Baxter's evidence (Core Document 1/12), paragraphs 4.3.5 to 4.3.10

¹⁵⁰ Mr Baxter's evidence (Core Document 1/12), paragraphs 4.3.11 to 4.3.14

¹⁵¹ Mr Baxter's evidence (Core Document 1/12), paragraphs 4.4.1 to 4.4.6

¹⁵² Mr Baxter's evidence (Core Document 1/12), paragraph 5.9.67

¹⁵³ Mr Baxter's evidence (Core Document 1/12), paragraph 4.3.15

¹⁵⁴ Mr Baxter's evidence (Core Document 1/12), paragraph 3.23 and Mr Boyle's closing submissions, paragraph 43

¹⁵⁵ Mr Forbes-Laird's evidence (Core Document 1/11 volume 1) paragraphs 4.3.2 (2) and 8.4.1, Mr Wilford's evidence (Core Document 1/9 paragraph 4.7), Mr Chard's evidence (Core Document 1/10), paragraphs 6.6 and 6.7, Mr Baxter's evidence (Core Document 1/12) paragraphs 5.8.5 and 5.12.2

¹⁵⁶ Mr Chard's evidence (Core document 1/10), paragraph 8.18

¹⁵⁷ Mr Baxter's evidence (Core Document 1/12) paragraph 5.8.12, 5.8.13, 5.12.2 and Appendix 9

¹⁵⁸ Mr Wilford's evidence (Core Document 1/9) paragraphs 4.10 and 4.11, Mr Chard's evidence (Core document 1/10), paragraphs 6.12 to 6.14, Mr Forbes-Laird's evidence (Core

99. The Council attempted to have its cake and eat it by objecting to the link road through the designated Ancient Woodland but refusing either to acknowledge that there was no preferable route or to claim that there was a preferable one. The situation must be one or the other. If there is a preferable (ie less harmful) route that avoids the Ancient Woodland, it is open to the local planning authority to secure that at reserved matter stage. If there is not, the allocation must have accepted a route through the designated Ancient Woodland. The latter was certainly the appellant's understanding of the Council's position from their pre-application discussions. The suggestion otherwise only came in the Council's opening, not in Mr Bailey's evidence.¹⁵⁹ The appellant is convinced that the route indicated on the parameters plan is the least harmful.¹⁶⁰
100. Be that as it may, this being an outline scheme, ultimately, the location of the link road is for reserved matters. The Secretary of State can choose to establish an acceptable line now, (by imposing by condition the line in the original parameters plan¹⁶¹, or the line in the alternative parameters plan¹⁶²) or leave the final line to reserved matters (by imposing no parameters plan, or a parameters plan excluding any line for the road).¹⁶³
101. Deterioration of the woodland (from the effects of development on adjacent land) would be prevented by a minimum 15m landscape buffer¹⁶⁴ (except adjacent to the link road itself given its intrinsic design¹⁶⁵). The indicative plans show separation to residential development well in excess of this in places. The Council accepts the principle of a minimum 15m buffer to residential development on the north side. No evidence was led suggesting that a different approach was necessary on the south side.¹⁶⁶ The Council has consistently allocated or permitted housing development adjacent to Ancient Woodland.¹⁶⁷
102. The Standing Advice for Ancient Woodland identifies a number of potential effects arising from development of land adjacent to Ancient Woodland.¹⁶⁸ The woodland is already poorly connected.¹⁶⁹ Further fragmentation would be minimised by detailed design of the proposed boardwalk and by minimising the dimensions of the vehicular access to allow canopy closure.¹⁷⁰ The landscape

Document 1/11 volume 1) paragraph 4.4.1 and 4.4.2 and Mr Baxter's evidence (Core Document 1/12) paragraphs 5.8.8 to 5.8.10 and 7.3

¹⁵⁹ Mr Boyle's closing submissions paragraph 56

¹⁶⁰ Mr Wilford's evidence (Core Document 1/9 paragraph 4.8), Mr Chard's evidence (Core Document 1/10), paragraph 6.7, Inquiry Document 15 and responses by Mr Baxter, Mr Chard and Mr Wilford to Inspector's questions

¹⁶¹ Core Document 2/26

¹⁶² Inquiry Document 34

¹⁶³ Mr Boyle's closing submissions paragraph 56

¹⁶⁴ Mr Forbes-Laird's evidence (Core Document 1/11 volume 1 paragraph 4.4.4)

¹⁶⁵ Mr Baxter's evidence (Core Document 1/12) paragraph 5.10.3 and 5.8.14

¹⁶⁶ Mr Wilford's evidence (Core Document 1/9, paragraph 4.25), Mr Baxter's evidence (Core Document 1/12) paragraph 5.4 and 7.5 and Mr Boyle's closing submissions paragraph 45

¹⁶⁷ Mr Chard's evidence (Core Document 1/10) paragraph 3.15 and Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.3 to 5.9.7

¹⁶⁸ Mr Baxter's evidence (Core Document 1/12) paragraph 5.9.8

¹⁶⁹ Mr Baxter's evidence (Core Document 1/12) paragraph 5.9.10

¹⁷⁰ Mr Chard's evidence (Core Document 1/10) paragraphs 6.9 and 8.17 and Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.10 to 5.9.19 and Appendices AB3 and AB4

buffers will avoid hydrological issues.¹⁷¹ Their design has the potential to enhance the quality of habitat adjoining the woodland¹⁷² and reduce cat predation.¹⁷³ Traffic flows through the woodland would be unlikely to lead to any significantly reduced air quality.¹⁷⁴ Detailed design of the link road would reduce any potentially contaminated surface water run-off to the designated Ancient Woodland to a negligible level.¹⁷⁵ Following the construction phase during which dust creation could be controlled by condition, no significant dust deposition is expected.¹⁷⁶ It is not expected that health and safety works to protect the public would be needed to veteran trees.¹⁷⁷ Whilst development would alter the surroundings, the change to what are already urbanised, fragmented and incoherent surroundings would not affect the ability to appreciate the value of the designated Ancient Woodland as a landscape feature.¹⁷⁸ Undisputed lighting evidence shows that a design can be produced with a dark canopy above and dark corridors between the lighting columns resulting in light-spill at lux levels below that which would affect even the most light-sensitive bats (as representative of other nocturnal species).¹⁷⁹ Detailed layout design can avoid residential gardens backing on to Ancient Woodland and so avoid the risk of encroachment. Frontage development provides passive surveillance to prevent fly-tipping, which would anyway be deterred by the active management company proposed.¹⁸⁰ The woodland is already open to and used by the public so is already subject to anthropogenic effects such as noise and trampling of vegetation.¹⁸¹ The proposed boardwalk will prevent trampling.¹⁸² Detailed design can limit or dissuade access.¹⁸³ Alternative open space provided in the development will provide diversionary attractions.¹⁸⁴

103. Natural England advice is that the irreplaceable nature of Ancient Woodland means that loss or damage cannot simply be rectified by mitigation and compensation measures and so it advises that where mitigation or compensation is offered, these measures should be considered only after it has been judged that the wider benefits of a proposed development clearly outweigh the loss of or damage to Ancient Woodland.¹⁸⁵ But that advice is inconsistent with NPPF paragraph 118 since the mitigation and compensation are part of the wider benefits of a proposed development to be taken into account in making the

¹⁷¹ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.36 to 5.9.38

¹⁷² Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.21 to 5.9.24

¹⁷³ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.55 and 5.9.56

¹⁷⁴ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.25 to 5.9.29

¹⁷⁵ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.30 to 5.9.32

¹⁷⁶ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.33 to 5.9.35

¹⁷⁷ Mr Baxter's evidence (Core Document 1/12) paragraph 5.9.39.

¹⁷⁸ Mr Chard's evidence (Core Document 1/10), section 7 and paragraph 10.11

¹⁷⁹ Mr Chard's evidence (Core Document 1/10), paragraphs 6.10 and 8.22 and Mr Boyle's closing submissions, paragraph 46, referencing Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.41 to 5.9.50 and Appendix 11

¹⁸⁰ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.51 to 5.9.54

¹⁸¹ Mr Baxter's evidence (Core Document 1/12) paragraph 5.9.58

¹⁸² Mr Chard's evidence (Core Document 1/10) paragraph 8.23

¹⁸³ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.59 to 5.9.62

¹⁸⁴ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.9.63 to 5.9.66

¹⁸⁵ Paragraph 6.1 of Natural England's Standing Advice (Core Document 10/1). Copy also at Appendix 13 of Mr Bailey's Proof of Evidence (Core document 1/13)

judgement balancing benefits against loss or damage.¹⁸⁶ The Council's planning witness, Mr Bailey readily accepted that, contrary to the Natural England standing advice, mitigation was to be taken into account in judging the effects on Ancient Woodland before then seeing whether the need and benefits clearly outweigh that residual or net loss.¹⁸⁷

104. There is some dispute as to whether soil translocation was "mitigation" (as it reduced the harmful impact of what was lost) or "compensation" (as it was saving biodiversity but outside the Ancient Woodland boundary). Even without the soil translocation, the net impact would be "at least neutral"¹⁸⁸ The Council's ecological witness, Miss Forster agreed in oral evidence that the net effect on Ancient Woodland with mitigation would be considerable biodiversity enhancement.¹⁸⁹

The biodiversity balance

105. There are two balancing exercises to be done. One is required by NPPF paragraph 118, bullet 5. This requires the decision taker to consider whether planning permission should be refused unless the need for, and benefits of the development in that location clearly outweigh the loss.¹⁹⁰ It is not a very profound observation that, with a net loss of "at least neutral", not very much in the way of benefits need be identified in order "clearly" to outweigh that harm. In addition to the mitigation measures already described, a range of ecological enhancements would be advanced.
106. The landscape buffers would provide more than mitigation.¹⁹¹ Of 1648 viable trees on site, it is proposed to retain 1114 (68%) and to add 3062 sq m of new woodland, more than ten times the area of designated Ancient Woodland which would be lost.¹⁹² Additional pedestrian and cycle routes would increase connectivity to the surrounding area by means of sustainable transport methods.¹⁹³ There would be woodland restoration and management¹⁹⁴, avoiding the harm of a "do nothing" scenario¹⁹⁵ and not just of the Ancient Woodland¹⁹⁶,

¹⁸⁶ Mr Forbes-Laird's evidence (Core Document 1/11 volume 1), paragraph 2.6.2 to 2.6.6

¹⁸⁷ Mr Boyle's closing submissions, paragraph 47, referencing Mr Bailey's evidence in cross-examination

¹⁸⁸ Mr Boyle's closing submissions paragraph 48, referencing Mr Baxter's oral evidence. Mr Forbes-Laird, in his evidence (Core Document 1/11 volume 1, paragraphs 8.5.2, 8.5.3 and 9.8) summarises the extent of harm to the woodland as minor and at least neutralised by the proposals for mitigation and compensation.

¹⁸⁹ Mr Boyle's closing submissions paragraph 47, referencing Miss Forster's oral evidence in cross-examination

¹⁹⁰ Mr Wilford's evidence (Core Document 1/9, paragraphs 6.3 and 6.9

¹⁹¹ Mr Baxter's evidence (Core Document 1/12), paragraphs 5.10.2 to 5.10.10) and Mr Wilford's evidence (Core Document 1/9), paragraphs 5.47 to 5.50

¹⁹² Mr Forbes-Laird's evidence (Core Document 1/11, volume 1) paragraphs 4.2.1 and 4.2.2, Mr Wilford's evidence (Core Document 1/9) paragraph 5.43, Mr Chard's evidence (Core Document 1/10) paragraphs 6.8, 8.20 and 10.8 and Mr Baxter's evidence (Core Document 1/12) paragraphs 5.10.11, 5.10.12 and 5.12.5

¹⁹³ Mr Wilford's evidence (Core Document 1/9 paragraph 5.46)

¹⁹⁴ Mr Chard's evidence (Core Document 1/10) Paragraphs 6.17 to 6.24 and 8.21

¹⁹⁵ Mr Baxter's evidence (Core Document 1/12) section 5.11 and paragraph 7.8

¹⁹⁶ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.10.13 to 5.10.23 and 5.10.29

grassland management,¹⁹⁷ the provision of a community orchard¹⁹⁸, a parkland buffer in the north-west part of the appeal site¹⁹⁹, the opportunity to create new habitats²⁰⁰ and enhancements for fauna in the form of bird nest boxes, bat boxes, hedgehog cut-outs, invertebrate boxes and reptile hibernacula²⁰¹.

107. There would be very significant economic benefits, the quantification of which is not in dispute.²⁰² The Council's planning witness, Mr Bailey, agreed that the support of the planning system to achieving the delivery of these significant sums is to be accorded substantial weight.²⁰³

108. In addition, particularly in the context of the inability of the Council to demonstrate a five-year housing supply, the provision of housing in what is acknowledged to be a sustainably located site for residential development is itself a planning good to be accorded substantial weight. Further, the contribution to affordable housing, in the context of the affordable housing need in the Borough is to be given substantial positive weight. The substantial weight to be given to the achievement of these "social" dimensions of sustainability was again, agreed by the Council's planning witness, Mr Bailey.²⁰⁴

109. The substantial benefits across all three dimensions of sustainability as defined by paragraph 7 of the NPPF clearly outweigh any residual harm to the Ancient Woodland as a result of the proposals and so, the test in NPPF paragraph 118(5) is passed.²⁰⁵ Harm to the ecology of the site is not a reason for withholding permission.²⁰⁶

(iii) Landscape setting

110. The reason for refusal refers to "the setting of the woodland as a landscape feature". It was thought that the reference to "the woodland" referred back to the reference to "designated Ancient Woodland" earlier in the reason for refusal.²⁰⁷ Clarification was sought and given²⁰⁸ that this presumption was correct.

¹⁹⁷ Mr Baxter's evidence (Core Document 1/12), paragraph 5.10.28

¹⁹⁸ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.10.25 and 5.10.26 and Mr Wilford's evidence (Core Document 1/9) paragraph 5.51

¹⁹⁹ Mr Baxter's evidence (Core Document 1/12) paragraph 5.10.27 and Mr Wilford's evidence (Core Document 1/9) paragraphs 5.50, 5.55 and 5.56

²⁰⁰ Mr Baxter's evidence (Core Document 1/12), paragraph 5.10.24

²⁰¹ Mr Baxter's evidence (Core Document 1/12) paragraphs 5.10.30 to 5.10.35, 7.6, 7.7 and plan AB5

²⁰² Mr Boyle's closing submissions, paragraph 52, referencing Mr Wilford's evidence (Core Document 1/9), paragraphs 5.30 to 5.33 and Appendix 6

²⁰³ Mr Boyle's closing submissions, paragraph 52, referencing Mr Bailey's oral evidence in cross-examination

²⁰⁴ Mr Boyle's closing submissions, paragraph 53, referencing Mr Wilford's evidence (Core Document 1/9) paragraphs 5.34 to 5.42 and Mr Bailey's oral evidence in cross-examination

²⁰⁵ Mr Boyle's closing submissions, paragraph 54, Mr Wilford's evidence (Core Document 1/9) paragraphs 6.10 to 6.20 and tables 6.1 and 6.2 and Mr Baxter's evidence (Core Document 1/12), paragraph 5.10.36

²⁰⁶ Mr Boyle's closing submissions, paragraph 57 and Mr Wilford's evidence (Core Document 1/9, paragraph 6.21)

²⁰⁷ Mr Boyle's closing submissions, paragraph 17

111. In cross-examination, the Council's planning witness withdrew this clarification in favour of an area wider than the designated Ancient Woodland, including an area of woodland at its western end, north of The Old Hermitage and the strip of self-sown woodland to the north side of the designated Ancient Woodland but not to the area of woodland to the east of the southern field (except in so far as the designated Ancient Woodland extended into it)²⁰⁹.
112. For as long as the objection was linked to the recent designation of Ancient Woodland, it had at least some shred of a claim that there had been a material change of circumstance since the allocation of the southern field for development in the 2000 adopted development plan, even though the change of circumstance had not prevented the Council from adopting in 2013 an emerging policy making the same allocation²¹⁰. However, once it was "woodland" rather than the recently designated "Ancient Woodland" that was said to be harmed, such an argument ceases to be available.²¹¹
113. No explanation has ever been offered as to why the impact on the setting is objectionable from development of the southern field but acceptable as regards development of the northern field.²¹² There has always been woodland present. Development in the southern field would always have to have been in its "setting". It is plainly judged acceptable to develop in the setting of woodland; development of the northern field would acceptably do so, as does development of the "West of Hermitage Lane" site which has planning permission. There is no change of circumstance since the 2000 site allocation of development on the southern field in terms of impact on "woodland".²¹³
114. The objection arose from one line within the MBC's Committee report²¹⁴. The reason for refusal is supported neither by the consultation response from the Council's own landscape officer (which raises no landscape objection), nor by the County Council's response letter (which actually identifies benefits to landscape features).²¹⁵
115. Setting of Ancient Woodland is not a concept that has any recognition or protection in policy²¹⁶. The protection of Ancient Woodland is an ecological designation, not a landscape one²¹⁷. It is notable that the Council's landscape witness (Mr Lovell) did not even seek to analyse the alleged landscape impact in

²⁰⁸ Core Document 3/5, second paragraph (Copy also provided as Appendix 2a to Mr Bailey's evidence, Core Document 1/13)

²⁰⁹ Mr Boyle's closing submissions, paragraph 21, referencing Mr Bailey's oral evidence in cross-examination

²¹⁰ Mr Chard's evidence (Core Document 1/10) paragraph 3.23 and Mr Boyle's closing submissions paragraph 23

²¹¹ Mr Boyle's closing submissions paragraph 23

²¹² Mr Chard's evidence (Core Document 1/10), paragraphs 3.23, 8.5 and 8.7 and Mr Boyle's closing submissions paragraph 19

²¹³ Mr Boyle's closing submissions paragraph 23

²¹⁴ Core Document 3/1 paragraph 9.31

²¹⁵ Mr Chard's evidence (Core Document 1/10) paragraph 8.12 and Mr Boyle's closing submissions paragraph 19, referencing Core Document 1/2, tabs 1 and 14

²¹⁶ Mr Boyle's closing submissions paragraph 17 and Mr Chard's evidence (Core Document 1/10), paragraphs 2.13 and 10.9 and section 4

²¹⁷ Mr Chard's evidence (Core document 1/10), paragraphs 5.20 to 5.23, 8.8 to 8.11, 10.9 and 10.10

terms of setting.²¹⁸ Nevertheless, so long as the development was linked to the recent designation of Ancient Woodland, the objection had at least some shred of a claim that it was seeking to protect something identified as important in policy terms. However, once it was “woodland” rather than recently designated “Ancient Woodland” that was said to be harmed by development in its setting, any such policy status ceased to be available to the Council.²¹⁹

116. Regardless of policy, identification of some but not all of the woodland surrounding the southern field as being harmed destroys any credibility that the point may have had. It simply cannot be that the setting of the woodland bounding the west of the southern field would be more affected by development on the field than the setting of the woodland bounding the east side. Nor is it plausible that the part of the Ancient Woodland within the woodland to the east would have its setting unacceptably affected whilst the woodland which surrounds it and hides it from view of the southern field would not. Lastly, it is nonsensical to suggest that the strip of self-sown woodland on the north of the designated Ancient Woodland would have its setting unacceptably affected by development in the southern field (from which it is separated by the Ancient Woodland itself) but not by development in the northern field, immediately adjacent to it.²²⁰

117. No analysis seeks to substantiate such self-apparently absurd propositions. The Council’s landscape witness, Mr Lovell, did not seek to defend the reason for refusal by reference to the alleged harm; he widened the debate to landscape impact generally. It comes as no surprise that on the final question in cross-examination, the Council’s planning witness accepted that the landscape objection would not justify withholding planning permission.²²¹

118. In considering landscape impact in general terms, Mr Lovell, the Council’s landscape witness highlighted the very contained visual envelope of the southern field, confirming the findings of the Local Plan Inspector who allocated the southern field for development²²² and the appellant’s own analysis.²²³ Mr Lovell’s own firm, both at County and at District level, identifies the landscape in which the southern field sits as “poor” for condition and with “very low” sensitivity to additional development.²²⁴

119. Views of the woodland belt are restricted to its immediate context²²⁵. Its value as Ancient Woodland is primarily ecological. It does not include its setting.²²⁶ Its

²¹⁸ Mr Boyle’s closing submissions paragraph 17

²¹⁹ Mr Boyle’s closing submissions paragraph 24

²²⁰ Mr Boyle’s closing submissions paragraph 25

²²¹ Mr Boyle’s closing submissions paragraphs 26 and 27

²²² Mr Boyle’s closing submissions paragraph 28, referencing paragraph 4.558 of the Local Plan Inspector’s report (Core Document 8/3). He might also have referred to paragraphs 3.406, 4.561

²²³ Mr Chard’s evidence (Core document 1/10), paragraphs 5.11, 5.12, 8.13 and 10.6

²²⁴ Mr Chard’s evidence (Core Document 1/10) paragraphs 2.30, 2.31, 2.37, 2.38, 5.14, 5.16 and 5.24 and Mr Boyle’s closing submissions paragraph 28, referencing the Kent County Council Landscape Assessment (Inquiry document 8) and Maidstone Landscape Character Assessment (2012) (Core Document 8/8), the latter assessment being almost specific to the appeal site (Copies also found as appendices G and H of Mr Lovell’s evidence (Core Document 1/14))

²²⁵ Mr Chard’s evidence (Core document 1/10), paragraphs 5.19 and 7.5 to 7.7 and 8.13

antiquity is not readily perceptible or understood from its setting.²²⁷ The surroundings which comprise its setting are both limited and poor.²²⁸ The role of the southern field is particularly limited in contributing to the woodland's setting²²⁹. It sits in a landscape in which urban form and urban influences are all-pervasive – the hospital to the south, residential development to west of the busy Hermitage Lane and to the east and north²³⁰. Its character is not rural. While the development would change its character, that is axiomatic for any green-field development. The proposed setting would not affect the ability to appreciate the value of the designated Ancient Woodland as a landscape feature.²³¹ Additional residential development would not be substantially uncharacteristic of the receiving landscape.²³²

120. The conclusion is that this is an undesignated landscape of very low sensitivity to change. The proposal is for a highly contained development not substantially uncharacteristic of the surrounding landscape and so this is a site whose development would cause no unacceptable landscape impact.²³³

(iv) Highway safety and air quality

121. Neither of these issues raised by local residents has the support of technical evidence or of the responsible statutory authorities. The Statement of Common Ground with Kent County Council as Highways Authority²³⁴ confirms that, with the mitigation proposed, there are no residual highway safety concerns. Air quality is the subject of a number of assessments within the highways documentation²³⁵. These conclude that no significant air quality effects are anticipated. The Council's Environmental Health Officer has not objected to the scheme, nor to the subsequently submitted Schemes 2 and 3 which cumulatively equate to the appeal scheme.²³⁶ The Statement of Common Ground confirms the agreement of MBC and TMBC that the development would have a neutral impact upon air quality.²³⁷

(v) Other issues raised by third parties

122. Landscape impacts on the Strategic Gap are not a source of objection from either local planning authority. They will be as anticipated and found acceptable in the Inspector's reports and decisions on the Borough-Wide Local Plan and the

²²⁶ Mr Chard's evidence (Core document 1/10), paragraphs 5.20 to 5.23 and 7.9

²²⁷ Mr Chard's evidence (Core document 1/10), paragraphs 5.26, 5.27, 5.30 and 8.16

²²⁸ Mr Chard's evidence (Core document 1/10), paragraphs 5.24 and 10.7

²²⁹ Mr Chard's evidence (Core document 1/10), paragraph 5.25

²³⁰ Mr Chard's evidence (Core document 1/10), paragraphs 5.28, 5.29 and 8.15

²³¹ Mr Chard's evidence (Core Document 1/10) paragraph 8.14

²³² Mr Chard's evidence (Core Document 1/10) paragraphs 7.2 to 7.4 and Mr Boyle's closing submissions, paragraph 29

²³³ Mr Boyle's closing submissions, paragraph 30

²³⁴ Core Document 1/8

²³⁵ Core Documents 2/18a and 2/27, Appendix K. The copy of the Air Quality Assessment at Appendix K of Core Document 2/27 is incomplete but the project revision date at the foot of the pages of the incomplete document shows that it is the same document as Appendix K of otherwise superseded Core Document 2/18

²³⁶ Mr Boyle's closing submissions paragraph 60

²³⁷ Core Document 1/5

previous appeal decision on the site.²³⁸ The proposed density of development is not objected to by MBC and is less than that found acceptable in the previous appeal.²³⁹ Loss of agricultural land was seen by the Local Plan Inquiry Inspector as a consideration overridden by housing need; a consideration which also applies in current circumstances.²⁴⁰ The lack of brownfield sites is the principal reason why the moratorium on Greenfield development was lifted in 2013.²⁴¹

123. MBC has confirmed that it is not pursuing its second reason for refusal citing the absence of a country park. TMBC does not consider it appropriate or necessary for a country park to be delivered in this location. Existing public rights of way used for Leisure will be retained and supplemented by additional public open space resulting in a net addition of land for leisure purposes.²⁴²
124. The Local Plan Inquiry Inspector noted that the southern or hospital field was found to contain significant archaeological remains but that these did not need to be retained in situ and that a condition on development could secure the interest. An agreed condition to record and remove remains was noted as an agreed fact in the previous appeal decision. A similar condition is proposed for the current appeal.²⁴³
125. The Environment Agency has confirmed that it has no objections to the development subject to conditions requiring the submission and approval of a surface water drainage scheme. The reservoir was last inspected in 2010 and found to have no items of concern regarding its structural integrity. It is next due for inspection in 2017/8.²⁴⁴ The appellant's submitted Ecological Assessment records priority habitats and species within the appeal site and proposes mitigation measures for birds, badgers and bats which are acceptable to the local planning authority.²⁴⁵
126. The appellant has agreed to provide financial contributions to remedy lack of capacity in infrastructure facilities.²⁴⁶

(vi) Conclusion

127. This is a scheme which accords with the material parts of the development plan. As such, it should be approved without delay in accordance with s38(6) of the Act and paragraph 14 (third bullet) of the NPPF. In any event, the local

²³⁸ Mr Wilford's evidence (Core Document 1/9, Table 4.1 referencing Core Documents 8.3 (paragraph 4.555) and 13.1 (paragraph 251))

²³⁹ Mr Wilford's evidence (Core Document 1/9, Table 4.1 referencing Core Document 13.1 (paragraph 94))

²⁴⁰ Mr Wilford's evidence (Core Document 1/9, paragraphs 3.31 and 3.32 and Table 4.1 referencing Core Documents 8.3 (pages 142 to 151) and Core Documents 13/2 (Committee report paragraph 8.28) and 13/6)

²⁴¹ Mr Wilford's evidence (Core Document 1/9, Table 4.1)

²⁴² Mr Wilford's evidence (Core Document 1/9, Table 4.1)

²⁴³ Mr Wilford's evidence (Core Document 1/9, Table 4.1 referencing Core Documents 8.3 (paragraph 4.558) and 13.1 (Other Agreed Facts))

²⁴⁴ Mr Wilford's evidence (Core Document 1/9, Table 4.1)

²⁴⁵ Mr Wilford's evidence (Core Document 1/9, Table 4.1 referencing Core Documents 1/2, 2/12 and 3/1, paragraph 7.08)) and Mr Baxter's evidence (Core Document 1/12), sections 4.5 and 4.6

²⁴⁶ Mr Wilford's evidence (Core Document 1/9, Table 4.1 and paragraph 5.64)

planning authority cannot demonstrate a five-year housing land supply and so, any attempt to rely on an emerging policy which seeks to de-allocate the southern field should fall foul of NPPF paragraph 49 and so again invoke paragraph 14 of the NPPF.²⁴⁷

128. If the woodland is Ancient Woodland, NPPF paragraph 118(5) would be engaged but the evidence indicates that it is not. Even so, the development amply passes the test at NPPF paragraph 118(5) and so that is not a policy which indicates that development should be restricted for the purposes of NPPF paragraph 14 (fourth bullet).²⁴⁸
129. NPPF paragraph 14, bullet 4 requires that permission should be granted unless the harms significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole²⁴⁹. On the current evidence it is not a rational conclusion to say that they do²⁵⁰. The benefits arising are significant; primarily the provision of 500 dwellings in an area suffering from a shortfall. The significance of other benefits should not be underestimated; the land for a two form entry primary school will not only serve the new community on the appeal site, but also wider strategic growth in the immediate surroundings, alleviating existing pressures on primary schools in Barming and Allington.²⁵¹ The scheme would provide for extensive open space and landscaping, a significant improvement to the management of existing woodland and an increase in woodland planting throughout the site providing not just mitigation but enhancement.²⁵² Adverse impacts are limited.²⁵³
130. Of the two elements at issue; firstly, the reference in NPPF paragraph 118(5) to Ancient Woodland does not prevent development; secondly the "harm" to this undesignated landscape setting is endorsed by statutory policy and no longer alleged to justify refusal. By contrast the positive benefits are agreed to be of substantial weight. Accordingly, permission should be granted.²⁵⁴

The Case for Maidstone Borough Council (the lead local planning authority)

(i) The nub of objection

131. The third reason for refusal cited the absence of an appropriate legal mechanism to secure the infrastructure improvements necessary to mitigate the impact of the development on schools, public open space, health care, local libraries, adult education, youth and community facilities and highways. Discussion seeking an agreement on these matters is expected to lead to the

²⁴⁷ Mr Boyle's closing submissions, paragraph 62 and Mr Wilford's evidence (Core Document 1/9, paragraphs 7.1 and 7.2)

²⁴⁸ Mr Boyle's closing submissions, paragraph 63 and Mr Wilford's evidence (Core document 1/9, paragraphs 7.3 to 7.20)

²⁴⁹ Mr Wilford's evidence (Core Document 1/9, paragraphs 3.3, 3.12 and 6.22)

²⁵⁰ Mr Wilford's evidence (Core Document 1/9, paragraphs 6.23 to 6.31 and table 6.3)

²⁵¹ Mr Wilford's evidence (Core Document 1/9, paragraph 6.26)

²⁵² Mr Wilford's evidence (Core Document 1/9, paragraph 6.27) and Mr Baxter's evidence (Core Document 1/12), paragraphs 5.12.6 to 5.12.8

²⁵³ Mr Wilford's evidence (Core Document 1/9, paragraph 6.28)

²⁵⁴ Mr Boyle's closing submissions, paragraph 63 and Mr Wilford's evidence (Core Document 1/9, paragraphs 6.30 and 6.31)

signing of a legal agreement.²⁵⁵ Although the Affordable Housing SPD requires 40% of all dwellings to be affordable, recent MBC decisions²⁵⁶ accept 30% within the urban fringe, relying on the evidence base provided by Peter Brett Associates²⁵⁷ and so that would also be the case in respect of this appeal site.²⁵⁸

132. The Council has no objection in principle to the development of the northern "reservoir" field nor to the safeguarding of land for school and community hall purposes.²⁵⁹ The appellant has lodged a planning application (known as scheme 2) for just that. It would provide for biodiversity management of a buffer zone on the northern side of the Ancient Woodland but not of the Ancient Woodland itself. So, because potential residents would increase public use of the Ancient Woodland, further negotiation is required but, on current knowledge and without fettering the Council's discretion, there is a reasonable prospect of planning permission being granted for Scheme 2.²⁶⁰
133. The appellant's Statement of Economic Benefits²⁶¹ provides a measure of the economic benefits arising from the scheme. If housing development were confined to only the northern field, up to 84% of the benefits would still be delivered.²⁶² Development of the southern field would produce only 16% of the economic benefits.²⁶³ Development of the northern field alone would still provide the social benefits of the scheme.²⁶⁴ Most of the environmental benefits would result from development of the northern field but substantial harm results from the development of the southern field²⁶⁵.
134. When weighing up all material considerations in this case, the adverse impacts on landscape, visual amenity, Ancient Woodland and biodiversity would significantly and demonstrably outweigh all the benefits of the scheme. With the planning application for Scheme 2 so well advanced and finding favour, the question is whether the southern or hospital field should be developed for an additional 80 or so houses providing just 16% of the benefits²⁶⁶, with the resulting raised boardwalk and vehicular and pedestrian road through the designated Ancient Woodland. But even if the benefits of the scheme meant the whole development on the appeal site, planning permission should be refused, in line with paragraph 118 of the NPPF, because the need and benefits arising from

²⁵⁵ Mr Bailey's evidence (Core Document 1/13 paragraphs 3.2 to 3.4). Although agreement with Kent County Council was reached (Inquiry Document 38) only a Unilateral Undertaking was issued in respect of MBC and TMBC matters (Inquiry Document 39). Nevertheless, no other evidence was offered by MBC)

²⁵⁶ Mr Bailey's evidence (Core Document 1/13, paragraphs 3.5 and 3.6, referencing Core documents 13/1 to 13/6)

²⁵⁷ Core Document 8/21

²⁵⁸ Mr Bailey's evidence (Core Document 1/13, paragraph 3.6)

²⁵⁹ Mr Bailey's evidence (Core Document 1/13, paragraph 4.3 and 4.7)

²⁶⁰ Miss Thomas's opening submissions, paragraphs 1-4 and Mr Bailey's evidence (Core Document 1/13 paragraphs 1.6, 1.7 and 4.3 to 4.19)

²⁶¹ Core Document 2/23

²⁶² Mr Bailey's evidence (Core Document 1/13, paragraph 4.8)

²⁶³ Mr Bailey's evidence (Core Document 1/13, paragraphs 4.10 and 4.11)

²⁶⁴ Mr Bailey's evidence (Core Document 1/13, paragraphs 4.12 to 4.15)

²⁶⁵ Mr Bailey's evidence (Core Document 1/13, paragraphs 4.16 and 4.17)

²⁶⁶ Mr Bailey's evidence (Core Document 1/13 paragraph 4.8)

the development would not outweigh the loss of and deterioration to the Ancient Woodland.²⁶⁷

(ii) Ancient Woodland

Map evidence

135. For an area of land to be included on the Ancient Woodland Inventory, the ideal supporting evidence is a continuous cartographic record for woodland presence on the site since 1600. A provisional designation as Ancient Woodland rests upon a significant historical series of maps demonstrating woodland continuity on the site from a known post-1600 date onwards, strong field evidence for woodland antiquity or some combination of these types of data²⁶⁸.
136. Historic maps from 1797 to the current day show the area of designated Ancient Woodland as woodland.²⁶⁹ The appellant does not now dispute this.²⁷⁰
137. The Greensand or Chart hills west of Maidstone are known to have been a major concentration of woodland in medieval Kent. Much survived into the nineteenth century, by that time mostly under coppice management. A more or less continuous belt of woodland extending from the Mereworth and Comp Woods across to Oaken and East Malling Woods is an example of this. It persisted until the nineteenth century and encompassed the southern part of the historical Allington parish (now subsumed into Maidstone), the location of the Hermitage and the woods surrounding it. When dealing with an old wood shown on pre-nineteenth century maps in this area there is an entirely reasonable supposition that there is a good likelihood of its deriving from medieval woodland.²⁷¹
138. The appellant's evidence agrees that at least the western part of the designated Ancient Woodland is correctly designated. Mr Forbes-Laird acknowledges that there was significant woodland over this part of Kent in general but disagrees that the whole of the designated Ancient Woodland has been continuously wooded (not necessarily with the same trees) since 1600 without significant numbers of years when parts were unwooded.²⁷²
139. Because Allington historically forms the boundary between the Larkfield and Maidstone Hundreds, it can be located approximately, even on old maps of relatively small scale.²⁷³ On Symonson's 1596 map of Kent the designated Ancient Woodland can be identified with confidence as lying within a major block

²⁶⁷ Miss Thomas's opening submissions, paragraphs 5 and 6 and Mr Bailey's evidence (Core Document 1/13, paragraphs 5.0 to 5.2)

²⁶⁸ Mr Sansum's evidence (Core Document 1/16) paragraph 2.1

²⁶⁹ Miss Thomas's closing submissions paragraph 7 and Mr Sansum's evidence (Core Document 1/16) paragraphs 2.3 and 4.15 to 4.25

²⁷⁰ Miss Thomas's opening submissions paragraph 9 and Mr Forbes-Laird's supplementary evidence (Core Document 1/11 volume 4 sections 2 and 3)

²⁷¹ Miss Thomas's opening submissions paragraph 8, her closing submissions paragraph 3 and Mr Sansum's evidence (Core Document 1/16) paragraphs 3.2 and 3.3

²⁷² Miss Thomas's closing submissions paragraphs 1 and 2, referencing Mr Forbes-Laird's evidence (Core Document 1/11 volume 2) Appendix 15

²⁷³ Mr Sansum's evidence (Core Document 1/16) paragraph 3.4

of woodland straddling the Hundred boundary.²⁷⁴ Later seventeenth century maps by Seller (1688) and Morden (1695) also show the Chart woods straddling the Hundred boundary towards the London to Maidstone Road (now A20).²⁷⁵

140. For the appellant, Mr Forbes-Laird's registration of the Ancient Woodland boundary onto these historic maps places it far too south-west, erroneously showing it not far from the river and near Barming Church. The curve of the river, the position of the old river crossing in Maidstone, the position of the twelfth century St Margaret's church at Barming and the general position of the A20 London to Maidstone road are just a few of the landmarks which show that the site is considerably further north-east than has been indicated by Mr Forbes-Laird. It is highly likely therefore that it is part of the ancient East Malling Wood.²⁷⁶
141. The block of woodland containing the Ancient Woodland is clearly identifiable on the large-scale but schematic map of Kent produced by Andrews Dury and Herbert in 1769, in spite of the shortcomings of the map. The break in the woodland area east of Hermitage Lane is a schematic representation but the relationship of the wood, the break and the topography shown is recognisable.²⁷⁷ Barlow's later map of the Hundreds of Kent is a derivative of the Andrews Dury and Herbert map and the same comments apply.²⁷⁸
142. Mr Forbes-Laird's argument for a different interpretation of the Andrews Dury and Herbert map and of the Barlow map on the basis of a line of sight to Allington Castle is overly literal and unconvincing.²⁷⁹ His attempted defence of it undermines his credibility as a witness.²⁸⁰
143. Literary references establish the presence of abundant coppice woods in this area but are insufficiently precise to draw lines on a map of the extent of these woods.²⁸¹
144. It is possible that the site may have been under active forestry management from at least the nineteenth century. The bulk of the designated Ancient Woodland is not obviously shown affected but the eastern tip, about 10% of the total appears to have been affected by conifer planting. The practice of forestry does not argue against designation as Ancient Woodland.²⁸² Nor would designation as replanted Ancient Woodland rather than Ancient semi-natural Woodland²⁸³.

²⁷⁴ Miss Thomas's closing submissions paragraph 3 and Mr Sansum's evidence (Core Document 1/16) paragraph 3.5

²⁷⁵ Mr Sansum's evidence (Core Document 1/16) paragraph 3.6

²⁷⁶ Miss Thomas's closing submissions paragraphs 4 and 6

²⁷⁷ Miss Thomas's closing submissions paragraph 4 and Mr Sansum's evidence (Core Document 1/16) paragraphs 3.7 and 3.8

²⁷⁸ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.7 to 4.10

²⁷⁹ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.2 to 4.6, 4.11 and 4.12

²⁸⁰ Miss Thomas's closing submissions paragraph 5

²⁸¹ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.13 and 4.14

²⁸² Mr Sansum's evidence (Core Document 1/16) paragraphs 4.31 to 4.32

²⁸³ Miss Thomas's closing submissions paragraph 18 and Mr Sansum's evidence (Core Document 1/16) paragraphs 4.33 to 4.36

Other evidence

145. In a wood of less than 2 ha on the kind of substrate on site, the variety of Ancient Woodland Vascular Plants surveyed represents considerable diversity and is likely to indicate Ancient Woodland.²⁸⁴ It is comparable with a nearby site which is undoubtedly Ancient Woodland²⁸⁵. The appellant's adviser Mr Forbes-Laird has misunderstood the purpose of the fourteen lists of Ancient Woodland Indicator Plants provided in Natural England's guidance material for local authorities, only one of which is relevant to the appeal site in south-east England and he excluded plants from analysis on an arbitrary basis, distorting the ecological evidence.²⁸⁶ Ancient woodland species were observed to be less well-represented in the areas outside the designated Ancient Woodland, suggesting that the designation is correct.²⁸⁷
146. Light Detection and Ranging (LiDAR) data used to produce a digital surface model of the land east of Hermitage Lane gives no indication that the wood to field boundary has moved.²⁸⁸ Occasional hornbeam coppice (uncommon outside Ancient Woodland in Kent) can be associated with the boundary of the wood shown in 1797.²⁸⁹
147. Designation of woodland as Ancient does not depend on the age of trees presently comprising the woodland.²⁹⁰ The interest of Ancient Woodland lies in its soils more than its trees.²⁹¹ But a substantial proportion of aged trees would disprove an assertion of recent planting. By using correct growth factors within the White method for determining the age of trees, the largest oak standards within the designated Ancient Woodland would be calculated at approximately 400 years old. Ring counting of a felled oak on site establishes an age greater than 190 years.²⁹² The varied ages of the oaks and the mixture of two species suggest a natural, rather than a planted origin.²⁹³
148. The appellant's soil survey sample size is inadequate and its spatial configuration is unrepresentative²⁹⁴. Data is missing.²⁹⁵ The subsequent two-profile classification is qualitative and subjective.²⁹⁶ Differences in particle size

²⁸⁴ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.37 and 4.38, quoting two authorities including a Natural England publication and paragraphs 4.47 and 4.49 and Miss Forster's evidence (Core Document 1/15, paragraphs 3.1 and 3.2)

²⁸⁵ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.46.1 and 4.46.2

²⁸⁶ Mr Sansum's evidence (Core Document 1/16) paragraphs 4.39 to 4.45, 4.47 and 4.48

²⁸⁷ Mr Sansum's evidence (Core Document 1/16) paragraph 5.3

²⁸⁸ Mr Sansum's evidence (Core Document 1/16) paragraph 5.5 and figure 7

²⁸⁹ Mr Sansum's evidence (Core Document 1/16) paragraph 5.6.1

²⁹⁰ Paragraph 1.1 of Mr Sansum's supplementary note on the Dendrochronological Assessment (Inquiry document 2)

²⁹¹ Mr Sansum's evidence (Core Document 1/16) paragraph 4.50.1

²⁹² Mr Sansum's supplementary note on the Dendrochronological Assessment (Inquiry document 2)

²⁹³ Miss Thomas's closing submissions paragraph 10 and Mr Sansum's evidence (Core Document 1/16) paragraph 3.6

²⁹⁴ Miss Thomas's closing submissions paragraph 12 and Mr Sansum's supplementary evidence (Inquiry Document 1, paragraphs 3.1 to 3.5)

²⁹⁵ Miss Thomas's closing submissions paragraph 15

²⁹⁶ Miss Thomas's closing submissions paragraph 10 and Mr Sansum's supplementary evidence (Inquiry Document 1 paragraph 3.8)

do not withstand scrutiny.²⁹⁷ Increased topsoil depth in parts can be explained by deposition of topsoil from the immediately adjacent sand pit.²⁹⁸

149. The evidence of Ancient Woodland Vascular Plants supports the designation of Ancient Woodland, as shown by both the supporting material at application stage and by the appellant's witness Mr Baxter at the Inquiry.²⁹⁹ The indications are that this woodland comprises coppices with standards which retains a strong complement of native species and a semi-natural ground flora of traditionally managed coppice woodland. Chestnut has been planted into existing semi-natural woodland without replacing it outright. Chestnut as a species has a long-established status as an honorary native and in Kent particularly it is recognised that coppiced chestnut woodland makes an important contribution to biodiversity. Both replanted Ancient Woodland and Ancient semi-natural Woodland are treated equally in policy.³⁰⁰

Witness credibility

150. The Council's witness Mr Sansum is the author of the Ancient Woodland Inventory. He is an Ancient Woodland expert and a qualified ecologist. The appellant's witness Mr Forbes-Laird is not an ancient woodland expert. He is not an ecologist. His work demonstrates that he is not skilled in interpreting historic maps. The significance of the Ancient Woodland Vascular Plants was handled erroneously in his supporting documentation at the application stage and has been taken out of his hands for the Inquiry. Mr Forbes-Laird's proof of evidence was also based on a soil analysis that is fatally flawed and a dendrochronological analysis which does not support his theory that the woodland must have been planted.³⁰¹

(iii) Effect on Woodland

151. The condition of the woodland containing the Ancient Woodland is described by Mr Forbes-Laird as between uninspiring and poor³⁰². Yet this contrasts with his original analysis in which he grades woodland group 3 (mainly the Ancient Woodland) as A2 and A3 and describes the "overall condition of this coppice woodland as very good."³⁰³ Similarly, the appellant's ecology assessment by Aluco Ecology reports the wood and the Ancient Woodland Vascular Plants very favourably.³⁰⁴ In a woodland of less than 2 hectares, the number of Ancient

²⁹⁷ Miss Thomas's closing submissions paragraph 13 and 14 and Mr Sansum's supplementary evidence (Inquiry Document 1 paragraphs 3.11 to 3.17 and 4.1 to 4.11)

²⁹⁸ Mr Sansum's supplementary evidence (Inquiry Document 1 paragraph 3.23)

²⁹⁹ Miss Thomas's closing submissions paragraph 16, referencing Core Document 2/12 paragraphs 5.4.12 and 5.6.2 and Mr Baxter's evidence (Core document 1/12 and plan AB6)

³⁰⁰ Miss Thomas's opening submissions paragraph 20 and Mr Sansum's evidence (Core Document 1/16 section 7)

³⁰¹ Miss Thomas's opening submissions paragraph 15 and her closing submissions paragraph 17

³⁰² Mr Forbes-Laird's evidence (Core Document 1/11 volume 1 paragraph 3.5.6)

³⁰³ Miss Thomas's opening submissions paragraph 17, referencing Core Document 2/20, Appendix 4, third table (Data for trees assessed as woodland), row for WG3002, also attached as appendix 16 to Mr Forbes-Laird's proof of evidence

³⁰⁴ Miss Thomas's closing submissions paragraph 25, referencing Core Document 2/12

Woodland Indicator species recorded in the appellant's ecological survey highlights the importance of the soils and seed banks.³⁰⁵

152. Mr Lovell's evidence,³⁰⁶ Mr Sansum's evidence³⁰⁷ and that of Miss Forster³⁰⁸ point to the value of Ancient Woodland which is recognised in government policy³⁰⁹. The proposal would not only result in the direct loss of a section of Ancient Woodland but would also introduce development in the form of a road and a boardwalk directly into it without any kind of buffer, contrary to national advice.³¹⁰
153. Impacts such as those listed in Standing Advice³¹¹ such as increased exposure to pollutants from the surrounding area, effects on root protection areas, impacts on hydrology through drainage or water table levels changing, insertion of light pollution and fly-tipping are likely to result from the construction of the link road without any buffers.³¹²
154. The link road would increase the fragmentation of the Ancient Woodland by leaving a very small nib isolated to its east. New edges would expose the interior of the wood to higher temperatures and wind speeds, greater disturbance, light pollution (affecting bats particularly) increased water loss and the presence of non-woodland species all of which can negatively impact on the ecology of the wood.³¹³ Loss of connectivity would restrict the movement of species within the woodland, when the Council's emerging Blue and Green Infrastructure Strategy is seeking to improve connectivity along a corridor out of Maidstone.³¹⁴
155. In cross-examination, the appellant's witness accepted that the Boardwalk would suppress the ground flora underneath.³¹⁵ Yet the soil is a major component of Ancient Woodland and holds a valuable seed bank³¹⁶. Its water supply would be inhibited. There would be a need to fell twelve trees to accommodate the width of the structure³¹⁷.

³⁰⁵ Miss Forster's evidence (Core Document 1/15, paragraph 3.1)

³⁰⁶ Core Document 1/14, paragraphs 2.24 and 2.25

³⁰⁷ Core Document 1/16, paragraphs 4.50.1 and 4.50.2

³⁰⁸ Core Document 1/15, paragraphs 1.4, 3.3, 3.4, 3.9,

³⁰⁹ Inquiry Document 20

³¹⁰ Miss Thomas's closing submissions paragraphs 19 and 20 and Miss Forster's evidence Core Document 1/15, paragraph 2.1

³¹¹ Core Document 10/1, paragraph 5.2. Copy also at Appendix 13 of Mr Bailey's Proof of Evidence (Core document 1/13)

³¹² Miss Thomas's closing submissions paragraphs 20 and 21

³¹³ Miss Thomas's closing submissions paragraph 23 Mr Lovell's evidence (Core Document 1/14 paragraph 6.11) and Miss Forster's evidence (Core Document 1/15, paragraphs 2.1 and 5.1 to 5.3)

³¹⁴ Miss Forster's evidence Core Document 1/15, paragraphs 2.3 and 7.1 to 7.5

³¹⁵ Miss Thomas's closing submissions paragraph 22

³¹⁶ Miss Thomas's closing submissions paragraph 22 and Miss Forster's evidence Core Document 1/15, paragraphs 4.1 to 4.3

³¹⁷ Miss Thomas's closing submissions paragraph 22 and Miss Forster's evidence Core Document 1/15, paragraph 3.12

156. Development on both sides of the woodland would result in a greater increase in its use for human recreation and cat predation than if development were restricted to one side only.³¹⁸
157. Compensation or mitigation measures include a proposal to translocate soil but this could be no more than partially successful.³¹⁹ The appellant's own ecology assessment very clearly said that the road and cycleway would result in an adverse impact on a feature of District importance and that the loss of Ancient Woodland cannot be mitigated and that the translocation of ground flora into parts of the proposed buffer zone is not considered as suitable offsetting compensation.³²⁰ There is a Landscape Management and Biodiversity Strategy which, if implemented, is likely to address some of the lost biodiversity interests. Active management of the woodland and the creation of the buffer zones would bring benefits but because of the irreplaceable nature of the Ancient Woodland that would be lost and the areas which would deteriorate, the outcome would not compare with the benefits of leaving the Ancient Woodland undisturbed. The overall balance would not be positive or neutral. It would be negative.³²¹

(iv) Landscape character and visual amenity

158. The Council's Statement of Case indicated that there would be evidence of the adverse impacts resulting from the development of the hospital field and of the access road and pedestrian cycle link on the open setting of the woodland.³²² The Council indicated on 27 March 2014 that the first reason for refusal referred to harms to ancient woodland. In cross-examination, the Council's witness, Mr Bailey, expressed his view that the harm extended to woodland in the approximate position of Area 1 of TPO 36/2003, to the north of the designated Ancient Woodland.³²³ The development of the hospital field would obscure the view of the trees and result in removal of some of them. It would hem in the public right of way through the Ancient Woodland with housing on both sides and so detract from the enjoyment of that recreational walk through very attractive woodland. The preferred solution is to keep the field free from built development so that it can properly contribute to a green corridor and can provide a green lung or space between the hospital and the new housing estate beyond.³²⁴
159. At both County and Local levels, the site lies within landscape character areas whose condition are described as poor and their sensitivity to change as very low.³²⁵ During construction, the landscape effects of the development both on the Ancient Woodland and its setting and on the southern field would be "large adverse".³²⁶ So too would be its effects on completion of the development.³²⁷

³¹⁸ Miss Forster's evidence Core Document 1/15, paragraphs 6.1 and 6.2

³¹⁹ Miss Forster's evidence Core Document 1/15, paragraph 2.4 and 3.5 to 3.8

³²⁰ Miss Thomas's opening submissions paragraph 18 and her closing submissions paragraph 25 referencing Core Document 2/12 paragraphs 12.3.2, 13.2.2 and table 7 on page 67

³²¹ Miss Thomas's closing submissions paragraph 26 and Miss Forster's evidence Core Document 1/15, paragraphs 8.1 and 8.2

³²² Miss Thomas's closing submissions paragraph 26, referencing Core Document 1/4, paragraph 6.1

³²³ Miss Thomas's closing submissions paragraph 26, referencing Core Document 1/4.

³²⁴ Miss Thomas's opening submissions paragraph 21

³²⁵ Mr Lovell's evidence (Core Document 1/14) paragraphs 4.22 to 4.28

³²⁶ Mr Lovell's evidence (Core Document 1/14) paragraphs 6.6, 6.7, 9.6 and 9.7

160. The appellant's own Landscape and Visual Impact Assessment states that the area most likely to experience adverse landscape character effects is the existing woodland as a result of the influence of residential development and the proposed access road.³²⁸ The appellant's landscape witness, Mr Chard described these effects as significant adverse effects on the landscape character of the Ancient Woodland itself and in addition, more limited adverse effects on wider landscape character.³²⁹ He went on to say that even with the carefully considered landscape mitigation approach provided, which will reduce effects over time, adverse effects on landscape character are considered to be inevitable in a situation where a currently undeveloped landscape is being developed for residential use.
161. The southern (or hospital) field is enclosed mainly by the Ancient Woodland and footpath KB18, is rough grassland and has an intimate character. In spite of the presence of the hospital, it retains a strong rural semi-wooded countryside character.³³⁰ Any green field site comprising open grassland and mature woodland would be at least moderately susceptible to development of the nature proposed. Although the enclosure of the surrounding trees gives the field some ability to accommodate change with limited harm, the Ancient Woodland designation, the TPOs, the prominence of the woodland on the ridgeline, heritage associations with The Old Hermitage, St Lawrence's Chapel and Romano-British archaeology and the proximity to a well used public right of way give it greater value.³³¹
162. The trees (whether just the Ancient Woodland or the wider area including TPO 2003 Area 1) are protected by Tree Preservation Orders because they are judged to have landscape and visual amenity value from the public realm. The appellant's own arboricultural impact assessment following BS5837:2013 places the area of woodland in categories A2 and A3. These categories are for high quality trees noted for their landscape qualities being woodlands of particular visual importance as arboricultural and/or landscape features and for mainly cultural values as woodlands of significant conservation, historical, commemorative or other value. The evidence of the appellant's landscape witness, Mr Chard should be given reduced consideration because he has not taken account of these matters³³². That of the Council's witness, Mr Lovell should be preferred.³³³

³²⁷ Mr Lovell's evidence (Core Document 1/14) paragraphs 6.12 to 6.14

³²⁸ Miss Thomas's closing submissions paragraph 26, referencing Core Document 1/4 paragraph 8.18

³²⁹ Miss Thomas's closing submissions paragraph 26, referencing Core Document 2/29 (a letter to Kent County Council dated 13 March 2014) page 7, in which Mr Chard himself paraphrases Core Document 1/4 paragraph 8.18. Core document 1/4 paragraph 8.18 itself describes the significance as "up to moderate-major adverse at year 1"

³³⁰ Miss Thomas's closing submissions paragraph 33, referencing Mr Lovell's evidence (Core Document 1/14, paragraphs 4.30, 4.31 and 4.36 and appended photographs RL2, 6, 7 and 9

³³¹ Mr Lovell's evidence (Core Document 1/14) paragraphs 4.37 to 4.40 and 9.4

³³² Miss Thomas's closing submissions paragraphs 31, referencing Core Document 2/20 Appendix 4 (In fact this assesses TPO group W3 (the Ancient Woodland) as A2+3 but TPO area A1 as grade B2), and 32.

³³³ Miss Thomas's closing submissions paragraph 35

163. There are repeated references to the contribution Ancient Woodland makes to our landscape and cultural heritage in Natural England's Standing Advice and in Keepers of Time. The appellant's landscape witness, Mr Chard fails to make any reference whatsoever to the value that residents place on the woodland, knowing it to be Ancient. That misses the wealth of evidence in the representations from third parties which demonstrates that the woodland is valued for its landscape contribution and for its contribution to people's sense of place.³³⁴
164. The visual effects of the development from the southern footpath (KB18) would be "large adverse" both during construction and on completion of the development as housing and its associated urban infrastructure would replace a view across rough grassland towards the Ancient Woodland on the skyline.³³⁵ The skyline itself would be etched by a gap in the woodland canopy created by the link road.³³⁶ The appellant's contention that the canopy would close over within ten years must be questioned because there is no clear evidence to show just how far apart trees could be retained on either side of the link road.³³⁷ From footpath KB51 (which runs through the Ancient Woodland) the sense of place is strong. It is little affected by noise. The southern field acts as a buffer keeping built development or hospital buildings mainly out of view. Filtered views through woodland trees to the North Downs in the distance to the north and across the rough grassland of the southern field towards the Maidstone Hospital infrastructure would be replaced by filtered views of housing and its associated urban infrastructure so the effects would be "large adverse".³³⁸
165. Visual effects from eight properties on the south side of Howard Drive which presently enjoy views across the northern field towards the Ancient Woodland would be curtailed by housing and associated urban infrastructure. The effect would be "large adverse".³³⁹ Visual effects from residential property at The Old Hermitage, for pedestrians and motorists using Howard Drive and Maxwell Drive, for pedestrians using Hermitage Lane and for staff, patients and visitors using Maidstone Hospital would be variously neutral to slight adverse, slight adverse, slight to moderate adverse or slight to large adverse.³⁴⁰
166. The southern part of the appeal site is part of a larger unit of green infrastructure which includes Fullingpits Woods ancient woodland to the south west which can be realised when looking at the aerial photograph on page 7 of the Design and Access Statement³⁴¹. A study of the wider public rights of way in the area reveals how footpath KB18 is an important link from denser urban areas such as Cherry Orchard to those wider recreational routes and to Barming railway

³³⁴ Miss Thomas's closing submissions paragraph 35, referencing paragraph 4.8 of Core Documents10/1 (Copy also at Appendix 13 of Mr Bailey's Proof of Evidence (Core document 1/13)) and Core Document 10/4

³³⁵ Miss Thomas's closing submissions paragraph 34 and Mr Lovell's evidence (Core Document 1/14) paragraphs 7.2 to 7.9

³³⁶ Mr Lovell's evidence (Core Document 1/14) paragraph 7.6

³³⁷ Miss Thomas's closing submissions paragraph 38

³³⁸ Miss Thomas's closing submissions paragraph 36 and Mr Lovell's evidence (Core Document 1/14) paragraphs 7.10 to 7.16

³³⁹ Mr Lovell's evidence (Core Document 1/14) paragraphs 7.17 to 7.19

³⁴⁰ Mr Lovell's evidence (Core Document 1/14) paragraphs 7.20 to 7.36

³⁴¹ Mr Lovell's evidence (Core Document 1/14) paragraph 4.32 and Miss Thomas's closing submissions paragraph 33, referencing Core Document 2/22

station.³⁴² MBC has been proactive in responding to NPPF paragraph 114 that local planning authorities should set out a strategic approach and plan positively for green infrastructure by publishing its draft Green and Blue Infrastructure Strategy.³⁴³ This shows green routes corresponding to this pathway. This underpins the aim to retain the Ancient Woodland copse intact and to allocate the southern field as open space.³⁴⁴

(v) Conclusions

167. The starting point is the adopted development plan. The scheme accords with adopted policies H1 and H12 in providing housing and safeguarding land for a school. It departs from other parts of that policy and the wider plan in failing to retain the existing trees, in proposing development on land allocated as a Strategic Gap³⁴⁵ and in failing to provide a GP surgery or retail facilities. The adopted DPD requires 40% affordable housing but only 30% is offered. But as these policies are housing supply policies, NPPF paragraph 49 advises that these should not be considered up-to-date because the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy ENV6 (requiring a landscaping scheme) is not out of date and is not met. The scheme cannot be said to comply with the adopted development plan as a whole. This is a case where all material considerations will have to be balanced against one another.³⁴⁶
168. The latest emerging policy for the site is the Maidstone Borough Local Plan Regulation 18 Consultation³⁴⁷. This excludes the hospital field as a housing site and earmarks it for public open space. The change is inspired by the exhortation at NPPF paragraph 114 to set out a strategic approach towards networks of biodiversity and green infrastructure, which MBC has done in its Consultation Draft Green and Blue Infrastructure Strategy. There are objections to these policies but they deserve moderate weight.³⁴⁸
169. It cannot be presumed that in earlier local plan proposals allocating the hospital field for housing development the Council must have accepted the loss of part of the Ancient Woodland. There is no evidence that they gave any consideration to access to the hospital field. The actual policy states in terms that the ridge woodland shall be retained.³⁴⁹ MBC has never condoned or accepted in principle that a route to the southern field must pass through the Ancient Woodland.³⁵⁰

³⁴² Miss Thomas's closing submissions paragraph 37

³⁴³ Mr Lovell's evidence (Core Document 1/14) paragraph 8.8

³⁴⁴ Mr Lovell's evidence (Core Document 1/14) paragraph 8.10, 9.3 and 9.13

³⁴⁵ Mr Bailey's evidence (Core Document 1/13, paragraph 3.11

³⁴⁶ Miss Thomas's closing submissions paragraphs 39 and 40 and Mr Bailey's evidence (Core Document 1/13, paragraphs 2.39 and 4.1)

³⁴⁷ Core Document 8/16

³⁴⁸ Mr Bailey's evidence (Core Document 1/13, paragraphs 2.24 to 2.27 and Miss Thomas's closing submissions paragraphs 41 to 43

³⁴⁹ Miss Thomas's closing submissions paragraph 44

³⁵⁰ Miss Thomas's opening submissions paragraph 28 and her closing submissions paragraph 50, referencing cross-examination of Mr Wilford's acceptance in cross-examination after an examination of Inquiry documents 32 and 33 that the developer had examined options and made a choice which was then presented to Council officers as the preferred scheme.

170. Both the appellant and the Council have proceeded to consider both application and appeal on the basis that the Parameters Plan, showing the link road passing through the Ancient Woodland is not illustrative but would be secured by condition if permission were granted. This is an agreed position between the appellant and the Council. It is not appropriate simply to switch the location of the vehicular link road from a detailed matter to be determined at this stage of the planning permission to a matter which can be determined under a reserved matters application.³⁵¹
171. Applying the tests of NPPF paragraph 118, bullets 1 and 5; evidence has not been given of the arboricultural, landscape or ecological impacts of any potential alternative route, so it is not possible to conclude that significant harm resulting from the development cannot be avoided.³⁵² In so far as there is at least one alternative route for the link road, outside the Ancient Woodland, there is no need for the development in that location.³⁵³
172. If the scheme passes the NPPF paragraph 118 tests, then the test in NPPF paragraph 14, bullet 2, limb 1 should apply (the significant and demonstrable test)³⁵⁴. In doing so, the planning history of the site is a material consideration. Scheme 2 (for development which excludes the hospital field) has a real prospect of success.³⁵⁵ The result of that is that the net benefits of the present appeal would be restricted to those resulting from the development of the southern field alone. So it would be appropriate for the decision maker in the current appeal to focus on those in comparison with the harm that would flow from the creation of the link road and boardwalk through the Ancient Woodland.³⁵⁶
173. Even if the need for and benefits of the wider scheme are put into the balance, they do not clearly outweigh the loss and deterioration that the Ancient Woodland would suffer. The loss and deterioration would be considerable. It would permanently detract from England's biodiversity resource. The benefits flowing from new housing, land for a school, a community hall and some open space are not sufficient to outweigh it.³⁵⁷ In the event that permission is granted, conditions are suggested.³⁵⁸

The Case for the New Allington Action Group

174. The site was allocated for development as part of the Maidstone Borough Wide Local Plan in December 2000. In the subsequent 14-15 years approximately 980 houses have been built in the immediate and surrounding area. Maidstone Hospital has continued to expand. The result is increased traffic congestion and air pollution, the latter regularly exceeding European Union guidelines.

³⁵¹ Miss Thomas's closing submissions paragraphs 54 and 55

³⁵² Miss Thomas's closing submissions paragraphs 49 and 54

³⁵³ Miss Thomas's closing submissions paragraph 45

³⁵⁴ Miss Thomas's closing submissions paragraph 51

³⁵⁵ Miss Thomas's closing submissions paragraph 47

³⁵⁶ Miss Thomas's closing submissions paragraphs 48 and 53

³⁵⁷ Miss Thomas's opening submission paragraph 5 and her closing submissions paragraphs 46 and 52

³⁵⁸ Inquiry Document 41

- Infrastructure has not kept abreast. A nearby quarry causes vibration, industrial noise and dust. Allington has reached saturation point without this proposal.³⁵⁹
175. When first allocated, the proposal was for 280 houses. Now nearly double is proposed. The density, 35 dwellings per hectare would be greater than that of a nearby scheme at 27 dwellings per hectare and is out of character. Five hundred new homes will bring approximately 2,000 more people and approximately 1,000 more cars. This is likely to have a significant detrimental effect on local infrastructure and air quality.³⁶⁰
176. Local retail and business premises disgorge large numbers of vehicles onto the A20 at one end of Hermitage Lane. There is a continuous flow of lorries to and from the Gallagher quarry. Permission has just been given for a new supermarket and drive-through outlet at the same junction. There are current applications of 1,347 new dwellings, all to be accessed from Hermitage Lane. They will generate 6735 vehicles movements per day. A recent application for about 150 homes has been approved on land at Bridge Nursery Allington. Kent County Council concurs that the scheme will lead to more traffic and further delays. A Councillor agrees that the road network will not cope. Helen Grant MP raised concerns about increased traffic.³⁶¹
177. The only roads around Maidstone carrying more traffic than either the A20 or the A26, both of which are single carriageway roads, are four lane dual carriageways. Hermitage Lane connects these two single carriageway roads. It is the only vehicular access to Maidstone Hospital. That has parking for 1485 cars, generating 7,500 vehicle movements per day. It is the main thoroughfare between the M20 junction 5 and the A26, the main route to Pembury Hospital. At peak times traffic is at a standstill leading to heavy pollution immediately outside Maidstone Hospital. Government guidelines indicate that in sensitive areas around schools and hospitals, amongst others, traffic should be minimised to avoid pollution. This development would not only do the opposite but would also require the felling of hundreds of trees which would help to combat the effects of pollution.³⁶²
178. Howard Drive consists mainly of bungalows intended for and mainly lived in by retired and elderly people. It used to be a quiet cul-de sac. It was opened up to serve three large housing estates close by. Now it is dangerous for residents to cross the road. The proposal includes an emergency access on to Howard Drive. It provides the opportunity for greater future use of Howard Drive. The proposals to limit car use are pie in the sky. They rely on people's commitment to them but most people do not run their lives in that way.³⁶³
179. The appellant's Air Quality Assessment uses data from only one Air Quality Management Area (AQMA), at Watlingbury, located several miles away from the site. It does not draw on data from the Aylesford AQMA, 500m from the site, nor

³⁵⁹ NAAG Statement of Case (Core Document 1/7) section 2

³⁶⁰ NAAG Statement of Case (Core Document 1/7) section 2

³⁶¹ NAAG Statement of Case (Core Document 1/7) section 13 and Ann Bates's evidence (Core Document 1/18, sections 3 and 4)

³⁶² NAAG Statement of Case (Core Document 1/7) section 13 and Ann Bates's evidence (Core Document 1/18, sections 3 and 4)

³⁶³ Ann Bates's evidence (Core Document 1/18, section 3)

from the Maidstone AQMA which encompasses the entire conurbation. Data from roadside monitoring sites was excluded because of the significant effects of traffic queuing. This is flawed. An air quality assessment on behalf of another developer, 500m away in Hermitage Lane, warns that development there may cause exposure of future residents to elevated pollution concentrations and has the capacity to cause air quality impacts as a result of excessive road traffic exhaust emissions.³⁶⁴

180. Recent comments by the Council's Air Quality Environmental Health Officer on Scheme 2 for the northern field alone report that provisional results from a new air quality monitoring site in Hermitage Lane shows that the annual mean nitrogen dioxide (NO₂) National Air Quality Objective is exceeded during winter months. He cannot exclude the possibility that the proposed development (Scheme 2) would impact on air quality within and near the Maidstone AQMA.³⁶⁵
181. Maidstone Borough Council has already identified six areas currently exceeding European Union guidelines. A survey of some of the largest medical practices in Maidstone confirms an increase in breathing problems. The highest court in the UK has ruled that the government must take immediate action to cut air pollution. No amount of mitigation measures can solve this problem. The additional traffic that this high density development will generate will worsen local air quality considerably. Tonbridge and Malling policy SQ4 would not permit development where the proposed use would result in a significant deterioration in air quality, either individually or in combination with others nearby.³⁶⁶
182. The site comprises mostly Grade 2 (very good) agricultural land. A small part is Grade 3a. This falls within the definition of Best and Most Versatile agricultural land. NPPF advises that poorer quality land should be used in preference to that of a higher quality.³⁶⁷
183. Access to nature helps to secure quality of life. People who live within 500m of accessible open space are 24% more active and fitter. The site presently provides that access. Suggested alternatives require crossing heavily trafficked Hermitage Lane or a drive to an alternative location. The site provides a panoramic view across the North Downs. Landscaping of the development will not provide an adequate substitute.³⁶⁸
184. The site is landlocked, with no easy access. Access via Howard Drive would be unacceptable because the roads in the area were not designed for such an increased volume of traffic. They are subject to subsidence caused by sink-holes.³⁶⁹
185. The major risk for this proposed development is the reservoir at the centre of the site, not part of the appeal proposal. By e-mail 20/8/2012, SE Water

³⁶⁴ NAAG Statement of Case (Core Document 1/7) section 10

³⁶⁵ Inquiry Document 7

³⁶⁶ NAAG Statement of Case (Core Document 1/7) section 10, Ann Bates's evidence (Core Document 1/18, section 4) and NAAG's closing statement.

³⁶⁷ NAAG Statement of Case (Core Document 1/7) section 3, referencing DEFRA's "Magic" website, Natural England's Technical Information Note 49, December 2012 and the natural Environment White Paper June 2011

³⁶⁸ NAAG Statement of Case (Core Document 1/7) sections 2 and 3

³⁶⁹ NAAG Statement of Case (Core Document 1/7) section 3 and 5

confirms that they would be concerned about ground movement and contamination potential if this development were to proceed. It is most unsuitable to build a primary school, 500 dwellings and play areas in close proximity to an unprotected reservoir, not subject to any compliance or safety regulations, at risk from ground instability.³⁷⁰

186. The southern field is of archaeological interest, not fully investigated. Further investigation should be carried out prior to any development on the site. It is surrounded by woodland on three sides and by Maidstone Hospital on the fourth. Housing on this field would have no outlook.³⁷¹

187. National Planning Practice Guidance advises that both Ancient Semi-Natural Woodlands and Plantations on Ancient Woodland Sites count as Ancient Woodland. An understanding of the topography shows that attempts to discount the antiquity of the woodland by justifying an open designation on eighteenth century maps with arguments of a line of sight between The Hermitage and Allington Castle are flawed. The appellant's analysis of Ancient Woodland Indicators is flawed. Literary evidence demonstrates the antiquity of the wood.³⁷²

188. The archaeological interest of the southern field supports a hypothesis that sweet chestnut, comprising much of the Ancient Woodland, was introduced by Roman settlement. Photographic evidence confirms the existence of very old pollards and stools.³⁷³ Examination of previous coppicing suggests the wood is 200-300 years old. A recently felled oak was up to 380 years old³⁷⁴. Contrary to the verdict of the appellant's arboricultural expert, the condition of the woodland is very good with a good stand of timber. Reintroduction of good management is not dependent on development taking place³⁷⁵

189. The necessity for access to the southern field to pass through the Ancient Woodland is not proven.³⁷⁶ Yet, as proposed, just for 80 houses, it would damage Ancient Woodland, its ecology habitat and fauna.³⁷⁷ This would be contrary to advice contained in the NPPF, in advice from Natural England more recent than any quoted by the appellant's expert witness and in a report from the House of Commons Communities and Local Government Committee December 2014. No wholly exceptional benefits could outweigh the increased traffic congestion, air pollution, population increase and loss of natural green space resulting from the proposal.³⁷⁸ Damage would include light pollution, pet predation and from increased public use. Translocation of soil would not

³⁷⁰ NAAG Statement of Case (Core Document 1/7) section 11

³⁷¹ NAAG Statement of Case (Core Document 1/7) sections 4 and 12

³⁷² NAAG Statement of Case (Core Document 1/7) section 5, Mrs Woodward's evidence (Core Document 1/18, section 1), Inquiry Document 27 and NAAG's closing statement

³⁷³ NAAG Statement of Case (Core Document 1/7) sections 7 and 8

³⁷⁴ Mrs Woodward's opening comments and Inquiry document 6

³⁷⁵ NAAG's closing statement.

³⁷⁶ NAAG's closing statement.

³⁷⁷ NAAG Statement of Case (Core Document 1/7) section 3 and 5, Mrs Woodward's opening comments and evidence (Core Document 1/18, section 2) an Inquiry document 27

³⁷⁸ NAAG Statement of Case (Core Document 1/7) section 5, Mrs Woodward's evidence (Core Document 1/18, section 2), Inquiry document 27 and the Introduction to NAAG's closing statement

succeed³⁷⁹ and is anyway, a loss of Ancient Woodland.³⁸⁰ The loss would be irretrievable because it takes more than 400 years for such woodland to develop.³⁸¹

190. For safety reasons, the wood would need to be closed to the public during construction. After completion, the road would present a safety hazard to users of the wood. A cycle path alongside the existing right of way through the wood would cause greater tree loss.³⁸² Cited examples of boardwalks elsewhere are much narrower than proposed in this appeal.³⁸³
191. Buffer zones to provide root protection areas to trees are required but 15m is inadequate because the designated woodland is a long linear feature³⁸⁴. A thirty metre zone was required for the car park extension to Maidstone Hospital and has been provided by another developer in the locality.³⁸⁵ There are no guarantees of the future maintenance of any retained woodland or buffer zone. No consideration has been given to a conservation bond.³⁸⁶
192. The description of the character of the area in the developer's Landscape and Visual Impact Assessment is inadequate. The site is within Maidstone and has more in common with the character of that area at County level³⁸⁷. Its character is good and its sensitivity to change is moderate. Recommended actions are to conserve and reinforce, not create. Local opinion values it highly.³⁸⁸

The Cases for other third parties

(i) CPRE Kent³⁸⁹

193. CPRE Kent does not oppose the development of the northern field because it was allocated in 2000 for 380 dwellings, is almost an infill site and because it recognises the need for new dwellings in Maidstone. It objects to development in the south of the site because it sees it as within an area currently ancient or mature woodland³⁹⁰.
194. It does not see the need for this particular housing because the Borough has already identified land which nearly meets its requirements. The requirements are likely to be reduced in its forthcoming regulation 19 Local Plan consultation in response to a letter dated 19 December 2014 from the Planning Minister to the Planning Inspectorate to the effect that a Strategic Housing Market Assessment is only a starting point and that local authorities can take account of constraints.

³⁷⁹ NAAG Statement of Case (Core Document 1/7) section 6 and paragraphs 4.1 to 4.5 of Inquiry Document 16

³⁸⁰ NAAG's closing statement.

³⁸¹ Mrs Woodward's evidence (Core Document 1/18, section 1)

³⁸² NAAG Statement of Case (Core Document 1/7) section 6

³⁸³ NAAG's closing statement and paragraphs 3.3 and 3.4 of Inquiry Document 16.

³⁸⁴ Inquiry document 27

³⁸⁵ NAAG Statement of Case (Core Document 1/7) section 9 and Mrs Woodward's evidence (Core Document 1/18, section 2)

³⁸⁶ NAAG's closing statement.

³⁸⁷ Inquiry document 8

³⁸⁸ Diana Lewins's evidence (Core Document 1/18, section 5) and NAAG's closing statement.

³⁸⁹ Inquiry Document 4, supplemented by oral comments on delivery

³⁹⁰ Only the proposed road would constitute development within the woodland

Maidstone is also entitled to take account of windfall sites, of which there have been a considerable number this year.

195. This block of houses would degrade the wood because it is coppiced, the public footpath goes through the middle and the small amount of wood left would be used by the estate for recreation. There is every likelihood that the remaining area would be subject to further applications eventually leading to a very large, continuous estate with a few scattered trees.

196. The wood should be retained for the benefit of Maidstone as a whole;

- As Ancient Woodland for its own sake, in accordance with NPPF paragraph 118, Local Plan policy H12 and draft Local Plan policy DM10
- As a prominent feature in the landscape which is a pleasing sight
- As a break in otherwise urban sprawl
- As a buffer between the hospital and housing to the north

(ii) *Councillor Dan Daley*³⁹¹

197. His first principal concern is the covered reservoir in the northern field. Until 2012, it was presumed that this would be made redundant. South East Water has now declared that it is to remain as a service reservoir for the foreseeable future. The capacity of the sewage system to accept additional flows is limited. Significant, costly and time-consuming works will be needed to provide capacity. The risk of contamination of the fresh water through seepage and groundwater run-off is real.

198. The northern field lies on a major aquifer within the Hythe Beds. There are two springs on site. The land is unstable, known to be subject to movement, subsidence and to the opening of sudden sink holes. Disaster awaits if anything suddenly happens to rupture the structure and suddenly release 9,000 tonnes of water downhill towards Howard Drive. Since the Maidstone floods of 2014, Insurance Companies demand that new dwellings are built more than 400m from water courses, including reservoirs. If this should prove to be the case, then this is an unsuitable site for housing.

199. His second concern is the Ancient Woodland. Buffers to protect it would be set at nought by breaching it to gain access to the southern field. Houses mean people; people mean pets and pets lead to predation of wildlife. Any development would lead in short order to degradation and eventual total destruction of the Ancient Woodland.

200. It is used by the psychiatric wing of Maidstone Hospital to help disturbed patients by providing a quiet and peaceful retreat as an important part of their therapy. Its tranquillity is also valued by the local population. It should be accepted as a relict of a once extensive forest.

201. Since 1900, Allington has changed from a hamlet of 65 dwellings and 103 persons into today's conurbation of over 6,000 adults. In the process much

³⁹¹ Cllr Daley's full statement is Inquiry Document 11

green space, orchard and woodland has disappeared. The sustainability of adding over 1400 homes is questionable. The local voice should be heard.

Written Representations

Tonbridge and Malling Borough Council

202. In relation to the part of the scheme which falls within its territory, TMBC recognises that the appeal stands or falls on the decision on the part of the scheme which falls within Maidstone. The Council refers to the Secretary of State's decision on the previous appeal, which accepted the Inspector's assessment that whilst the proposal contravened the Tonbridge and Malling Local Plan, the impact would not be so material as to weigh against the development of the housing land in Maidstone Borough if that were found to be necessary to meet housing requirements.³⁹²

203. In relation to the part of the scheme within Maidstone, TMBC reserves its position on the detailed design of improvements to the Coldharbour roundabout but accepts the likelihood that adequate space is available within existing highways limits for an acceptable scheme to be designed to overcome TMBC's concerns.³⁹³ Similarly, subject to seeing the details, the Council accepts that measures to be included in a s106 obligation, namely;

- Contribution to pedestrian crossing of Hermitage Lane
- Enhanced shared cycle and pedestrian routes, including to Barming station
- Five year support for bus service enhancements
- Provision of a Travel Plan
- Contribution to the improvement of the Coldharbour roundabout
- Contribution to the improvement of M20 junction 5

would encourage the use of transport modes other than cars and so would be adequate to address TMBC's concerns about the potential impacts of the proposal on air quality within TMBC.³⁹⁴ It follows that the appeal proposals are acceptable to TMBC subject to a s106 agreement and appropriate planning conditions.³⁹⁵

204. Although TMBC accepted Unilateral Undertakings given in relation to the 2002 appeal for the provision of informal parkland and woodland and open space on land in its area, there is no clear evidence of the need for such facilities within the TMBC area. TMBC's Open Space Strategy (February 2009) does not identify any need for a Country Park in this vicinity. Its current development plan makes no provision for a Country Park in this location. The Council has raised objection to the provisions of the Maidstone Borough Local Plan Regulation 18 Consultation

³⁹² Tonbridge and Malling Council Statement of Case (Core Document 1/6), paragraph 2.1 and Statement of Common Ground (Core Document 1/5) paragraphs 4.6 and 7.1

³⁹³ Tonbridge and Malling Council Statement of Case (Core Document 1/6), paragraphs 1.5 to 1.7

³⁹⁴ Tonbridge and Malling Council Statement of Case (Core Document 1/6), paragraphs 1.8 to 1.10

³⁹⁵ Statement of Common Ground (Core Document 1/5) paragraph 7.1

Policies March 2014 which seek to make policy requiring the provision of such a proposal within TMBC.³⁹⁶

Other written representations

205. The MBC committee report³⁹⁷ records over 900 letters of objection received at application stage. I have sorted these alphabetically by originator's name.³⁹⁸ When arranged in this way, it can be seen that many of the reported 900 are in fact duplicate copies of letters sent separately to a number of different recipients within Maidstone Council and so recorded as individual objections. In fact there are 309 correspondents making 331 communications and an additional 164 campaigning Christmas Cards. Their concerns are otherwise accurately reported in the Council's Committee report. They do, of course, represent comment on the scheme as originally submitted; for example, a considerable number object (amongst other matters) to the gyratory proposed for Barming as part of the suggested s106 agreement but not pursued in the agreement finally signed.

206. The TMBC committee report³⁹⁹ records 150 letters of objection received at application stage. Their concerns are reported at paragraph 5.4 of that committee report.

207. In response to the notification of the appeals, 46 letters from 45 correspondents making representations were sent to the Planning Inspectorate. They include a petition of 225 names. The concerns they raise are;

- Poor access/Access to Hermitage Lane unacceptable
- Increased and unacceptable traffic congestion
- Increased and unacceptable traffic pollution
- No connection to station
- Overcrowding the area
- Increased burden on inadequate infrastructure and facilities
 - Hospital beds
 - Schools
 - GP surgeries
 - Drainage
- Loss of agricultural land/orchard
- Loss of open land – only remaining green field between Allington and Aylesford

³⁹⁶ Tonbridge and Malling Council Statement of Case (Core Document 1/6), paragraphs 1.11 to 1.15

³⁹⁷ Core Document 3/1, paragraph 6.01

³⁹⁸ Core Document 11. Inquiry document 27 was omitted from the copies supplied by the Council. It provides a particularly comprehensive list of the potential adverse impacts of nearby development on ancient woodland

³⁹⁹ Core Document 4/1

- Urban regeneration preferred
- Eroding Strategic Gap/separate identity of Malling and Maidstone
- Loss of Ancient Woodland
- Loss of habitat
- Effects on fauna (bats, birds, badgers)
- Woodland management after development
- Absence of promised country park
- Risk of reservoir failure
- Archaeological interest
- Need for self-build plots

Inspector's Conclusions

208. In this section of my report, numbers in square parentheses thus [] refer to paragraphs in the preceding sections of the report from which these conclusions are drawn.

209. So far as Appeal B is concerned, no party disputed the propositions (i) that its outcome is dependent on the outcome of Appeal A and (ii) that, notwithstanding any conflict with Tonbridge and Malling Core Strategy policies CP1 or CP5 within that Borough's area, the impact would not be so material as to weigh against the development of the housing land in Maidstone Borough if that were found to be needed to meet housing requirements and acceptable in other respects [202, 203]. I have no reason to disagree.

210. Both main parties acknowledge [73], and other parties do not dispute [193, 194], that MBC cannot demonstrate a five-year housing land supply. It follows, in line with NPPF paragraph 49, that relevant policies in the Maidstone Borough-Wide Local Plan 2000 for the supply of housing should not be considered up to date [77, 167]. Paradoxically, that must include policies H1 and H12 which allocate the site for housing, notwithstanding government policy (NPPF paragraph 47) to boost significantly the supply of housing. The decision-making process therefore needs to follow the final bullet point of NPPF paragraph 14; that is, granting permission unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole, or unless specific policies in the NPPF indicate that development should be restricted.

211. This gives rise to the two main issues between the parties because it is claimed that the proposal would conflict with the specific policy set out in paragraph 118 of the NPPF. This seeks to conserve and enhance biodiversity by applying a number of principles (particularly relevant is the fifth bullet which calls for planning permission to be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland unless the need for, and benefits of, the development in that location clearly outweigh the loss but the first bullet is also called into play which calls for planning permission to be refused if significant harm resulting from a development cannot be avoided

through locating on an alternative site with less harmful impact, adequately mitigated or compensated for). It is also claimed that the adverse impacts set out in the first reason for refusal would significantly outweigh the benefits of the proposal.

212. The proportion of housing which is proposed to be provided as affordable housing is set out in the Unilateral Undertaking. The Council acknowledges [131], and other parties do not dispute, that MBC's Affordable Housing DPD policy is undermined by more recent evidence. I have no reason to disagree. Both main parties agree that 30% of the dwellings should be provided as Affordable Housing [73]. The proportion of affordable housing offered is therefore not an issue in this appeal.
213. Contrary to Local Plan policy CF6(i), land is not reserved for a general medical practitioners surgery. Instead, provision is made in the Unilateral Undertaking for financial contributions towards improvements to existing surgeries serving the area [72]. Although this is not an issue between the main parties and so it is not a main issue, third parties continue to raise impact on infrastructure as an issue.
214. Likewise, although land reserved for a primary school is not in the location prescribed by Local Plan policy CF8(v), land is reserved as part of the appeal proposals, secured through the s106 agreement with Kent County Council, along with financial contributions to other educational facilities and services [69]. So, it is not an issue between the main parties but third parties continue to raise impact on infrastructure as an issue.
215. Evidence is provided to show compliance with Maidstone's Open Space DPD. This is not contested. The quantitative provision of open space is therefore not an issue between the main parties [73]. Nor is any issue taken with the fact that what is proposed to be provided would not be in the location prescribed by Local Plan policy ENV24 (xiii). But third parties do raise the issue of the configuration of open space to be provided [183] and it is a part of the Council's case relating to the landscape character of the neighbourhood that the southern field should be used as open space [83], so it forms part of that main issue.
216. In addition to the two main issues separating the main parties, third parties present evidence concerning air quality and highway safety [174 to 181]. I therefore consider that the **main considerations** in this appeal are;
 - The effects of the proposal on the ecology of the neighbourhood
 - Its effects on the landscape character of the neighbourhood, and
 - Its effect on the living conditions of existing and potential future residents of the area in terms of air quality and highway safety.

Ecology

217. Much effort has been spent during this appeal seeking to prove or disprove that the Ancient Woodland has been correctly identified. This has involved examination of historic maps, various analyses to identify the age of extant trees, soil analysis and analysis of Ancient Woodland Vascular Plants.

Historic maps

218. Eventually, all parties agreed that the Ordnance Survey (OS) drawing of 1797, the Mudge map of 1801, the tithe map of 1843, the OS map of 1856 and the OS map of 1872⁴⁰⁰ all showed that the area now designated as Ancient Woodland was woodland at those times [88]. The parties focussed on debating whether earlier maps proved that the area had been continuously wooded since 1600. They agreed that the Speed map of 1611⁴⁰¹ showed too little detail to be of any use and that the Barlow map of 1800⁴⁰² was simply a derivative of the earlier Andrews Dury and Herbert map of 1769⁴⁰³. Debate focussed on that map and the Symonson map of 1596, the Seller map of 1681 and the Morden map of 1695.⁴⁰⁴
219. These four maps all show the boundary between Hundreds, which, in the vicinity of the site was agreed to correspond with the modern civil parish boundary, shown on modern OS maps.⁴⁰⁵ This, together with features such as the river Medway, the London Road (the modern A20), the Tonbridge Road (the modern A26) and the bridge across the Medway at Maidstone could be used to register the maps against each other and the modern map in attempts to locate the present-day Ancient Woodland on the historic maps and so prove, or disprove, its antiquity [90, 139].
220. The three seventeenth century maps show varying degrees of afforestation to the east of the Hundreds boundary. Their accuracy is very broad brush. Mr Forbes-Laird's registration of the maps is clearly mistaken, leading to a placing of the Ancient Woodland several miles to the south west of its actual position [140]. Mr Sansum's registration can be replicated. I therefore concur with his view that the present-day extent of designated Ancient Woodland falls within the areas shown as afforested on the maps of 1596, 1681 and 1695.
221. The three seventeenth century maps are fairly sketchy with only a broad degree of accuracy, but the Andrews Dury and Herbert map of 1769 is even more diagrammatic. Even so, the projection towards Maidstone of the woodland shown to the east of the Hundreds boundary and to the north of The Hermitage is proportionate to the projection of the Ancient Woodland on a modern map [141] and so I once again concur with Mr Sansum that this map too shows that the area now designated as Ancient Woodland was afforested at that time.
222. The parties did not greatly debate more recent maps, apparently taking it for granted, in accordance with common practice, that if the area now designated as Ancient Woodland could be shown to have been afforested in 1596, 1681, 1695, 1769, 1797, 1801, 1843 and 1856, then it must have been continuously

⁴⁰⁰ Core Document 14/8, maps 5, 7, 8, 9 and 10

⁴⁰¹ Core Document 14/8, map 1a

⁴⁰² Core Document 14/8, map 6

⁴⁰³ Core Document 14/8, map 4. an extract of a wider area at a smaller scale is appended to appendix 3 of the Heritage Statement (Core Document 2/16)

⁴⁰⁴ Core Document 14/8, maps 1, 2 and 3

⁴⁰⁵ For example, Core Document 14/8 map13

afforested since [136]. But, within the evidence, there are other maps which repay close attention⁴⁰⁶.

223. Recent OS maps⁴⁰⁷ show that the eastern extremity of the defined Ancient Woodland area is divided from the rest of the designated Ancient Woodland by a track. Somewhat overgrown, this can be recognised on site. It can be traced back to OS maps of 1908 but not earlier. It marks the boundary between Woodland zones 2 and 3 of the 1996 TPO⁴⁰⁸. Within TPO woodland zone 2 there is no physical distinction between the Ancient Woodland and the rest of the protected zone which extends southwards to footpath KP18 along the eastern side of the southern or hospital field. But the part of the designated Ancient Woodland within TPO woodland zone 2 to the east of the track is noticeably different from the part of the Ancient Woodland to its west, as Mr Sansum acknowledged in evidence [144] and in response to my questions.
224. The OS maps of 1865 and 1870 show that at that time, what is now the designated Ancient Woodland formed part of a much more extensive area of woodland extending to the north over what is now the Reservoir field and to the south (in the form of a conifer plantation) over part of the southern or hospital field. Other than the section which is now designated Ancient Woodland, TPO woodland zone 2 is shown not to have been afforested.
225. By the time of the 1897 OS map, the conifers to the south are shown to have been cleared. The deciduous woodland is shown to have been cut back to the line of the track which first appears on the 1908 OS map. The area to the east, which is now TPO woodland zone 2, including a part of the designated Ancient Woodland, is shown as a conifer plantation. It reverts to a broadleaf notation by the time of the 1931 OS map.
226. The Council's witness Mr Sansum acknowledges this [144] and acknowledges that the point had not been researched in his work which led up to the designation as Ancient Woodland⁴⁰⁹ but goes on to say that because it concerns only 10% of the designated area of Ancient Woodland and because it was only a short temporal interruption it does not invalidate the designation as Ancient Woodland. I am not so convinced.
227. Both main parties agree that for an area of land to be included on the Ancient Woodland Inventory continuous woodland presence on the site is required [89, 135]. I conclude that map evidence shows that the majority of the area designated as Ancient Woodland has been correctly designated but that there appears to be a period of discontinuity some time between 1870 and 1931 when

⁴⁰⁶ Appendix C of the Flood Risk Assessment (Core Document 2/15) contains extracts from OS maps of 1865 (wrongly labelled 1965), 1897, 1908, 1936, 1966 and 1989. Appended to Appendix 3 of the Heritage statement (Core Document 2/16) are extracts from Ordnance Survey maps of 1870, 1897, 1898, 1908, 1909, 1931, 1951 and 1966. Volume 5 of Mr Forbes-Laird's evidence has extracts of maps dated 1872, 1897, 1908, 1909, 1931, 1936 and 1945

⁴⁰⁷ For example, 2015 OS base used for Appendix 1 of Mr Baxter's evidence, 2012 base map for Appendix 3 of Miss Forster's proof of evidence (CD1/15)

⁴⁰⁸ Found at Appendix 2 of Core Document 1/11 volume 2

⁴⁰⁹ Paragraphs 4.31 of his proof of evidence and paragraph 7.3 of his summary (Core Document 1/16)

the area within TPO woodland zone 2 had been cleared and planted with conifers and then subsequently replanted with sweet chestnut. This casts uncertainty over the validity of the designation of Ancient Woodland for that part.

228. But in any event, designation as Ancient Woodland is only shorthand for an indication of ecological interest; it is the ecological interest itself which is of value rather than the designation as such. I now turn to look at indicators of ecological interest.

The age of trees

229. Both parties accepted the White method for estimating the age of standing trees [93, 147]. But the method depends on the practitioner choosing the correct growth factor to apply. The method offers a range of growth factors which are intended to be applied to the particular conditions in which the trees were grown and which produce hugely varying results. Since the parties disagree on whether the conditions in which the trees were grown were an Ancient Semi-Natural Woodland or a Plantation on an Ancient Woodland Site and are using the White method to try to prove themselves right, the arguments become circular and so little or no reliance should be placed upon either party's use of the White method by itself.
230. However, there is a control, in the form of a felled tree which can be dated by ring-counting, the results of which can be compared with each party's application of the White method [94, 147]. This favours Mr Forbes-Laird's application of the White method on behalf of the appellant. I therefore accept that, in all likelihood, the principal standard oaks range in age from 69-171 years and that the coppice analysis suggests an old hedgerow on the edge of the woodland dating from 1538 with two campaigns of coppice planting, one dating from the mid-nineteenth century, the other from the turn of the nineteenth and twentieth centuries [94]. Mr Forbes-Laird categorises the latter planting campaign into two zones, according to whether they are inside or outside the designated Ancient Woodland area but, consistent with my conclusions on the map evidence and what I saw on site, it appears to me that there is nothing physically distinguishing the two.

231. But, although the age of trees is of interest in its own right, the existence, or otherwise, of Ancient Woodland is not proven or disproven by the age of the trees presently on site [147]. This is because it is the wildlife, species and soil which results from the continuity of afforestation which is of ecological interest, even though individual trees will have come and gone over time⁴¹⁰. I now turn to look at the soil indicators.

Soil analysis

232. Neither party sought to show by soil analysis what, if any, was the inherent ecological interest of soil which might be damaged by the development. Both focussed their attention on whether samples taken demonstrated any differences, both within the designated Ancient Woodland area or between the designated Ancient Woodland area and areas of Woodland not designated or areas not woodland. Despite Mr Sansum's protestations about the sample size and method

⁴¹⁰ See the advice contained in Core Document 10/1, section 4

[148], the expertise of those who produced the evidence has to be accepted [95]. On the other hand, the interpretations of the evidence which Mr Sansum puts forward are as plausible as those put forward by Mr Forbes-Laird. I conclude that the soil analysis is inconclusive in determining both whether the Ancient Woodland has been correctly defined and in determining whether it has any particular value. I therefore turn to look at the evidence of wildlife and plant species.

Wildlife and plant species

233. The appellant's survey work was the basis of both main parties' cases [97, 149]. Mr Baxter's analysis of the significance of records of bats, birds and badgers [97] was not disputed. His firm's survey of the woodland vascular plant distribution⁴¹¹ was the basis of both parties' cases [97, 145]. This shows as much interest from Ancient Woodland vascular plants lying in the woodland to the south-east of the site as from Ancient Woodland vascular plants lying in the designated Ancient Woodland [96].
234. Although it may be fair to say that the Ancient Woodland Vascular Plants are found in small, localised patches [97] this is consistent with the view that recent lack of management is suppressing the interest of the wood; it does not demonstrate that the Ancient Woodland has been incorrectly designated. The furthest any of the appellant's witnesses go, is to say that it is evidence of Plantation on an Ancient Woodland site, rather than Ancient Semi-Natural Woodland [96] but both of these classifications are subdivisions of Ancient Woodland [187].⁴¹²
235. The Council's assertion that in a wood of less than 2ha in size, and on the kind of substrate present, the variety of Ancient Woodland Vascular Plants surveyed represents considerable diversity and is likely to indicate Ancient Woodland [145], is not disputed. I concur with that view. The evidence of Ancient Woodland Vascular Plants in the strip of woodland along the south-eastern boundary is also evidence of ecological interest. That too may be Ancient Woodland (the appellant's 1998 Archaeological Assessment, paragraph 7.5⁴¹³, indicated its antiquity) but simply not yet recognised or designated as such. It does not prove that the designated Ancient Woodland is wrongly designated.
236. What does not follow is that all the land within the designated Ancient Woodland boundary is correctly so designated. The 1996 Tree Preservation Order clearly distinguishes three different woodland areas. Comparison of those three areas with Mr Baxter's map AB6 shows clearly that whereas TPO areas W1 and W3 have a reasonable intensity and wide variety of Ancient Woodland Vascular Plants, TPO area W2, including a part of the designated Ancient Woodland area does not. The Council's witness, Mr Sansum, acknowledged in response to one of my questions that the area of designated Ancient Woodland to the east of the track separating TPO areas W2 and W3 does appear to have poorer flora. This reinforces the conclusion I reached earlier in examining the historic maps.

⁴¹¹ Map AB6 in Core Document 1/12 (Appendices volume 1)

⁴¹² Core Document 10/1, paragraph 4.4

⁴¹³ Appendix 3 to Core Document 2/16

The extent of ecological interest

237. For all the above reasons, which I have examined in some detail because of the amount of effort put into the controversy by the parties, I conclude that the designation of the area as Ancient Woodland and the argument about its designation is something of a red herring. Designation itself does not comprise ecological value; it recognises it, provided it is accurately done. That should not distract the decision maker from firm evidence of actual ecological value. In this case, it appears to me that the designated area of Ancient Woodland may not be accurate in respect of its eastern extremity within TPO area W2. That is not to say that that section is devoid of ecological interest; clearly it is not, but I would suggest that more note is taken of the distribution of ecological interest noted in Mr Baxter's plan AB6 than of the nominal boundary of the designated Ancient Woodland. For the same reasons, and because it was not contested [151], I take the view that Mr Baxter has correctly assessed the ecological significance of the site [97], that is, that it has a medium to high value at a local level. That is also consistent with the view of the New Allington Action Group [188].

Harm to ecology

238. An outline application always presents a challenge to a local planning authority in that there may be an infinite number of feasible ways of delivering the proposal. If there is but one (or, more likely, a few) which would be acceptable in planning terms, the proposal would merit favourable consideration in this regard, albeit there may have to be conditions limiting any permission to the sole (or few) solution(s) thought to be acceptable. Conversely, if a refusal on this basis is to be justified, the local planning authority would need to have demonstrated that none of the realistic ways of implementing an outline proposal were acceptable.
239. In the present case, all parties focussed their examination of potential ecological harm on the effects of a connection or connections between the northern and southern fields. Because that is where there is a concentration of ecological interest, I have no reason to disagree with that approach.
240. However, the parties (and particularly the Council) went further and debated the impact of the proposal only in terms of particular alignments (indicated on the submitted parameters plan) for a new road and for an upgrading of an existing footpath (partly informal, partly right of way) to a combined footpath and cycleway even though that was not submitted for detailed approval. There are a number of observations to make on this approach.
241. Although the inclusion of the site in the adopted Local Plan came about as a result of an objection to the Local Plan made by the current appellant, it is the local planning authority's decision to accept the recommendation of the Local Plan Inquiry Inspector to include the proposal in its Plan. In doing so, it becomes, in effect, the Council's proposal. Similarly, in at least one of the Council's iterations of its proposals for a new Local Plan, it is the Council which has proposed the development for housing of both the northern and the southern fields.
242. It is nowadays one of the tests of soundness of a development plan that its proposals would be deliverable. The adopted plan was prepared before that test

applied. Even so, it would have been sensible for any planning authority first to satisfy itself that delivery of the site was at least feasible.

243. In the present case, however, it appears that the Council did not, in fact, carry out any feasibility study before adopting the proposal as its own [169]. Two consequences follow. Firstly, it is not valid to presume, as the appellant has done [79, 81], that there is, necessarily, any previously identified acceptable way of delivering the proposal. Secondly, it is not sufficient to appraise this outline proposal, as the Council has done [170], on the basis of one option alone; all feasible options must be considered.
244. Although the appellant has considered a number of options for delivery, the options do not cover all possibilities. Three options were considered in the appellant's Design and Access Statement⁴¹⁴.
245. Option 1 would have made use of the alignment of the previous track connecting the two fields. It was not considered by the Council⁴¹⁵. A different option is preferred by the appellant because the construction of this option would have affected the root protection area of a 600 year old coppiced ash, one of the oldest trees in the woodland⁴¹⁶. Whilst noting Mr Forbes-Laird's estimate of the life remaining to this tree, observation on site shows that it is suffering die-back, so I am not convinced that the appellant's ranking of this option is necessarily the most advantageous; had the Council considered this option, at least a second opinion could have been obtained.
246. Option 2 would have formed a dog-leg through TPO area W2 avoiding the designated Ancient Woodland area in its entirety. Although the Council, in its opening and closing remarks notes that there is at least one alternative location for the link road and that it is outside the designated Ancient Woodland, it has not given it any consideration⁴¹⁷. Its refusal of the application is not based on a rejection of this option. The appellant prefers a different option because this one would generate greater tree loss, a longer route through woodland and so a potentially greater impact on ecology resulting from street lighting⁴¹⁸. But that preference was expressed before Mr Baxter's work, identifying the distribution of Ancient Woodland Vascular Plants showed that this area of woodland was perhaps the least ecologically significant, so I am not convinced that the appellant's ranking of this option is necessarily the most advantageous; had the Council considered this option, at least a second opinion could have been obtained.
247. Option 3 is the appellant's preferred option [99]. It would take a short route through the narrowest part of the designated Ancient Woodland, a little to the north-west of the route of the historic track. It would avoid any effects on the 600-year old Ash coppice⁴¹⁹. Observation on site shows that it is a route which appears to make use of a natural clearing in part of the wood, but it was preferred by the appellant before Mr Baxter's work became available, showing

⁴¹⁴ Core Document 2/22, paragraphs 11.5 to 11.7

⁴¹⁵ Accepted by Mr Wilford in cross-examination

⁴¹⁶ Core Document 2/22, paragraphs 11.5 to 11.7

⁴¹⁷ Accepted by Mr Wilford in cross-examination

⁴¹⁸ Core Document 2/22, paragraphs 11.5 to 11.7

⁴¹⁹ Core Document 2/22, paragraphs 11.5 to 11.7

the distribution of Ancient Woodland Vascular Plants, so I am not convinced that the appellant's ranking of this option is necessarily the most advantageous.

248. Thus, in theory, there are at least three other options, not considered in detail by anybody. One, which I will call option 4 is a route through TPO area W2, not avoiding the part of the designated Ancient Woodland (which, as I have noted above, may have been unjustifiably designated) but, informed by Mr Baxter's work, taking a shorter route than the dogleg option 2 described above.

249. Another, which I will call option 5 is a route from the western corner of the northern field, skirting around the western end of the designated Ancient Woodland. The view was expressed in the Inquiry that the topography made this implausible⁴²⁰. Certainly, the site of a former sand pit lies in the way. It would also pass through The Knoll, which is suspected to have considerable archaeological interest which has not been investigated, so it is understandable that the appellant has not even investigated this option. But, if other options involving a route through the woodland were found to be unacceptable in principle, it remains an option to be investigated.

250. The final option (which I will call option 6) is a route to the southern field which would not connect with the northern field at all but would approach from Maidstone Hospital from the south⁴²¹. This would require the use of land not in the appellant's ownership. Furthermore, the concept of a housing estate accessed via the hospital's internal road system might be an unattractive marketing proposition, so it is understandable that the appellant has not investigated this option. It would also be contrary to the Development Plan which prescribes a sole access to both fields from Hermitage Lane, so may be accepted for that reason as an option not worth pursuing.

251. The Council correctly points out⁴²² that evidence about the impacts of these options (other than the summary comments in the Design and Access Statement or the cursory comments made in cross-examination) was not before the Inquiry [171]. Certainly, there is nothing to match the detailed appraisal of option 3. It follows that it cannot be said with any certainty that any of these options would produce a result with a lesser impact on ecology than the appellant's preferred option. Equally, however, it cannot be said that option 3 has been tested and found to be the best or only available option.

252. There is therefore no convincing justification for a condition insisting on the selection of option 3 through applying the Parameters Plan. It should remain as an illustrative example only. I adopt that route for the purposes of this Report, but it needs to be understood that any finding that the development is acceptable on the basis of option 3 does not mean that some other option might not be found to be preferable at detailed stage. Equally, if, contrary to my recommendation, the development were to be found unacceptable on the basis of option 3, it would not mean that planning permission should automatically be refused; a view would have to be taken on the basis of the limited evidence reported here of the likelihood of any other options proving acceptable. In my view, both options 1 and 4 show promise.

⁴²⁰ By Mr Wilford in cross-examination

⁴²¹ Paragraph 10.2 of Matthew Chard's proof of evidence (Core Document 1/10)

⁴²² In closing submissions

The effects of option 3

253. Different witnesses took different views of Natural England's advice that a conclusion on the ecological balance should be reached before taking into account any effects of mitigation or compensation [103]. All parties accepted the observation that loss of Ancient Woodland is an absolute loss and cannot be mitigated [157], though it was argued that soil translocation (which could be secured by condition at reserved matters stage and might be 85% effective) would represent a less than total loss of the area affected [98]. The New Allington Action Group's assertion [190] that a cycle way is proposed alongside the existing right of way is mistaken; it would be constructed in its place. The contention that the construction of the boardwalk was not a loss because it retained and protected the Ancient Woodland soils was not convincingly challenged [98]. Overall, the appellant's view prevailed that the absolute loss of Ancient Woodland which would result from option 3 was about 1.8% of the designated Ancient Woodland area [98]. Taking into account Mr Baxter's work on the distribution of ecological interest on the site, the absolute loss to ecology from option 3 would be less even than that figure.
254. When considering damage, even more than when considering loss, it is counterintuitive to follow Natural England advice⁴²³ that mitigation and compensation measures should be issues for consideration only after it has been judged that the wider effects of a proposed development clearly outweigh the loss or damage of ancient woodland because mitigation, of its nature, clearly reduces damage; that is what it is intended to do and it may be thought unrealistic to separate the two. Neither party did so [103].
255. The list of potential adverse ecological effects [152 to 156, 189, 195 and 199] is not contested but their magnitude and significance was challenged. Some claimed harms appear overstated. It is true that the road through the woodland would fall within the definition of development within the Town and Country Planning Act but would not be provided with a buffer in the way recommended in Natural England's advice. Yet a buffer is intended to provide protection against human activity, which is usually based on a workplace or a residence; a road is just a passageway, not a basis of activity and so, it may be thought that the use of the word "development" in Natural England's standing advice is a more colloquial than technical use⁴²⁴. In any event, the appellant explains why a buffer to the road should not be provided [101].
256. The claimed harm from the boardwalk would also appear to be overstated, since it ignores the fact that the existing pathways, both informal and rights of way, through the Ancient Woodland are already well used by the public and their dogs and so trampling damage is already experienced. This would be substantially increased by the increased population of the development in the northern field, which development the Council finds acceptable [132] and only marginally increased further as a result of the development in the southern field.

⁴²³ Core document 10/1, paragraph 6.1

⁴²⁴ Natural England advice on buffer zones (paragraph 6.4 of Core Document 10/1) is that an appropriate buffer area will depend on the type of development, amongst other matters. Its example of the kind of thing a buffer zone is intended to confront is activity from a residential garden.

The boardwalk might lead to some construction damage but would permanently relieve the trampling damage.

257. Loss of connectivity between parts of the wood which would be separated by the road is alleged to be prejudicial to the Council's emerging Blue and Green Infrastructure Strategy [154]. The appellant's response, that woodland canopy would grow back over the road within ten years, is disparaged. Yet the Councils' emerging Blue and Green Infrastructure Strategy is based on concepts of connectivity across barriers, such as Hermitage Lane itself, far greater than those implied in this development, so it seems to me that the alleged harm through a break in continuity is overstated.
258. A long list of mitigation measures [101 and 102] is proposed. Some of these would provide more than mitigation and would provide enhancement or compensation for unmitigated loss [106]. Although the New Allington Action Group asserts an inadequate depth to buffer zones [191], they comply with Natural England advice⁴²⁵. In some cases it is difficult to distinguish between the mitigation effects and the compensation effects of a measure and so, it is not surprising that both sides claimed victory in the mitigation balance [104, 157]. In my view it may be as well to remember that mitigation is just that; namely mitigation; harm remains, albeit minimised; at most, neutralised. Anything more than that offers enhancement or compensation for other harms.
259. Compensation and enhancement also need to be taken into account, as Natural England confirms⁴²⁶. When that is done [106], even leaving out of the equation for the moment the non-ecological benefits [107,108], the ecological balance of option 3 would be as follows;
- An absolute loss of a small area of designated Ancient Woodland (less than 2% of its designated area, much less than 2% of the identified ecological interest of the site and reduced to a degree by soil translocation) which has a medium to high value at a local level
 - Damage to woodland ecology largely neutralised by mitigation
 - New woodland, ten times the area lost (largely provided on the northern field)
 - Management of all woodland; designated Ancient, other ancient and new
 - Community orchard, parkland and grassland provision (largely provided on the northern field)
 - Facilities to encourage fauna

Even allowing for the fact that much of the compensation would be provided on the northern field [133], the balance would be clearly positive and so the test of NPPF paragraph 118, bullet 1 would be met.

260. The need for, and benefits of development are not disputed by the Council [107, 108]. When these are taken into account, then, even allowing for the fact that an estimated 84% of the benefits would accrue from the development of the northern field [133], the test of NPPF paragraph 118, bullet 5 is clearly met. The

⁴²⁵ Core Document 10/1, paragraph 6.4

⁴²⁶ Core Document 10/1, section 6.5

benefits resulting from 80 dwellings in the southern field, including affordable housing, and their contribution to the planning obligations would clearly outweigh the very small loss of Ancient Woodland envisaged in option 3. Although this loss would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland and of policy DM10 of the Council's emerging Local Plan which requires developments to incorporate measures to protect, without qualification, areas of Ancient Woodland and features of biological interest I conclude that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. It may well be found that when some of the other road link options are evaluated during the submission of detailed proposals, that the balance could be even more favourable to the proposal.

Landscape character

261. Although the context of the reference in the reason for refusal suggests that concern is limited to the Ancient Woodland, the Council's planning witness at the Inquiry averred that it meant a wider area of woodland [111, 158]. His explanation of what he understood the area of woodland to be was challenged by the appellant's advocate [112 – 117] but his explanation was not disowned by the Council's advocate [158] and, as a matter of fact, the Council's reason for refusal is capable of interpretation in a wider way.

262. Although the wording of the Council's reason for refusal refers specifically to an alleged erosion of the setting of the woodland as a landscape feature by development of the southern field and the necessary road linking to it, the Council's landscape witness expanded this to a consideration of the general landscape impacts of the proposal both on the woodland itself, and on the southern field [115, 117 and 159]. Because Natural England's Standing Advice⁴²⁷ is that Ancient Woodland is of prime ecological and landscape importance, and the first reason for refusal refers to loss and deterioration of Ancient Woodland not limited to its ecological interest, it may not be thought wrong for the landscape interest of the Ancient Woodland to be examined in the way suggested by the Council's witness. Nor, given that the woodland is protected by TPOs, and that the ostensible reason for making a TPO is that it is expedient in the interests of amenity, is it necessarily wrong to consider the wider woodland.

263. Whether it is the landscape interest of the Ancient Woodland itself, or of the woodland in a wider sense, or of their setting, these matters are nearly as equally significant to development of the northern field as to development of the southern field. The development of the southern field would require a link between the two fields, whereas the development of the northern field alone would not. The link might result a break in the continuity of the woodland on the skyline [164]⁴²⁸. That might affect the value of the woodland as a landscape feature, but would have little or no effect on its setting. But, there is already a break, caused by the previous track. In commenting on the Costs application, the Council's advocate advanced the argument that the woodland is seen across the southern field at closer range and by more people from footpath KB18 than

⁴²⁷ Paragraph 4.8.1 of Core Document 10/1

⁴²⁸ Option 3, which has been used as the basis for evaluation in this report would do so but option 2 (the dog-leg) would not. Nor would a less extreme curved option, if eventually chosen.

from elsewhere. However, the Council's landscape witness only evaluates the southern field and the woodland itself and makes no comparative analysis of the impact on the woodland's setting from the northern field, which has public rights of way on two sides and an informal path on a third. It is, on the face of it, inconsistent for the Council to accept that development of the northern field would have an acceptable impact on either the setting of the woodland, or of its value as a landscape feature, and yet find that development of the southern field would not and it is correct that no convincing explanation of this inconsistency has been given [113].

264. The proposals in front of the Secretary of State comprise a scheme to develop both fields. Neither party suggests that a split decision between the northern and southern fields would be appropriate, nor would it be practicable given that the planning obligations apply to the whole site and are not divisible.

Nevertheless, regardless of the wording of the Council's reasons for refusal and notwithstanding all parties' acceptance of development on the northern field and a consequent lack of any evidence of any harm from the development of the northern field, it is open to the Secretary of State to consider that the effects of the proposal to develop on both sides of the woodland merit dismissing the appeal. However, that is not my recommendation, nor is it the case presented by any party.

265. In analysing the effects of proposed development landscape architects adopt a particular terminology in line with the Guidelines of their Institute⁴²⁹. They assess both the landscape effects of a proposal (ie what physical changes to the landscape would be made) and also its visual effects, in both cases by reference to the condition of the landscape and its sensitivity to change in terms of various strategic levels of concern (eg, national, regional, county, district or local). Intrinsic to this method, impacts at lower levels in the hierarchy of concern are inevitably described in more portentous terms (similar to the effect of a large ripple in a small pond).

266. So, Mr Lovell's description (for the Council) of the impact of the development on Ancient Woodland and on the southern field as "large adverse" [159] and Mr Chard's description (for the appellant) of the impact of development on the landscape character of the Ancient Woodland as "up to moderate-major adverse at year 1" [160] are unsurprising. It simply means that they are describing a change from arable fields to a housing estate. Almost any proposed development on a greenfield site anywhere might be described in the same way.

267. Of more significance to the decision maker is the context within which the effects would be realised. Making an analysis at local level for the purposes of this appeal, Mr Lovell assesses the sensitivity of the landscape character of the southern part of the site (the woodland and the southern field) as at least moderate.⁴³⁰ Published analyses (by Mr Lovell's firm for the County and for MBC) record the landscape character area within which the appeal sits as in poor condition and with very low sensitivity to additional development whether assessed at County level or at District level [118]. The New Allington Action Groups references are to different character areas in a different part of Maidstone

⁴²⁹ Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd edition 2013

⁴³⁰ Paragraph 9.4 of Mr Lovell's proof of evidence (Core Document 1/14)

[192] and so are not relevant to this appeal. The simile of the large ripple in a small pond applies again; the southern field is very contained⁴³¹; if one's attention is confined to the southern field, then any change appears more sensitive than if one is considering a wider context.

268. These matters were considered in the report of the Inspector who considered the objections to the Local Plan [49, 118] and found the development of the site, including the southern field, acceptable. In landscape terms, nothing has changed since, as Mr Lovell, for the Council, accepted in cross-examination [118]. I have no reason to take a different view of the landscape impacts of the proposal.
269. Although not specific in its reason for refusal, there is more than a hint in the Council's evidence that the southern field should be retained as open space [41, 166] as part of the Council's emerging Green and Blue Infrastructure Strategy. This recognises the northern field and woodland, rather than the southern field as a Biodiversity Opportunity Area. That is not incompatible with development, as the Council's acceptance of development of the northern field indicates.
270. Notwithstanding the New Allington Action Group's concerns about the configuration of open space to be provided [183] and the support from CPRE for retention as open space [196], the Council's planning witness accepted that there is no case for additional open space in this location [83] and asserted that the Council would not adopt what is proposed to be provided⁴³². The proposals of the emerging Green and Blue Infrastructure Strategy are diagrammatic; its concept of a green and blue corridor and action plan could as easily be fulfilled by the retention of the woodland as is proposed as by the retention of the southern field; examination of the manifestations of the corridor already existing within the built up area to the east of the appeal site suggest that zone 10 of the Landscape Strategy envisaged by the appellant would also go some way towards projecting the corridor in the direction envisaged without the retention of the field as open space. For all these reasons, I do not see the Council's emerging Green and Blue Infrastructure Strategy as a reason to dismiss the appeal.
271. I conclude that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12. This requires, without qualification, the retention of trees which, strictly speaking, the current proposal would contravene in that it would remove some. Emerging policy DM10 is less rigidly drafted in that it takes a more nuanced approach and so the proposal which balances removal with mitigation and new planting would be compliant.

Living conditions

272. The evidence produced by the New Allington Action Group of existing traffic and air quality conditions in the area is not seriously challenged [174, 176, 177, 179, 180, 181] but their case makes no more than suppositions about the future impact of the proposal [175, 178, 181]; it is not reinforced with technical analysis.

⁴³¹ Paragraph 9.2 of Mr Lovell's proof of evidence (Core Document 1/14)

⁴³² Mr Bailey, in discussion on planning obligations.

273. That is not to say that the concerns are groundless; they were clearly shared by TMBC [203]. Although my visits to the site and to Hermitage Lane did not coincide with peak times, so I cannot confirm the reports of “gridlock”, one has only to look at the size of the car parks associated with Maidstone Hospital, served only by Hermitage Lane, and to take into account the information given of local out-of-town retail parks, to realise the volume of traffic and consequent air pollution they would generate in the existing situation.
274. However, despite the scepticism of the New Allington Action Group [178], tools such as Travel Plans are known to be capable of a significant influence on people’s travel behaviour. And, having taken into account the transport improvements proposed to the road and public transport network as a result of this and other developments in the area, both Kent County Council and TMBC are satisfied that the outcomes of this proposal, both in terms of highway safety and air quality, would be acceptable [73, 121, 203]. There is no substantive evidence on which to base a disagreement with that conclusion.

Other matters

275. The effect of the proposal on infrastructure was a principal matter on which the main parties came to an agreement to which third parties did not subscribe. This is not surprising because although Heads of Terms for a planning obligation were reported in MBC’s Committee report, a draft of a planning agreement and of a Unilateral Undertaking were not produced until 27 May, a few days before the Inquiry opened and a final draft not until the final day of the Inquiry. Despite the assertion in the New Allington Action Group’s closing submissions that they were not given any copies of documents, all documents presented at the Inquiry were understood to have been copied to the Rule 6 party and no request for an adjournment to receive or to consider documents was made. The provisions secured were discussed at the Inquiry with the Action Group present, so, in the event, their interests were not prejudiced. The obligations would address the expressed concerns [69 to 72].
276. The loss of agricultural land is inherent in the designation of the site for development. The principle was considered by the Local Plan Inquiry Inspector and found acceptable⁴³³. There is no material change in circumstance which would lead to a different conclusion.
277. Likewise, the archaeological interest of the southern field was considered by the Local Plan Inquiry Inspector and its inclusion in the plan as a development proposal found to be acceptable.⁴³⁴ There is no new archaeological evidence which would lead to a different conclusion.
278. Similarly, the effect of development on the Strategic Gap was considered by the Local Plan Inquiry Inspector⁴³⁵ and found acceptable if limited to the south of footpath KB47. The current proposal includes provision within the planning obligations for the primary school and community centre to be located within the area previously retained as Strategic Gap but with extensive grounds. MBC has

⁴³³ Core Document 8/3, paragraph 4.560

⁴³⁴ Core Document 8/3, paragraph 4.558

⁴³⁵ Core Document 8/3, paragraphs 4.554 to 4.556

no objection to this aspect of the proposals and indeed proposes such an allocation in its Regulation 18 Consultation 2014 document [41].

279. The Local Plan Inquiry Inspector also considered the appropriate location for the access to the development⁴³⁶ to be from Hermitage Lane in the location proposed. There is no new evidence to require revisiting this discussion.

280. The liability of the Hythe beds which underlie the site to form sink holes as a result of water percolation [198] is a known geological phenomenon. This matter is recognised on page 4 of Appendix C to the appellant's submitted Flood Risk Assessment⁴³⁷. This observes that large fissures can open up and states that conventional soakaways are not recommended. Drainage details are not a matter to be considered at this stage, although a Sustainable Urban Drainage System is clearly contemplated⁴³⁸. The findings and recommendations⁴³⁹, which include the need for engineered site levels to cope with a catastrophic failure of the water supply reservoir, would need to be observed by the developer and local planning authority in submitting and considering details for approval at the appropriate time. These matters have not prevented other development in this part of Allington and so, are not reasons to dismiss this appeal.

Conditions

281. TMBC made no suggestions for conditions applicable to the appeal. MBC suggested 29 conditions which it felt would be necessary to make the development acceptable, if permission were to be granted⁴⁴⁰. I have considered these in the light of advice contained in the National Planning Practice Guidance (Guidance), preferring, where appropriate, the wording of the model conditions set out in the Annex to the otherwise now cancelled circular 11/95, *the Use of Conditions in Planning Permissions* and append my recommended conditions to this report.

282. MBC's first five suggested conditions concern the timing within which reserved matters applications must be made and development must start. Because of the size of the scheme and the logistics of submitting details, a phasing scheme will be needed, so it is necessary to adjust the standard conditions accordingly. In the interests of boosting housing delivery, MBC wanted development to progress swiftly, if approved, and so sought a reduced timescale for the submission of reserved matters. The developer demurred at submitting each phase more frequently than once every six months. Five phases were envisaged, so I have left the standard timescales unaltered. I have condensed the five suggested conditions into four to avoid duplication.

283. MBC's suggested twenty-ninth condition would define the approved plans. Amended details of the accesses were submitted during the Councils' consideration of the applications, so it is necessary that this condition makes it clear which are approved. I have made it condition five. For the reasons discussed previously [64] and again below, the list of approved plans does not

⁴³⁶ Core Document 8/3, paragraph 4.544

⁴³⁷ Core Document 2/15

⁴³⁸ Core Document 2/15, paragraph 8.1.3

⁴³⁹ Core Document 2/15, paragraphs 4.7.2, 6.3.7 and 9.1.9

⁴⁴⁰ Inquiry Document 41

include the Parameters Plan or any other illustrative plan. Rather, if particular provisions are to be required, a separate condition is applied to each.

284. MBC suggests that conditions 6, 7 and 8 are needed to ensure that the site is provided with an access before construction commences and to ensure that the Howard Drive bus link is constructed when it is needed and in a way which is limited to its intended users. However, because MBC's suggested condition 5 (my suggested condition 1) includes a phasing plan and a requirement that it be followed, MBC's suggested condition 6 is unnecessary and so I have omitted it. I recommend rephrasing the other two (my suggested conditions 6 and 7) to avoid duplication with MBC's suggested conditions 5 and 29 (my suggested conditions 1 and 5). It would not be necessary to require details of the management regime for the control on the Howard Drive entrance; it is sufficient that the condition requires the control to be kept in operation.
285. MBC's suggested conditions 9 and 10 presume the approval of certain details of layout. But as details of layout are reserved matters which have not been submitted for approval, these suggested conditions are premature at this stage and so I do not recommend their adoption. The terms of condition 2 would require that no development of the southern field, or of any other phase takes place until details of its layout have been approved, so conditions 9 and 10 are in any event unnecessary.
286. MBC's suggested condition 11 seeks to ensure that no more than 250 dwellings (half the total permitted) are occupied until improvements to M20 junction 5 have been completed. The appellant objects that the timescale for completion of the junction improvements is out of their hands and that the condition is unnecessary because the s106 agreement binds the developer not to occupy any of the dwellings in a phase until 50% of the highways contribution for that phase has been paid and not to occupy more than 50% of the dwellings in a phase until all the highways contribution has been paid. The highways contribution is to be used by the County Council in part towards the M20 junction 5 improvements.
287. The appellant's view is understandable but the junction improvement is one of the measures necessary to satisfy TMBC's concerns about Air Quality [203] and to address the similar concerns of the New Allington Action Group [177 to 181]. Moreover, the condition is the subject of a Direction from the former Highways Agency⁴⁴¹. The Highways Agency has since been abolished and its successor holds no powers of direction. Despite legal representation, no party was able to offer advice or evidence as to the continued validity of the Direction. As a precaution, I include it in my list of suggested conditions (suggested condition 8), although I have omitted the various tailpieces allowing amendments to the scheme which appear to be contrary to the judgement in the case of *Midcounties Cooperative Ltd v Wyre Forest District Council* [2009] EWHC 964.
288. MBC's suggested condition 12 presumes that the layout of the scheme has been approved. But as details of layout are reserved matters which have not been submitted for approval, this suggested condition is premature at this stage and so I do not recommend its adoption now. It would be appropriate for inclusion when the appropriate details are approved.

⁴⁴¹ Inquiry Document 33

289. MBC's suggested condition 13 would secure the submission, approval and application of a Travel Plan. A Travel Plan is necessary as one of the measures necessary to satisfy TMBC's concerns about Air Quality [203] and to address the similar concerns of the New Allington Action Group [177 to 181]. It is not a reserved matter whose submission would be secured by suggested condition 2 and so it is necessary to impose it now (my suggested condition 9), though I have omitted those parts of the suggested condition which would specify its content because no evidence is submitted to justify its necessity and to do so would pre-empt the local planning authority's discretion to approve or reject what may be proposed.
290. Likewise, MBC's suggested conditions 14, 15, 16, 17, 18 and 19 would duplicate the requirement of condition 2 to submit details of landscaping as a reserved matter. Other than the requirement for a 15m buffer to the woodland, no evidence is submitted to justify their content. Even then, the appellant makes a cogent case to disapply the requirement for a buffer from any access road passing through the woodland [101]. The suggested conditions would fetter the discretion of both appellant and local planning authority in preparing and considering proposals to be submitted in accordance with condition 2 without full and convincing justification, so I do not recommend their imposition. Schedule 4 of the submitted Unilateral Undertaking binds the developer not to commence any phase of development until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved by the local planning authority and then to carry out the development in accordance with the LEMP and so duplicates suggested condition 17 in any event, rendering it unnecessary.
291. On the other hand, although details of new landscaping are required to be submitted by condition 2, reserved matters would not necessarily include measures for the protection of trees to be retained. The Tree survey and retention plan submitted with the application⁴⁴² only makes recommendations for which trees should be retained, does not specify the measures to be taken to secure their retention and is designed around a particular layout which may, or may not be that submitted for approval as a reserved matter, so cannot simply be applied; a condition achieving the purpose of MBC's suggested condition 20 to secure a new Arboricultural Implications Assessment and to apply its recommendations is necessary. My suggested condition 10 is recommended.
292. MBC's suggested condition 21 would seek the submission and approval of a Biodiversity Construction Environmental Management Plan. This is said to be in the interests of ecological preservation. But, as the ecological surveys indicate that the vast majority of ecological interest on the appeal site is to be found in the woodland areas, and my suggested condition 10 (replacing MBC's suggested condition 20) is intended to secure the protection of the woodland areas during construction, this additional condition may be thought to be superfluous to necessity. I do not recommend its adoption.
293. MBC's suggested condition 22 is predicated on the presumption that the layout to be submitted and approved as a reserved matter will require the removal of Ancient Woodland soils. It is one of the mitigations proposed if option 3 for the road linking the two fields is pursued. But as details of layout are reserved

⁴⁴² Appendix 5 to Core Document 2/20

matters which have not been submitted for approval, this suggested condition is premature at this stage and so I do not recommend its adoption at this stage. It would become appropriate if a road layout is approved at detailed stage which involves passage through designated Ancient Woodland.

294. MBC suggests two conditions 23 to secure the submission and approval of details of a surface water drainage scheme and of a foul water drainage scheme. Details of drainage are not a reserved matter whose submission would be secured by suggested condition 2 and so it is necessary to require it by condition now (my suggested condition 11). However, I have omitted the specific requirement as to content and sustainable drainage principles, both in order not to fetter the Councils' discretion when considering what might be proposed and also in the light of the recommendations of the appellant's submitted Flood Risk Assessment⁴⁴³. This states that conventional soakaways are not recommended. I have also combined the suggested conditions into one to require details of both foul as well as surface water drainage.
295. MBC's suggested condition 24 is as drafted by Kent County Council's Senior Archaeological Officer. It would require archaeological field evaluation works. As drafted it does not recognise that some work has already been done and it would appear to be satisfied by those works. Yet, as made clear in section 8 of the appellant's Heritage Statement, that is not the intention, so I have redrafted the condition to make specific reference to the description of intended works in the Heritage Statement (my suggested condition 12).
296. Although there has been no formal assessment of potential land contamination risks, there are a Site Assessment report by Southern Testing dated 23 May 2001 and an Environmental Disclosure report prepared for Southern Testing dated 4 June 2001 within Appendix C of the Appellant's Flood Risk Assessment⁴⁴⁴ both of which indicate little or no potential for ground contamination. National Planning Practice Guidance advises that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information. In this light, it may be felt that MBC's suggested condition 25 is unnecessary, even though it is said to derive from the Environment Agency's comments on a later application for the site. In relation to the current appeal, the Environment Agency's comments on the original application simply requested the imposition of a less demanding condition on which I have based my suggested condition 13, making adjustments to reflect the fact that phasing of the site is proposed.
297. MBC seeks a condition requiring the submission of a Construction Method Statement. The reason given is because of the site's proximity to residential development. I am not convinced by that because the site is buffered from neighbouring residential development by tree belts which are to be retained and it is to be accessed from Hermitage Lane specifically so as to avoid impacts on the residential area. However, the site is a large one and is likely to employ a significant number of people and to generate considerable volumes of construction traffic over a number of years. Its effects, even though temporary,

⁴⁴³ Core Document 2/15 paragraphs 4.7.2, 6.3.7 and 9.1.9 and section 8 of Southern Testing's Soakage Report dated 5/1/2006 contained in Appendix C

⁴⁴⁴ Core Document 2/15

would be as prolonged as some nominally permanent developments, so it would not be unreasonable and may even be felt necessary for the construction process to be subject to a similar degree of evaluation. I therefore recommend my suggested condition 14.

298. MBC's suggested condition 27 would require details to be submitted, approved and constructed to provide storage for refuse and recycling. Such details are not a reserved matter whose submission would be secured by suggested condition 2 and so it is necessary to impose it now (my suggested condition 15), adjusted to reflect the mixed use nature of the proposals.
299. The installation of utility services is normally carried out as permitted development. Details would not normally have to be submitted as reserved matters. MBC's suggested condition 28 would require facilities to be provided for their installation. It is necessary to avoid unnecessary clutter in the street scene (my suggested condition 16).
300. Although not specifically canvassed during the Inquiry, all parties agreed during the discussion on conditions that recommendations made in documents submitted with the application might need to be the subject of a condition if not secured through a planning obligation or required as a reserved matter. Upon reflection, these include; a scheme of public lighting, measures to secure renewable energy in accordance with paragraph 97 of the NPPF, measures to secure noise insulation in accordance with the recommendations of the Site Suitability Assessment Report – Noise and measures to limit the height of buildings in accordance with the recommendations of the appellant's Landscape and Visual Impact Assessment⁴⁴⁵. The description of development on the application forms includes reference to open space including children's play areas. Whereas the Unilateral Undertaking makes provision for open space to be offered to the Council or to a Management Company, neither the definition of Public Open Space nor Schedule 3 of the Undertaking quantifies the Open Space. Nor do they specify the provision of play facilities. A condition is necessary to do so. My conditions 17, 18, 19, 20 and 21 are therefore recommended.

Obligations

301. The content of the obligations has been summarised earlier [69 to 72]. Here I simply consider to what extent they comply with the CIL regulations. TMBC is not a party to the obligations or a beneficiary of them. MBC and Kent County Council are reported to have checked their records and confirm that the obligations would comply with the pooling limitations of CIL regulation 123.⁴⁴⁶
302. Some of the obligations would discharge or substitute for specific provisions in site allocation policies from the Maidstone Borough-Wide Local Plan [30 to 34]. These include most of the highway and transport contributions, the primary school provision, the affordable housing, the community hall, the public open space within the site and the health care provision. These facilities, or their equivalent, were included as proposals in the Maidstone Borough-Wide Local Plan because the Local Plan Inspector considered them necessary at the time [48].

⁴⁴⁵ Core Document 2/13, paragraph 8.13, bullet 3, interpreted in the Parameters Plan as 11m from ground level to ridge line of any building

⁴⁴⁶ Inquiry document 35, page 2

There is no evidence to show that they are no longer needed. In one form or another they are retained in the Council's various iterations of its regulation 18 consultations on its emerging Local Plan [39 to 43]. They are all directed at specific projects with measurable outcomes and I have no doubt but that these items all conform with the CIL regulations and should be taken into account in making the decision.

303. Others of the obligations are necessary to satisfy concerns arising from the impacts of the scheme on highway safety, air quality and other local social infrastructure. These include all of the highway and transport contributions, the adult care and learning facilities, the youth-based services, the primary and secondary school contributions, the libraries contribution, the community hall, the on-site open space and the play facilities at Giddyhorn Lane. Their necessity is confirmed in general terms by a letter from Kent County Council commenting on Maidstone's Local Plan Review.⁴⁴⁷ In so far as these contributions are not required to comply with a site-specific allocation policy, they are reported to have been calculated by reference to the County Council's published advice on Developer Contributions⁴⁴⁸ and so may be presumed to be proportionate to the impact of the development proposed. They are all directed towards nominated projects and identifiable outcomes. I have no doubt but that these items all conform with the CIL regulations and should be taken into account in making the decision.
304. The only provision which is challenged by the developer is the provision of £426 per dwelling to be used for the provision and maintenance of strategic open space within the vicinity of the site. Given the stated requirements of MBC's Open Space DPD [33] and the table of open space proposed on page 41 of the revised Design and Access Statement⁴⁴⁹, which can be secured by condition [300], there is no clear justification for this obligation. The Council's planning witness accepted that he was unable to provide evidence to justify this contribution. I conclude that there is no need for it and so it fails the test of CIL regulation 122 and should not be taken into account in making the decision.

Overall conclusions

305. In many ways, this Inquiry has been a re-run of the issues rehearsed during the Local Plan Inquiry some fifteen years ago. Not only were most of the matters listed above as "other issues" considered previously in circumstances now unchanged but so too were many aspects of the main issues; the consideration of the landscape character has many resonances with the Local Plan Inquiry Inspector's report⁴⁵⁰ and today's agreed housing need echoes the similar considerations of fifteen years ago.

⁴⁴⁷ Inquiry Document 5, last point on page 1, third paragraph on page 3 and penultimate paragraph on page 4

⁴⁴⁸ Inquiry Document 35, table of obligations to the County council, final column

⁴⁴⁹ Core Document 2/22

⁴⁵⁰ Not just paragraphs 3.404 to 3.408 and paragraph 4.561 but also paragraphs 3.263 to 3.271, paragraphs 3.287 to 3.295 and paragraphs 3.349 and 3.350 which deal with a putative Oakwood Green Corridor somewhat similar in concept to the corridor envisaged in the currently emerging Green and Blue Infrastructure Strategy.

306. What has changed in the interim is that the Council has been following a "brownfield first" policy in line with government advice and that the Ancient Woodland has been designated. The first justified postponing the development of the site in the 2002 appeal. It does not do so now because the Council has run out of sufficient sites.
307. The second is only a dependent change; designation as Ancient Woodland recognises its ecological attributes; but the attributes themselves remain unchanged from the time when allocation of this site for development was made. Its habitat interest was drawn to the attention of the 2002 appeal Inspector but was not a reason for dismissing that appeal.⁴⁵¹ The woodland was recognised to be Ancient Woodland at least by September 2012, before it was so designated [29] but the whole site continued to be proposed for development subsequently by MBC in its reiterations of its Local Plan Review.
308. The parties agree, and I concur, that the development plan is out of date, so the decision taking process should be that set out in the final bullet point of NPPF paragraph 14. The development needs to be considered in the context of the presumption in favour of sustainable development, defined by the Framework as encompassing economic, social and environmental dimensions.
309. As previously noted, the economic benefits of the proposal are very significant and not disputed [107], the substantial weight of social benefits are agreed by the Council [108] and there is a positive environmental balance [106] and so the development would be sustainable [109]. All that remains is to consider whether any adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or whether specific policies in the Framework indicate that development should be restricted.
310. I have examined whether the needs for, and benefits of, development in the location proposed (taking option 3 for the road link as an exemplar) clearly outweigh the small loss of irreplaceable habitat which would result. I have found [109] that they would so that whether looking at the first or fifth bullet point of NPPF paragraph 118, that does not represent a specific policy in the Framework which indicates that development should be restricted.
311. The potential future living conditions of local residents in terms of highway safety and air pollution have been examined. Whilst the quantity of traffic and consequent air pollution arising from existing development in the area, such as Maidstone Hospital, is clearly a matter of current concern, both to local residents and to the local authorities, there is no evidence to indicate that the development proposed will cause an outcome any more unacceptable than it would otherwise be. Rather, it appears to me that the concerns, of the local authorities at least, have been assuaged.
312. I have also looked at the landscape impact of the development on the woodland and its setting. I have found that the impacts would be transformational but localised. That is reflected in the local strength of feeling demonstrated by the involvement of the New Allington Action Group in this Inquiry and by the volume of correspondence which the applications generated.

⁴⁵¹ Core document 13/1, paragraph 171

But, as soon as one moves away from the immediate locality, there is no significant landscape harm.

313. On the other hand, the benefits are not restricted to the immediate locality and would not be outweighed at all, let alone significantly or demonstrably. It follows that the scheme should benefit from the presumption in favour of sustainable development, the appeals should be allowed and permission should be granted.

Recommendations

File Ref: APP/U2235/A/14/2226326 (Appeal A)

314. I recommend that the appeal be allowed and planning permission be granted subject to the twenty-one conditions appended to this report.

File Ref: APP/H2265/A/14/2226327 (Appeal B)

315. I recommend that the appeal be allowed and planning permission be granted subject to the twenty-one conditions appended to this report.

P. W. Clark

Inspector

CONDITIONS

- 1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.
- 5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.
- 6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.
- 7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.
- 8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).
- 9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.
- 10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase 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. No building shall be occupied or used until its foul and surface water drainage has been completed in accordance with the approved details. The drainage shall thereafter be retained in an operational condition.

- 12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.
- 13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy 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.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) working hours on site
 - ii) the parking of vehicles of site operatives and visitors
 - iii) loading and unloading of plant and materials
 - iv) construction traffic management
 - v) storage of plant and materials used in constructing the development
 - vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vii) wheel washing facilities
 - viii) measures to control the emission of dust and dirt during construction
 - ix) measures to control noise and vibration during construction
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.
- 16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

- 17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.
- 18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase 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. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.
- 19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.
- 20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.
- 21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Megan Thomas, of Counsel	Instructed by Amanda Berger-North (of Maidstone Borough Council Legal Services)
She called	
Philip Sansum BSc PhD	Ecologist
Helen Forster BSc(Hons) MCIEEM	Biodiversity Officer, Kent County Council
Rupert Lovell BSc MA CMLI	Senior Consultant for Landscape and Urban Design, Jacobs UK Limited
James Bailey BA(Hons) DipTP MRTPI	Development Manager, Maidstone Borough Council

FOR THE APPELLANT:

Christopher Boyle QC	Instructed by Barton Willmore
He called	
Julian Forbes-Laird BA(Hons) MICFor MRICS MEWI MArborA Dip Arb(RFS)	Director and Principal Consultant, Forbes-Laird Arboricultural Consultancy Ltd
Alistair Baxter BA(Hons) MA(Oxon) MSc CEnv MCIEEM	Director, Aspect Ecology
Matthew Chard BA(Hons) DipLA(Hons) MAUD CMLI	Partner, Barton Willmore LLP
Andrew Wilford BA(Hons) MA MRTPI	Associate, Barton Willmore LLP

FOR THE NEW ALLINGTON ACTION GROUP:

Barbara Woodward	Chair
Diane Lewins	
Ann Bates	
Richard Barnes	Woodland Trust

INTERESTED PERSONS:

Gareth Thomas	CPRE Maidstone District Chairman
Cllr Dan Daley	Allington Ward Maidstone Borough Councillor

CORE DOCUMENTS

CD1 Appeal Documents

CD1/1	Appeal submitted to the Planning Inspectorate (26 September 2014)
CD1/2	LPA Appeal Questionnaire, including supporting document, relevant development plan policies, statutory consultees and neighbourhood responses
CD1/3	Appellant's Statement of Case (26 September 2014)
CD1/4	MBC Statement of Case (undated)
CD1/5	Appellant/LPA Agreed Statement of Common Ground (May 2015)
CD1/6	TMBC Statement of Case (25 November 2014)
CD1/7	New Allington Action Group Rule 6 Party Statement of Case (02 January 2015)
CD1/8	Appellant/KCC Highways Statement of Common Ground (29 April 2015)
CD1/9	Appellant's Planning Proof of Evidence (Andrew Wilford, Barton Willmore, May 2015)
CD1/10	Appellant's Landscape Proof of Evidence (Matthew D Chard, Barton Willmore, May 2015)
CD1/11	Appellant's Arboriculture Proof of Evidence (Julian Forbes-Laird, Forbes-Laird Arboricultural Consultancy, April 2015)
CD1/12	Appellant's Ecology Proof of Evidence (Alistair Baxter, Aspect Ecology, May 2015)
CD1/13	LPA's Planning Proof of Evidence (James Bailey, MBC, May 2015)
CD1/14	LPA's Landscape Proof of Evidence (Rupert Lovell, Jacobs, 01 May 2015)
CD1/15	LPA's Ecology Proof of Evidence (Helen Forster, KCC, undated)
CD1/16	LPA's Ancient Woodland Designation Proof of Evidence (Philip Sansum, 05 May 2015)
CD1/17	(Not used)
CD1/18	New Allington Action Group Rule 6 Party Proof of Evidence (undated)

CD2 Planning Application Documents

Original Submission October 2013

CD2/1	Covering Letter to MBC (Barton Willmore, 11 October 2013)
CD2/2	Covering Letter to TMBC (Barton Willmore, 11 October 2013)
CD2/3	Original Application Form and Notices to MBC (Barton Willmore, 11 October 2013)
CD2/4	Original Application Form and Notices to TMBC (Barton Willmore, 11 October 2013)
CD2/5	Site Boundary Plan (EB-M-02 Rev C, 16 July 2013)
CD2/6	Superseded Parameters Plan (LN-M-05 Rev C, 22 August 2013)
CD2/7	Site Access Alignment (1402-GA-32 Rev B, 10 April 2013)
CD2/8	Howard Drive Access (1402-GA-37 Rev A, 09 May 2013)
CD2/9	Superseded Illustrative Masterplan (LN-M-02 Rev H, 22 August 2013)
CD2/10	Superseded Design and Access Statement (Barton Willmore, October 2013)
CD2/11	Superseded Planning Statement – including Affordable Housing, Economic Benefits Statement, Retail Assessment and S106 Heads of Terms (Version 03) (Barton Willmore, October 2013)
CD2/12	Ecological Assessment (Aluco Ecology, October 2013)

- CD2/13** Landscape and Visual Impact Assessment inc. Night-Time Lighting Assessment (Barton Willmore, October 2013)
- CD2/14** Landscape and Biodiversity Management Strategy (Barton Willmore, October 2013)
- CD2/15** Flood Risk Assessment inc. Drainage Strategy (WSP, October 2013)
- CD2/16** Heritage Statement inc. Archaeological Survey/Listed Buildings Assessment (Wessex Archaeology, October 2013)
- CD2/17** Statement of Community Involvement (Barton Willmore, October 2013)
- CD2/18** Superseded Transport Assessment inc. Air Quality Assessment at Highway Junctions (WSP, 09 October 2013)
- CD2/18a** Impacts of Proposed Development Off Hermitage Lane on the Wateringbury Junction: Air Quality Assessment (WSP, 01 October 2013)
- CD2/19** Preliminary Framework Travel Plan (WSP, 08 October 2013)
- CD2/20** Arboricultural Impact Assessment, Tree Survey, Proposed Tree Retention/Removal and Review of On-Site Ancient Woodland Designation (Forbes-Laird Arboricultural Consultancy, October 2013)
- CD2/21** Site Suitability Assessment Report: Noise (WSP, September 2013)

Submission of Additional Information

- CD2/22** Covering Letter to MBC and TMBC (Barton Willmore, 22 October 2013) and Design and Access Statement (October 2013)
- CD2/23** Revised Planning Statement inc. Affordable Housing, Economic Benefits Statement, Retail Assessment and S106 Heads of Terms (Version 04) (Barton Willmore, October 2013)
- CD2/24** Letter to MBC (Barton Willmore, 03 December 2013)
- CD2/25** Covering Letter to MBC (Barton Willmore, 30 April 2014)
- CD2/26** Revised Parameters Plan (LN-M-05 Rev E, 26 February 2014)
- CD2/27** Revised Transport Assessment (WSP, 07 February 2014)
- CD2/28** Appeal Decision – Land at Daux Wood, Marringdean Road, Billingshurst, West Sussex, RH14 9HE (Appeal Ref: APP/Z3825/A/13/2200213) (27 March 2014)
- CD2/29** Letter to KCC (Barton Willmore Landscape, 13 March 2014)
- CD2/30** Email correspondence between Forbes-Laird Arboricultural Consultancy and MBC Heritage, Landscape & Design (January 2014 – March 2014)
- CD2/31** Note on Additional Information of Biodiversity Proposals and Recreational Impact On and Off Site (Aluco Ecology, April 2014)
- CD2/32** Revised Illustrative Masterplan (LN-M-02 Rev I, 29 January 2014)
- CD2/33** Landscape Strategy – Landscape Character Zones (L24 Rev A) (Figure 7 and Figure LBMS 1)
- CD2/34** Written Advice (Christopher Boyle QC, 26 September 2013)

CD3 Maidstone Borough Council Committee Documents and Reasons for Refusal

- CD3/1** Planning Officer's Report to MBC Development Control Committee held 03 July 2014
- CD3/2** Minutes from MBC Development Control Committee (03 July 2014)
- CD3/3** BW Transcription of MBC Development Control Committee (03 July 2014)
- CD3/4** MBC Decision Notice (dated 03 July 2014)

CD3/5 MBC Letter to BW withdrawing Reason for Refusal No. 2 (27 March 2015)

CD4 Tonbridge and Malling Borough Council Committee Documents and Reasons for Refusal

CD4/1 Planning Officer's Report to TMBC Area 3 Planning Committee held 24 July 2014

CD4/2 Minutes from TMBC Area 3 Planning Committee (24 July 2014)

CD4/3 TMBC Decision Notice (dated 30 July 2014)

CD4/4 Planning Officer's Report to TMBC Area 3 Planning Committee held 08 January 2015

CD4/5 Minutes from TMBC Area 3 Planning Committee (08 January 2015)

CD5 National Planning Policies and Guidance (extracts where appropriate)

CD5/1 National Planning Policy Framework (27 March 2012)

CD5/2 National Planning Practice Guidance (06 March 2014)

CD6 Regional Planning Policies

Not used

CD7 Circulars, Regulations and Case Law

CD7/1 Not used

CD7/2 Not used

CD7/3 Not used

CD7/4 Not used

CD7/5 Judgment – Gallagher Homes Limited & Lioncourt Homes Ltd v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin) (30 April 2014)

CD7/6 Not used

CD7/7 The Community Infrastructure Levy Regulations 2010

CD7/8 Circular 11/95: The Use of Conditions in Planning Permissions – Annex A only (remainder cancelled)

CD7/9 Judgment – Tewkesbury Borough Council v SSCLG, Comparo Limited & Welbeck Strategic Land LLP [2013] EWHC 286 (Admin) (20 February 2013)

CD7/10 Judgment – Stratford on Avon District Council v SSCLG [2013] EWHC 2074 (Admin) (18 July 2013)

CD7/11 Judgment – Cotswold District Council v SSCLG, Fay & Son Ltd & Hannick Homes & Development [2013] EWHC 3719 (Admin) (27 November 2013)

CD7/12 Judgment – Hunston Properties v SSCLG v St Albans C&D Council [2013] EWCA Civ 1610 (12 December 2013)

CD7/13 Judgment – Dartford Borough Council v SSCLG & Landhold Capital Limited [2014] EWHC 2636 (Admin) (24 June 2014)

CD7/14 Judgment – South Northamptonshire Council v SSCLG & Barwood Land and Estates Limited [2014] EWHC 573 (Admin) (10 March 2014)

CD7/15 Judgment – Cheshire East BC v SSCLG & Richborough Estates Partnership LLP [2015] EWHC 410 (Admin) (25 February 2015)

CD8 Maidstone Borough Council Local Planning Policies and Guidance (extracts where appropriate)

CD8/1	'Saved' Maidstone Borough Wide Local Plan Policies (2000)
CD8/2	Maidstone Borough Council Local Plan Proposals Maps (2000)
CD8/3	Maidstone Borough Wide Local Plan Inspector's Report (November 1999)
CD8/4	Affordable Housing DPD (2006)
CD8/5	Open Space DPD (2006)
CD8/6	Secretary of State Direction to Save Policies (September 2007)
CD8/7	Not used
CD8/8	Maidstone Landscape Character Assessment (2012)
CD8/9	Maidstone Ancient Woodland Inventory (2012)
CD8/10	Not used
CD8/11	Not used
CD8/12	Annual Monitoring Report 2012-2013
CD8/13	Not used
CD8/14	Core Strategy Strategic Site Allocations Public Consultation Document (August 2012)
CD8/15	Interim Approval of Maidstone Borough Local Plan Policies (13 March 2013)
CD8/16	Maidstone Borough Local Plan Regulation 18 Consultation (March 2014)
CD8/17	Not used
CD8/18	MBC Report to Cabinet (13 March 2013)
CD8/19	Not used
CD8/20	Not used
CD8/21	Maidstone Borough Council Local Plan Viability Testing, Economic Viability Study (April 2013)
CD8/22	Not used
CD8/23	Maidstone Housing Land Supply Table (dated 17 March 2015)

CD9 Tonbridge and Malling Borough Council Local Planning Policies and Guidance (extracts where appropriate)

CD9/1	Core Strategy (September 2007)
CD9/2	Managing Development and the Environment DPD (April 2010)
CD9/3	Local Plan Proposals Map (May 2012)

CD10 Other Relevant Guidance

CD10/1	Natural England Standing Advice for Ancient Woodland and Veteran Trees (07 April 2014)
CD10/2	Design for Crime Prevention – A Kent Design Guide for Developers, Designers and Planners
CD10/3	BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' (Not contained in set of Core Documents, but one hard copy available for all parties at Inquiry).
CD10/4	Keepers of time: A Statement of Policy for England's Ancient and Native Woodland (2005)

CD11 Third party responses to application MA/13/1749

CD11/1-309	Ordered alphabetically
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CD12 TMBC Consultation Responses to application TM/13/03147

Not used

CD13 Relevant Application and Appeal Decisions

- CD13/1** Appeal Decision – Land at Hermitage Lane, Maidstone, Kent (Appeal Ref: U2235/A/01/1073529 & H2265/A/01/1073533) (02 October 2002)
- CD13/2** Application – Land at Boughton Lane, Maidstone, Kent (Application Ref: MA/13/2197) (Decision dated 29 July 2014 – subject to pending S78 Appeal)
- CD13/3** Application – Land at Langley Park, Sutton Road, Maidstone, Kent (Application Ref: MA/13/1149) (Decision dated 04 September 2014)
- CD13/4** Application – Land West of Hermitage Lane, Maidstone, Kent (Application Ref: MA/13/1702) (Decision dated 13 January 2015)
- CD13/5** Appeal Decision – Hermitage Quarry, Hermitage Lane, Aylesford (Appeal Ref: APP/W2275/V/11/2158341) (11 July 2013)
- CD13/6** Application – Bridge Nursery, London Road, Maidstone (Application Ref: 14/501209/FULL) (Approved at Committee on 06 November 2014, pending Decision Notice)
- CD13/7** Appeal Decision – North Side Copse, Land to South of Lake House, Valewood Road, Fenhurst, Haslemere, West Sussex (Appeal Ref: APP/Y9507/A/12/2173809) (24 July 2013)
- CD13/8** Appeal Decision – Land at Little Park Farm and Land North of Highfield Drive, Hurstpierpoint, West Sussex (Appeal Ref: APP/D3830/A/13/2203080) (04 September 2014)

CD14 Other

- CD14/1** Vehicle Access Option 1 (1402-GA-35 Rev E, 28 August 2014)
- CD14/2** Footway/Cycleway Access (1402-GA-39 Rev C, 28 August 2014)
- CD14/3** Scheme 2 (MBC Ref: 14/503735/OUT and TMBC Ref: TM/14/03290/OA) – Illustrative Masterplan (SC2-M-02 Rev D, 01 July 2014)
- CD14/4** Scheme 2 (MBC Ref: 14/503735/OUT and TMBC Ref: TM/14/03290/OA) – Parameters Plan (SC2-M-03 Rev D, 05 August 2014)
- CD14/5** Scheme 3 (MBC Ref: 14/503736/OUT) – Illustrative Masterplan (SC3-M-02 Rev C, 01 July 2014)
- CD14/6** Scheme 3 (MBC Ref: 14/503736/OUT) – Parameters Plan (SC3-M-03 Rev B, 01 July 2014)
- CD14/7** Revised Landscape and Biodiversity Management Strategy (May 2015)
- CD14/8** Maps of the Locality – 1596 to Present Day

DOCUMENTS SUBMITTED AT INQUIRY

- ID1** Mr Sansum's Note on the soil investigation report
- ID2** Mr Sansum's Note on the Dendrochronological Assessment
- ID3a** Allington Parish Tithe Map 1843 – uncoloured
- ID3b** Allington Parish Tithe Map 1843 – coloured
- ID4** Statement by Gareth Thomas on behalf of CPRE
- ID5** Letter dated 20.1.2015 from Kent CC to MBC commenting on Local Plan
- ID6** Note by Alan Foreman answering Barbara Woodward's questions

ID7	Memorandum dated 17.11.2014 commenting on later application (Scheme 2)
ID8	Extract from KCC Landscape Character Assessment; Greensand Fruit Belt – Maidstone
ID9	Page 23 of Wessex Archaeology report October 2013
ID10	Page 24 of Wessex Archaeology report October 2013
ID11	Statement by Councillor Dan Daley
ID12	Report to Strategic Planning Sustainability and Transport Committee 9.6.2015; Housing Sites Update
ID13	Report to Strategic Planning Sustainability and Transport Committee 9.6.2015; Local Plan Position Statement
ID14	Report to Strategic Planning Sustainability and Transport Committee 9.6.2015; SHMA update
ID15	E-mails dated 2.7.13 and 4.7.13 between Jim Hutchins and Paul Lulham
ID16	Written Representation by Woodland Trust
ID17	Map and photographs of Hundred boundary stones
ID18	List Entry Summary for Allington Castle
ID19	Ordnance Survey map of land to the west of Maidstone
ID20	Government Forestry and Woodland Policy Statement
ID21	Sketch to show landtake of vehicular access through designated Ancient Woodland
ID22	Sketch to show landtake of vehicular access through designated Ancient Woodland, with carriageway narrowings
ID23	Sketch to show landtake of vehicular access through corrected boundary of designated Ancient Woodland
ID24	Helen Forster's comments on Scheme 3
ID25	Helen Forster's comments on Scheme 2
ID26	Full title of Andrews Dury and Herbert map
ID27	Woodland Trust's objections to application 13/1749
ID28	Map of Allington Parish
ID29	Barton Willmore letter of 13.3.2014 to Paul Crick of KCC
ID30	Maps and photographs of search for Hundred boundaries
ID31	Bundle comprising <ul style="list-style-type: none"> (a) Cover, Title page and two figures from Canterbury Archaeological Trust report October 1998 (b) Landscape Masterplan from 2001 application (c) Statement of Common Ground for 2002 appeal
ID32	Key Points arising from MBC Meeting 26.6.2013
ID33	Highways Agency Direction and covering e-mail 12.5.2014
ID34	Alternative Parameters Plan
ID35	CIL Compliance statement
ID36	Tracked changes Unilateral Undertaking
ID37	Tracked changes s106 Agreement
ID38	Signed and dated s106 agreement
ID39	Signed and dated Unilateral Undertaking
ID40	Croudace objection to Core Strategy Strategic Sites Allocation Public consultation 2012
ID41	Suggested conditions
ID42	Council's opening submissions
ID43	Closing submissions on behalf of NAAG
ID44	Council's closing submissions
ID45	Closing submissions on behalf of the appellants



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

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

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

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

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

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

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

Appendix G

Appeal Decision

Inquiry held on 2-5 February 2016

Inquiry closed in writing on 29 February 2016

Site visit made on 2 February 2016

by Ava Wood DipARCH MRTPI

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

Decision date: 31 March 2016

Appeal Ref: APP/R3650/W/15/3129019

Land to the east of Alford Road and west of Knowle Lane, Cranleigh, Surrey GU6 8RU

- 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 Berkeley Strategic Land Limited against the decision of Waverley Borough Council.
 - The application Ref: WA/2014/0912, dated 30 April 2014, was refused by notice dated 6 January 2015.
 - The development proposed is described as 'residential development of up to 425 dwellings including a mix of private market housing and affordable units. A community facility; formal and informal open space; landscaping and two new access points; one off Alford Road and one off Knowle Lane'.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 425 dwellings including a mix of private market housing and affordable units. A community facility; formal and informal open space; landscaping and two new access points; one off Alford Road and one off Knowle Lane at land to the east of Alford Road and west of Knowle Lane, Cranleigh, Surrey GU6 8RU, in accordance with the terms of the application Ref: WA/2014/0912, dated 30 April 2014, subject to the 29 conditions set out in Annex C to this decision.

Procedural and Preliminary Matters

2. As agreed in open session at the inquiry, closing submissions would be sent to the Planning Inspectorate by 16 February 2016 along with the completed s106 planning obligation. On receipt of the material requested, the inquiry was closed in writing on 29 February.
 3. Access to the site falls to be considered as part of this application. All other matters of detail are reserved for subsequent approval. That is the basis on which the Council determined the application, and I have considered the appeal in the same terms.
 4. The planning obligation offers a range of financial and other contributions, including affordable homes. I return to the matter later in the decision. At this stage it is sufficient to record that, in the light of the provisions of the planning
-

obligation, the Council did not pursue Reasons for Refusal 3 and 4 at the inquiry.

Main Issues

5. The main issues are:

- i) The effect the proposed development would have on the character and appearance of the area.
- ii) Its impact on the Knowle Wood Ancient Woodland.
- iii) The flooding implications of the proposal.
- iv) Whether in the light of the conclusions on the above, and on other matters identified in the representations made, any adverse impacts arising from the proposed development would be significantly and demonstrably outweighed by its benefits, and the proposal amounts to sustainable development.

Reasons

Character and Appearance

Policy Framework

6. Policy C2 of the Waverley Borough Local Plan 2002 (LP) establishes the approach to development in the countryside beyond the Green Belt, which is to be protected *"for its own sake"* and *"building in the open countryside away from existing settlements will be strictly controlled."*
7. The Council agrees with the appellant that a five-year supply of deliverable housing sites cannot be demonstrated. Paragraph 49 of the NPPF confirms that under such circumstances relevant policies for the supply of housing should not be considered up-to-date. The recent Court of Appeal judgement¹ has clarified that the concept of *"policies for the supply of housing"* extends to plan policies whose effect is to influence the supply of housing land by restricting the location where new housing may be developed, such as (inter alia) policies for the general protection of the countryside.
8. That interpretation of housing supply policies applies to Policy C2, because the containment of settlements by the policy is a product of the LP's meeting of historical housing needs and because of the likely release of some greenfield sites around Cranleigh to meet future needs². For the purposes of paragraph 14 of the NPPF, therefore, the policy is out-of-date.
9. The underlying aim of Policy C2 (expressed in supporting text) is to protect parts of the Borough that are not in the Green Belt from development, as they are regarded as an important part of the rural area of Waverley and integral to the whole area of countryside. That is not inconsistent with the NPPF principle of recognising the intrinsic character and beauty of the countryside. However, in the particular circumstances of this case (the site's location in relation to Cranleigh, the present housing land supply position and inevitable release of greenfield sites), the weight to be attached to Policy C2 is tempered by its development restraining functions.

¹ 17 March 2016 [2016] EWCA Civ 168

² CDB21 – Waverley Borough Local Plan – Emerging Spatial Strategy

10. Policies D1 and D4 cover general overarching environmental considerations and design of development. They resonate with the NPPF's desire to achieve high quality developments responding to local character and surroundings, and are relevant to determination of the appeal scheme as part of the development plan.

Effect on Character and Appearance

11. The appeal site, extending to approximately 20.83 Ha, comprises three agricultural fields lying on a relatively flat valley floor. The landscape around the site is undulating. To the north, beyond Cranleigh, the land rises into the Surrey Hills, and the elevated parkland landscape of Knowle Park lies to the south beyond the public right of way (PRoW 393). There are small areas of woodland towards the site's eastern and western boundaries plus two lines of trees and hedge lines crossing the site north to south. A number of trees are located along the Knowle Lane side of the site and along Littlemead Brook. The lie of the land and the site's features display the key characteristics of the Low Weald National Landscape Character: *"broad low lying...clay vale...intimate landscape enclosed by an intricate mix of small woodlands, a patchwork of fields and hedgerows."*
12. The site falls within the Cranleigh sub-area CL1-B, as described in the Landscape Study of August 2014 commissioned by the Council. The Study aims to assess the ability of the landscape to accommodate future residential development; it forms part of the evidence base informing the emerging Local Plan. It goes on to recognise that there is potential capacity in this area, and also confirms what I observed on site that intervisibility is low with views to the north, east and west screened by intervening vegetation even during winter months.
13. In evidence to the inquiry, the Council's witness did not shy away from the Study's conclusions, but accepted the suitability of the site for development for a number of reasons: proximity to the village centre; distance from designated landscapes and relative visual containment. The objection however is to the scale of the development proposed which would bring about a major change to the landscape, with little opportunity to soften the development's impact. The deciding question therefore is whether a development of 425 new dwellings can be accommodated on the appeal site without causing undue harm to the area's character or appearance.
14. Looking first at character, replacement of green undeveloped fields with a development of over 400 dwellings and attendant roads and footways is bound to result in a notable change in the site's landscape character. The development would result in loss of an area of countryside marking the extent of the village and contributing to its setting. The magnitude of change could be described as 'major adverse'.
15. On the other hand, the effect would be largely confined to the appeal site. The landform and watercourse network would remain unchanged. Built development would be contained by the site's vegetated boundary features and by the industrial estate and built-up fringe of Cranleigh to the north. The landscape strategy proposes reinforcement of the site's boundary vegetation. Retention of an undeveloped strip of land alongside Littlemead Brook combined with the block of open countryside buffering the parkland setting of Knowle Park would further contain incursion by new built development into the

- countryside. The hills and undulating landscape character of the surrounding areas would remain intact.
16. As for appearance, I agree that topography and vegetation would screen the development from distant views. Its visual impact would be most apparent from PRoW 393 and the Downs Link passing to the south and north of the site respectively. No amount of new planting or sensitive positioning of buildings could disguise the substantial visual changes that would result.
 17. From the south, views of Cranleigh's buildings and rooftops currently visible through and above tree-lined edges and the fields in the foreground would be replaced by an extensive housing development, with all the attendant roadways and activities that a proposal of this size and scale would bring. Views from the Downs Link would also be dominated by the urbanising effects of the new development extending towards the floodplain of the Littlemead Brook.
 18. In its favour, the development would not alter long range views across to the Surrey Hills and the Knowle Parkland. The Ozier Beds and the Littlemead Brook flood plain would provide a countryside edge (albeit much truncated) when looking towards Cranleigh from PRoW 393. There is also scope in the layout to implement a landscaping strategy that would achieve a green infrastructure along much of the southern boundary of the appeal site.
 19. The Downs Link already passes by the urban edge of Cranleigh. It is bordered by buildings and car parks accessed from High Street, and the route runs close to built development including the industrial estate visible in the approach from the west. The new development would add to the amount of urban development alongside the Downs Link but only where it passes through the village and where the experience is already that of an urban edge. With a landscape strategy in place to soften the northern fringes of the proposed scheme, the visual impact of the proposal could be softened, but by no means would the urbanising effects be alleviated.
 20. Views from residential properties would change significantly, although the line of trees and other vegetation would provide some screening. More importantly the proposal would not be so close to the existing dwellings as to dominate the outlook. The separation distance between the new development and existing properties would ensure good standards of light, privacy and outlook for existing and new residents.
 21. The indicative Masterplan and the Design and Access Statement (DAS) illustrate the extent to which the layout is looking to capitalise on the site's existing features. Existing tree belts and hedgerows within the body of the site would be retained, and the layout shows a desire to create green corridors with a north-south visual and green connection between Cranleigh and the countryside. The Masterplan also shows how the developable areas of the site would provide a series of public spaces, with opportunities for good connectivity through the site.
 22. Design and layout are reserved for future consideration. Nevertheless, the material submitted provides sufficient evidence of the potential for accommodating 425 dwellings on the developable areas of the site. I am less convinced that, at a net density of just over 30 dwellings per hectare, the developed parcels of land could deliver the 'garden suburb' setting claimed in

the DAS. Furthermore, there would be little scope to replicate the pattern of development characterised by the mix of common land and widely spaced properties to the north of High Street.

23. On the other hand, the density proposed would not be dissimilar to other residential neighbourhoods in the village. Strong vegetation belts and areas of open spaces on the boundaries of the site have the potential to create a suitable landscaped setting to integrate the development with the countryside to the south. The opportunities for connections through the site and into Cranleigh centre would help to enmesh it into the fabric of the village. Criticisms of the formality of the landscape design are premature, given the outline status of the permission being sought, and could be overcome at the detailed design stage.
24. Concluding on this issue, the proposal would comply with Policy D4, insofar as a new housing development on the site has the potential to complement its surroundings and achieve high quality design. However, there would be harm to the land's rural character and therefore a breach of Policy D1. As a development in the countryside the proposal would also fall foul of Policy C2. The harm caused and the breach with Policy C2 and Policy D1 are matters to be weighed in the balance as part of the final issue, and having regard to the reduced weight to be accorded to Policy C2.

Ancient Woodland

Policy Framework

25. The supporting text to Policy C7 recognises the Borough's inheritance of tree cover as amongst its "*richest environmental assets....A high proportion of the woodland areas is ancient semi-natural woodlandThe woodlands are especially valuable habitats...*" It is in this context that the loss of woodlands is resisted under Policy C7.
26. Policy D7 seeks to preserve trees in the countryside and states that permission will not be granted for development that results in loss of important groups of trees. Ancient woodland is not specifically mentioned. Neither policy allows for balancing the loss of trees or woodland against needs or benefits, as required by the fifth bullet of NPPF paragraph 118. The inconsistency with the NPPF in that respect limits the weight to be attached to the policies.

Loss of ancient woodland

27. Knowle Wood, situated on the south western edge of the appeal site, is classified in the Ancient Woodland Inventory as ancient semi-natural woodland. It extends to some 0.69 Ha and comprises Hazel coppice with mature Oak standards. This area of ancient woodland lies to the west of a ditch separating it from an area of woodland (0.27 Ha) of more recent origin, which is not classified. Approximately 0.1 Ha of the 0.69 Ha of ancient woodland (or 14.5%) would be lost as a result of a new access road to be constructed to serve the new development. The proposed development would result in the loss of nine trees within the ancient woodland interior, a further six trees beyond the woodbank to the west, two stands of Holly and a number of Hazel coppice stools. The losses would be irreplaceable, given the ancient woodland status of the land. Also, loss of part of the last remnant of what was a much larger ancient woodland until the 1960s diminishes its historic value.

28. The impacts of the industrial estate affecting the northern section of Knowle Wood could spread to the areas alongside the new access road. Added to which, the woodland would be fragmented and the ecological significance and habitat value of the strip of woodland to the north of the new road would be compromised.
29. The first bullet of paragraph 118 of the NPPF introduces the principle of the 'mitigation hierarchy'. The Planning Practice Guidance (PPG) advises that the requirements of the mitigation hierarchy need to be satisfied otherwise permission should be refused. Harm should be shown to be avoidable before mitigation or compensation is considered. Similarly, loss or deterioration of irreplaceable habitats (such as ancient woodland) has to be shown to be clearly outweighed by the need for and benefits of development in that location. In other words, while seeking to protect ancient woodland, Paragraph 118 allows for circumstances where the loss can be outweighed by other considerations.
30. The appellant's evidence points to factors already compromising the ecological significance of Knowle Wood - its small size, relative isolation, limited diversity of species, presence of invasive species, proximity of the Hewitts Industrial Estate and lack of management, for instance. The evidence was not challenged by an ecology expert appearing on behalf of the Council. Natural England (NE), however, describes small blocks of woodland as stepping stones, with a role in connectivity and genetic exchange of mobile species. Size alone should not be used as an indicator of a woodland's quality.
31. Furthermore, there is no indication in either paragraph 118 of the NPPF, or corresponding advice in the PPG, that issues of need or unavoidability should have regard to the value or quality of ancient woodland. Inspectors' decisions referred to in support of the appellant's alternative approach do not assist on this matter, as none is directly comparable. The question of ecological quality was not part of the unavoidability, need or benefit discussions in the Hermitage Lane case³, and only 1.8% of the designated woodland was due to be lost. In the Hermitage Quarry case⁴, the Secretary of State agreed with the Inspector that *"...in order to properly balance the harm against benefits, the characteristics of the ancient woodland in question must be assessed."* The evidence of actual ecological value therefore may well have a bearing on considerations of harm/benefits, but, from my reading of the NPPF, it has no place in an assessment establishing whether the loss or harm is unavoidable.
32. Similarly, under the approach promoted in the PPG, considerations of minimising harm through effective mitigation arise after it is demonstrated that significant harm cannot be wholly or partially avoided. Compensation is regarded as a last resort in the event of significant residual harm. NE's standing advice similarly describes compensation as a last resort and advises against it forming part of the assessment of the merits of the proposed scheme.
33. Turning then to the question of whether harm can be avoided. In this case, the issue turns on whether there is a need for the access road to cut through the ancient woodland. At the inquiry the Council pursued an objection to the proposal on the grounds that the appellant had failed to provide evidence that alternative access options would be unacceptable. The Statement of Common

³ APP/U2235/A/14/2226326 & APP/H2265/A/14/2226327

⁴ APP/W2275/V/11/2158341

Ground (SoCG), however, categorically states that to “*secure the necessary highway access to the development from Alfold Road, it is necessary for an access road to pass through the ancient woodland leading to the loss of some ancient woodland.*” The availability or appropriateness of alternative routes was not raised in the reason for refusal or in the Council’s Statement of Case. The Environmental Statement (ES) additionally shows that the matter had been considered and the Council had not requested further information concerning any of the sites assessed in the ES.

34. Additional information (ID19) was produced at the inquiry to supplement the ES evidence. The new material largely focussed on land ownership matters. Third party ownership of land is surmountable and not a convincing enough justification for discounting access through Hewitts Industrial Estate. However, having recently refused permission for redevelopment of the estate for residential purposes, for reasons of preserving employment opportunities, the Council cannot then seek to promote an access through the estate as part of some future (and unknown) redevelopment scheme.
35. A route crossing the Downs Link does not of itself preclude the option of an access from the north. The Downs Link is crossed by highways at various points along its route. Knowle Lane is a good example of that. However, a route through Stocklund car park and crossing the Link raises complex issues, given that there are some 29 leasehold interests over the car park. Loss of car parking in an area already under parking stress could count against such an option, although no evidence was provided to support that view presented by the appellant.
36. The reluctance to introduce an access from the south is understandable. It would involve development extending further into the countryside and into a sensitive area. The Knowle Lane option is only acceptable for a smaller development of 75 dwellings, due to highways capacity issues. In any event, flooding concerns on Knowle Lane brings into doubt the permissibility of an access to serve more than 75 dwellings from that option.
37. From what was said at the inquiry it does appear that the appellant had explored a number of options for the purposes of the ES before settling on the present access route from Alfold Road. In the light of the evidence before the inquiry (albeit limited), and having regard to the Council’s previous position accepting that access through the Knowle Wood is unavoidable, my judgement on this matter is very finely balanced in favour of the appellant’s position. From this conclusion it follows that there is a ‘need’ for the access road in the location proposed and that loss of a section of Knowle Wood would be unavoidable. That alone does not override the harm caused, but requires the need for the development in this location and its benefits to be additionally weighed into the balance. This is a matter for the final issue.
38. The next stage of the mitigation hierarchy requires me to assess the extent to which the scheme’s design and other measures would minimise the adverse effects identified.
39. The Knowle Wood Mitigation Strategy commits to confining the new access road as far north as possible in order to maintain the majority of the woodland as a single block to the south. The area of woodland isolated to the north would be retained as a buffer to the stream, to ensure its ecological function, although that strip of woodland would continue to be affected by the proximity

of the industrial estate. The connectivity afforded by the block of woodland to the south would be maintained. No houses would back on to the woodland and only a small number would be sited in its vicinity.

40. Measures are proposed for protection of woodland habitats during construction. The ancient woodland would not form part of the public open space once the development is implemented. Access to the woodland would be restricted by fencing and scrub planting. With the exception of the access road, a buffer of a minimum width of 15m is to be maintained between the ancient woodland boundary and the proposed development.
41. The development would also provide the opportunity for managing retained and newly created habitats, where currently management of the existing woodland is practically non-existent. The measures include restoration of the pond within the eastern area of Knowle Wood, control of non-native and invasive species, removal of debris, and thinning of canopy to encourage more diverse ground flora and woodland structure.
42. All of the above design and management commitments could be secured by condition or in the planning obligation. The mitigation package would prevent further deterioration or erosion of the woodland's ecological significance. The adverse impacts would nevertheless remain. It is also likely that many of these measures would have been necessary even if an alternative route was proposed, given the scale of the development in proximity to ancient woodland.
43. Looking at the compensation element of the mitigation hierarchy, on-site measures (soil translocation and new habitat creation) are proposed which would complement the retained woodland. In addition to that, the planning obligation offers off-site measures comprising restoration of degraded Wealden gill corridor of approximately 450m and creation of some 0.75 km of woodland ride habitat at Chiddingfold Forest. The package of measures was developed with the Forestry Commission and would restore and enhance ancient woodland associated with the Chiddingfold Forest SSSI.
44. These are substantial proposals that would bring significant biodiversity benefits to Chiddingfold Forest which lies approximately 4km to the south west of the appeal site. There would be an overall net ecological gain in the Borough. But the measures would not offset the losses where they would occur, which reduces the weight that can be accorded to the off-site compensatory components in the overall balance
45. To conclude on this issue, I have found that loss of part of ancient woodland would be unavoidable and is necessary to enable the proposed development to proceed. The proposal would however result in significant harm due to loss of ancient habitats and fragmentation of the woodland. The mitigation measures proposed would prevent further damage during construction and operation of the development. A compensation package would allow for the woodland's long term management and for off-site benefits of at least equivalent value, but neither the mitigation nor the compensation would fully cancel out the harm caused. There would be residual harm, which is carried forward to be considered against the need for the development and its benefits.

Flooding

Policy Framework

46. The LP does not have a policy on flood risk. The NPPF aims to avoid inappropriate development in areas at risk of flooding by directing development away from areas of highest risk. Where development is necessary, it is to be made safe without increasing flood risk elsewhere. The PPG sets out the main steps to be followed. In effect, if there are better sites in terms of flood risk, or a proposed development cannot be made safe, it should not be permitted.

Flood Risk

47. The proposed Masterplan however shows that built development would lie wholly within an area of the appeal site falling within Flood Zone 1. The Nuthurst Stream flows in a southern direction and cuts through the western section of the site. The Littlemeads Brook runs along its southern boundary. The site therefore lies partly in Flood Zone 2 and Flood Zone 3 due to the two water courses flowing through parts of the site.
48. As parts of the site (in particular the access routes over the water courses) are at risk from fluvial and surface water flooding, a Sequential and Exception Tests report and an access appraisal were submitted. These were added to the Flood Risk Assessment (FRA) submitted with the application, and in response to the Environment Agency's (EA) objection to the application⁵.
49. The EA withdrew its objection in the light of all the information submitted to support the application, subject to a number of conditions. An independent report commissioned by the Council noted that the development would sit outside the floodplain and above the 1 in 1,000 year flood level. The report went on to state that the proposed mitigation measures would provide an acceptable solution to flood risk associated with safe access and egress to the development. In the light of the material submitted by the appellant, as well as responses from the EA and the independent consultant, the officer reporting to committee concluded that the development would be *"safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and would reduce flood risk overall."* (NPPF paragraph 102)
50. I understand that the matter was debated at some length when the application was considered at committee. The issue of flooding however was not a reason for refusal and the Council did not pursue the matter at inquiry. Nevertheless, third parties (including the Rt Hon Anne Milton MP) continue to question the validity of the Sequential Test undertaken as well as suitability of the site for development. Legal opinion on the subject was submitted on behalf of the Cranleigh Civic Society. Serious concerns are expressed about the safety and insurability of the new properties and the risk of flooding elsewhere as a result of the development. The empirical evidence of flooding events provided in the third party representations is no less valid than the technical evidence of consultants, as their concerns are based on experience and local knowledge. I therefore turn to examine whether the site passes the Sequential Test, and if so whether the development would be acceptable against the Exception Test.

⁵ EA's objection was triggered by representations from third parties

The Sequential Test

51. The Council determined that the Sequential Test should be applied to the 15 SHLAA sites in and on the edge of Cranleigh, on the basis that the settlement is a location for housing growth under each of the four housing delivery scenarios identified in the emerging LP. Cranleigh is also identified as one of four largest settlements in the Borough requiring new homes. This is a reasonable approach to establishing the area to which the Sequential Test should apply, and corresponds with advice in the PPG.
52. The appellant's assessment shows that of the 15 original sites included in the analysis only six are genuine contenders to be considered in the Sequential Test; the remainder being excluded for reasons of non-availability within five years, low yields or because permission has been granted on particular sites. Four of the sites left in the running lie wholly within Flood Zone 1. However, every one of the six sites is subject to surface water flood risk to one extent or another. In other words, each of the sites to which the Sequential Test applies is at risk of flooding from either pluvial or fluvial sources. Each of the sites is therefore subject to the Sequential Test.
53. The PPG confirms that it is for the local planning authorities (or by implication the decision maker) to consider the extent to which the Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case.
54. In this case, the proposed housing would be constructed entirely within Flood Zone 1. The bridge across the two brooks would lie within Flood Zones 2 and 3. However, as the bridges are intended as part of the access/egress routes in the event of a flood, this factor feeds into the 'safe for its lifetime' element of the Exception Test. Four of the comparable and available SHLAA sites are better placed because of the lesser risk from fluvial flooding, but the appeal site ranks better than all but one site in terms of surface water flood risk. The exercise shows that every one of the comparable sites considered is subject to flood risk to some extent.
55. In the context of the likely need for greenfield sites to meet the Borough's housing needs, identification of Cranleigh as a growth area and taking other factors into account, the Sequential Test demonstrates that the appeal site is no more or no less better placed than other identified SHLAA sites to fulfil the area's needs.

The Exception Test

56. The appellant prays in aid of the September 2014 Interim Sustainability Appraisal (ISA) report which gave the appeal site the highest score when tested against a range of criteria. This, it is said, points to the "*wider sustainability benefits to the community that outweigh the flood risk.*" I disagree.
57. The ISA report was produced with the intention of informing the consultation and subsequent preparation of the emerging LP. It provides a broad understanding of the comparative sustainability credentials of housing site options outside of settlement boundaries. When assessed against a wide range of sustainability related criteria, the appeal site was one of only 15 available sites (of the 144 assessed) to be assigned a 'green' score, or "*more likely to*

meet the criteria for allocation (either as a strategic site in Local Plan Part 1 or as an allocation 2 or a neighbourhood plan)."

58. However, the ranking of sites in this way is only one step in a three-stage process assisting the Council with selection of initial alternative housing scenarios. The 'green' score may say something about the sustainability credentials of the site in the context of a Borough-wide assessment produced for a specific purpose. That assessment though does not provide an analysis of the sustainability benefits of this development, or how the benefits to the community are sufficient to outweigh flood risk. In my view, this element of the Exception Test goes beyond the broad exercise carried out in the ISA. It requires a much more focussed consideration of the scheme's sustainability benefits, and the balancing of those benefits against the flood risk. I have carried out the exercise as part of the final issue and report on it in due course.
59. As for the second bullet point of paragraph 102 of the NPPF, safety of the development for its lifetime is dependent upon the safety of access routes out of the site in the event of a flood. The access appraisal describes the risks associated with the three proposed access routes from the site. Alfold Road and foot access to the village are shown as 'very low hazard' during the 1 in 100 year event (plus an allowance for climate change), whereas for the Knowle Lane access route the predicted level of hazard is categorised as 'danger to some'. The routes were assessed for fluvial and surface water flood risks.
60. The developed area of the site would be in a safe zone free from flood risk and the homes would provide a safe refuge. The EA accepts the appellant's findings that the Alfold Road route would remain safe for residents and emergency services. Similarly, there would be a safe walking route to the town centre for supplies if necessary. There is no objection to the proposal from the Lead Local Flood Authority (Surrey County Council).
61. Third parties have argued otherwise. I was provided with evidence of flooding on Alfold Road as recently as January 2016. Images of flooding events at Alfold Road, Elmbridge Road, Knowle Road and the Littlemead Industrial Estate were also submitted in evidence. There are understandably very serious concerns about the potential risks to property and lives, given the evidence of experience on the ground of local residents armed with local knowledge.
62. However, the images do not conclusively show that the flood waters from fluvial or pluvial sources extend to the area of the site that is to be developed with new houses. Furthermore, although Alfold Road has been shown to have a history of flooding, this was found to be due to poor maintenance of highway drainage. A mitigation scheme for alleviating the problem forms part of the Highways Works Package offered in the s106 planning obligation. The works would improve the flow of surface water run-off into the surrounding watercourse system. Surrey County Council as Lead Local Flood Authority finds the solution acceptable and has not raised any objections to the proposal, albeit that was not the position initially held by the authority.
63. Fluvial flood risk is to be managed by locating all new houses within Flood Zone 1, and those close to watercourses to have finished floor levels at least 300mm above the adjacent 1 in 100 year (plus climate change) levels. The soffit levels of bridges are proposed to be set at least 600mm above the 1 in 100 year plus 20% climate change flood level.

64. The NPPF also requires that flood risk to land is not increased as a result of development. Third parties articulate concerns regarding the risk of increased flooding elsewhere, pointing to recent catastrophic events to befall residents of a property in Cranleigh. The site specific FRA identifies the measures that would be incorporated into the design of the development to ensure that the volumes and peak discharge rates of surface water leaving a development site are no greater than the rates prior to the development.
65. The FRA acknowledges that the shallowness of the perched groundwater may restrict effectiveness of infiltration SuDs techniques. A hierarchy of surface water run-off control measures have been considered with source control measures connected to site control and finally regional control to ensure implementation of at least three treatment stages of the surface water run-off. Source control measures would consist of a combination of permeable paving, underground cellular storage and interconnecting swales. Detention basins at the lowest part of the development parcels, and within area designated as open space, are proposed to be designed to attenuate flow prior to discharge via hydraulic control structures. Surface water management measures and continued management and maintenance during the lifetime of the systems installed could be secured by conditions. With these measures in place, the development would not increase flood risk elsewhere. The improvements forthcoming from the Highways Works Package would additionally improve current conditions on Alfold Road.
66. Overall, the evidence demonstrates adequately that the development can be made safe for its lifetime. Residents would have safe access and egress routes. With a sustainable drainage system in place, flood risk elsewhere would not increase as a result of the proposed development.

Other Matters

67. A number of third parties mentioned the inadequacy of the infrastructure in and around Cranleigh to accommodate the additional dwellings. The planning obligation offers contributions towards a range of facilities, highways and transport improvements to mitigate the effects of the proposed development. Furthermore, it must be remembered that Cranleigh has been identified as one of four areas to which new development is to be directed in the future.
68. The inquiry was informed by the Cranleigh Society that allowing the development to proceed could be in contravention of the Water Framework Directive, as the sewage treatment capacity is unlikely to support the anticipated increase in demand. Again, the matter has to be considered in the context of expected growth and additional homes to be provided in Cranleigh. The EA has not objected to the proposal and it would be for the statutory authorities to take the necessary measures to satisfactorily accommodate the new development.
69. The capacity of the local highway network has also been questioned. The SoCG confirms that the Highway Authority has not objected to the scheme, subject to a package of highway improvements designed to mitigate the development's impacts. The Highway Authority's position comes from consideration of a traffic impact assessment which was found to be robust and realistic about the likely impact on the highway network. A package of walking, cycling and public transport improvements would improve the site's accessibility by non-car modes, in a location that is well placed to take advantage of local facilities and

services. There is very limited evidence to counter the findings of the traffic assessment or to refute the evidence given to the inquiry. There is no reason for me to take a different view to the Highway Authority or the Council on the matter of transport and highways.

70. Third parties agree that there is a need to provide more affordable home. The scheme was independently reviewed on behalf of the Council and found to result in a deficit when compared to the existing land use value. Nevertheless, 128 affordable homes (30%) are offered through the planning obligation, and would comply with the NPPF's policy of achieving mixed and balanced communities.
71. The issue of land ownership raised by Mr Iafrate is a private matter and has no bearing on the planning merits of this case.

The Planning Balance

72. I have found the proposal to be acceptable on the grounds of its highways and transport impacts, as well as acceptable on the basis that the contributions secured through the planning obligation would mitigate the infrastructure pressures brought about by a development of this scale. The absence of harm on these points does not add to the case for the development nor tell against it. The weight to be attached to these matters is neutral.
73. Development in the countryside and intrusion by the appeal scheme into the landscape character and appearance of the area would contravene LP Policies C2 and D1. There is potential for the design to mitigate some of the landscape and visual impacts of the development, and the weight attached to Policy C2 is reduced for reasons explained earlier.
74. Harm would be caused by loss of 14.5% of the ancient woodland. The condition and ecological quality of Knowle Wood (unchallenged by expert knowledge on the subject from the Council) has some bearing on the weight that should be accorded to the loss, alongside the opportunities that the proposal would bring for on-site and off-site enhancements. These matters form part of the overall assessments. Furthermore, the harm identified and the policy breach attached to that harm has to be balanced against a number of factors.
75. To start with I turn to the Council's housing land supply position. At the time the SoCG was drafted, it was agreed that the Council's latest monitoring report (dated 1 April 2015) showed a supply of nearly four years of deliverable housing sites. During the course of the appeal, the Council claimed an updated position showing a supply of 4.33 years, which in its view did not justify the scheme's urbanising impact or loss of the ancient woodland. The five-year supply position was not tested at the inquiry and did not form part of the parties' evidence in any great detail, largely because agreement had been reached as confirmed in the SoCG. While the extent of the shortfall may be a material consideration, the requirement for the local planning authority to demonstrate a five-year supply has to be seen in the context of the NPPF's exhortation to "*boost significantly the supply of housing*" and against a background of imperative of delivery.
76. The SoCG confirms that the Council's preference is for previously developed land to be developed prior to greenfield sites. But it also acknowledges that a deliverable supply of housing sites cannot be identified for the housing demand

for the next five years to be met. Indeed, each of the scenarios for accommodating growth and distribution of housing between 2013-2031 envisages homes to be delivered on greenfield sites at the four larger settlements (which includes Cranleigh). The numbers vary from 1,200 to 4,450 dwellings depending on the particular scenario.

77. The Council and third parties refer to the potential for the Dunsfold Aerodrome and Hewitts Industrial Estate to deliver large numbers of new homes on previously developed sites. A residential development on the latter was refused recently by the Council on the basis of loss of employment, and cannot be relied upon to contribute to the area's needs. The planning acceptability or otherwise of a large redevelopment proposal at the aerodrome has yet to be tested. The Council's planning witness conceded that there are accessibility issues with regard to that site that need to be resolved. None of the two brownfield sites identified brings any surety to the supply of housing over the next five years. Indeed, from all of the evidence submitted to the inquiry, there is little doubt that the release of some greenfield land at Cranleigh is inevitable.
78. The ISA confirms that 61% of the Borough falls within the Metropolitan Green Belt and 80% of the countryside is designated as an Area of Outstanding Natural Beauty and/or Area of Great Landscape Value. The appeal site is accorded none of these designations. There is good accessibility to a range of facilities, services and transport choices. The ISA ranked the appeal site highly against the sustainability criteria used to assess a number of site options across the Borough. In the circumstances of the significant landscape constraints facing the Borough, the appeal site represents an attractive option environmentally and in sustainability terms. In terms of flood risk too the appeal site is no more or less sequentially preferred when compared to other qualifying SHLAA sites.
79. As for benefits, the 425 dwellings would make a significant contribution to an acknowledged shortfall in deliverable sites for the five-year period, and would help boost the area's supply generally. The new homes can be delivered speedily, as confirmed by the appellant. The Council recognises the need for a large number of affordable homes in the Borough. Third parties too made an eloquent case for providing more affordable homes, given the difficulties faced by young people in accessing affordable accommodation. Delivery of affordable and market homes in the context of the constraints that apply to the Borough would therefore comprise the most significant social benefit to flow from the proposed development and would be consistent with the NPPF's basic imperative of delivery.
80. The proposal would deliver economic gains from a number of sources, including construction-based employment and increases in local spending. The financial contributions towards open space, education and improving the Downs Link arise largely from the need to mitigate the effects of the development. Such matters do not weigh in favour of it. There is no evidence for or against the need for land for a new community facility. In the absence of a tangible proposal for the land or guarantee of future funding for its development or management, the matter can be given only limited weight.
81. Turning then to the overall planning balance. The social and economic benefits of the scheme are considerable. The need for new housing in the area is undisputed and in Cranleigh greenfield sites are expected to make a

contribution to the overall supply. The homes would be delivered speedily on land that sits high in the sustainability ranking of sites. Having accepted the need for greenfield sites to help fulfil the Borough's housing obligations, the loss of an undesignated piece of countryside abutting the urban edge of Cranleigh, with limited harm to the wider landscape, would be outweighed by the social and economic gains identified. The Council's suggestion that only part of the site be developed would also involve loss of countryside but without meaningful contribution to the area's housing needs.

82. To enable the site to be developed to its full potential, loss of part of the ancient woodland is unavoidable. The harm would be contained by mitigation measures and offset by a compensation package that would enable the woodland to be managed for the future, and improve upon its current compromised condition. In my judgement, and having regard to the mitigation hierarchy, loss of part of the ancient woodland would also be clearly overcome by the social and economic benefits of delivering a large number of new homes to the area, where currently a shortfall prevails. The extent of the shortfall at 4.33 years does not lessen the obligation to boost significantly the supply of housing in the area.
83. In the light of all that is said above, the benefits of allowing this development would significantly and demonstrably outweigh its adverse impacts. It would amount to sustainable development, bringing wider sustainability benefits to the community. The Exception Test would thus be fulfilled.
84. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions and, as Government policy, merits significant weight. The proposal would be in compliance with the NPPF when assessed against its policies as a whole, and merits the presumption accorded to sustainable developments. The breach with the development plan is justified on that basis, particularly in the face of the reduced weight accorded to Policies C2, C7 and D7.

Conditions and Planning Obligations

Conditions

85. A list of suggested conditions was circulated before and during the inquiry. The reasons for imposing conditions are recorded below and where necessary the wording has been modified for clarity or to accord with advice in the PPG⁶.
86. As an outline application, a condition to secure the submission of reserved matters is necessary (1). A condition specifying the relevant drawings is imposed, as it provides certainty (2). In the interest of achieving a development of high quality, as well as to ensure that the principles shown in the Masterplan and articulated in the DAS are delivered, it is necessary to secure approval for floor levels (3), samples of external materials (4), landscaping and management of the site (11, 12) and protection of existing trees and hedges (13). To limit the scope of the permission to that applied for, and considered in the evidence, the number of dwellings is not to exceed 425 (5).

⁶ Numbers in brackets refer to the condition numbers listed in Annex C

87. To ensure that the proposed development delivers new homes as soon as possible, the time limits for submission of reserved matters and implementation on site have been reduced as agreed at inquiry (6, 7). A phasing scheme is necessary for a properly planned and co-ordinated development (8).
88. To provide safe and workable vehicular access routes, it is necessary to impose a condition requiring the accesses to be constructed in accordance with agreed details (9). Mr McKay's (highways consultant for the appellant) evidence to the inquiry indicates that the access details have changed from the approved drawings, so a separate condition is imposed to address access. Pedestrian access from the development site to the Downs Link requires careful consideration, and a condition for such routes to be constructed in accordance with approved details has been included (10). External lighting requires careful control to avoid disturbance to wildlife in the area, particularly within Knowle Wood. Condition 14 would assist with securing a suitable lighting scheme.
89. In the interest of highway safety, and to avoid inconvenience to highway users within and outside the development site, a condition requiring car parking and bicycle spaces to be provided to agreed details has been imposed (15). Such a condition would accord with LP Policy M2. I hesitate to describe provision of trickle charging points as necessary to acceptability of the scheme. A condition along those lines is included (16), however, to comply with the Surrey County Council 'Vehicular and Cycle Parking Guidance' and to add to the scheme's sustainability credentials.
90. To protect the site from flood risk, it is necessary to secure the FRA mitigation measures and recommendations and to ensure that the crossings/bridges would be constructed in accordance with approved details (17, 18). Similarly, to ensure that flood risk is not increased on site or elsewhere, a condition is included to control land raising or to ensure it is undertaken in accordance with agreed details (19). A condition is necessary to establish and counter the possible presence of contamination in the ground (20).
91. For reasons explained earlier, implementation of a suitable surface water strategy is essential. A condition requiring the development to be undertaken in accordance with an approved scheme is imposed accordingly (21). The s106 provides for a company to be set up to manage water attenuation measures. There is also a need to secure details of future management arrangements to ensure that the surface water drainage system installed is managed and maintained for its lifetime. A condition is imposed to secure such measures (22). Another condition is included to investigate and provide, if necessary, a programme for works to be undertaken in relation to archaeological remains (23).
92. Given the ecological significance of Knowle Wood and possible presence of protected species on the site, Conditions 24, 25, 26 and 27 are necessary to preserve and protect the habitats and species. There is insufficient information on the need for land for community purposes. However, a condition is included to reserve the land for such purposes, in the event that future evidence points to a need for it (28). Finally, to ensure that neighbouring properties, residents and highways users are not unduly affected by construction of the development, a condition is included requiring the construction works to be

undertaken in accordance with an approved Construction Method Statement (29).

S106 Planning Obligation

93. Earlier I referred to the on-site management measures for Knowle Wood and the off-site contributions which would lead to net ecological gains in the Borough. These would come forward through the planning obligation. The 128 affordable homes proposed (64 each of rented and shared ownership units) are also offered through the s106. These are necessary to make the scheme acceptable and compliant with NPPF policy.
94. I am also satisfied that the range of financial contributions promised in the s106 are necessary and in accordance with the Community Infrastructure Levy Regulation 122 (CIL Regs) as they are required to mitigate the impacts of the development. The contributions are directed to identified relevant facilities or relate specifically to the needs arising from the proposed scheme. The Council confirms that none of the named facilities to which the contributions would be directed has been subject to previous s106 contributions.
95. The highways and transport packages include submission and implementation of a Travel Plan, contributions towards off-site highway works and bus contributions. Each of these elements of the s106 meets the CIL Reg 122 tests, for the relevance and necessity of the works in the interest of highway safety, flood prevention or to enhance the sustainability aspects of the development.
96. The provision and subsequent management of play and open space as part of the proposed development are intended to meet the LP Policy H10 requirements to provide such facilities in accordance with the national standards and the Council's strategies. These too would meet the requirements of the CIL tests. The justification for the community orchard is less clear cut, and I have not taken that element of the planning obligation into account when making my decision.

Conclusions

97. I have taken account of all the matters raised in the third party representations, including those referred to in the two letters from the Rt Hon Anne Milton MP. For the reasons explained, I am allowing the appeal subject to the 29 conditions, attached at Annex C, and find that other matters raised either individually or collectively do not alter the balance of my considerations or weigh against my decision.

Ava Wood

Inspector

ANNEX A - APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Trevor Ward of Counsel	Instructed by Johanna Ayres, Solicitor, Waverley Borough Council
He called:	
Sue Sutherland	Sue Sutherland Landscape Architects
BSc(Hons) BPhil, CMLI	
Brian Wood BA(TP)	Managing Director, WS Planning
MRTPI	

FOR THE APPELLANT:

Martin Kingston QC	Instructed by Steven Sensecall
He called:	
Andrew Smith	Fabric Limited
BSc(Hons) MSc CMLI	
Adrian Meurer BSc	Director of Ecology, Hankinson Duckett Associates
(Hons) MCIEEM	
Colin McKay BSc(Hons)	Technical Director, WSP Parsons Brinckerhoff
CEng MILT	
Dominic Chapman	Partner, JTP
BA(Hons) BArch RIBA	
AoU	
Simon Purcell BSc(Hons)	Director, WSP UK Ltd
MSc CEng MICE	
Steven Sensecall	Partner, Kemp and Kemp LLP
BA(Hons) DipTP MRTPI	

INTERESTED PERSONS:

Anthony Iafrate	Employer, Littlemead Industrial Estate
Liz Townsend	Chair, Cranleigh Civic Society
Adrian Clarke	Cranleigh Civic Society
Richard Bryant	Cranleigh Civic Society
Cllr Patrica Ellis	Cranleigh Parish and Waverley Borough Councillor
Cllr Mary Foryszewski	Waverley Cranleigh East and Cranleigh Parish North
Ken Reed	Local resident
Dominique Mcall	Cranleigh Civic Society
S Jeacock	Local resident

ANNEX B

Documents submitted during open inquiry session

No	Title	Date	Submitted by
1	Inquiry Notification letter	2/2/16	WBC
2	Justification for Infrastructure Contributions	2/2/16	WBC
3	Mr Purcell's response to 3 rd party	2/2/16	App
4	Cranleigh SHLAA sites remaining to be considered in the sequential test	2/2/16	App
5	Written Statement by Mr Clarke	2/2/16	Mr Clarke
6	Mr Kingston's opening	2/2/16	App
7	Mr Ward's opening	2/2/16	App
8	Mr Iafrate's written statement	2/2/16	Mr Iafrate
9	Cranleigh Civic Society (CCS) counter response	3/2/16	CCS
10	Cllr Ellis' Statement	3/2/16	Cllr Ellis
11	Natural England Standing Advice April 2014	3/2/16	WBC
12	Email from Stephen Whale	3/2/16	CCS
13	Cllr Mary Foryszewski's written statement	3/2/16	Cllr Foryszewski
14	Mr Bryant's written statement	3/2/16	CCS
15	Mr Reed's written statement	3/2/16	Mr Reed
16	S106 (draft)	4/2/16	App
17	Mrs Smyth's (FoE) suggested condition from Surrey County Council on site at land west of Alfold Crossways	5/2/16	3 rd party
18	Statement of Common Ground	5/2/16	App/WBC
19	Note from appellant re: alternative accesses to site	5/2/16	App
20	Suggested landscape condition	5/2/16	WBC
21	Drawings referred to in condition 29	5/2/16	App
22	SCC Vehicular and Cycle Parking Guidance	5/2/16	WBC

Documents submitted during the adjournment and before the inquiry closed

No	Title	Date	Submitted by
23	Closing submissions on behalf of Waverley Borough Council	11/2/16	WBC
24	Closing submissions on behalf of appellant	16/2/16	App
25	Completed s106	16/2/16	App

ANNEX C – Conditions

Approval of Details

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 begins and the development shall be carried out as approved.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
00734_M01 Rev P1, 00734_M02 Rev P1, 00734_M03 Rev P1, 00734_M04 Rev P1, 00734_M05 Rev P1, 00734_PP01 Rev P1, 00734_PP02 Rev P1, 00734_PP03 Rev P1, 00734_PP04 Rev P1, 00734_PP05 Rev P1, 00734_PP06 Rev P1, 0576-D-01 Rev F, 0576/SK/001 Rev G, 0576/SK/018 Rev D, 0576-SK-103 Rev A, 0576/SK/104 Rev A, 0576-SK-106 Rev C, 0576-SK-016 Rev B, D2149L.100 Rev B.
3. Details of the finished floor levels shall be submitted to and approved in writing by the local planning authority before any phase of the development commences and the development shall be carried out as approved.
4. No development shall take place in any phase of the development until samples of the materials to be used in the construction of the external surfaces of the dwellings to be constructed in that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. The development hereby permitted shall comprise no more than 425 dwellings.

Timing of Implementation

6. Application for approval of the reserved matters of the first phase of the development shall be made to the local planning authority not later than 12 months from the date of this permission
7. The development hereby permitted shall begin either before the expiration of:
 - a) 2 years from the date of this permission; or
 - b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Phasing

8. Prior to the commencement of any part of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority of a Programme of Phased Implementation for the permission hereby granted. The development shall thereafter be carried out in accordance with the agreed Phasing Programme. The Phasing Programme shall indicate the timing of construction of the scheme phases, including the provision of associated external works, commensurate with the phases and associated areas/uses being brought into use.

Access

9. Notwithstanding the plans listed in Condition 2, access to the site from Alfold Road and Knowle Lane shall be constructed in accordance with schemes submitted to and approved in writing by the local planning authority. The schemes shall be based on drawing nos: 0576/SK/001 Rev G and 0576/SK/018 Rev D. No dwelling shall be occupied until the Alfold Road access to and from the site has been implemented.
10. Prior to the commencement of any part of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority of the treatment of the pedestrian access to the Downs Link. No dwelling completed in the phase relevant to the pedestrian access shall be occupied until the works are completed in accordance with the approved details.

Landscaping

11. Within any reserved matters application pursuant to this approval, the landscape details required by Condition 1 shall include a detailed landscaping scheme (including detailed designs and specifications) The landscape designs and specifications shall include the following:
 - i. Full details of planting plans and written specifications,
 - ii. Full details of all proposed methods of boundary treatment including details of all gates, fences, walls and other means of enclosure both within and around the edge of the site.
 - iii. Details of all hard surfacing materials (size, type and colour)

The landscaping shall be implemented prior to the occupation of any part of the development hereby approved or in accordance with a programme to be agreed in writing by the local planning authority.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas in each phase of the development, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or the phase of the development to which the submitted plan relates. The landscape management plan shall be carried out as approved.
13. No development shall take place until a scheme for the protection of existing trees and hedges which are to be retained within the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Lighting

14. No floodlighting or other form or external lighting scheme shall be installed unless it is in accordance with the details which have previously been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. The lighting shall thereafter be retained in the form approved.

Parking and Travel

15. Within any reserved matters application pursuant to this approval, the layout details required by Condition 1 shall include a scheme for car and bicycle parking for the residential units proposed in each phase of the development, and for parking of cars and bicycles in communal areas. No dwelling in the relevant phase shall be occupied until the parking arrangements approved in writing by the local planning authority for that phase has been implemented. Thereafter the parking areas shall be retained and maintained for their designated purpose.
16. No dwellings shall be occupied in any phase of the development until one trickle charging point is provided per communal parking area and one charging point provided for each house with a garage

Flooding

17. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the Flood Risk Assessment titled 'The Maples, Cranleigh, NPPF Flood Risk Assessment', Revision 1, prepared by WSP and dated 28 April 2014. The recommendations and mitigation measures relevant to each phase of the development shall be implemented prior to the occupation of any dwelling in that phase of the development.
18. Prior to the approval of reserved matters, design details for the Littlemead Brook and the Nuthurst Stream river crossings/bridges shall be submitted to and approved in writing by the local planning authority. These details shall be based upon the concepts and information presented in the Flood Risk Assessment titled 'The Maples, Cranleigh, NPPF Flood Risk Assessment', Revision 1, prepared by WSP and dated 28 April 2014 and Drawing number 0576-SK-103, 'Indicative Bridge Elevations', Revision A, prepared by WSP, dated April 2014. The works shall then be implemented as approved, prior to first occupation of any dwelling on the site.
19. No land raising will take place in the 1% (1 in 100) plus a 20% allowance for climate change flood extent except that which has been agreed for access through outline planning application WA/2014/0912. Where land raising in the 1% plus a 20% allowance for climate change flood extent is proposed, full details including satisfactory level for level floodplain compensation mitigation measures should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details, and thereafter retained.

Contamination

20. No dwelling shall be occupied until the approved remediation scheme is carried out in accordance with a Remedial Method Statement (based on the GESL Report GE9749 Knowle Lane) submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out is to be submitted to and approved in writing by the local planning authority.

Surface Water Drainage

21. Prior to submission of reserved matters, a sustainable surface water drainage scheme for the site is to be submitted to and approved in writing by the local planning authority. The scheme is to be based on the Flood Risk Assessment titled 'The Maples, Cranleigh, NPPF Flood Risk Assessment', Revision 1, prepared by WSP and dated 28 April 2014. No dwelling shall be occupied until the drainage works required for that dwelling have been implemented in accordance with the approved details.
22. No development shall take place until details of future continued maintenance and management of the surface water drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - a) timetable for its implementation, and
 - b) management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Archaeology

23. No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the local planning authority. Thereafter the development shall be implemented in accordance with the Written Scheme of Investigation.

Ecology

24. The development shall be carried out in accordance with the recommendations set out in the submitted Ecological Appraisal, Dormouse Survey Report, Water Vole Survey Report, Badger Survey (Confidential), Bat Survey and Addendum, Reptile Survey Report and Knowle Wood Mitigation Strategy. If there is not adequate habitat remaining on site to support the reptile population present, prior to the commencement of development, the applicant shall submit details of a suitable receptor site to be approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.
25. No development shall take place until a scheme for the provision and management of a minimum 8 metre wide buffer zone alongside the Littlemead Brook and the Nuthurst Stream has been submitted to and agreed in writing by the local planning authority. This distance is measured from the top of the bank and applies to each side of the watercourse but only on land within the control of the applicant. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall remain free from built development including lighting, domestic gardens and formal landscaping.

The scheme shall include:

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme;

- details demonstrating how the buffer zone will be protected during construction/development of the scheme;
 - details demonstrating how the buffer zone will be managed and maintained over the lifetime of the development including a detailed management plan, information relating to adequate financial provision and named body/parties responsible for management of the buffer zone; and
 - details of any proposed footpaths, fencing and lighting.
26. Prior to the commencement of the development hereby approved or site preparation works, further survey works, as detailed in Section 5.2.10 of the HDA Bat Survey Report, dated August 2015, shall be carried out and submitted for approval in writing by the local planning authority. The development shall thereafter be carried out in accordance with the measures and recommendations set out in the approved Report.
27. Prior to the commencement of development or site preparation works, further survey works, as detailed in Section 4.9 of the submitted HDA Badger Survey Report dated November 2015, shall be carried out and submitted for the approval in writing by the local planning authority. The development shall thereafter be carried out in accordance with the measures and recommendations set out in the approved Report.

Community Land

28. The land identified on indicative plan no. 00734_S106_01 Rev 01 shall only be used for the purposes of community use within the meaning of Class D1 of the Town and Country Planning (Use Classes) Order (1987). This land shall be shown on any subsequently submitted reserved matters layout plan for the phase in which the land is located. Use of the land for community purposes shall only proceed in accordance with details of the management and operation of the use submitted to and agreed in writing by the local planning authority.

Construction

29. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a) vehicle routing
 - b) the hours of work
 - c) the parking of vehicles of site operatives and visitors
 - d) loading and unloading of plant and materials
 - e) storage of plant and materials used in constructing the development
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - g) wheel washing facilities
 - h) measures to control the emission of dust and dirt during construction
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works

- j) means of protection of trees and hedgerows during site preparation and construction; and
- k) access arrangements for emergency vehicles during the construction phase.

End of Conditions

Representation ID: REP/490/GT01Representor Details:

Representor ID:	REP/490
Name:	
Organisation:	Harvey & Son (Lewes)
Consultation Body:	General
Stakeholder Type:	Planning Consultant

Agent Details:

Name:	Diane Aldridge
Organisation:	DJA Planning

Contact Details:

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Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
(See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	Yes
Why do you feel it is necessary to participate at the Examination in Public?	



**Response to Lewes District Local Plan Part 2: Site Allocations and
Development Management Policies DPD – Pre-Submission version on behalf of
Harvey & Son (Lewes) Ltd**

1. We are instructed by Harvey & Son (Lewes) Ltd to submit objections on their behalf to the Lewes District Plan Part 2: Site Allocations and Development Management Policies DPD (LDLP2). These objections principally relate to the proposed policy regarding Gypsy & Traveller Accommodation and proposed **Policy GT01 – Land south of The Plough**.
2. Harvey & Son (Lewes) Ltd are the freehold owners of The Plough Public House which is prominently located at the corner of South Road and Station Road to the north of the village of Plumpton Green. Their ownership extends to include the adjoining land to the north west which runs alongside South Street (total 0.7185 Hectares). As a small and longstanding family firm, Harvey's is renowned across southern England for great beer, fine wine and sound business principles. Harveys is a member of the British Beer & Pub Association (BBPA) and the Independent Family Brewers of Britain (IFBB) and this year (and in 2017) they won the "UK Brewer of the Year" award.
3. Their Tied Estate Houses are run independently but benefit from Harvey's strong reputation and "brand" within the community. Tenants are considered to be freelance ambassadors for the brewery so high standards of quality are expected at all houses. Harvey's has just 49 public houses spread over the South East (including 2 in London) with the majority located in East Sussex.
4. Harvey's are not immune to the commercial pressures affecting the industry as a whole. Within their portfolio they have 5 pubs that are closed and two of these now have permission to be converted/redeveloped for alternative use. Tenancy opportunities do not come up very often but when they do pubs are typically let on a standard five-year tenancy and become contractually available within four years. There is therefore a rolling responsibility, and pressure, for Harvey's to ensure the successful continuation of their pubs by securing good people to run them and, where possible, to make significant investment to enhance the attraction of their pubs to prospective tenants as well as the wider community and passing trade.
5. The Plough at Plumpton Green has a solid reputation as a good pub offering a good range of typical pub food in a cosy friendly environment. The current tenant holds regular curry nights, quiz nights, charity skittles nights and live bands. The pub relies

on return trade from the local community as well as passing trade and visits prompted by positive on-line reviews. Given the pubs rural location, the majority of customers travel to the pub by car. The pub, its car park and adjoining field is also used as a regular meeting place for the group Classics, Cars and Coffee. The pub has a good sized car park and outside seating area. One of the key features that attracts visitors, and is mentioned in may reviews, is the large garden with children's play area and uninterrupted views of the South Downs across the fields to the south.

6. In preparing this objection, we have been provided with a copy of the comprehensive response prepared by Plumpton Parish Council. We support fully the points that they have made in their submission. I addition, Harvey's have approached Maria Caufield MP raising their concerns about the impact on the business from the proposed allocation of the site to the south of The Plough under Policy GT01 as a permanent Gypsy & Traveller site. We understand she will be making her own objection to the proposed allocation.
7. This objection on behalf of Harvey's relates to two key issues. The first is the site chosen to be allocated under Policy GT01 – the method and background to the identified need and the site itself, the second is the distinct lack of early involvement and engagement by Lewes District Council with the local, settled community in arriving at this allocation.

Proposed site:

(a) Background to allocation:

8. Guidance for Travellers sites is set out in the Planning Policy for Traveller Sites Guidance 2015 (PPTSG). This continues to be the key Guidance document and is read in conjunction with the NPPF 2018 which makes only a general comment about Gypsy and Travellers sites.
9. There have been various studies carried out to inform the identification of potential traveller sites in Lewes District. In 2008 Parker Dann assessed and identified potential sites to meet the then identified need and this was updated in 2011 to inform the Emerging Core Strategy (LDC and SDNPA). The criteria for site selection was agreed with the LPA, stakeholders, the gypsy and traveller community and local Parish Councils. Of the "long list" of 14 vacant, underused and unused sites in public ownership, 11 attracted objection from statutory consultees (Highways Authority and/or Environment Agency) and these were rejected for further consideration leaving only 2 sites identified for potential allocation. The GT01 site was not considered at that stage, being in private ownership.
10. In December 2012, prompted by the NPPF and the Emerging Core Strategy (ECS) an Addendum report was produced with more sites put forward for assessment. This included private sites and those that had been promoted – not as gypsy and travellers sites but for market housing through the SHLAA process and "call-for-sites". Paragraph 2.9 of that report concluded that under Core Policy 3 of the ECS, 11 permanent pitches would be required to 2018. The Parker Dann assessment criteria were again used, with some adaptation.

11. Site I – Land between The Plough and the Old Brickworks, Station Road, Plumpton was considered against the Parker Dann criteria. At that stage the land to be assessed was the whole of the land area of 44720sqm as promoted by the landowner through the SHLAA. The site had been rejected for consideration as an allocated housing site through the SHLAA process due to its isolated location relative to the developed area of Plumpton Green. When assessed as a site for Gypsy & Traveller accommodation, out of a potential score of 37, Site I scored 25 and was ranked joint 6th on a list of 16 assessed sites.
12. In the report, the Highway Authority objected due to concerns about the ability to provide a suitable access onto Station Road due to availability of highway land, uphill gradient and visibility to the north. Issues of the amenity of future residents due to the proximity of The Old Brickworks was also flagged as a potential concern. The site was also noted for its “rural and isolated location” stating *“it is over a kilometre from a primary route network. The closest is the A275”*. Indeed, although overall the site was considered to have scored well (although onsite waste treatment would be required) the main constraint was considered to be access and the lack of achievable visibility splays. The site was also considered “isolated in terms of access to facilities”.
13. In the overall conclusion to the report, Site I was not put forward on the list of the “preferred sites” deemed to be deliverable. Indeed, the conclusion for the whole report was as follows:
- “None of the potential sites assessed can, at this stage, be concluded to be deliverable for Gypsy and Traveller use. Should the identified issues of availability and suitability be resolved, the above sites would form a potential pool of sites to consider for future allocation.”*
14. Although not particularly clear from the language used in the report. In the conclusions the only sites referred to “above” were Sites C,D,H and N. Site I was not specifically referred to. It could therefore be concluded that Site I would not form part of the “pool” of sites for further consideration even if “availability and suitability” issues could be addressed.
15. There was no promotion of the site through the Plumpton Neighbourhood Development Plan (adopted 2018) or any suggestion by the LPA during that process that “Site I” should be considered for *any* use, including use as a potential gypsy and traveller site.
16. The East Sussex and Brighton & Hove Gypsy and Traveller Accommodation Assessment (ESBHGTA) was an assessment of Gypsy, Traveller and Travelling Showpeople accommodation needs in East Sussex and Brighton & Hove. The assessment was completed in May 2014. It involved three methods of data collection: a review of existing data; consultation with key stakeholders; and consultation with around 300 Gypsies, Travellers and Travelling Showpeople residing in, or visiting, the study area. It aimed to identify the number of Gypsies, Travellers and Travelling Showpeople in each local authority area that had, or were likely to have, an accommodation need, as well exploring the need for transit provision across the study area. This study concluded that the residential pitch need for Lewes District Council between 2013/14 to 2027/28 is 5 pitches and the South Downs area of Lewes had a

requirement of 8 permanent pitches – 13 permanent pitches in total – an overall increase in 2 pitches from the earlier study.

17. In the supporting text to Policy GT01, the LPA has stated that, because no sites have come forward as a result of its call-for-sites, they have undertaken further assessment and have arrived at a single site – Land to the south of The Plough. It is not made clear whether all sites previously considered “preferred” and in the potential “pool” of sites in the Addendum report of 2012 were also reconsidered in detail or whether the fact that the owner has said the land would be made available has meant all other issues of concern that ruled the site out previously as having a “lack of a suitable access”; being “rural and isolated location”; “over a kilometre from a primary route network. The closest is the A275” and “isolated in terms of access to facilities” have simply been set aside?
18. The site remains isolated and remote. It continues to be more than 1km from a primary route network. Access has not been demonstrated as being suitable and it is actually 650 metres from the edge of the nearest settlement, not 500 metres as alleged in the Addendum report. Whilst it is within 800 metres of a bus stop, this provides a very limited service and will not be sufficient to stop occupiers of the site from either using their vehicles or from walking along an unlit rural road with no footpaths. Neither option can be said to be sustainable. Also, the allocation has been made with no further reference to or discussion with the Parish Council, or local stakeholders, other than via the formal consultation process for the Local Plan Part 2.
19. The underlying GATNAA was carried out on the basis of the 2012 Guidance, not the updated 2015 Guidance where the definitions of gypsy and traveller have changed. The LPA has referred to this GATNAA in repeating that the level of need for the District remains 5 permanent pitches for Lewes District. However, as this is based on the now superseded version of the PPTSG 2012 a re-assessment of need must be undertaken. This should use the new definitions in accordance with Clause 115 of the Housing and Planning Bill. Until this is carried out, the basis of the number of pitches required in the District is flawed and it would be inappropriate to allocate a specific site on the basis of flawed information more so when the site in question remains isolated and unsustainable.

(b) Implications of the proposed allocation:

20. The overriding aim in both the earlier 2012 and current 2015 PPTS Guidance is stated as:

“Ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community” (our emphasis).

21. We are concerned that in the allocation of GT01, the balance between the two aims of the Guidance has not been met and the interests of the settled community have been outweighed by the pressure the LPA has put itself under to allocate a specific site in the Local Plan Part 2. Other LPA’s have taken the approach, where they have not allocated a particular site, of providing a detailed criteria based policy identifying the

criteria that will be used to assess sites that are presented through the development control process. This is an option that remains available to the LPA here by the use of Core Policy 3 – a policy that, by the Council’s own definition, can be used in the determination of any planning applications for Gypsy and Traveller or Travelling Showpeople use. The County’s own web site entry on Gypsies and Travellers states that *“unauthorised encampments are very rare in East Sussex”*. This would suggest that existing provision more than meets the needs of the traveller community. Indeed, where there have been any incidents locally, capacity has been found on existing transit and authorised sites.

22. The Parish has set out in its objection the policy context and particularly the policies in the recently adopted Plumpton Neighbourhood Plan 2017 - 2030. The Parish is narrow and linear with the core developed area lying in the centre, focused around the village of Plumpton Green to the north of the railway line and station. The character of the Parish to the south and north of the settled area is distinctly rural with open countryside dominating. The spatial plan for the Parish (Policy 1) is to site new development within the defined boundary of Plumpton Green. No development will be sited outside the development boundary. This approach has been agreed through the NDP process; an independent Examination in Public; agreement by the local community through Referendum and adoption by the LPA and SDNPA.
23. The site in GT01 is located some 650 metres to the north of the development boundary along a rural road with a 60mph speed limit; with no wide verges; no footpath and no street lighting. The identification of a greenfield site outside the defined development boundary for what amounts to a dense residential development site for 5 “dwellings” does not comply with the NDP or the guidance in the PPTSG. Permanent pitches do not just comprise hardstanding and access as the limit to physical development of the land. Turning areas are required (as identified in Policy GT01) and there will be permanent amenity blocks. The characteristics of the proposed allocation will therefore be of the same visual impact as a very dense housing estate in an isolated rural location, but without the green garden spaces and amenity areas that would punctuate and soften such a development.
24. When advising on the matters LPA’s should take into consideration in determining planning applications for gypsy and traveller sites, the status of the applicant is not the only consideration; it is a material consideration only and needs to be balanced with other material considerations, including not only the provisions of the development plan, but the contents of the PPTS Guidance itself.
25. In particular, the Guidance states (paragraph references taken from the Guidance):

“3. The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”
26. We are concerned that the interests of the settled community have not been respected in the allocation of GT01.

“4(i) - to reduce tensions between settled and traveller communities in plan-making and planning decisions.”

27. Tensions about the prospect of a travelling community becoming part of a long established settled community can sometimes be managed by early and effective communication and consideration of views expressed by that settled community. That has not happened in the case of the allocation of GT01. The allocation has the feeling of a “last site standing” rather than a fully considered assessment of the suitability of this specific site to accommodate the proposed level of provision given that it has not previously been identified as a preferred site and remains “isolated” and unsustainable. Such an approach could lead to unnecessary tensions between the settled and traveller communities if this site is to proceed further.

“4(k) - for local planning authorities to have due regard to the protection of local amenity and local environment...”

14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

28. The settled community in this part of Plumpton Parish is characterised by detached houses in large plots. Immediately opposite the proposed site there are two properties that occupy a slightly elevated position overlooking the fields to the west (and the site of GT01). To the south of the business park are three large houses. Five new permanent plots with caravans (some which can have the appearance of small houses) and permanent amenity blocks densely located each on a plot of 500sqm on the GT01 site will therefore be out of character and will dominate the settled residential community in this part of the Parish.
29. To the immediate south of the proposed site is The Old Brickworks. This is a business park where the 21 occupiers have specifically chosen a rural location to continue and develop their enterprises. The allocation will be located immediately adjoining the northern boundary of this important local employment site. This will bring new pressures to those occupiers. Concerns have been raised by the operator and occupiers with the Parish Council about the potential for their established businesses to be disrupted by the proximity of a new residential community. Some have indicated a wish to relocate away from the site due to the potential dominance of the gypsy and traveller community in this part of the Parish. This could lead to a loss of much valued local employment. Alternatively, in order for the owner to attract businesses to this site in the event of vacant buildings, there may be a necessary change in the character of the occupiers to more industrialised and potentially disruptive uses. This would in turn have an unacceptable impact on the amenity of the existing settled community as well as the new community proposed under GT01.

30. The Plough pub, as previously described, lies to the north of the allocation on rising land. Unlike the occupiers in The Old Brickworks, The Plough as a business cannot simply relocate if there is impact on its trade as a result of a change to the balance of the local community. An unbalancing of the local community to the level proposed by GT01 raises significant concerns about the detrimental impact on the ongoing viability of the pub and therefore the future of the business. Put bluntly, if no longer a viable business with falling customer numbers, it would close. Even the description of the site GT01 as “Land to the south of The Plough” has already had an impact. Customers have already voiced concerns about the impact the allocation will have on the pub and their potential use of the facilities in the future. Even successful businesses can struggle against speculation about the potential for change locally.
31. The Plough is only 1 of 3 remaining pubs serving the Parish of Plumpton and as the business most closely located to the proposed allocation, it is the one most at risk of a change in perception by existing and potential customers.
32. Harveys have already secured planning permission for a significant investment in The Plough (LW/08/0173). A material start was made within the life of the application and it was Harvey’s intention to invest in the pub and build out the permission during 2019. This would have delivered a new single storey extension and refurbishment of the existing building to provide improved restaurant facilities, disabled access and additional parking. This is now seriously in doubt as a result of GT01. Therefore, not only has this proposal had an unsettling impact on the existing operation and viability of a much valued local facility, it has jeopardised investment that would have enhanced those facilities for the whole community and delivered future employment. It would also have delivered the aspirations of the Neighbourhood Plan, particularly Policy 6.
33. Whilst the right to a view is not a planning consideration, in this case, the experience of the quiet rural ambience is significantly enhanced by the attractive views from the pub garden area across the open fields and towards the South Downs. The Old Brickworks are in the foreground of these views but are very well screened by a line of mature trees and the hedgerow along the northern boundary of its site. This view has a high amenity value to the pub and its customers and would be lost by the proposed siting of the allocation in GT01.
34. The GT01 site will have no clearly defined natural barriers or screening between it and the boundary of The Plough to the north. We dispute the high score of 3 given in the Addendum report to the question “Can the site be adequately screened?”. The response stated that “landscaping is considered appropriate and effective”. There is only a hedgerow between the site and Station Road and the residential properties on the eastern side of Station Road sit at a higher level than the road meaning that effective screening is neither appropriate nor effective. The proximity of the proposed pitches to the road, with the associated hardstanding, turning areas etc will also mean that there is little or no scope for effective screening from Station Road. New enclosures will be required along the northern and western boundaries as there are no natural features to follow and no mature landscaping to define and contain the proposed use.

35. There is therefore concern that the configuration of the GT01 site would not be satisfactory and its physical containment against unauthorised extension would not be achievable. This would very likely lead to an ongoing enforcement issue, of significant detriment to the settled community. The proposal would be visually intrusive and would not be well-screened by existing vegetation and will not be physically contained by landscaping.
36. It is often the case that existing authorised traveller sites are considered for expansion either for transit or permanent pitches if future need is identified. Indeed, the SDNPA allocations in the area that was once administered by Lewes District Council are largely achieved with the expansion of existing sites. Therefore, if GT01 becomes an established site, there is no physical or defensible boundary to its future expansion to the north and west. We know that a significantly larger area of land was originally promoted by the landowner in the SHLAA for housing development and later taken up by the County as the potential travellers site (see comments on Site I – Land between The Plough and Old Brickworks above).
37. The location of 5 new dwellings within this area, as promoted under GT01, is therefore considered to be a significant unbalancing of the existing settled residential and business communities with the potential for the new development and associated infrastructure to significantly disrupt, dominate, unbalance and visually negatively impact this part of the Parish.

Consultation:

38. In addition to specific concerns about the proposed location and limitations of the GT01 site, there are serious concerns about the lack of local consultation and scrutiny prior to the identification of this site. The first Harvey's was made aware of the LPA's proposed allocation in Policy GT01 was via the Parish Council in late September when they were sent a copy of the 17th September 2018 Cabinet Report seeking the go ahead for the publication of the LDLP Part 2. This summarised, at para 2.7 and 2.8 that, no other sites having been identified in previous versions of the Local Plan, and with the "assistance" of ESCC, the land to the south of The Plough would be allocated. In turn, the Parish Council has stated that they were only made aware of the emerging policy in early September.
39. The PPTSG explicitly states under Policy A: Using evidence to plan positively and manage development (paragraph 7):
- "In assembling the evidence base necessary to support their planning approach, local planning authorities should... pay particular attention to early and effective community engagement with both settled and traveller communities (including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups)."*
40. We share the serious concerns of the Parish Council that such a significant allocation so late in the process is not consistent with 'early and effective engagement' with the settled community. We have referred to the 2012 Addendum report that identified the 16 sites – including Site I - but there has been very little time for a qualitative and

quantitative assessment of the alternative sites considered previously in time to inform this objection. Also, there is no evidence that the Council has provided setting out their own considered re-assessment of all potential sites in the previous “pool” prior to fixing on the allocation in GT01. The statement by the LPA that the more sustainable options are “no longer available” requires further and detailed explanation to justify the allocation of only one site under GT01. A lack of supply does not make an unsustainable, isolated site suddenly sustainable. The GT01 site is unsustainable and it remains unsustainable even if it is, in the LPA’s view, the only site currently available to allocate.

41. The PPTSG encourages working collaboratively to develop fair and effective strategies to meet need through the identification of land for sites. We are deeply concerned that there has been no collaborative working with the local settled residential or business community, or the wider Parish. The resulting strategy being promoted through the LLP is therefore neither fair nor effective.

We request the right to appear at the Examination in Public to expand further on the comments made in this objection.

**DJA Planning
November 2018**

Representation ID: REP/491/OMRepresentor Details:

Representor ID:	REP/491
Name:	
Organisation:	Taylor Wimpey South Thames Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

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Representation:

Policy/Section:	Housing Policy Context, Omission Site
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	Yes Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
(See attached PDF)	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	Yes
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Why do you feel it is necessary to participate at the Examination in Public?



Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: SB/6354

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2nd November 2018

Planning Policy,
Lewes District Council,
Southover House,
Southover Road,
Lewes,
BN7 1AB

Dear Sirs

Lewes District Council – Local Plan Part 2: Site Allocations and Development Management Policies Pre Submission Consultation

Representations on Behalf of Taylor Wimpey South Thames Ltd.

INTRODUCTION

Background

We refer to the above consultation upon the Pre-submission version of the Local Plan Part 2 and write on behalf of our clients, Taylor Wimpey South Thames Ltd., concerning the omission of land at Greenhill Way/Ridgeway, Haywards Heath as a housing allocation (edged red on Plan WBP1 attached).

OMISSION SITE LAND AT GREENHILL WAY/RIDGE WAY, HAYWARDS HEATH

Development Plan Context

The Local Plan Part 1 Inspector issued his initial conclusions regarding the Plan's soundness in February 2014. His conclusions advised that the District had passed the Duty to Cooperate and that full, objectively assessed housing needs (OAN) had been satisfactorily identified. However, the Inspector considered that there was a need for the District to carry out further work in attempting to meet as much of the defined OAN as possible.

This is confirmed in the following two paragraphs taken from the previous appeal decision, which includes the following assessment of the sustainability merits of the site:

‘However, despite the foregoing, I am not at all convinced that “no stone has been left unturned” by the Councils, in terms of seeking as many suitable and appropriate sites for new housing as possible that are realistically deliverable in sustainable locations across the plan area’.

...

‘My preliminary conclusion is that the new housing provision in the plan has to go up to a minimum of 6,900 in total (from 5,790 as now), or at least 345 dwellings a year on average over the plan period’.

Spatial Context

Lewes District is constrained as to further extensions to its principal settlements given the high proportion of the District that is covered by the South Downs National Park and two sites designated as Special Area of Conservation (“SAC”). Further the Ashdown Forest is also a designated SPA and is located within close proximity to the District’s borders. In sequential terms, development on land located outside such designations should be brought forward first.

It should be noted that the housing requirements set out in Spatial Policy 2 of Local Plan Part 1 are clearly expressed as minimums and where appropriate growth should exceed this minimum figure. This is particularly the case given the requirement for additional sites to be released for development in order to meet the local housing need identified in accordance with the standard methodology (as set out in the NPPF) from May 2021 onwards (at which point the strategic housing requirements set out in the Local Plan Part 1 will be more than five years old).

Moreover, and as demonstrated in the Council’s five year housing land supply position statement as at April 2018, the Council is unable to demonstrate a five year supply of deliverable housing land when assessed at the District level or in that part of the District excluding the national Park.

This further justifies the need for additional allocations, including possible reserve sites.

Our client’s site offers one such location where this can be achieved in a sustainable manner.

In terms of the site’s location, the site lies adjacent to the Haywards Heath settlement boundary. Haywards Heath is defined as a ‘Secondary Regional Centre’ within the proposed settlement hierarchy contained within the Council’s Core Strategy and is above any settlement located within Lewes District itself in the settlement hierarchy. It is noted that growth adjacent to Haywards Heath was referred to by the LDC planning policy manager at the EiP Issue 4 session considering Local Plan Part 1 as an ‘extremely sustainable location’.

The subject site adjoins the Haywards Heath urban area and therefore represents one of the most sustainable locations in helping to meet the District’s housing requirements (including that for affordable). We note the sustainability credentials of greenfield releases at Haywards Heath were further acknowledged by the Section 78 Inspector in allowing the appeal on the northern part of the Spatial Policy 4 allocation:

‘...that if greenfield housing development is needed and justified, as is demonstrably the case in Lewes district, there are in principle few better locations for it than on the edges of large established settlements (in this case, Haywards Heath), which contain major concentrations of services, facilities and other infrastructure. And that is reflected in the site’s draft allocation for housing in the emerging CS’ (paragraph 30).

In addition, it should be noted that the housing requirements set out in Spatial Policy 2 of Local Plan Part 1 are clearly expressed as minimums and where appropriate growth should exceed this minimum figure. Our client’s site offers one such location where this can be achieved in a sustainable manner.

For the above reasons we are of the strong view that the potential of the subject 2.5ha site that forms land adjoining Haywards Heath (within Wivelsfield Parish) should be identified in the Local Plan Part 2 as a housing allocation. The construction of the housing development to the north is now very advanced and therefore the omission site could be delivered inside a 5 year period and therefore soon after the adoption of Local Plan Part 2.

Site Characteristics

As you will be aware our client’s developed land to the north of the subject site. This comprises approximately 8.5ha and benefits from detailed permission which will be built out by Q4 in 2019.

These representations specifically relate to a residual 2.5ha, edged red on Plan WBP1 and located to the south of the allocated site. For contextual purposes, the Spatial Policy 5 allocation is edged blue on Plan WBP1.

The site comprises approximately 2.5ha and is located adjacent to the Haywards Heath settlement boundary. It is roughly rectangular in shape and is bound by the Asylum Wood Local Nature Reserve to the northwest, Colwell Lane to the southeast and agricultural fields to the south.

As illustrated on the image below, the site is bound by a mature tree belt on its southern boundary and woodland to the west and east. The site’s northern boundary is formed by some existing vegetation but this is considerably less dense than that located on the site’s southern boundary. In terms of topography, the site slopes from its southwestern corner towards its northeastern corner.

The site is sustainably located and well related to Haywards Heath with its range of services, facilities and employment opportunities.

It is anticipated that access into the site would be via the land to the north that benefits from an established access from Greenhill Way/Ridge Way. The land is located close to the main A272 and nearby bus services run to Haywards Heath Town Centre, Uckfield, Burgess Hill and Brighton. Existing bus services are to be diverted into the land to the north and will further enhance the sustainable credentials of the site and opportunities for residents to travel by bus. Haywards Heath railway station provides a major interchange for regular services to London, Gatwick and the South Coast and would be accessible from the site via either bike or bus.



The site is suitably located with regard to key services, including primary and secondary schools and the Princess Royal Hospital. By virtue of Haywards Heath's designation as a 'Secondary Regional Centre', the site is well placed with regard to local employment opportunities.

The above confirms that the proposed development at Greenhill Way offers a sustainable development location benefitting from a number of key services and facilities within close proximity to the site. The site also offers a logical development extension to the approved proposals abutting the north of the site.

Proposed Scheme

The above discussion has confirmed that there is a need for housing in sustainable locations and that the site is not constrained by statutory designations. Accordingly, our masterplanners have developed a Concept Masterplan (Ref. CSa/2635/100) to cover the site. This exercise has confirmed that the site could come forward for up to approximately 80 dwellings. This includes a proposed density of approximately 35 dwellings per hectare. Such a proposal has been assessed as appropriate having regard to the site's topography and technical considerations.

It is proposed that the masterplan for the site will include further areas of incidental open space to supplement the areas to come forward on the site to the north. The scheme retains the existing screening on the site boundaries and properties could be designed

around open spaces in varying sizes and scales to provide a varied street scene. Vehicular access links into the wider site via the northern boundary.

On site environmental mitigation measures include potential SuDS features within landscaped areas. Further a 15 metre buffer to the ancient woodland edge is provided as per the approach taken on the wider site. The existing landscape belt on the site's southern boundary is retained.

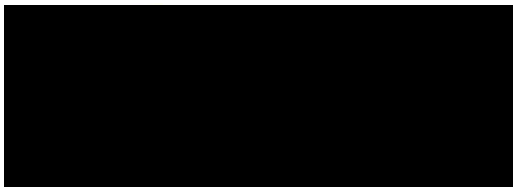
Proposed Change:

Land at Greenhill Way/Ridge Way, Haywards Heath to be allocated for up to approximately 80 dwellings.

SUMMARY

We trust the above comments are of assistance in preparing the required and necessary modifications to the Local Plan (alongside the submission version) and we await confirmation of receipt and registration of our representations in due course.

Yours faithfully,



Steven Brown BSc Hons DipTP MRTPI

Enc.



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Revision	Date	By	Description

CSa environmental planning e.ashwell@csaenvironmental.co.uk t 01462 743647 f 01462 743648	Dates: Barns, High Street, Ashwell, Hertfordshire, SG7 5NT t 01462 743647 f 01462 743648
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Project	Phase 3, Land at south of Greenhill Way, Haywards Heath
Title	Concept Masterplan
Client	Taylor Wimpey UK Ltd

Scale	1:1000 @ A2	Drawn	Self
Date	March 2015	Checked	RR
Drawing Number	CSa2635/100	Revision	-

Representation ID: REP/492/HPC/A

Representor Details:

Representor ID:	REP/492
Name:	
Organisation:	Taylor Wimpey UK Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

Agent Details:

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Organisation:	Woolf Bond Planning

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Representation:

Policy/Section:	Housing Policy Context Table 3
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
(See attached PDF)	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	Yes
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Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/492/HPC/B

Representor Details:

Representor ID:	REP/492
Name:	
Organisation:	Taylor Wimpey UK Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

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Representation:

Policy/Section:	Housing Policy Context, Table 4
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
(See attached PDF)	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	Yes
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Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/492/HPC/C

Representor Details:

Representor ID:	REP/492
Name:	
Organisation:	Taylor Wimpey UK Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

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Representation:

Policy/Section:	Housing Policy Context, Table 5
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	
(See attached PDF)	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	Yes
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Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/492/OMRepresentor Details:

Representor ID:	REP/492
Name:	
Organisation:	Taylor Wimpey UK Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

Agent Details:

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Representation:

Policy/Section:	Housing Policy Context, Omission Site: Land south of Green Road, Wivelsfield Green
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Justified Not Effective Not Consistent with national policy
Representation:	

(See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	Yes
Why do you feel it is necessary to participate at the Examination in Public?	



Woolf Bond Planning

Chartered Town Planning Consultants

Our Ref: SB/7779

Email: s.brown@woolfbond.co.uk

2nd November 2018

Planning Policy,
Lewes District Council,
Southover House,
Southover Road,
Lewes,
BN7 1AB

Dear Sirs

Lewes District Council – Local Plan Part 2: Site Allocations and Development Management Policies Pre Submission Consultation

Representations on Behalf of Taylor Wimpey UK Ltd.

INTRODUCTION

Background

We refer to the above consultation upon the Pre-submission version of the Local Plan Part 2 and write on behalf of our clients, Taylor Wimpey UK Ltd., concerning the omission of land to the south of Green Road, Wivelsfield Green as a housing allocation.

The Site is edged red on Plan WBP1 attached and represents a sustainable location in order to provide for a housing allocation in order to meet identified housing needs within walking distance from local services and facilities.

The allocation of the site for housing also provides the opportunity to work with the local community in order to provide additional community facilities including public open space provision. As such, we welcome the opportunity to work with both the District and Parish Councils in seeking to plan for an appropriately designed development.

Development Plan Context

The Local Plan Part 1 Inspector issued his initial conclusions regarding the Plan's soundness in February 2014. His conclusions advised that the District had passed the Duty to Cooperate and that full, objectively assessed housing needs (OAN) had been satisfactorily identified. However, the Inspector considered that there was a need for the District to carry out further work in attempting to meet as much of the defined OAN as possible. This is confirmed in the following two paragraphs taken from the Inspector's letter:

'However, despite the foregoing, I am not at all convinced that "no stone has been left unturned" by the Councils, in terms of seeking as many suitable and appropriate sites for new housing as possible that are realistically deliverable in sustainable locations across the plan area'.

...

'My preliminary conclusion is that the new housing provision in the plan has to go up to a minimum of 6,900 in total (from 5,790 as now), or at least 345 dwellings a year on average over the plan period'.

Spatial Context and Housing Targets

Lewes District is constrained as to further extensions to its principal settlements given the high proportion of the District that is covered by the South Downs National Park and two sites designated as Special Area of Conservation ("SAC"). Further the Ashdown Forest is also a designated SPA and is located within close proximity to the District's borders. In sequential terms, development on land located outside such designations should be brought forward first.

It should be noted that the housing requirements set out in Spatial Policy 2 of Local Plan Part 1 are clearly expressed as minimums and where appropriate growth should exceed this minimum figure. This is particularly the case given the requirement for additional sites to be released for development in order to meet the local housing need identified in accordance with the standard methodology (as set out in the NPPF) from May 2021 onwards (at which point the strategic housing requirements set out in the Local Plan Part 1 will be more than five years old).

Moreover, and as demonstrated in the Council's five year housing land supply position statement as at April 2018, the Council is unable to demonstrate a five year supply of deliverable housing land when assessed at the District level or in that part of the District excluding the national Park.

The Local Plan Part 2 lacks the necessary flexibility to ensure an adequate and responsive supply of deliverable housing land. This includes in relation to the over reliance on sites in a number of emerging Neighbourhood Plans; relating to 425 dwellings at Newhaven, 255 dwellings at Peacehaven & Telscombe and 185 dwellings at Seaford.

This further justifies the need for additional allocations, including possible reserve sites.

Our client's site offers one such location where this can be achieved in a sustainable manner.

For the above reasons we are of the strong view that the potential of the subject 20.6ha site should be identified in the Local Plan Part 2 as a housing allocation. The site is supported by a national housebuilder and could therefore be delivered soon after the adoption of Local Plan Part 2.

OMISSION SITE - LAND SOUTH OF GREEN ROAD, WIVELSFIELD GREEN

Site Characteristics

The two parcels of land comprise approximately 20.6ha, the eastern parcel measures approximately 8.7ha and the western parcel 11.9ha. The parcels can be seen on Plan WBP1.

As illustrated on the satellite image below, the site is contained from longer views into and from the village by existing landscaping, which can be enhanced as part of proposals to bring the site forward for development.

In terms of the local context, land to the north comprises existing residential development fronting Green Road. Wivelsfield Primary School is located to the east. To the west is residential development fronting Eastern Road. To the south lies dense woodland.

Local services and facilities are within walking distance from the site. The site is also served by existing bus routes (and stops) on Green Road.

Not only are the two parcels located within a sustainable location in terms of access to a range of services; the overall size of the site allows for a residential development together with extensive areas of public open space that would further benefit the local community.



Satellite Image of Site

The site represents a sustainable location for future growth to meet defined needs for housing development.

The site's main potential access could be from Green Road. This is supported by the SHELAA Site Assessment comments which state, for Site 28WV, "ESCC Highways state that visibility sightlines are considered achievable on Green Road..."

As to the merits of the site as a housing allocation, it was previously identified in an earlier version of the Council's SHELAA as being suitable, available and achievable for housing development. In addition, the site was also identified as a potential housing

allocation under Policy RE3 of the earlier (now superseded) 2003 Local Plan, with the supporting text suggesting that the site may be suitable for 190 dwellings. However, this development potential was never realised.

The most recent version of the SHELAA (Sept 2018) incorrectly asserts that the site is not available. On the contrary, the site is available for development and is being promoted as a sustainable option for growth by a national housing developer.

The SHELAA assessment states in relation to the site as follows:

“Greenfield site adjacent to the planning boundary. Unclear from most recent submitted information where and how the site is to be accessed. However, site fronts Green Road to the north for potential access. ESCC Highways state that visibility sightlines are considered achievable on Green Road and that site is well positioned in village to access services available within Wivelsfield Green. Other services are available within the nearest town, Burgess Hill, are accessible bus. No historic designation constraints. ESCC Archaeologist states that there is a medium potential for historic environment. ESCC Landscape Architect states that new development line should not exceed southern edge of the primary school to mitigate potential impacts on landscape. The LCS finds the area south of Green Road to be a preferred area for development at Wivelsfield Green in landscape terms with medium/high capacity provided no further south than southern boundary of primary school. Site is designated as a Local Green Space in the Wivelsfield neighbourhood Plan.”

Access to the site can be provided from Green Road, and as identified, the site has been identified in the Council's LCS as the preferred area for development at Wivelsfield Green in landscape terms.

Whilst the eastern segment of the site is designated as a green space in the Neighbourhood Plan, we welcome the opportunity to work with the Parish Council to realise part of the site for publicly accessible green space, along with some residential development.

Development of the site for housing could help deliver the aspiration for accessible local green space under Policy 7 of the Wivelsfield Neighbourhood Plan. The site could also help delivery of additional facilities to support the existing primary school.

By virtue of Haywards Heath's designation to the northwest as a 'Secondary Regional Centre', the site is well placed with regard to local employment opportunities. In addition, the Core Strategy (2016) designated Wivelsfield Green as a Service Village.

Service Villages are described as *“Villages that have a basic level of services and facilities, public transport provision (possibly not frequent) and limited employment opportunities. Residents can have some of their day to day needs met in such locations, although higher order settlements need to be accessed to enable this to be fully achieved.”* It follows that the site forms a sustainable location for residential development. The site is suitably located to key services and facilities and would provide a logical extension to Wivelsfield.

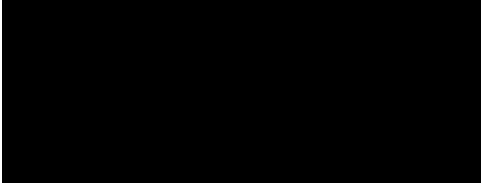
Proposed Change:

Land South of Green Road, Wivelsfield Green to be allocated for up to approximately 300 dwellings, together with the provision of public open space and potential community facilities and/or land to be provided to serve the existing primary school.

SUMMARY

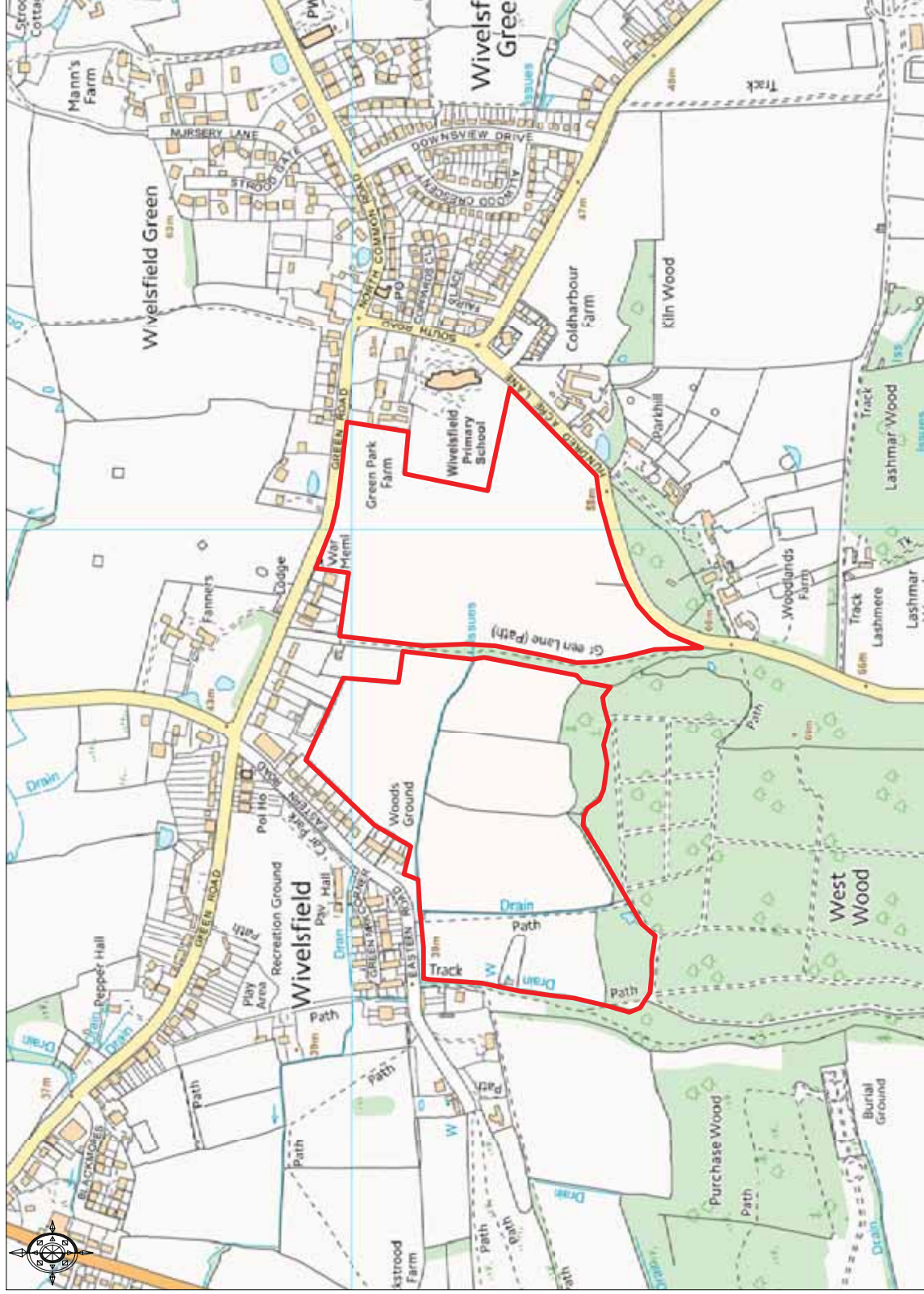
We trust the above comments are of assistance in preparing the required and necessary modifications to the Local Plan (alongside the submission version) and we await confirmation of receipt and registration of our representations in due course.

Yours faithfully,



Steven Brown BSc Hons DipTP MRTPI

Enc.



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Representation ID: REP/493/DM19Representor Details:

Representor ID:	REP/493
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Consultation Body:	General
Stakeholder Type:	Planning Consultant

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Organisation:	Boyer Planning

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Representation:

Policy/Section:	DM19: Protection of Agricultural Land
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared ; Not Effective ; Not Consistent with national policy Not Positively Prepared Not Effective
Representation:	
Not Consistent with national policy	

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?	No
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Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/493/HPCRepresentor Details:

Representor ID:	REP/493
Name:	
Organisation:	Wates Development Ltd
Consultation Body:	General
Stakeholder Type:	Planning Consultant

Agent Details:

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Representation:

Policy/Section:	Housing Policy Context
<i>Do you consider the document to be:</i>	
Legally Compliant:	Yes
Sound:	No Not Positively Prepared Not Effective Not Consistent with national policy
Representation: 'These representations to the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD ("Local Plan Part 2") are submitted on behalf of Wates Developments Ltd ("Wates"), who control land to the south of South Road,	

Wivelsfield Green ("the site").

'The site is shown on the enclosed Site Location Plan.

'Background

'The site has previously been assessed as part of the evidence base for the District's Core Strategy and through the Council's 2014, 2015, 2017 and 2018 Land Availability Assessments (Ref: 05WV).

'The site was subject to an outline planning application (all matters reserved save for access) from May to September 2015 (application reference: LW/15/0466) for residential development for up to 55 dwellings and a new access.

'It has also been promoted through the Wivelsfield Neighbourhood Plan.

'The site, and the revised scheme, is discussed in more detail below; however in summary; it is available, suitable and achievable and therefore deliverable, and is being promoted by Wates for inclusion in the Local Plan Part 2 as a housing allocation that is capable of being brought forward in the next five years to assist the Council's housing delivery.

'Housing Supply

'In terms of plan making, Paragraph 11 of the NPPF states that "Plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change".

'Spatial Policy 1 of the Core Strategy sets a minimum housing target of 6,900 additional dwellings (345 net dwelling per year) over the Plan period (2010 to 2030). This includes housing provision for the South Downs National Park.

'As part of the Local Plan Part 2, the Council has disaggregated its housing target to account for the 1,432 dwellings identified in the Core Strategy that are within the South Downs National Park. This equates to a disaggregated minimum housing target of 5,494 net additional dwellings for the rest of the District.

'The Local Plan Part 2 sets out at Table 2 how the Council proposes to meet its housing need as follows:

'With regard to the sources of supply, there is no information provided as to whether a non-delivery allowance has been applied to the committed sites, and if this is not the case, this should be included to ensure that the expected delivery from this source is realistic.

'Equally, there is no information to demonstrate that the windfall allowance is justified and further evidence should be provided by the Council.

'Without this information, it is not possible to assess whether the residual requirement is robust or not.

'Table 3 of the Local Plan Part 2 identifies how the residual housing requirement of 1,660 will be met (this table is reproduced overleaf).

'The main weakness with the Council's strategy in respect to the residual allowance, is the over-reliance on housing provision that is expected to be delivered through neighbourhood plans that are at an early stage of preparation (of the 1,660 additional units to be brought forward, 52% (825 units) are proposed through emerging neighbourhood plans).

'There is a risk that the neighbourhood plans will not come forward as expected (for example they do not meet the basic conditions) and there is also the possibility of substantial delays for a number of reasons including legal challenge, which may jeopardise future housing delivery. There is no information provided as to the current status of each neighbourhood plan or any indication as to when they are likely to be 'made'. As a consequence, there is currently no certainty that the housing requirement for each of these areas will be met.

'For example, the Peacehaven & Telscombe and Newhaven Neighbourhood Plans (which are expected to deliver 680 dwellings) have not progressed beyond Regulation 7 stage (designation of a Neighbourhood Plan Area). The designation of these areas occurred back in 2013 in both cases (so it appears there has been limited progress in the subsequent five year period).

'It is also noted that the Seaford Neighbourhood Plan will be subject to a further Regulation 14 consultation due to issues raised in respect to its Sustainability Appraisal / Strategic Environmental Assessment during the last Regulation 14 consultation. The Plan therefore has some way to go before it will be made.

'The Council states at page 18 of the Local Plan Part 2 that "The Council will closely monitor the progress of the neighbourhood plans. Should any concerns arise regarding timings then the Council will consider what, if any, measures are needed to resolve the issue(s). These measures might include provision of additional support or the Council recovering the role of identifying allocations through a subsequent development plan document or a future review of the Local Plan".

'Noting the progress with the Peacehaven & Telscombe and Newhaven Neighbourhood Plans since 2013, we would strongly submit that now is the appropriate time for the Council to recover the role of identifying allocations.

'In any event, as Table 2 above shows, the Council is planning to only meet the minimum housing requirement (i.e. the sources of supply only meet the minimum 5,494 requirement), with no contingency in the event that these sources of supply (including committed sites) do not come forward as expected.

'The need to provide greater certainty is emphasised by the fact that the Council is currently unable to demonstrate a five year land supply (4.92 years supply as at 1 April 2018) and as a result, its housing land supply policies are out-of-date.

'Given the Council's current position with five year land supply and the uncertainty regarding the emerging neighbourhood plans, the Council should take a pro-active approach to allocate additional sites now to provide greater flexibility and certainty as to how its housing supply will be met.

'It is therefore submitted that the Local Plan Part 2 is currently unsound as it has not been positively prepared and to address this, there is a need for the Plan to identify additional housing allocations through the current process in order to provide greater flexibility in housing delivery - as required by Paragraph 11 - and to create greater certainty that the housing target can be met.

'Whilst it is acknowledged that Wivelsfield has a made neighbourhood plan which allocates sites in line with the Core Strategy housing target; it is relevant that these targets are expressed as a minimum; and in respect to the Core Strategy targets, paragraph 2.7 of the Local Plan Part 2 makes it clear that "It should be borne in mind that the figures contained within Spatial Policy 2 are expressed as minimums and where appropriate growth should exceed this minimum figure" (our emphasis). Sustainable sites should therefore be considered, particularly in the context of the concerns raised.

'It is relevant that Wivelsfield's Neighbourhood Plan will be over two years old in December 2018, with the result that the more restrictive NPPF Paragraph 14 will not apply. There is no indication as to when a review of the Wivelsfield Neighbourhood Plan might commence or be completed. Given the Council's stated five year land supply position and the fact that the Wivelsfield Neighbourhood Plan's housing policies will shortly be out-of-date, there is a clear case to support the allocation of additional land in Wivelsfield on suitable sites now, to ensure a genuinely plan-led system.

'As such, it is submitted that land south of South Road, Wivelsfield Green should be allocated for residential development to provide greater certainty in the Council's housing supply and to support the NPPF requirement to positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

'It is notable that the Government's current standardised method identifies a housing requirement for Lewes District of 483 dwellings per annum which is significantly above the Council's adopted figure of 345 dwellings (it is acknowledged that further clarification is awaited regarding the methodology) although this again shows the level of need in the area, such that the Council should be doing all that it can to allocate additional sites, rather than the current strategy of allocating the bare minimum.

'Land at South Road, Wivelsfield Green

'Wates wishes to promote Land at South Road, Wivelsfield Green as a site allocation within the Local Plan Part 2 to help address the concerns raised above.

'Site and Surroundings a

'The site extends to 3.66 ha (9.04 acres) and is located to the south of South Road in Wivelsfield Green.

'The site currently comprises an agricultural field, with access achieved via a track adjacent to Shepherds Close.

'The site is largely open although it is well screened by existing mature vegetation and trees along its boundaries. There is also woodland (Kiln Wood) in the south-western part

of the site.

'The land abuts the residential built up edge of Wivelsfield Green along its northern boundary. To the west of the site lies the Shepherds Close housing development which was granted planning permission in 2010 (LW/09/1323) and further residential development along Hundred Acre Lane. To the south and east lies the countryside although it is screened from view due to the topography and intervening woodland.

'There are no designated heritage assets on the site; the land is not located within a Conservation Area and nor are any of the trees subject to Tree Preservation Orders (TPOs).

'The site is within Flood Zone 1 where there is a low risk of flooding.

'Suitability for Residential Development

'The table below makes an assessment of the site's suitability:

'Landscape Impact - The site's planning history in respect to landscape impact has been subject to various assessments which are outlined below:

'2012 Rural Settlement Study which was a background evidence paper to the Core Strategy identifies that Wivelsfield Green forms part of the Western Low Weald character area. The study at paragraph 24.18 states:

"Much of the area is gently undulating with areas of cover from hedgerows, hedgerow trees and small woods and this describes the typical scenery to be found in Wivelsfield Green. Larger tracts of woodland lie to the eastern and southern sides of the settlement, some of which are designated as ancient woodland. These shorten some of the views southwards and provide an element of containment from the wider landscape.'

'Lewes District Council's 2014 SHLAA (Site Ref: 05WV) - identified the site as being suitable, available and achievable and therefore deliverable with the potential to deliver 65 homes between 2014 to 2019. The rationale that accompanied it was as follows:

"Site is well contained from the wider landscape. It has good access to local services and facilities and no apparent on-site constraints. Capacity reduced slightly to reflect that north west corner has been developed. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership…"

'An outline planning application (all matters reserved save for access) for residential development for up to 55 dwellings and a new access of South Road was refused on 12 September 2015. The second reason or refusal related to landscape impact and states:

"The proposed development… would have an unacceptable and detrimental impact on visual amenity and character of this area of countryside.

'Lewes District Council's 2015 SHELAA (Site Ref: 05WV) identified the site as not suitable, but was available or achievable, and therefore not developable for development of 65 dwellings. The rationale that accompanied it was as follows:

"Greenfield land. Site is well contained from the wider landscape. However, LCS

concludes low capacity for growth. ESCC landscape architect states that the gentle rising slope rising to a distinct ridge encloses the village and that South Road offers natural defined edge. Further landscape comments to planning application, see below, consider site to be visually sensitive with development having a detrimental effect on local character. Site has good access to local services and facilities and no apparent on-site constraints. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership. The site's overall suitability is subject to further transport assessment to determine the level of impact and potential mitigation, including impacts/mitigation at Ditchling. Recent application LW/15/0466 promoting the site for 55 units (refused). The site is proposed for allocation as Local Green Space in the emerging Wivelsfield Neighbourhood Plan."

'Revised Proposals

'In seeking to address the above objections, a revised scheme has been prepared to support these representations, which reduces the developable area (to approximately 1.5 hectares) and increases public amenity space to maximise the landscape benefits of the scheme from that previously submitted as part of the outline planning application. The following drawings have already been submitted as part of more recent pre-application discussions to demonstrate the form of development that is considered achievable:

'☐ A Landscape Character and Visual Advice Note prepared by Allen Pyke Associates (April 2017);

'☐ An Illustrative Sketch Layout (2723-LA-03) and Concept Sketch Views (2723-LA-04 and LA-05) (March 2017);

'The proposals comprise a residential-led development of the site to provide circa 50 new dwellings, together with associated access road, car parking, landscaping and open space as shown in the supporting documents.

'The submitted illustrative Sketch Layout suggests a developable area which seeks to maximise the landscape benefits of the scheme for both existing and future residents, by:

'- providing an improved sense of arrival to Wivelsfield Green by creating a public village green with feature elements (including pond) for wildlife and amenity benefit;

'- enhancing and extending the existing wooded ridge formed by Kiln Wood along the southern and western boundaries of the site;

'- providing two new public viewing points along the wooded ridge, allowing tranquil views to, and enjoyment of, the South Downs;

'- retaining more of the open slopes leading up to the ridge for the active enjoyment of all residents;

'- contributing to an improved sense of place for the village;

'- providing an improved permanent settlement edge, positively fronting onto usable

green space for existing and new residents.

'Notwithstanding the above, the site was identified in the latest 2018 SHELAA as achievable, available but not suitable. The rationale states:

'Greenfield land. Site is well contained from the wider landscape. However, LCS concludes low capacity for growth. ESCC landscape architect states that the gentle rising slope rising to a distinct ridge encloses the village and that South Road offers natural defined edge. Development should not extend into the countryside to the south of this. Further landscape comments to planning application, see below, consider site to be visually sensitive with development having a detrimental effect on local character. No protected trees or woodland on or adjacent to site. However, woodland to the south should be retained, protected and enhance for potential habitat to locally recorded protected species. Site has good access to local services and facilities and no apparent on-site constraints. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership. The site's overall suitability is subject to further transport assessment to determine the level of impact and potential mitigation, including impacts/mitigation at Ditchling. Recent application LW/15/0466 promoting the site for 55 units (refused) - unacceptable and detrimental impact on visual amenity and character of this area of the countryside. Site proponent provided further submissions to the SHELAA, including revised scheme and landscape mitigation. ESCC landscape architect maintains previous objection (bold text our emphasis to highlight text change to recent SHELAA).

'Wates disagrees with this conclusion and submits that through the incorporation of the above measures, the site can be developed in a sensitive manner that respects the landscape character of the location. The site is not currently located within, or viewed from any designated landscape and abuts the existing settlement boundary. Development of the site therefore provides an opportunity to extend the urban area with limited landscape and visual effects due to a constrained zone of visual influence, and to provide a permanent, positive settlement edge, fronting onto new public realm with significant community benefit in the long term.

'Ecological Impact

'The site is currently used as an agricultural field and as such has low biodiversity value. To support the planning application, ECOSA Ltd undertook both an Extended Phase 1 Habitat Survey and a subsequent Phase 2 Survey between March and May 2015 which confirmed that the site was dominated by habitats of low ecological value and proposed measures to provide ecological enhancement.

'As part of the previous planning application Council Officers also considered that with an appropriate mitigation strategy and enhancement plan, that biodiversity could be enhanced on the a

'Flooding

'The site is located in Flood Zone 1 (low risk of flooding).

'It is acknowledges that development would increase the amount of impermeable

surfaces and therefore Sustainable Urban Drainage Systems would be incorporated (ponds) to absorb flood water in extreme events and would control the flow of water off the site.

'Accessibility

'The site is well related to Wivelsfield village and is within easy walking distance to a range of services and facilities including the primary school, a pub, local shop and sports and recreational grounds.

'The proposed development is served by four bus routes which pass immediately adjacent to the site and is located approximately 3km away from Wivelsfield Train Station, less than 4km from the centre of Burgess Hill and less than 5km from the centre of Haywards Heath. Burgess Hill and Haywards Heath both have significant facilities including employment, retail and leisure.

'As such the site is sustainably located and this view is supported by the Council, who in its 2014 SHLAA considered the site to have 'good access to local services and facilities and no apparent on-site constraints'.

'The Officer's Report for the previous outline planning application states that the site 'is well located in terms of proximity to the centre of the village and services available'.

'

'Transport

'A full Transport Assessment (TA) was carried out as part of the previous application which concluded that the development (for 55 dwellings) would generate up to 34 two-way vehicle movements in the morning peak hour and around 31 two-way movements in the evening peak hour, representing 'only a very modest amount of additional traffic, equivalent to one vehicle movements every 2 minutes.'

'During the consultation on the planning application, the Highway Authority raised no objection to the proposals.

'As such we submit that any impact would be minimal and could be appropriately mitigated through financial contributions towards highway improvements and public transport improvements.

'Social

Housing

'The development of the site would provide both market and affordable housing for which there is an identified need.

'Community Facilities

'The development of the site and additional population would also support local business and community facilities.

'If required, any development on the site would pay proportionate financial contributions to mitigate the impact of the development on school places and other facilities where

deemed appropriate.

'Economic

'Local Retail Facilities

'The development of the site to provide circa 50 dwellings would support local facilities through increasing spending on services within Wivelsfield and the wider local economy.

'House Building

'House building promotes economic growth through the provision of jobs during the construction period, and provides business rates, Council tax and New Homes Bonus payments.

'In summary, it is submitted that the site is suitable for residential development and can be developed in a sensitive manner that respects the landscape character of the location. The site is not currently located within, or viewed from any designated landscape and abuts the existing settlement boundary. Development of the site therefore provides a logical extension to the village which would have limited landscape and visual effects. It also provides a permanent, positive settlement edge, fronting onto new public realm with significant community benefit.

'In the context of the NPPF objective to boost significantly the supply of housing, and the aforementioned housing supply concerns above, it is submitted that the site is suitable for residential development and should be included as a site allocation as part of the Local Plan Part 2.

'We have identified critical issues with the Council's proposed housing land supply. Principally, the Local Plan Part 2 places too much reliance on neighbourhood plans to meet the housing requirement when there is currently no certainty as to when the plans are likely to be 'made'. At a time when the Council acknowledges that it is unable to demonstrate a five year land supply, it should be taking every opportunity to allocate suitable sites now to provide a robust land supply going forward. Rather, the Council is only planning to meet the minimum housing requirement, with no contingency in the event that the sources of supply do not come forward as expected.

'The Plan therefore is not positively prepared, effective or consistent with national policy in this regard.

'It is acknowledged that there is a made neighbourhood plan which allocates for the full requirement set out in the Core Strategy; however these targets are expressed as minimum and sustainable sites should therefore be considered to provide more flexibility and certainty in terms of housing delivery.

'We have provided evidence which demonstrates that the site is suitable for residential development and we would encourage the Council to allocate land south of South Road, Wivelsfield Green for circa 50 dwellings to address the concerns expressed above.

'We would be grateful if we could be kept informed of the Local Plan's progress and we would be pleased to meet with you to further discuss the merits of this site. In the

meantime, please do not hesitate to contact me should you have any queries.

'

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

30/10/18
Our Ref: 15.408/04.02

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Dear Sir/Madam,

**Re: Lewes District Local Plan Part 2: Site Allocations and Development Management Policies
DPD – Regulation 19 Representations**

These representations to the Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD (“Local Plan Part 2”) are submitted on behalf of Wates Developments Ltd (“Wates”), who control land to the south of South Road, Wivelsfield Green (“the site”).

The site is shown on the enclosed Site Location Plan.

Background

The site has previously been assessed as part of the evidence base for the District’s Core Strategy and through the Council’s 2014, 2015, 2017 and 2018 Land Availability Assessments (Ref: 05WV).

The site was subject to an outline planning application (all matters reserved save for access) from May to September 2015 (application reference: LW/15/0466) for residential development for up to 55 dwellings and a new access.

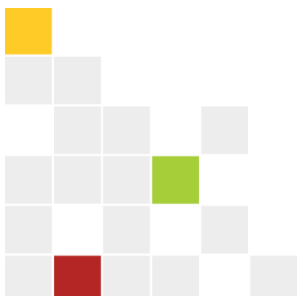
It has also been promoted through the Wivelsfield Neighbourhood Plan.

The site, and the revised scheme, is discussed in more detail below; however in summary; it is available, suitable and achievable and therefore deliverable, and is being promoted by Wates for inclusion in the Local Plan Part 2 as a housing allocation that is capable of being brought forward in the next five years to assist the Council’s housing delivery.

Housing Supply

In terms of plan making, Paragraph 11 of the NPPF states that “**Plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change**”.

Spatial Policy 1 of the Core Strategy sets a **minimum** housing target of 6,900 additional dwellings (345 net dwelling per year) over the Plan period (2010 to 2030). This includes housing provision for the South Downs National Park.



As part of the Local Plan Part 2, the Council has disaggregated its housing target to account for the 1,432 dwellings identified in the Core Strategy that are within the South Downs National Park. This equates to a disaggregated **minimum** housing target of 5,494 net additional dwellings for the rest of the District.

The Local Plan Part 2 sets out at Table 2 how the Council proposes to meet its housing need as follows:

Table 2 Housing requirement outside the National Park

Housing requirement and supply (outside the National Park)	
Local Plan Part 1 housing requirement	5,494
Built or committed, as at 1 April 2015	2,216
Housing supply from strategic allocations	1,073
Supply from windfall allowance	468
Supply from rural exception sites allowance	77
Residual requirement outside the National Park	1,660

With regard to the sources of supply, there is no information provided as to whether a non-delivery allowance has been applied to the committed sites, and if this is not the case, this should be included to ensure that the expected delivery from this source is realistic.

Equally, there is no information to demonstrate that the windfall allowance is justified and further evidence should be provided by the Council.

Without this information, it is not possible to assess whether the residual requirement is robust or not.

Table 3 of the Local Plan Part 2 identifies how the residual housing requirement of 1,660 will be met (this table is reproduced overleaf).

The main weakness with the Council's strategy in respect to the residual allowance, is the over-reliance on housing provision that is expected to be delivered through neighbourhood plans that are at an early stage of preparation (of the 1,660 additional units to be brought forward, 52% (825 units) are proposed through emerging neighbourhood plans).

There is a risk that the neighbourhood plans will not come forward as expected (for example they do not meet the basic conditions) and there is also the possibility of substantial delays for a number of reasons including legal challenge, which may jeopardise future housing delivery. There is no information provided as to the current status of each neighbourhood plan or any indication as to when they are likely to be 'made'. As a consequence, there is currently no certainty that the housing requirement for each of these areas will be met.

For example, the Peacehaven & Telscombe and Newhaven Neighbourhood Plans (which are expected to deliver 680 dwellings) have not progressed beyond Regulation 7 stage (designation of a Neighbourhood Plan Area). The designation of these areas occurred back in 2013 in both cases (so it appears there has been limited progress in the subsequent five year period).

Table 3 Planned level of housing, outside the National Park

Settlement	SP2 Planned housing growth	Neighbourhood Plan housing (adopted and emerging)	Residual housing growth to be identified in LPP2
Newhaven	425	425	-
Peacehaven & Telscombe	255	255	-
Seaford	185	185	-
Edge of Burgess Hill (within Wivelsfield Parish)	100	0	100
Barcombe Cross	30	0	30
North Challey	30	0	30
South Challey	10	0	10
Cooksbridge	30	0	30
Newick	100	100	-
Plumpton Green	50	68	-
Ringmer & Broyle Side	215	183	32
Wivelsfield Green	30	34	-
To be determined	200	-	200
Total	1,660	1,250	432

KEY	
	Housing growth to be delivered through neighbourhood plans
	Housing growth identified in 'made' neighbourhood plans
	Housing growth identified in Local Plan Part 2

It is also noted that the Seaford Neighbourhood Plan will be subject to a further Regulation 14 consultation due to issues raised in respect to its Sustainability Appraisal / Strategic Environmental Assessment during the last Regulation 14 consultation. The Plan therefore has some way to go before it will be made.

The Council states at page 18 of the Local Plan Part 2 that “*The Council will closely monitor the progress of the neighbourhood plans. Should any concerns arise regarding timings then the Council will consider what, if any, measures are needed to resolve the issue(s). These measures might include provision of additional support or the Council recovering the role of identifying allocations through a subsequent development plan document or a future review of the Local Plan*”.

Noting the progress with the Peacehaven & Telscombe and Newhaven Neighbourhood Plans since 2013, we would strongly submit that now is the appropriate time for the Council to recover the role of identifying allocations.

In any event, as Table 2 above shows, the Council is planning to only meet the minimum housing requirement (i.e. the sources of supply only meet the minimum 5,494 requirement), with no contingency in the event that these sources of supply (including committed sites) do not come forward as expected.

The need to provide greater certainty is emphasised by the fact that the Council is currently unable to demonstrate a five year land supply (4.92 years supply as at 1 April 2018) and as a result, its housing land supply policies are out-of-date.

Given the Council's current position with five year land supply and the uncertainty regarding the emerging neighbourhood plans, the Council should take a pro-active approach to allocate additional sites now to provide greater flexibility and certainty as to how its housing supply will be met.

It is therefore submitted that the Local Plan Part 2 is **currently unsound as it has not been positively prepared** and to address this, there is a need for the Plan to identify additional housing allocations through the current process in order to provide greater flexibility in housing delivery – as required by Paragraph 11 - and to create greater certainty that the housing target can be met.

Whilst it is acknowledged that Wivelsfield has a made neighbourhood plan which allocates sites in line with the Core Strategy housing target; it is relevant that these targets are expressed as a minimum; and in respect to the Core Strategy targets, paragraph 2.7 of the Local Plan Part 2 makes it clear that *"It should be borne in mind that the figures contained within Spatial Policy 2 are expressed as minimums and where appropriate growth should exceed this minimum figure"* (our emphasis). Sustainable sites should therefore be considered, particularly in the context of the concerns raised.

It is relevant that Wivelsfield's Neighbourhood Plan will be over two years old in December 2018, with the result that the more restrictive NPPF Paragraph 14 will not apply. There is no indication as to when a review of the Wivelsfield Neighbourhood Plan might commence or be completed. Given the Council's stated five year land supply position and the fact that the Wivelsfield Neighbourhood Plan's housing policies will shortly be out-of-date, there is a clear case to support the allocation of additional land in Wivelsfield on suitable sites now, to ensure a genuinely plan-led system.

As such, it is submitted that land south of South Road, Wivelsfield Green should be allocated for residential development to provide greater certainty in the Council's housing supply and to support the NPPF requirement to positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change.

It is notable that the Government's current standardised method identifies a housing requirement for Lewes District of 483 dwellings per annum which is significantly above the Council's adopted figure of 345 dwellings (it is acknowledged that further clarification is awaited regarding the methodology) although this again shows the level of need in the area, such that the Council should be doing all that it can to allocate additional sites, rather than the current strategy of allocating the bare minimum.

Land at South Road, Wivelsfield Green

Wates wishes to promote Land at South Road, Wivelsfield Green as a site allocation within the Local Plan Part 2 to help address the concerns raised above.

Site and Surroundings

The site extends to 3.66 ha (9.04 acres) and is located to the south of South Road in Wivelsfield Green.

The site currently comprises an agricultural field, with access achieved via a track adjacent to Shepherds Close.

The site is largely open although it is well screened by existing mature vegetation and trees along its boundaries. There is also woodland (Kiln Wood) in the south-western part of the site.

The land abuts the residential built up edge of Wivelsfield Green along its northern boundary. To the west of the site lies the Shepherds Close housing development which was granted planning permission in 2010 (LW/09/1323) and further residential development along Hundred Acre Lane. To the south and east lies the countryside although it is screened from view due to the topography and intervening woodland.

There are no designated heritage assets on the site; the land is not located within a Conservation Area and nor are any of the trees subject to Tree Preservation Orders (TPOs).

The site is within Flood Zone 1 where there is a low risk of flooding.

Suitability for Residential Development

The table below makes an assessment of the site's suitability:

Environmental	
Landscape Impact	<p>The site's planning history in respect to landscape impact has been subject to various assessments which are outlined below:</p> <p>2012 Rural Settlement Study which was a background evidence paper to the Core Strategy identifies that Wivelsfield Green forms part of the Western Low Weald character area. The study at paragraph 24.18 states:</p> <p><i>'Much of the area is gently undulating with areas of cover from hedgerows, hedgerow trees and small woods and this describes the typical scenery to be found in Wivelsfield Green. Larger tracts of woodland lie to the eastern and southern sides of the settlement, some of which are designated as ancient woodland. These shorten some of the views southwards and provide an element of containment from the wider landscape.'</i></p> <p>Lewes District Council's 2014 SHLAA (Site Ref: 05WV) – identified the site as being suitable, available and achievable and therefore deliverable with the potential to deliver 65 homes between 2014 to 2019. The rationale that accompanied it was as follows:</p> <p><i>"Site is well contained from the wider landscape. It has good access to local services and facilities and no apparent on-site constraints. Capacity reduced slightly to reflect that north west corner has been developed. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership..."</i></p> <p>An outline planning application (all matters reserved save for access) for residential development for up to 55 dwellings and a new access of South Road was refused on 12 September 2015. The second reason or refusal related to landscape impact and states:</p> <p><i>"The proposed development....would have an unacceptable and detrimental impact on visual amenity and character of this area of countryside."</i></p>

	<p>Lewes District Council's 2015 SHELAA (Site Ref: 05WV) identified the site as not suitable, but was available or achievable, and therefore not developable for development of 65 dwellings. The rationale that accompanied it was as follows:</p> <p><i>“Greenfield land. Site is well contained from the wider landscape. However, LCS concludes low capacity for growth. ESCC landscape architect states that the gentle rising slope rising to a distinct ridge encloses the village and that South Road offers natural defined edge. Further landscape comments to planning application, see below, consider site to be visually sensitive with development having a detrimental effect on local character. Site has good access to local services and facilities and no apparent on-site constraints. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership. The site’s overall suitability is subject to further transport assessment to determine the level of impact and potential mitigation, including impacts/mitigation at Ditchling. Recent application LW/15/0466 promoting the site for 55 units (refused). The site is proposed for allocation as Local Green Space in the emerging Wivelsfield Neighbourhood Plan.”</i></p> <p><u>Revised Proposals</u></p> <p>In seeking to address the above objections, a revised scheme has been prepared to support these representations, which reduces the developable area (to approximately 1.5 hectares) and increases public amenity space to maximise the landscape benefits of the scheme from that previously submitted as part of the outline planning application. The following drawings have already been submitted as part of more recent pre-application discussions to demonstrate the form of development that is considered achievable:</p> <ul style="list-style-type: none"> • A Landscape Character and Visual Advice Note prepared by Allen Pyke Associates (April 2017); • An Illustrative Sketch Layout (2723-LA-03) and Concept Sketch Views (2723-LA-04 and LA-05) (March 2017); <p>The proposals comprise a residential-led development of the site to provide circa 50 new dwellings, together with associated access road, car parking, landscaping and open space as shown in the supporting documents.</p> <p>The submitted illustrative Sketch Layout suggests a developable area which seeks to maximise the landscape benefits of the scheme for both existing and future residents, by:</p> <ul style="list-style-type: none"> - providing an improved sense of arrival to Wivelsfield Green by creating a public village green with feature elements (including pond) for wildlife and amenity benefit;
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- enhancing and extending the existing wooded ridge formed by Kiln Wood along the southern and western boundaries of the site;
- providing two new public viewing points along the wooded ridge, allowing tranquil views to, and enjoyment of, the South Downs;
- retaining more of the open slopes leading up to the ridge for the active enjoyment of all residents;
- contributing to an improved sense of place for the village;
- providing an improved permanent settlement edge, positively fronting onto usable green space for existing and new residents.

Notwithstanding the above, the site was identified in the latest 2018 SHELAA as achievable, available but not suitable. The rationale states:

*Greenfield land. Site is well contained from the wider landscape. However, LCS concludes low capacity for growth. ESCC landscape architect states that the gentle rising slope rising to a distinct ridge encloses the village and that South Road offers natural defined edge. **Development should not extend into the countryside to the south of this.** Further landscape comments to planning application, see below, consider site to be visually sensitive with development having a detrimental effect on local character. No protected trees or woodland on or adjacent to site. However, woodland to the south should be retained, protected and enhance for potential habitat to locally recorded protected species. Site has good access to local services and facilities and no apparent on-site constraints. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership. The site's overall suitability is subject to further transport assessment to determine the level of impact and potential mitigation, including impacts/mitigation at Ditchling. Recent application LW/15/0466 promoting the site for 55 units (refused) – **unacceptable and detrimental impact on visual amenity and character of this area of the countryside. Site proponent provided further submissions to the SHELAA, including revised scheme and landscape mitigation. ESCC landscape architect maintains previous objection** (bold text our emphasis to highlight text change to recent SHELAA).*

Wates disagrees with this conclusion and submits that through the incorporation of the above measures, the site can be developed in a sensitive manner that respects the landscape character of the location. The site is not currently located within, or viewed from any designated landscape and abuts the existing settlement boundary. Development of the site therefore provides an opportunity to extend the urban area with limited landscape and visual effects due to a constrained zone of visual influence, and to provide a permanent, positive settlement edge, fronting onto new public realm with significant community benefit in the long term.

Ecological Impact	<p>The site is currently used as an agricultural field and as such has low biodiversity value. To support the planning application, ECOSA Ltd undertook both an Extended Phase 1 Habitat Survey and a subsequent Phase 2 Survey between March and May 2015 which confirmed that the site was dominated by habitats of low ecological value and proposed measures to provide ecological enhancement.</p> <p>As part of the previous planning application Council Officers also considered that with an appropriate mitigation strategy and enhancement plan, that biodiversity could be enhanced on the site.</p>
Flooding	<p>The site is located in Flood Zone 1 (low risk of flooding).</p> <p>It is acknowledges that development would increase the amount of impermeable surfaces and therefore Sustainable Urban Drainage Systems would be incorporated (ponds) to absorb flood water in extreme events and would control the flow of water off the site.</p>
Accessibility	<p>The site is well related to Wivelsfield village and is within easy walking distance to a range of services and facilities including the primary school, a pub, local shop and sports and recreational grounds.</p> <p>The proposed development is served by four bus routes which pass immediately adjacent to the site and is located approximately 3km away from Wivelsfield Train Station, less than 4km from the centre of Burgess Hill and less than 5km from the centre of Haywards Heath. Burgess Hill and Haywards Heath both have significant facilities including employment, retail and leisure.</p> <p>As such the site is sustainably located and this view is supported by the Council, who in its 2014 SHLAA considered the site to have <i>'good access to local services and facilities and no apparent on-site constraints'</i>.</p> <p>The Officer's Report for the previous outline planning application states that the site <i>'is well located in terms of proximity to the centre of the village and services available'</i>.</p>
Transport	<p>A full Transport Assessment (TA) was carried out as part of the previous application which concluded that the development (for 55 dwellings) would generate up to 34 two-way vehicle movements in the morning peak hour and around 31 two-way movements in the evening peak hour, representing <i>'only a very modest amount of additional traffic, equivalent to one vehicle movements every 2 minutes.'</i></p> <p>During the consultation on the planning application, the Highway Authority raised no objection to the proposals.</p>

	As such we submit that any impact would be minimal and could be appropriately mitigated through financial contributions towards highway improvements and public transport improvements.
Social	
Housing	The development of the site would provide both market and affordable housing for which there is an identified need.
Community Facilities	The development of the site and additional population would also support local business and community facilities. If required, any development on the site would pay proportionate financial contributions to mitigate the impact of the development on school places and other facilities where deemed appropriate.
Economic	
Local Retail Facilities	The development of the site to provide circa 50 dwellings would support local facilities through increasing spending on services within Wivelsfield and the wider local economy.
House Building	House building promotes economic growth through the provision of jobs during the construction period, and provides business rates, Council tax and New Homes Bonus payments.

In summary, it is submitted that the site is suitable for residential development and can be developed in a sensitive manner that respects the landscape character of the location. The site is not currently located within, or viewed from any designated landscape and abuts the existing settlement boundary. Development of the site therefore provides a logical extension to the village which would have limited landscape and visual effects. It also provides a permanent, positive settlement edge, fronting onto new public realm with significant community benefit.

In the context of the NPPF objective to boost significantly the supply of housing, and the aforementioned housing supply concerns above, it is submitted that the site is suitable for residential development and should be included as a site allocation as part of the Local Plan Part 2.

Development Management Policies

Policy DM19 (Protection of Agricultural Land) states:

'Development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.'

Firstly we consider this policy to place overly onerous restrictions on development on Grade 1, 2 and 3a land above that implied by the NPPF. Rather than imposing a prescriptive restriction on

development on agricultural land, Paragraph 170 requires the decision maker to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. Footnote 53 states that *“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality”*. The current policy wording is far more onerous and is therefore unsound as it does not accord with NPPF policy.

Secondly, given the rural nature of the District, and the prevalence of good quality agricultural land, we consider that Policy DM19 places an onerous restriction on residential development having regards to one of the primary objectives of the NPPF to boost the supply of housing land, particularly in instances where the Council may not be able to demonstrate a five year housing land supply and agricultural land release may be necessary in order to meet any shortfall against housing needs.

On this basis, we do not consider Policy DM19 to be effective or consistent with national policy and suggest that be omitted from the Plan.

Summary

We have identified critical issues with the Council's proposed housing land supply. Principally, the Local Plan Part 2 places too much reliance on neighbourhood plans to meet the housing requirement when there is currently no certainty as to when the plans are likely to be 'made'. At a time when the Council acknowledges that it is unable to demonstrate a five year land supply, it should be taking every opportunity to allocate suitable sites now to provide a robust land supply going forward. Rather, the Council is only planning to meet the minimum housing requirement, with no contingency in the event that the sources of supply do not come forward as expected.

The Plan therefore is not positively prepared, effective or consistent with national policy in this regard.

It is acknowledged that there is a made neighbourhood plan which allocates for the full requirement set out in the Core Strategy; however these targets are expressed as minimum and sustainable sites should therefore be considered to provide more flexibility and certainty in terms of housing delivery.

We have provided evidence which demonstrates that the site is suitable for residential development and we would encourage the Council to allocate land south of South Road, Wivelsfield Green for circa 50 dwellings to address the concerns expressed above.

We would be grateful if we could be kept informed of the Local Plan's progress and we would be pleased to meet with you to further discuss the merits of this site. In the meantime, please do not hesitate to contact me should you have any queries.

Yours faithfully,



Jonathan Lieberman MRTPI

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DRAFT FOR COMMENT

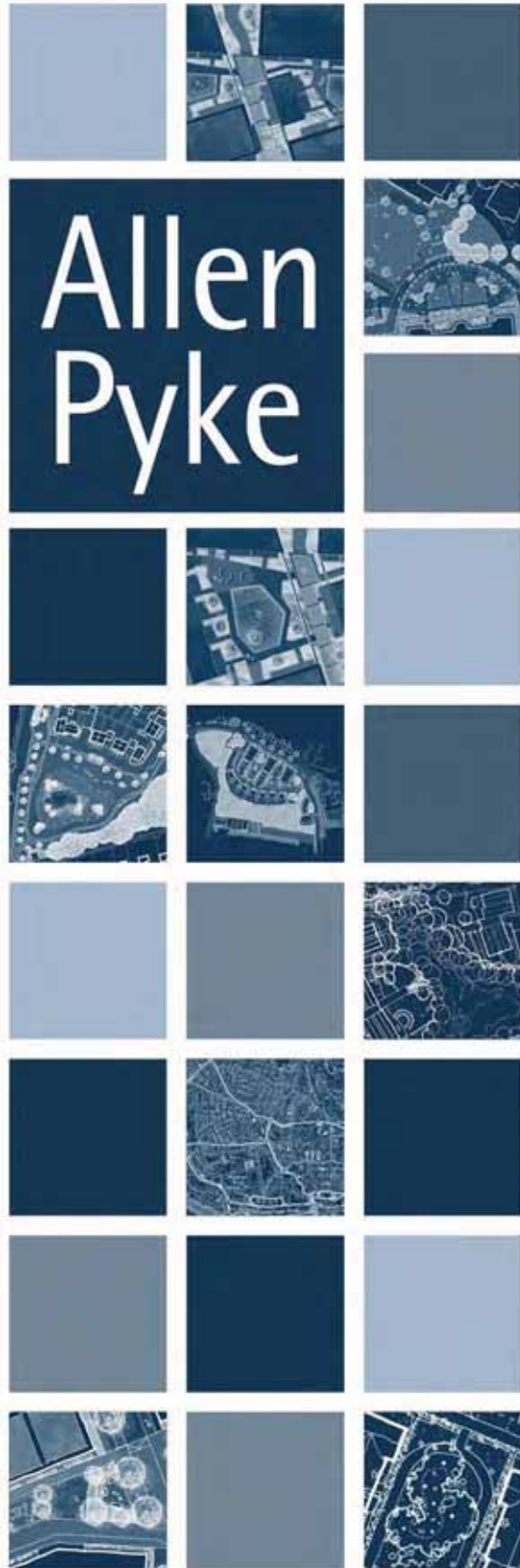
Legend

- Indicative Development Area
- Existing Woodland and Trees retained
- Existing hedgerows retained
- New woodland and trees
- Pond within the Green
- Play and amenity features
- Seasonal meadows with mown paths along the Slopes
- New viewing points towards the South Downs Scarp
- Footpaths provide access to existing and new residents to enjoy the public open space and views to the South Downs



Land at South Road, Wivelsfield Green

Wates Developments Ltd.



LANDSCAPE CHARACTER & VISUAL ADVICE NOTE

Land at South Road,
Wivelsfield Green

Prepared on behalf of

WATES DEVELOPMENTS LTD.

Ref: 2723-RE-01 rev P1

Date: April 2017

LAND AT SOUTH ROAD, WIVELSFIELD GREEN

LANDSCAPE CHARACTER & VISUAL ADVICE NOTE

CONTENTS:

	Page:
1. INTRODUCTION	1
2. BACKGROUND	1
3. LATEST SKETCH PROPOSALS	4
4. CONSIDERATION OF LANDSCAPE AND VISUAL EFFECTS	5
5. SUMMARY OF DISCUSSIONS TO DATE	6
6. CONCLUSIONS	7

APPENDICES (at rear of document):

Appendix A: Tree and Landscape Officer’s Comments on Application LW/15/0466

Appendix B: Revised Sketch Proposals

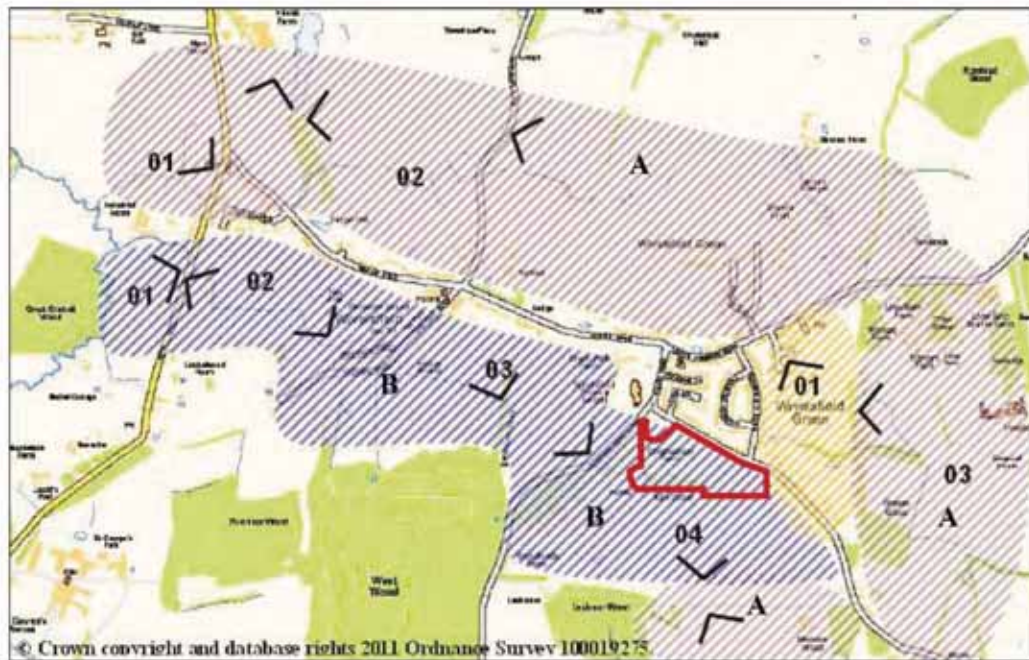
Rev	Description	Date	By/Chk
P1	Team comments taken on board. Updated for planning issue.	24/04/17	CR

1. INTRODUCTION

- 1.1. This Advice Note has been prepared by Allen Pyke Associates (APAL), a consultancy specialising in appraising landscape character, sensitivity and the effects of development.
- 1.2. The note is prepared on behalf of Wates Developments Ltd. and should be read alongside Boyer Planning's representations to Lewes District Council (Ref 15.408/8.04).

2. BACKGROUND

- 2.1. The Site at South Road, Wivelsfield Green, was considered in the 2014 SHLAA and was referred to as 'Site 05WV'. The SHLAA concluded that the Site is *'Suitable, Available and Achievable'* and had the ability to deliver up to 65 residential units. Reference was made to background studies, including the Landscape Capacity Study (September 2102), prepared by Lewes District Council and the South Downs National Park Authority.
- 2.2. With regards to development potential at Wivelsfield Green, the Landscape Capacity Study (September 2012) considered the land south of Wivelsfield Green (referred to as '04.North of Old Barn') as having a low landscape capacity. Management Opportunities identified were to *'Retain agricultural land use as management on southern part of site.'* Furthermore the Capacity Study stated that *'Land to the south of Wivelsfield Green shares some characteristics of the area to the south of Green Road however; the topography here means that although it is considered to have some scope, any change to the landscape would be more visually intrusive on a largely undeveloped slope.'* Site 05WV only forms the northern part of 'Area 04. North of Old Barn' which extends to include the land south of the ridge formed by Kiln Wood.
- 2.3. An extract of the Landscape Capacity Study plan is provided below to demonstrate the extent to which Site 05VW forms part of the low capacity area identified in the Capacity Study as 'Area 04.North of Old Barn'

Wivelsfield and Wivelsfield Green

Extract of from Lewes District and South Downs National Park
Authority Council Landscape Capacity Study (September 2012)
overlaid with boundary of Site 05WV (outlined in red).

- 2.4. An application (by Wates Developments Ltd.) for up to 55 new dwellings on the land at South Road, Wivelsfield Green (Site 05WV) was submitted in June 2015.
- 2.5. Allen Pyke prepared a Landscape and Visual Impact Assessment (LVIA) to support the application for 55 residential units. The LVIA considered published landscape character assessments (including the 2012 Capacity Study) at a National to Local Scale. Furthermore the LVIA provided an independent detailed assessment of the landscape character of the Site and village setting, so as to establish design parameters which could inform an appropriate scale and form of development with limited adverse landscape and visual impacts.
- 2.6. The LVIA demonstrated that the land to the south of the Kiln Wood ridgeline had a high sensitivity to development due to the direct views to the South Downs Scarp and limited detracting qualities or urbanising elements. The Site itself (north of the Kiln Wood ridge) was assessed as having a moderate sensitivity due its direct relationship with the existing settlement edge, contained visual envelope and limited views to the South Downs.
- 2.7. This LVIA's detailed landscape character assessment accords with the management guidelines set out in the Capacity Study which recommended the land to the south of '04.Land north of Old Barn' to be left as agricultural land use.

2.8. The LVIA concluded that:

'The zone of visual influence associated with the scheme proposals is small due to the nature of the topography and the intervening built up area. There are direct open views into the Site from adjacent receptors at South Road, Shepherd's Close and Coldharbour Farm. There will be permanent effects on these receptors as a result of a high change from an open greenfield site to a new housing development. The scheme proposals provide mitigation of these effects by introducing appropriate offsets to the new development and by providing landscape treatments which will, in the long term mature and provide additional positive elements in the view. In medium and long distance views there will be no significant residual effects.'

'Overall the proposals will provide an appropriate extension to the village which responds to local landscape and visual constraints whilst providing enhanced amenity and biodiversity assets for new and existing residents in the long term.'

2.9. The Tree & Landscape Officer's comments on the application are included at Appendix A to this Filenote. The Officer's summary read as follows:

'The site is considered to be visually sensitive in landscape terms and the proposed development will have a significant detrimental impact on the local character of the area. It is accepted however, that the visual impact of the proposal is predominately restricted to local views and that there is little visual impact from views from the wider surrounding area. The proposal avoids the loss of important trees, woodland and hedgerows and as a result there are no material objection relating to these particular elements.'

'There is no material objection to the indicative strategic landscaping scheme although further details will be required - this can be dealt with as a reserved matter.'

2.10. The application was refused in September 2015. Reason 2 for the refusal read as follows:

'The proposed development, outside of the defined settlement boundary, would have an unacceptable and detrimental impact on the visual amenity and character of this area of countryside, contrary to Policies CT1 and ST3 of the Lewes District Local Plan, and Core Policy 10 of the Joint Core Strategy (JCS) Submission Document.'

2.11. Lewes District Council has since prepared its Strategic Housing and Economic Land Availability Assessment (SHELAA). The 2015 SHELAA replaces the 2014 SHLAA. As part of this update the Site

at South Road, Wivelsfield Green (still referred to as 'Site 05VW') is currently considered to not be suitable. It remains being available and achievable. The rationale provided is as follows:

'Greenfield land. Site is well contained from the wider landscape. However, LCS concludes low capacity for growth. ESCC landscape architect states that the gentle rising slope rising to a distinct ridge encloses the village and that South Road offers natural defined edge. Further landscape comments to planning application, see below, consider site to be visually sensitive with development having a detrimental effect on local character. Site has good access to local services and facilities and no apparent on-site constraints. The site borders existing residential development to the north and access is considered achievable. The site is within single ownership. The site's overall suitability is subject to further transport assessment to determine the level of impact and potential mitigation, including impacts/mitigation at Ditchling. Recent application LW/15/0466 promoting the site for 55 units (refused). The site is proposed for allocation as Local Green Space in the emerging Wivelsfield Neighbourhood Plan.'

- 2.12. The Wivelsfield Neighbourhood Plan has since been made. The land at South Road, Wivelsfield Green was not allocated as Local Green Space in the made version of the Neighbourhood Plan.

3. LATEST SKETCH LAYOUT

- 3.1. Allen Pyke Associates has since revisited the Site and, alongside the developer and planner, have provided a suggested revised approach to promote the Site as suitable for development in light of the landscape and visual sensitivities identified through the background studies and planning updates.
- 3.2. It can be concluded that the following site characteristics are considered most sensitive to future development:
- the steeply sloping pastoral landscape rising up to the ridge;
 - Kiln Wood;
 - The mature trees and hedgerows to the Site's boundaries;
 - Views towards the South Downs from the top of the ridge.
- 3.3. The recent development at Shepherd's Close currently present a hard urban edge with back gardens backing onto the Site. This recent extension of the urban area is considered a detractor in the views. There is an opportunity, in developing part of the Site, to provide a permanent, positive settlement edge.

- 3.4. The Site is not included in the made Wivelsfield Neighbourhood Plan as Local Green Space (LGS) and this designation is no longer relevant to the Site. However, the original aspirations of the draft Neighbourhood Plan (Submission Plan January 2016) which promoted it as LGS, have been considered and respected in reviewing the Site's suitability for development, namely: to recognise this area that *'frames Wivelsfield Green by its landscape giving a unique sense of place with distant views out of the village to South Downs. There is a strong sense of tranquillity and beauty of a balanced combination of land form and land cover.'*
- 3.5. The Illustrative Sketch Layout (**2723-LA-03**) at Appendix B suggests a developable area which seeks to maximise the landscape benefits of the scheme for both existing and future residents, namely the scheme proposals:
- provide an improved sense of arrival to Wivelsfield Green by creating a public village green with feature elements for wildlife and amenity benefit;
 - enhance and extend the existing wooded ridge formed by Kiln Wood;
 - provide two new public viewing points along the wooded ridge, allowing tranquil views to, and enjoyment of, the South Downs;
 - retain more of the open slopes leading up to the ridge for the active enjoyment of all residents;
 - contribute to an improved sense of place for the village;
 - provide an improved permanent settlement edge, positively fronting onto usable green space for existing and new residents.
- 3.6. The Concept Sketch Views (**2723-LA-04** and **LA-05**) at Appendix B provide our initial thoughts on how key views across, or towards the Site, may change as a result of development of the Site. Precedent images of key landscape features which could be included in the public realm are included for reference.

4. CONSIDERATION OF LANDSCAPE AND VISUAL EFFECTS

- 4.1. The sketch information seeks to demonstrate that, whilst development of the Site would extend the built up area and inevitably effect adjacent visual receptors, the benefits associated with development of the Site (in addition to contributing to housing supply) would outweigh the localised negative effects.
- 4.2. The suggested development area presents the basis for proposals which would fit well with the scale of landform and pattern of the landscape and adjacent settlement boundary. The areas of

open space would increase positive attributes in the area and enhance the setting of the Village. Residents would be given public access to open space areas which would be designed to address local needs and to reflect the existing site character.

- 4.3. In developing these scheme proposals the developer would need to demonstrate how they have responded to Local Planning Policy by respecting the overall scale, height, massing, alignment, site coverage and density of the neighbouring buildings and the local area. Detailed proposals would respond to local policies to demonstrate appropriate treatments beyond the parameters set by any outline proposals and to compliment local/national planning policies or guidance to protect landscape character.
- 4.4. There will be localised adverse effects on adjacent visual receptors during construction and a loss of greenfield site which will adversely affect local landscape character. It is our assessment that the residual effects on local residents will be beneficial in the long term with the gain of the new public realm elements significantly outweighing the loss of currently inaccessible private farmland.

5. SUMMARY OF DISCUSSIONS TO DATE

- 5.1. This Advice Note has been prepared with the intention of agreeing a way forward with landscape Officers at Lewes District Council and East Sussex County Council and to assist them in the analysis of the suitability of the Site through the SHELAA process.
- 5.2. Attempts to discuss our approach were made in March and April 2017. However the advice of both landscape Officers was that, as the scheme is not currently a planning application, Officers were unable to provide pre-application advice.
- 5.3. It remains our preference to discuss our proposals with the Officers at this stage and to agree a way forward. However, as this is not possible, we would ask the Officers to consider this Advice Note and the conclusions below when finalising this update to the SHELAA.

6. CONCLUSIONS

- 6.1. Land to the south of Wivelsfield Green ('04.Land north of Old Barn') was identified in the Lewes District Council's Landscape Capacity Study as having a low landscape capacity. The Site ('Site 05WV') only forms the northern part of this area. The 2014 Lewes District Council SHLAA relied on the Capacity Study as background evidence and, despite the Capacity Study's conclusions, identified Site 05WV as being 'suitable, achievable and available' to provide 65 units.
- 6.2. The 2015 Lewes District Council SHELAA identified the Site 05WV as unsuitable for development, yet achievable and available. The only changes between the 2014 SHLAA and 2015 SHELAA were the refusal of an application for 55 units on the Site and the identification of the potential of the Site to provide Local Green Space in the, at the time, emerging Wivelsfield Neighbourhood Plan. The SHELAA references both of these points in its explanation for the Site's downgrade to unsuitable.
- 6.3. The Wivelsfield Neighbourhood Plan has since been made. Site 05WV is not designated as Local Green Space in the made version. This designation is therefore not relevant to the Site moving forward and should not form the basis of any decisions of the Site's suitability for development.
- 6.4. This Advice Note has considered the reasons for refusal of the application of 55 units. The sketch proposals at Appendix B seek to demonstrate that a reasonable form of development could be considered within the Site without any significant detrimental impact on the local character or visual amenity of the village. The revised sketch proposal provides a reduced developable area and increased public amenity space on land which was previously not accessible for public use. Detailed comments from Lewes District Council's Tree and Landscape Officer could be dealt with as part of a future outline or reserved matters submission.
- 6.5. It remains our assessment that the Site is suitable for development. It is not currently located within, or viewed from, any designated landscape. It abuts the existing settlement boundary and provides an opportunity to extend the urban area with limited landscape and visual effects due to a constrained zone of visual influence. The development of the Site presents the opportunity to provide a permanent, positive settlement edge, fronting onto new public realm with significant community benefit in the long term. As such proposals for the Site could be developed to comply with planning policy at National Scale through to a local scale by considering the needs and aspirations of the Wivelsfield Green community.

APPENDIX A:

Lewes District Council Tree and Landscape Officer's Comments (August 2015)

Tree & Landscape Officer Comments

Comment Date: Wed 19 Aug 2015

Summary

The site is considered to be visually sensitive in landscape terms and the proposed development will have a significant detrimental impact on the local character of the area. It is accepted however, that the visual impact of the proposal is predominately restricted to local views and that there is little visual impact from views from the wider surrounding area.

The proposal avoids the loss of important trees, woodland and hedgerows and as a result there are no material objection relating to these particular elements.

There is no material objection to the indicative strategic landscaping scheme although further details will be required - this can be dealt with as a reserved matter.

General Comments

I am in broad agreement with the findings of the tree survey, tree quality assessment and tree protection plan and protection measures for trees identified for retention.

Following a check of tree heights, the local topography and sun aspect I can also agree to the statement by the applicant's tree expert "that none of the proposed dwellings are likely to be shaded to the extent that this will interfere with incoming occupiers' reasonable use or enjoyment of these properties?."

On the whole I am reasonably content with the proposal in terms of the existing trees and woodland to be retained and measures for their protection during clearance and subsequent construction operations.

There is local interest in the fate of the Oak tree identified as T51 on the tree survey plan and The Oak (T51 on the plans) is identified for retention and whilst not explicitly stated by the applicant's tree expert, this tree is considered to be of 'veteran' status. Looking at 1877 Ordnance Survey maps a tree is shown in the same position where the corner of an old field boundary used to exist, which perhaps lends an historic and cultural element to the value of this particular tree.

Landscape Impact

There can be little doubt that the development will have a detrimental visual impact on the landscape but I accept that this impact is relatively localised in its extent. Local views of the site will be permanently altered to form an urban landscape, but the longer-views are reasonably well restricted because of the local topography and because of the woodland belt to the south.

Support is given for the open spaces set aside at the eastern and western ends of the site and Kiln Wood. There is no mention how Kiln Wood will be utilised by residents but this element should be covered by the management plan.

The combination of the existing woodland and the creation of open spaces will go some way

in helping integrate the development into the local area and mitigating some of the visual impact it presents.

Landscaping Scheme

The landscaping scheme is indicative only and only the strategic elements are considered here.

Overall, it is considered that there is too much hard surfacing in the form of access roads, driveways and parking areas particularly in and around junctions. This will make for a harsh urban environment which will be difficult to visually soften with landscaping.

Some tree planting are shown to be located in private gardens. These should be omitted from the official landscaping plans in future because it is not reasonable to expect the occupants to bear burden of maintaining a tree for the wider landscape benefit and it will be too difficult to undertake enforcement action against residents should the need arise. Tree planting should be in the frontage areas but more particularly restricted to communal areas where they benefit everyone.

Likewise, hedge planting should only be shown where it is essential, for example the rear boundaries of the plots bordering Shepherds Close and bordering public open space. Hedge planting to form garden boundaries can be installed but should not form part of the formal landscaping scheme - landscaping for private gardens should be omitted.

It is considered that the buffer zone along South Road provides reasonable separation between the development and the highway and that the orientation of the gardens of the dwellings on the south and western ends is considered to be favourable to helping mitigate potential conflicts in the future.

A management plan will be required for Kiln Wood, the open spaces and communal areas and a management company will need to be set up to implement and finance the maintenance and upkeep of these areas to clearly stated objectives. The objectives should take into account some of the principles outlined in the Landscape & Visual Impact Assessment document and the Ecological Assessment .

Suggested Planning Conditions

In the event planning permission is granted for the development the following condition should be considered.

Protection of Existing Trees, Woodland and Hedges

1 No demolition, site clearance or building operations shall commence until tree protection measures and tree protection fencing are fully implemented in accordance with the plans and particulars specifically the Arboricultural Implications Report SJA Air 15080-01 (Appendix 1 and Tree Protection Plan TPP 15080-01), and shall be retained during the course of development, and shall not be varied without the written agreement of the District Planning Authority.

2 The approved method statements in association with tree protection measures submitted in support of the application shall be adhered to full in accordance with the Arboricultural

Implications Report SJA Air 15080-01 (Appendix 1 and Tree Protection Plan TPP 15080-01) and may only be modified subject to written agreement from the LPA.

3 Conditions 1 & 2 may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

4 The following restrictions shall be strictly observed unless otherwise agreed by the District Planning Authority:

(a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.

(b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.

(c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

5 In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Borough Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with any supplied arboricultural method statement.

b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the District Council.

Hard and Soft Landscape Works

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and in accordance with BS:8545:2014 Tree: from nursery to independence in the landscape . If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Landscape Management Plan

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plans shall be carried out as approved.

APPENDIX B:

Sketch Proposals



Legend

- Indicative Development Area
- Existing Woodland and Trees retained
- Existing hedgerows retained
- New woodland and trees
- Pond within the Green
- Play and amenity features
- Seasonal meadows with mown paths along the Slopes
- New viewing points towards the South Downs Scarp
- Footpaths provide access and new residents to enjoy the public open space and views to the South Downs



Landscape • Urban • Environmental

Land at South Road, Wivelsfield Green

Wates Developments Ltd.

The Factory, 2 Acre Road, Kingston upon Thames, Surrey KT2 6EF
T 020 8549 3434 www.allenpyke.co.uk
KINGSTON UPON THAMES • CAMBRIDGE

Illustrative Sketch Layout

Drawing Number: 27221A-03
Date: 28/03/17
Scale: 1:1000
See scale bar @ A3 CR/CR

Revision:

-

Page 3043

Drawn by: CR/CR

Checked by: CR/CR

Approved by: CR/CR

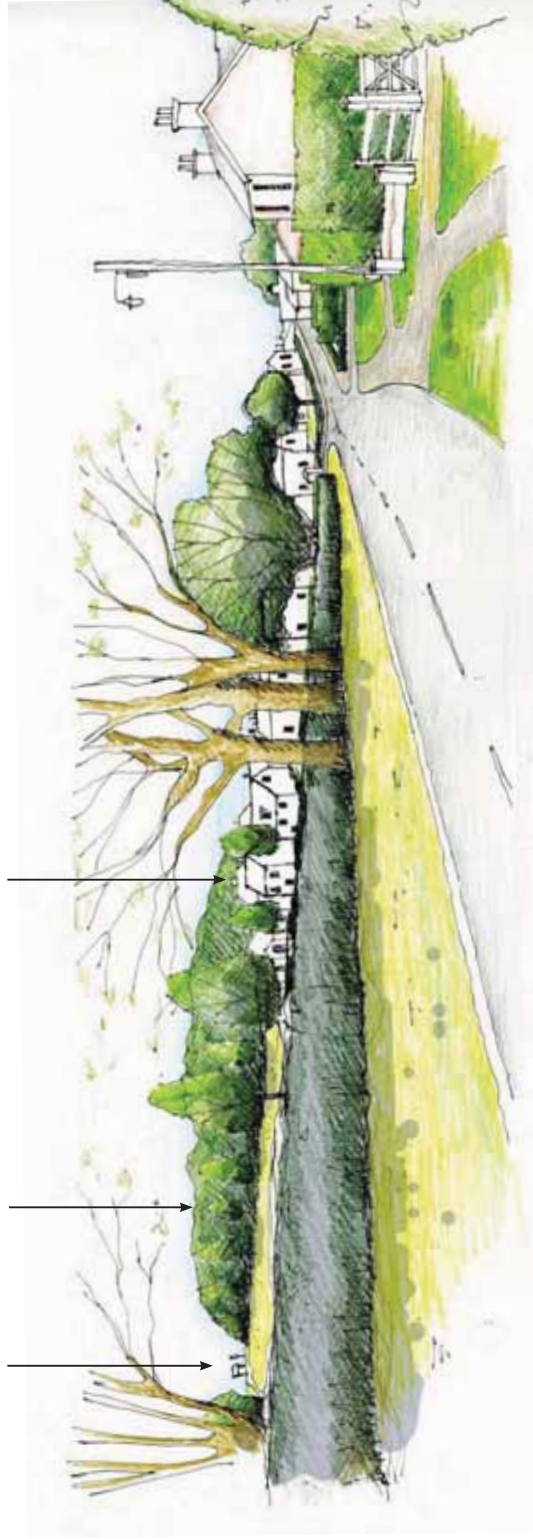


View location



Existing view from South Road, on approach to Wivelsfield Green (February 2017)

Viewing point to South Downs Woodland extended Views to development filtered by existing vegetation



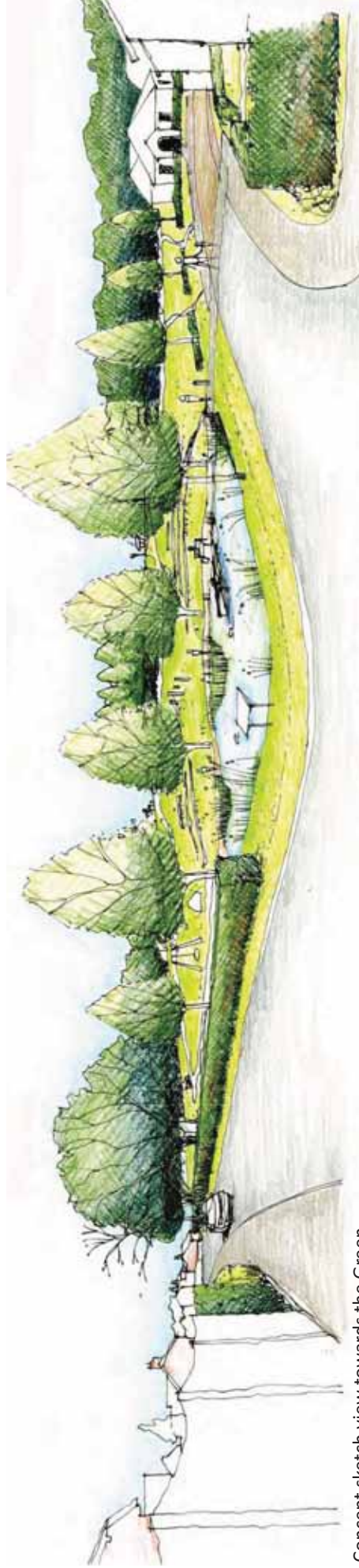
Concept sketch view from South Road, on approach to Wivelsfield Green



Concept Images



Existing view from South Road, looking into the Site (February 2017)



Concept sketch view towards the Green



View location



Concept Images

Representation ID: REP/494/GT01Representor Details:

Representor ID:	REP/494
Name:	
Organisation:	Plumpton Action Group
Consultation Body:	General
Stakeholder Type:	Local group or organisation

Agent Details:

Name:	Philip Woodhams
Organisation:	Portland Planning Consultants Ltd

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: Representations on behalf of the Plumpton Action Group. 1 Introduction 1.1.1 This document sets out objections to the Lewes District Local Plan: Site Allocations and Development Management Policies Pre-submission Document of September 2018 on behalf of the Plumpton Action Group. This group comprise well over a dozen local residents who have come together formally appointing a treasurer and group co-ordinator. The Group was formed in response to the content of the document.	

1.1.2 Paragraph 182 of the National Planning Policy Framework sets out the four tests of soundness as follows:

- * Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- * Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- * Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- * Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

1.1.3 In addition Local Plans are required to conform to extant legislation including a duty to cooperate.

1.1.4 Having regard to the tests of soundness and legal obligations representations in relation to specific content of the document are set out below.

1.1.5 The Plumpton Action Group consider that the plan in its present form is not legally compliant, nor is it sound and believe the plan should be withdrawn to enable rectification of the inherent difficulties.

2 Objections.

2.1.1 The objections relate Policy GT01 which seeks to allocate land south of The Plough, Plumpton Green as a site for Gypsies and Travellers. There are several grounds of objection and these are articulated under headings as appropriate.

2.1.2 The Council have advised that they intend to submit the Local Plan Part 2 for examination before 24th January 2019 in order that the plan be examined under the auspices of the National Planning Policy Framework 2012. Whilst the writer considers this to be impractical having regard to Cabinet meeting timescales and the Council's Forward Plan the objections below which relate to conflict with the NPPF refer to the NPPF of 2012. Should the Council not meet their target deadline of submission before 24th January 2019 the writer reserves the right to add to the objections to enable NPPF 2018 to be taken into account.

2.2 Access by Foot.

2.2.1 The site would require any pedestrian movement to use Station Road which is a road which for a significant distant either side of the proposed site does not have a footpath, and has the alignment and characteristics of a country lane. In a southward direction a footway only becomes available some 600 metres from the site access There is no street lighting.

2.2.2 It is considered that this is especially unsuitable for use by children on their way to school, which would require a bus journey. The bus stop would involve a material walk

(about 200 metres) along a road which will be dark in winter hours, and devoid of a pedestrian footpath. Essentially the site is too divorced from all facilities given the location in open countryside.

2.2.3 Government policy (NPPF 2012 para 35). seeks to secure safe and suitable access to all people in relation to individual sites, and there is thus considered to be conflict with national policy which renders the allocation unsound.

2.2.4 The site conflicts in this respect with Core Strategy policy CP3 in that criteria 2 which states that sites chosen need to be well related or have reasonable access to services.

This failure to meet a key requirement of the Core Strategy governing policy renders a failure to be legally compliant by virtue of the provisions of Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 which requires the Part 2 Local Plan to be in conformity with the Core Strategy.

2.3 Economic Impact

2.3.1 The site is adjacent to a thriving commercial park accommodating several varied businesses. It is understood that business owners have stated to members of the Plumpton Action Group that the proximity of a travellers site would undermine their confidence in retaining a presence on the industrial park.

2.3.2 This is in conflict with National policy (NPPF 2012 para. 28) for supporting a strong rural economy and for this reason the policy is considered to be unsound.

2.4 Countryside Impact

2.4.1 The site is currently open countryside set generally at a level lower than those nearby areas where the site can be viewed from public places. It will also be clearly visible from nearby residential property and the local highway

2.4.2 The countryside is recognised by national policy as having intrinsic quality for its own sake

(NPPF 2012 para. 17) and thus any diminution in the visual quality represents a breach of national policy. Whilst development needs can very often only be satisfied by green field development it is incumbent upon decision makers in such circumstances to choose sites for release for development in a manner which is not arbitrary.

2.4.3 From the explanatory material it is considered that the selection of this site amounts to an arbitrary decision and such the proposal is not legally compliant. National policy states that the content of NPPF (2012) is a statement of the Government's interpretation of sustainable development. Section 39 of the Planning and Compulsory Purchase Act 2004 requires Local Plans to have as an objective that of contributing to the achievement of sustainable development. An arbitrary choice of site represents a failure to legally comply with the reasoned articulation of the choice in order to enable compliance with S39.

2.4.4 In relation to countryside impact it is submitted that the plan is unsound due to

inconsistency with national policy.

2.5 Site is not Suitable

2.5.1 In the latest SHELAA the site is indicated as being part of a site (03PL) which fails to meet the sieve test of proximity to settlements. In this sense the site is not developable, and therefore cannot progress to deliverable status. Unsoundness due to lack of justification flows from this.

2.6 Vehicular access

2.6.1 Vehicular access to the site is to a highway which has the national speed limit of 60 m.p.h. A report of 2012 "Gypsy and Traveller Site Assessment Addendum" presents data about various sites. The site allocated at the land south of the Plough is indicated as having an inadequate access and scores zero on this factor.

2.6.2 Policy CP3 governs the selection of sites for Gypsy and Traveller Accommodation in accordance with a set of criteria. Criteria 4 requires that there is a safe and convenient access to the road network.

2.6.3 Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 requires the Part 2 Local Plan to be in conformity with the Core Strategy. There has been no change in the road alignment nor is it likely that there has been any material lessening of vehicle speed and volume.

2.6.4 In the above context it is considered the allocation in policy GT01 fails to meet the legal requirement set out in the Local Development Regulations. Such legal transgression points to a need to delete the site from the proposed submission.

2.6.5 Paragraph 2.137 of the LLPP2 acknowledges that the access will require improvement and the Council advise that this will involve land outside the control of the site owner. This renders the Policy GT 01 unsound as the site is not, on the Council's own admission, undeliverable.

2.6.6 The inadequate access is also in conflict with requirements for a safe access in national planning policy and in addition to not being legally compliant is also unsound due to breach of national policy. Continued inclusion of the site in the face of highway safety inadequacies prevents, in the writer's submission, the Council from reasonably concluding that the plan is sound, which is a duty they must fulfil before submission to the Planning Inspectorate for examination.

2.7 Poor Access to Services

2.7.1 The site is located about 1.5 kilometres from the centre of Plumpton Green and the whole of the road between the site and the edge of the village, a distance of about 600 metres, contains no pavement.

2.7.2 Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 requires the Part 2 Local Plan to be in conformity with the Core Strategy.

2.7.1 Criteria 2 of Core Strategy policy CP3 requires a site to be well related to existing

services and facilities. The need to traverse some 600 metres of unpaved road to the edge of the settlement with a speed limit of 60 mph falls outside the realms of 'well related' as this is not conducive to walking. Para 6.3.1. of the Manual for Streets advises that "The propensity to walk is influenced not only by distance, but also by the quality of the walking experience." Most facilities are at the south end of Plumpton Green and thus the total distance to travel is about 1.2 kilometres. There is therefore a failure to legally comply with the 2004 Regulations.

2.7.2 Given dark or wet conditions it is likely that the lack of facilities for pedestrians will induce the use of cars for travelling to the village facilities. There is a duty under Section 19 of the Planning and Compulsory Purchase Act 2004 to ensure that development plan documents include policies which contribute to securing the use of land which contributes to the mitigation and adaptation to climate change. Given the lack of footpath along a road with a 60 mph speed limit and the encouragement this gives to using vehicular transport this would point to a breach of this legal duty also.

2.8 Unsustainable development

2.8.1 As is acknowledged by the SHELAA assessment of the larger site of which the land allocated by GT01 is part the site is not considered developable due to its overall distance from facilities. Distance and ease of use of established facilities is a feature of the Government's definition of sustainable development. (NPPF 2012 para 17 penultimate bullet point, paras 35 and 55) Allocation for a specialist form of housing in relation to a site already rejected for mainstream housing would appear to breach the national policy for securing sustainable patterns of development and as a consequence this renders the policy in breach of legal compliance with S39 of the Planning and Compulsory Purchase Act 2004.

2.8.2 This also entails a breach of national policy leading to the view that on this perspective policy GT01 is unsound.

2.9 Arbitrary site selection

2.9.1 Paragraph 2.135 indicates that the choice of site allocated in policy GT01 emerged following collaboration between the district and county councils. There is no indication of the path to the conclusion that site GT01 should be allocated.

2.9.2 The Local Plan Regulations 2004 require (S13(1)) that there should be a reasoned justification of the policies contained in the Local Development Document. It is considered that this obligation is not met in the case of GT01 by virtue of the arbitrary approach set out in paragraph 2.135. In this context there is considered to be a failure to meet legal compliance requirements. This would also amount to a breach of the test of soundness related to justification. The policy is not considered justified.

3 Discussion and Conclusions

3.1.1 Having regard to the foregoing it is considered that the inclusion of policy GT01 represents a very serious failing of legal compliance tests and tests for soundness. Such failings are considered to be of such a magnitude that the Council is invited to the view that compliance with legal obligations and tests of soundness point to a requirement to

delete the policy in relation to this parcel of land.

3.1.2 Should the Council be minded to continue with submission for examination in the present form this will render the plan challengeable in the Courts?

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

**Lewes District Local Plan: Site Allocations and
Development Management Policies Pre-submission
Document of September 2018**

**Representations on behalf of the Plumpton Action
Group.**

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**Tel and Fax: 0121 449 7605
Fax: 0700 606 7821**

E-mail:



5th November 2018

1 Introduction

1.1.1 This document sets out objections to the Lewes District Local Plan: Site Allocations and Development Management Policies Pre-submission Document of September 2018 on behalf of the Plumpton Action Group. This group comprise well over a dozen local residents who have come together formally appointing a treasurer and group co-ordinator. The Group was formed in response to the content of the document.

1.1.2 Paragraph 182 of the National Planning Policy Framework sets out the four tests of soundness as follows:

- *Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- *Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

1.1.3 In addition Local Plans are required to conform to extant legislation including a duty to co-operate.

1.1.4 Having regard to the tests of soundness and legal obligations representations in relation to specific content of the document are set out below.

1.1.5 The Plumpton Action Group consider that the plan in its present form is not legally compliant, nor is it sound and believe the plan should be withdrawn to enable rectification of the inherent difficulties.

1.1.6 However should the Council proceed to submit the document for Examination they would wish to be represented at the Local Plan Examination in Public.

1.1.7 The preferred route for correspondence in connection with this is via the email address on the cover sheet of this representation.

2 Objections.

2.1.1 The objections relate Policy GT01 which seeks to allocate land south of The Plough, Plumpton Green as a site for Gypsies and Travellers. There are several grounds of objection and these are articulated under headings as appropriate.

2.1.2 The Council have advised that they intend to submit the Local Plan Part 2 for examination before 24th January 2019 in order that the plan be examined under the auspices of the National Planning Policy Framework 2012. Whilst the writer considers this to be impractical having regard to Cabinet meeting timescales and the Council's Forward Plan the objections below which relate to conflict with the NPPF refer to the NPPF of 2012. Should the Council not meet their target deadline of submission before 24th January 2019 the writer reserves the right to add to the objections to enable NPPF 2018 to be taken into account.

2.2 Access by Foot.

2.2.1 The site would require any pedestrian movement to use Station Road which is a road which for a significant distance either side of the proposed site does not have a footpath, and has the alignment and characteristics of a country lane. In a southward direction a footway only becomes available some 600 metres from the site access. There is no street lighting.

- 2.2.2 It is considered that this is especially unsuitable for use by children on their way to school, which would require a bus journey. The bus stop would involve a material walk (about 200 metres) along a road which will be dark in winter hours, and devoid of a pedestrian footpath. Essentially the site is too divorced from all facilities given the location in open countryside.
- 2.2.3 Government policy (NPPF 2012 para 35). seeks to secure safe and suitable access to all people in relation to individual sites, and there is thus considered to be conflict with national policy which renders the allocation unsound.
- 2.2.4 The site conflicts in this respect with Core Strategy policy CP3 in that criteria 2 which states that sites chosen need to be well related or have reasonable access to services. This failure to meet a key requirement of the Core Strategy governing policy renders a failure to be legally compliant by virtue of the provisions of Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 which requires the Part 2 Local Plan to be in conformity with the Core Strategy.

2.3 *Economic Impact*

- 2.3.1 The site is adjacent to a thriving commercial park accommodating several varied businesses. It is understood that business owners have stated to members of the Plumpton Action Group that the proximity of a travellers site would undermine their confidence in retaining a presence on the industrial park.
- 2.3.2 This is in conflict with National policy (NPPF 2012 para. 28) for supporting a strong rural economy and for this reason the policy is considered to be unsound.

2.4 *Countryside Impact*

- 2.4.1 The site is currently open countryside set generally at a level lower than those nearby areas where the site can be viewed from public places. It will also be clearly visible from nearby residential property and the local highway.

- 2.4.2 The countryside is recognised by national policy as having intrinsic quality for its own sake (NPPF 2012 para. 17) and thus any diminution in the visual quality represents a breach of national policy. Whilst development needs can very often only be satisfied by green field development it is incumbent upon decision makers in such circumstances to choose sites for release for development in a manner which is not arbitrary.
- 2.4.3 From the explanatory material it is considered that the selection of this site amounts to an arbitrary decision and such the proposal is not legally compliant. National policy states that the content of NPPF (2012) is a statement of the Government's interpretation of sustainable development. Section 39 of the Planning and Compulsory Purchase Act 2004 requires Local Plans to have as an objective that of contributing to the achievement of sustainable development. An arbitrary choice of site represents a failure to legally comply with the reasoned articulation of the choice in order to enable compliance with S39.
- 2.4.4 In relation to countryside impact it is submitted that the plan is unsound due to inconsistency with national policy.

2.5 *Site is not Suitable*

- 2.5.1 In the latest SHELAA the site is indicated as being part of a site (03PL) which fails to meet the sieve test of proximity to settlements. In this sense the site is not developable, and therefore cannot progress to deliverable status. Unsoundness due to lack of justification flows from this.

2.6 *Vehicular access*

- 2.6.1 Vehicular access to the site is to a highway which has the national speed limit of 60 m.p.h. A report of 2012 "Gypsy and Traveller Site Assessment Addendum" presents data about various sites. The site allocated at the land south of the Plough is indicated as having an inadequate access and scores zero on this factor.
- 2.6.2 Policy CP3 governs the selection of sites for Gypsy and Traveller Accommodation in accordance with a set of criteria. Criteria 4 requires that there is a safe and convenient access to the road network.

- 2.6.3 Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 requires the Part 2 Local Plan to be in conformity with the Core Strategy. There has been no change in the road alignment nor is it likely that there has been any material lessening of vehicle speed and volume.
- 2.6.4 In the above context it is considered the allocation in policy GT01 fails to meet the legal requirement set out in the Local Development Regulations. Such legal transgression points to a need to delete the site from the proposed submission.
- 2.6.5 Paragraph 2.137 of the LLPP2 acknowledges that the access will require improvement and the Council advise that this will involve land outside the control of the site owner. This renders the Policy GT 01 unsound as the site is not, on the Council's own admission, undeliverable.
- 2.6.6 The inadequate access is also in conflict with requirements for a safe access in national planning policy and in addition to not being legally compliant is also unsound due to breach of national policy. Continued inclusion of the site in the face of highway safety inadequacies prevents, in the writer's submission, the Council from reasonably concluding that the plan is sound, which is a duty they must fulfil before submission to the Planning Inspectorate for examination.

2.7 Poor Access to Services

- 2.7.1 The site is located about 1.5 kilometres from the centre of Plumpton Green and the whole of the road between the site and the edge of the village, a distance of about 600 metres, contains no pavement.
- 2.7.2 Section 13 (6) of the Town and Country Planning (Local Development) (England) Regulations 2004 requires the Part 2 Local Plan to be in conformity with the Core Strategy.

2.7.1 Criteria 2 of Core Strategy policy CP3 requires a site to be well related to existing services and facilities. The need to traverse some 600 metres of unpaved road to the edge of the settlement with a speed limit of 60 mph falls outside the realms of 'well related' as this is not conducive to walking. Para 6.3.1. of the Manual for Streets advises that "*The propensity to walk is influenced not only by distance, but also by the quality of the walking experience.*" Most facilities are at the south end of Plumpton Green and thus the total distance to travel is about 1.2 kilometres. There is therefore a failure to legally comply with the 2004 Regulations.

2.7.2 Given dark or wet conditions it is likely that the lack of facilities for pedestrians will induce the use of cars for travelling to the village facilities. There is a duty under Section 19 of the Planning and Compulsory Purchase Act 2004 to ensure that development plan documents include policies which contribute to securing the use of land which contributes to the mitigation and adaptation to climate change. Given the lack of footpath along a road with a 60 mph speed limit and the encouragement this gives to using vehicular transport this would point to a breach of this legal duty also.

2.8 Unsustainable development

2.8.1 As is acknowledged by the SHELAA assessment of the larger site of which the land allocated by GT01 is part the site is not considered developable due to its overall distance from facilities. Distance and ease of use of established facilities is a feature of the Government's definition of sustainable development. (NPPF 2012 para 17 penultimate bullet point, paras 35 and 55) Allocation for a specialist form of housing in relation to a site already rejected for mainstream housing would appear to breach the national policy for securing sustainable patterns of development and as a consequence this renders the policy in breach of legal compliance with S39 of the Planning and Compulsory Purchase Act 2004.

2.8.2 This also entails a breach of national policy leading to the view that on this perspective policy GT01 is unsound.

2.9 *Arbitrary site selection*

- 2.9.1 Paragraph 2.135 indicates that the choice of site allocated in policy GT01 emerged following collaboration between the district and county councils. There is no indication of the path to the conclusion that site GT01 should be allocated.
- 2.9.2 The Local Plan Regulations 2004 require (S13(1)) that there should be a reasoned justification of the policies contained in the Local Development Document. It is considered that this obligation is not met in the case of GT01 by virtue of the arbitrary approach set out in paragraph 2.135. In this context there is considered to be a failure to meet legal compliance requirements. This would also amount to a breach of the test of soundness related to justification. The policy is not considered justified.

3 Discussion and Conclusions

- 3.1.1 Having regard to the foregoing it is considered that the inclusion of policy GT01 represents a very serious failing of legal compliance tests and tests for soundness. Such failings are considered to be of such a magnitude that the Council is invited to the view that compliance with legal obligations and tests of soundness point to a requirement to delete the policy in relation to this parcel of land.
- 3.1.2 Should the Council be minded to continue with submission for examination in the present form this will render the plan challengeable in the Courts.

Representation ID: REP/495/E1Representor Details:

Representor ID:	REP/495
Name:	Michael Young
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	E1 - Land at East Quay, Newhaven Port
<i>Do you consider the document to be:</i>	
Legally Compliant:	No
Sound:	No Not Justified Not Consistent with national policy
Representation: It alllows development of any land 'for employment uses' regardless of the nature, flora and fauna, that may be destroyed.	
What changes do you suggest to make the document legally compliant or sound? Prevent the development of green belt and public land without the agreement of the	

people in the local area.	
Do you consider it necessary to participate at the Examination in Public?	No
Why do you feel it is necessary to participate at the Examination in Public?	

Representation ID: REP/497/DM1

Representor Details:

Representor ID:	REP/497
Name:	Tony Turk
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	DM1: Planning Boundary
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	No Not Justified Not Effective
Representation: I refer to the need to protect vulnerable gaps of countryside separating adjacent settlements. I am particularly concerned regarding the green gap separating Newick from North Chailey. The Newick Parish Council and Newish Village Society, as well as myself, raised issues on this in January 2018.	

The text associated with policy DM1 on Planning Boundaries mentions important gaps of countryside but the policy itself doesn't refer to such gaps. The old Local Plan policy CT1, which BM1 would replace, was much stronger in specifically saying 'the retention of the open character of the countryside is of heightened importance where it separates settlements and prevents coalescence..' Indeed, the National Planning Policy Framework 2012 allowed you to do this, stating in paragraph 157 that 'Local Plans should identify land where development would be inappropriate, for instance because of its environmental or historic significance.

Lewes District Local Plan 2 - Site allocations and development management policies - Summary of Consultation Draft Document (30/11/17-25/01/18) on pages 20/21 points out that supporting text to policy DM1 (Planning Boundaries) does refer to the need to protect important gaps, so the District Council sees no need to amend the actual policy. I object to that approach. The policy itself needs strengthening rather than just relying on some words in the accompanying text. The new National Planning Policy Framework surely allows you to do this.

What changes do you suggest to make the document legally compliant or sound?

See section 6 above. Please include the Policy itself the relevant words from the old policy CT1... The retention of the open character of the countryside is of heightened importance where it separates settlements and prevents coalescence.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/498/DM1

Representor Details:

Representor ID:	REP/498
Name:	Janet Clifford
Organisation:	Newick Village Society
Consultation Body:	General
Stakeholder Type:	Local group or organisation

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	DM1: Planning Boundary
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	No Not Justified Not Effective
Representation: Your attention is drawn to the comments of the Newick Village Society as originally submitted in January 2018 regarding the green gap between Newick and Chailey The Newick Parish Council and Newick Village Society raised issues on this, saying that although the text associated with policy DM1 on Planning Boundaries mentioned	

vulnerable gaps, the policy itself didn't. The old local plan policy CT1, which DM1 would replace, was stronger in specifically saying, 'the retention of the open character of the countryside is of heightened importance where it separates settlements and prevents coalescence...' Indeed, the national planning policy framework 2012 allowed out to do this... it stated paragraph 157 that 'local plans should identify land where development would be inappropriate, for instance because of its environmental or historic significance'.

Lewes District Local Plan Part 2 - Site Allocations and Development Management Policies - Summary of consultation Draft Document (30/11/17-25/01/18) on pages 20/21 points out that the supporting text to policy DM1 (Planning Boundaries) does refer to the need to protect important gaps, so the District Council sees no need to amend the actual policy. However, Newick Village Society reiterates the point that the policy itself needs strengthening rather than just relying on some words in the accompanying text. The new National Planning Policy Framework surely allows you to do this.

What changes do you suggest to make the document legally compliant or sound?

See section 6 above. Please include in the policy itself the relevant words from the old policy CT1... The retention of the open character of the countryside is of heightened importance where it separates settlements and prevents coalescence.

Do you consider it necessary to participate at the Examination in Public?

No

Why do you feel it is necessary to participate at the Examination in Public?

Representation ID: REP/498/DM33

Representor Details:

Representor ID:	REP/498
Name:	Janet Clifford
Organisation:	Newick Village Society
Consultation Body:	General
Stakeholder Type:	Local group or organisation

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:	[REDACTED]
Address:	[REDACTED]

Representation:

Policy/Section:	DM33: Heritage Assets
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	No Not Justified Not Effective
Representation: Paragraph 4.108-4.112 and policy DM33 refer to heritage assets and Conservation Areas, with paragraph 4.112 particularly referring to the importance of your Conservation Area Appraisals. Your two Newick Conversation Area Appraisals ('Church Road' and 'The Green') in 2006 showed clearly, on the accompanying maps, proposed extensions to the Conservation Area boundaries. Yet after more than ten years you still have not	

formally agreed such extensions! Such a lengthy delay would surely cause any government appeal inspector to question how serious your Part 2 policies are in pursuing your Core Policy 11 relating to the built and historic environment.

The Village Society is therefore not convinced that your PArt 2 policies are adequate to achieve the aims of your Joint Core Strategy policy 11 for the Built and Historic Environment. The District Council's comments on this matter are on page 46 of the Lewes District Local Plan Part 2 - Site Allocations and Development Management Policies... Summary of Consultation Draft Document (30/11/17-25/1/18) which includes the words '..it is not the role of a local plan to designate Conservation Areas'!!... Even if this matter may not justify changes to the proposed policy DM33 itself, surely the accompanying text should clarify the issue. Conservation principles are certainly 'the role of a local plan'. The NPPF July 2018 indeed has chapter 16 on 'Conserving and Enhancing the Historic Environment'.

What changes do you suggest to make the document legally compliant or sound?

See section 6 above. Please add to the text of paragraphs 4.108-4.112 such working to (a) illustrate that areas specifically identified in Conservation Area Appraisals as being worth of Conservation Area status will be recognised as having heightened importance in decision-making, and (b) that formal designation of such identified areas will be pursued rapidly.

Do you consider it necessary to participate at the Examination in Public? No

Why do you feel it is necessary to participate at the Examination in Public?


Representation ID: REP/499/GT01Representor Details:

Representor ID:	REP/499
Name:	G D Ketley
Organisation:	
Consultation Body:	
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	
(See attached PDF)	
What changes do you suggest to make the document legally compliant or sound?	
Do you consider it necessary to participate at the Examination in Public?	
Why do you feel it is necessary to participate at the Examination in Public?	

--

Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB



20 October 2018

Dear Sir/Madam:

Proposed Permanent Travellers Site

Land between the Plough and the Old Brickworks, Station Road, Plumpton Green

I am writing to formally object to the above plans for a permanent traveller site at the above address.

- The proposed site between the Plough Public House and the Old Brickworks is Green Belt land. The Department for Communities and Local Government planning policy for traveller sites states that "inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances." The planning policy goes on to say that "traveller sites (temporary or permanent) in the Green Belt are inappropriate development."
- A traveller site at the above location brings no advantages to the village and will be a significant drain on already overstretched resources.
- The site would not be in keeping with the local environment and potentially very damaging to the local economy. Many of the businesses at The Old Brickworks have said they would move away from the village causing the loss of vital jobs, services and damage to the local economy.
- Recent trends show that gipsy and traveller communities favour the use of a mobile home in place of the traditional caravan. Vehicles of this size would require a suitable large turning space to allow entry and exit from the site. High traffic volumes, often travelling well in excess of the 60mph speed limit along this section of Station Road, combined with the regular movement of large slow vehicles at this location would introduce a substantial safety risk to other road users.
- The proposed site appears to make provision for both residential and business uses. The proposal does not take into consideration that commercial vehicles would be entering and leaving the site throughout the day and night as is common practice and can be witnessed at other sites.
- The location of the proposed traveller site is on land not allocated in the Neighbourhood Plan and will destroy the rural character of the village.

Yours faithfully,

A black rectangular redaction box covering the signature of G D Ketley.

G D Ketley


Representation ID: REP/500/GT01Representor Details:

Representor ID:	REP/500
Name:	Heather A Catchpole
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I wish to register my objections and express my serious concerns regarding the above proposed gypsy site. My objections and concerns are as follows:</p> <ul style="list-style-type: none">- the proposed site was not allocated for in the neighbourhood plan. If permission is granted the site will be very difficult to manage and secure and once established, may well lead to future extension, increasing the detrimental effect on the local community.

- There are 2 well established businesses and 1 pub within close proximity to the site. The Old Brickworks which borders the site has expressed great concerns regarding security issues, as have the majority of local residents and the Plough Pub. There are 21 businesses within The Old Brickworks, all of whom have advised their landlord that they would be forced to relocate should the planning consent be granted. This would have a very damaging effect on both the local economy, specifically the local village store and the Plough and result in local job issues.

- if consent is granted then all of the above businesses would understandably require additional security and this would be most intrusive to the local community and have detrimental impact on the valued green field site.

- planning consent would also have an adverse effect on the East to West footpath, with regards to both usage and access by local residents and walkers from outside the village. In addition, it would also have a detrimental effect on the rural character of the village and the immediate locality, thus destroying a beautiful, quiet and highly valued open space used by a high % of those living within the local community.

- Increased pressure and demand will be put on already stretched services which are on occasion unable to meet with current demands.

- Vehicle access to the site will be from an already busy road leading from Plumpton Village is an awkward, if not dangerous, T junction beside the Plough Pub. Increase in traffic both entering and exiting the site, close to the T.junction, would potentially increase the risk of road accidents and would be extremely unsafe for pedestrian access. In addition, there is no safe pedestrian access leading to Plumpton Village

As agreement has been reached with the landowners, I now register my very strong objections to the above proposed planning application.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Planning Policy Team
Lewes District Council
Southover House
Southover Street
Lewes BN7 1AB

Mrs H.A. Catchpole



29/11/2018

Dear Sirs

Re: Proposed Gypsy Site - Plumpton Green

I wish to register my objections and express my serious concerns regarding the above proposed Gypsy site. My objections and concerns are as follows:-

- The proposed site was not allocated for in the Neighbourhood Plan. If permission is granted the site will be very difficult to manage and secure and once established, may well lead to future extension; increasing the detrimental effect on the local community.
- There are 2 well established businesses and 1 pub within close proximity to the site. The old Brickworks which borders the site has expressed great concerns regarding security issues, as have the majority of local residents and The Plough Pub.

There are 21 businesses within The Old Brickworks, all of whom have advised their landlord that they would be forced to relocate should the planning consent be granted. This would have a very damaging effect on both the local economy, specifically the local village store and The Plough and result in local job losses.

- if consent is granted then all of the above businesses would understandably require additional security and this would be most intrusive to the local community and have a detrimental impact on a valued green field site.
- Planning consent would also have an adverse effect on the East to West footpath, with regards to both usage and access by local residents and walkers from outside the village.
In addition, it would also have a detrimental effect on the rural character of the village and the immediate locality, thus destroying a beautiful, quiet and highly valued open space used by a high % of those living within the local community.
- Increased pressure and demand will be put on already stretched services which are, on occasion, unable to meet with current demands.
- Vehicle access to the site will be from an already busy road leading from Plumpton Village to an awkward, if not dangerous T. junction beside the Plough Pub. Increase in traffic both entering and exiting the site, close to the T. junction, would potentially increase the risk of road accidents and would be extremely unsafe for pedestrian access. In addition, there is no safe pedestrian access leading to Plumpton Village.
- No agreement has been reached with the landowners and I now register my very strong objections to the above, proposed planning application.

Yours Sincerely

Heather Catchpole (MRS).

Representation ID: REP/501/GT01
--

Representor Details:

Representor ID:	REP/501
Name:	Martin and Gillian Blanchard
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>We wish to make you aware of strong objections that we have with regards to the proposed gypsy and traveller site near The Plough pub in Plumpton Green.</p> <p>As a resident of Plumpton Green, the site will have a serious impact on our standard of living our specific objections are as follows:</p> <p>-The council did not consider, or assess, the impact of their focused proposal of a permanent gypsy/traveller site on many business at The Old Brickworks industrial estate</p>

adjacent to the proposed site. At the recent meeting, all of whom have said they will relocate if the site goes ahead. This would be a massive loss to the village community, local employment and a significant loss of business to our local village shop.

- It is desirable to situate gypsy/traveller sites so that children can walk to school. Both the village and school are more than 1km away. There are no pavements between the site and the village centre. How will the council safeguard so many additional people walking to and from the village without adequate, safe pavements and lack of street lighting? The road is narrow with blind brows and corners. Therefore, this development is unsuitable, as everyone would have to rely on cars to access basic amenities, let alone make it dangerous for those who do not have their own transport.

- The site is on an unlit, narrow lane at the bottom of a national speed limit d road and is therefore very dangerous. There is no main sewerage, no gas, no street lighting and no pavements at either end of the village.

- The village of Plumpton Green is unable to cope with an increase in traffic. Currently at rush hour the village is dangerous with the amount of cars trying to go to the shop, primary school and station, and a further increase will make matters worse.

- Previous planning applications for the site have been refused on the basis of safety. The site is adjoined to a road with cars travelling up to 60MPH. If it was deemed unsafe for a larger site, why should gypsy/travellers' safety not be considered equivalent?

- Having lived in the village for decades, I know there is a huge level of public resistance which ratified at the recent meeting. This development will have a significantly negative impact on the neighbourhood's cohesion, character and therefore quality of life of all residents. Therefore, Lewes District Council and their councillors have failed in their duty of care to the residents and business of Plumpton Green.

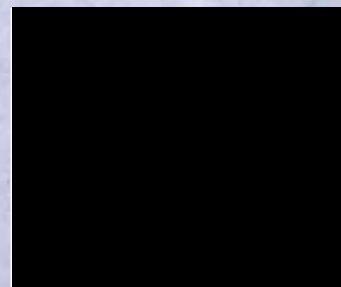
We would be grateful if the council would take out objections into serious consideration when deciding this application, which must be rejected.

It would be appreciated if you could send acknowledgement upon receipt of this letter

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?



Lewes District Council,
Southover House,
Southover Rd,
Lewes,
BN7 1AB

14th October 2018

RE: Local Plan Part 2 Ref: LP2 In relation to the Gypsy site in Plumpton

Dear Sir/Madam,

We wish to make you aware of a number of strong objections that we have with regards to the proposed gypsy and traveller site near The Plough pub in Plumpton Green.

As a resident of Plumpton Green, this site will have a serious impact on our standard of living and our specific objections are as follows:

- The council did not consider, or assess, the impact of their focused proposal of a permanent gypsy/traveller site on the many businesses at The Old Brickworks industrial estate adjacent to the proposed site. At the recent meeting, all of whom have said they will relocate if the site goes ahead. This would be a massive loss to the village community, local employment and a significant loss of business to our local village shop.
- It is disireable to situate gypsy/traveller sites so that children can walk to school. Both the village and school are more than 1km away. There are no pavements between the site and the village centre. How will the council safeguard so many additional people walking to and from the village without adequate, safe pavements and lack of street lighting? The road is narrow with blind brows and corners. Therefore, this development is unsustainable, as everyone would have to rely on cars to access basic amenities, let alone make it dangerous for those who do not have their own transport.
- The site is on an unlit, narrow lane at the bottom of a national speed limit D road and is therefore very dangerous. There is no main sewerage, no gas, no street lighting and no pavements at either end of the village.
- The village of Plumpton Green is unable to cope with an increase in traffic. Currently at rush hour the village is dangerous with the amount of cars trying to go to the shop, primary

school and station, and a further increase will make matters worse.

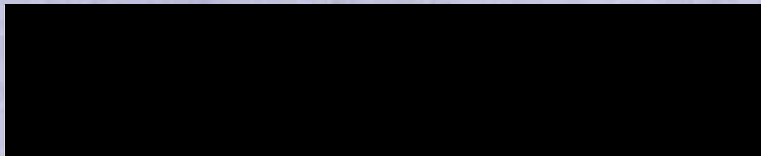
- Previous planning applications for the site have been refused on the basis of safety. The site is adjoined to a road with cars travelling up to 60MPH. If it was deemed unsafe for a larger site, why should gypsy/travellers' safety not be considered equivalent?
- Having lived in the village for decades, I know there is a huge level of public resistance, which was ratified at the recent meeting. This development will have a significantly negative impact on the neighbourhood's cohesion, character and therefore quality of life of all residents. Therefore, Lewes District Council and their councillors have failed in their duty of care to the residents and businesses of Plumpton Green.

We would be grateful if the council would take our objections into serious consideration when deciding this application, which must be rejected.

It would be appreciated if you could send an acknowledgement upon receipt of this letter.

Yours faithfully,

Martin Blanchard and Gillian Blanchard.



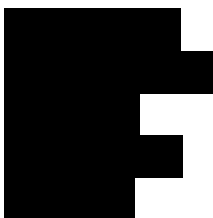
Representation ID: REP/502/GT01Representor Details:

Representor ID:	REP/502
Name:	G Galletly
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation:	<p>I am concerned that the proposed gypsy site will:</p> <ul style="list-style-type: none">- cause an exodus of valuable local businesses currently operating adjacent to the site- place further strain on the management of traffic as it passes through the village- create unease amongst (mostly young) family members of local residents who will not

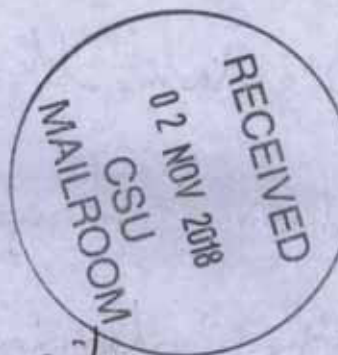
be eligible to rent this accommodation

I hope you will take these thoughts into consideration as you make your judgement on this planning application

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?



Ref Proposed Gypsy site
in Chrompton Green

Dear Sirs,

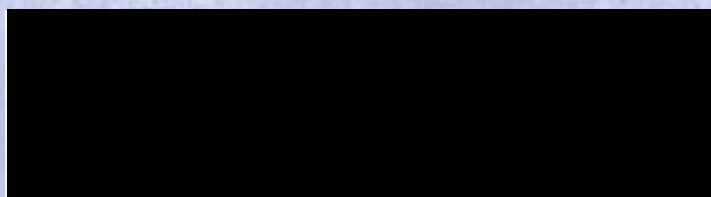
I am concerned that the proposed gypsy site
will :-

- cause an exodus of valuable local businesses
currently operating adjacent to the site,

- place further strain on the management of
traffic as it passes through the
village,

- create unease amongst (mostly young)
family members of local residents who will
not be eligible to rent this
accommodation

I hope you will take these thoughts
into consideration as you make your
judgement on this planning application



(G.T. GALLAGHER)

Lenex District Council

Southmore Rd.

Lenex BN7 1AB


Representation ID: REP/503/GT01Representor Details:

Representor ID:	REP/503
Name:	Paul and Emma Taplin
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:	
Organisation:	

Contact Details:

Email Address:	
Address:	

Representation:

Policy/Section:	GT01 - Land south of The Plough
<i>Do you consider the document to be:</i>	
Legally Compliant:	
Sound:	
Representation: <p>I am writing to formally object to the above plans for a permanent traveller site at the above address.</p> <p>- The proposed site between the Plough Public House and the Old Brickworks is Green Land. The Department for Communities and Local Government planning policy for traveller sites states that "inappropriate development is harmful to the Green Belt and</p>	

should not be approved, except in very special circumstances". The planning policy goes on to say that "traveller sites (temporary or permanent) in the Green Belt are inappropriate development"

- A traveller site at the above location brings no advantages to the village and will be a significant drain on already overstretched and under-funded resources.
- The site would not be in keeping with the local environment and potentially very damaging to the local economy. Many of the business at The Old Brickworks have said they would move away from the village if the plan goes ahead, causing the loss of vital jobs, services and damage to the local economy.
- Recent trends show that gipsy and traveller communities favour the use of a mobile home in place of the traditional caravan. Vehicles of this size would require a suitable large turning space to allow entry to exit from the site. High traffic volumes, often travelling well in excess of the 60mph speed limit along this section of Station Road, combined with the regular movement of large slow vehicles at this location would introduce a substantial safety risk to other road users.
- There is inadequate pedestrian access to the village
- The proposed site appears to make provision for both residential and business uses. The proposal does not take into consideration the commercial vehicles would be entering and leaving the site throughout the day and night as in common practice and can be witness at other sites
- The site will be difficult to contain and manage
- The location of the proposed traveller site is on land not allocated in the Neighbourhood Plan and will destroy the rural character of the village.

What changes do you suggest to make the document legally compliant or sound?

Do you consider it necessary to participate at the Examination in Public?

Why do you feel it is necessary to participate at the Examination in Public?

Planning Policy Team
Lewes District Council
Southover House
Southover Road
Lewes BN7 1AB



29 October 2018

Dear Sir/Madam

Proposed Permanent Travellers Site

Land between the Plough and the Old Brickworks, Station Road. Plumpton Green

I am writing to formally object to the above plans for a permanent traveller site at the above address.

- The proposed site between the Plough Public House and the Old Brickworks is Green Belt land. The Department for Communities and Local Government planning policy for traveller sites states that "inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances." The planning policy goes on to say that "traveller sites (temporary or permanent) in the Green Belt are inappropriate development."
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Yours faithfully

Paul and Emma Taplin

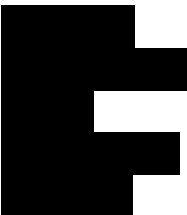
Representation ID: REP/504/GT01Representor Details:

Representor ID:	REP/504
Name:	P A Ketley
Organisation:	
Consultation Body:	General
Stakeholder Type:	Member of the public

Agent Details:

Name:
Organisation:

Contact Details:

Email Address:
Address: 

Representation:

Policy/Section:	GT01 - Land south of The Plough
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Yours faithfully,

P A Ketley (Mrs)