

RE: DOWNLANDS FARM, UCKFIELD, SUSSEX

**OPENING SUBMISSIONS AND
STATEMENT ON BEHALF OF
THE APPELLANTS**

1. These submissions are for the purpose of providing an introduction to the appeal proposals and the key issues in the appeal.

2. The appeal proposals are for outline permission for major development on a greenfield site to the north west of the town of Uckfield as part of a scheme comprising a number of principal elements:-
 - 750 new dwellings;
 - at an average density of about 41 d.p.h;
 - of which at least 30%; up to 40% will be affordable, depending on the availability of grant;
 - a new country ecological park for the town of Uckfield to be managed by a community trust, with permanent on site staff with warden's lodge and education facility;
 - a new single form entry primary school;

- public and amenity open space, including new full scale playing fields;
- a community hall;
- a neighbourhood centre with local retail facilities and new B1 employment facilities;
- new cycle and pedestrian links, and improved bus service to the town centre of Uckfield.

3. Each component is fully justified by existing and future need, found in policy documents and assessments, and will be supported by cogent and compelling evidence. Although the application is in outline with all matters reserved, we do invite you to have regard to the wealth of detailed matters and, by condition and covenant, to entrench those aspects of the scheme which are important, including the point of access to the scheme from the A22, the overall approach to layout and design, as well as the significant detail provided as to location and content of facilities and the management of the Country Park. To this end a section 106 obligation will be provided, which secures these matters at the outline stage.

4. The proposals before you at Downlands are the only appeal scheme at these inquires which is not driven by purely speculative development objectives. The land is owned by the Clarence Preston Will Trust, which is a charitable trust. The key elements of the scheme were drawn up by a team instructed by the Trust, over a period of 5 years, and its

components have been informed entirely by identified need in Uckfield, and in the light of Government policy on sustainable development.

5. Thus, the scale and nature of the principal driver of the scheme, the 750 new dwellings, responds to the continuing chronic failure of the local planning authority to identify sufficient housing sites to meet long-standing housing targets identified in the Structure Plan. This is acknowledged in a Report by the Head of Planning and Environmental Services to WDC's Cabinet on 1.8.07, [CD....]. Paragraph 2.6 states:
"Put simply, not enough suitable new land is readily available for new house building. The Draft South East Plan, if carried forward unaltered by the Secretary of State, will ease matters somewhat with its lower annualised housing targets. However, as any shortfall from the previous planning period (the Structure Plan period 2006-11) must be carried forward, this impact will be muted. As previously outlined to Members it is also quite likely that the Secretary of State may not accept, as she had already indicated, the levels of dwellings provision proposed in the Draft South East Plan and these may be increased in the final; version. Recent Government announcements regarding the national housing shortage would appear to support this possibility."
6. Even this bleak assessment is over-optimistic, as the Structure Plan period is in fact 1991-2011, and the backlog to 2007 is some 1451 units¹. For the reasons given in the Cabinet report, the appellants (unanimously) do not accept that the SE Plan is an appropriate basis for

identifying housing requirement for the District, but even if it was, the LPA has failed to factor in the backlog from 2001 to 106 as expressly required by paragraph 2.1 of the Plan. If the SE Plan is used as the basis for the assessment, the position at the agreed start date of 1 October 2007 is a shortfall against the SE Plan requirement of 1,594 dwellings.

7. The August Wealden Cabinet Report also highlighted the Council's failure to provide affordable housing. The District has one of the worst records of providing affordable housing in the South East, in an area where large scale unmet need exists and where, between 2002 and 2007, only 15 rented affordable homes were built in Uckfield. Those figures underline not only the comprehensive failure of a local authority to meet the needs of the most disadvantaged part of its community, but also mask all the misery of overcrowding, unfit housing, families in short-term temporary bed and breakfast accommodation (169 at the end of last year²); all in an area where housing is amongst the most expensive and unaffordable in the south east of England.

8. Affordable housing is one the Council's eight priorities for 2007/8 and the Audit Commission's most recent letter of inspection of the Council raised particular concern about the poor record of provision in the

¹ RT appendix 1 para 3.4

² See Heather Grant para 6.9.2

District.³ The affordable housing component of the development makes the exceptional offer of either 30% without grant or 40% if grant is available. That will produce either 225 units built, finished and ready for occupation, without a penny of public funding, or up to 300 units if Housing Corporation Grant is available.

9. The value of this contribution to the District and to Uckfield is exceptional and outstanding. There is no prospect of it affordable housing need being met without major additional housing development far beyond that allocated in the NSLP. Provision as part of new housing development is the principal means by which the Council can move towards meeting its obligation to provide housing for those who are unable to afford to buy a property here at market value; a reality acknowledged by the August Cabinet report in its Conclusions:

“The Council is currently facing a shortfall in meeting its housing targets (housing trajectories) and in delivering housing across the District. This in turn impacts on the Council being able to deliver in respect of its stated priority regarding provision of affordable housing. The perception that the District can prioritise affordable housing delivery without prioritising overall housing delivery is clearly erroneous.”

10. Wealden's approach to housing development in the District has been to treat their so called “ Non-Statutory Local Plan” [“NSLP”] as the primary arbiter in the determination of applications for planning permission for

³ Cabinet Report 1.8.07 para 2.1

housing development, inadequate, in that it has consistently failed to deliver sufficient housing to meet the SP requirement; inappropriate, in that the sites which it allocated have not delivered; counter productive, in that it has frustrated the provision of sites which could deliver (such as the appeal site), the NSLP belongs to some parallel universe outside of the comprehensive codified statutory scheme that is modern town and country planning. It is an entirely self-serving document, never subject to independent assessment, and it is our case that the weight to be afforded to it is negligible.

11. The extent of non delivery is set out graphically in the Cabinet Report of 1.8.07. Para 2.3 refers to ***"a large stock of just over 1000 dwellings of unimplemented planning permissions with yet another 600 dwellings identified in the NSLP as suitable for residential development in this area but which do not yet have planning permissions...2.4..To put this issue in perspective though even if every site as allocated in the NSLP came forward and were built out this year this would fail to completely cover the shortfall in the district in terms of the whole of the Structure Plan period requirement of around 55 dwellings p.a. and this shortfall would remain and grow substantially year on year."***

12. It has been a key objective of the Trustees and the appellants' professional team, to produce a scheme which would create its own sense of place, whilst being well connected to and integrated with the existing Uckfield community. We have concentrated on creating a high quality environment, carefully set within and responding to the existing

features of the landscape and the area. The illustrations of Neil Holland, the outstanding Sussex Arts and Crafts architect initially commissioned by the Trustees, illustrate⁴ the kind of character that the appellants seek to promote. It is a character rooted in the local vernacular, but with all the benefits of modern energy efficient design. This country town character is intended to appear immediately familiar, appropriate and locally distinctive.

13. The major part of the site will be a new Country Park for Uckfield, retaining and enhancing a range of habitats, rescuing some (Budlett's Common) from imminent loss through neglect, and dedicated to the people of Uckfield in perpetuity and available for the entire community as a resource.
14. Our evidence will demonstrate that the Country Park will meet two identified needs; firstly to make up comfortably, the shortfall in public open space and need for a park for the town identified in the LPA's own PPG17 open space assessment and, secondly, to maximise the ecological and biodiversity value of the area into which the development is to be built. It will not have escaped your notice that the Environment Agency, who were the major environmental and ecological objector to the proposals at the time that the application was before the LPA have now entirely withdrawn their objection to the scheme. There is also no objection from Natural England, custodian of England's ancient woodland.

⁴ see design and access statement

15. You will note that the Council has now engaged its own ecological consultant, Dr Roper, to support its objection. This was not foreshadowed at the time of the pre inquiry meeting, when the LPA indicated it would not be producing its own witness, but would instead be relying on the EA's objection. It is a pity that the LPA has made no contact with the appellants before producing its witness and evidence out of the blue. To have done so would have avoided the many errors and misconceptions which appear to underpin their case. We hope to be able to reduce the areas of dispute with a Statement of Common Ground in this respect. The case for the appellant, now accepted by the EA, is that the effect of the development on biodiversity and ecology is significantly positive. The Downlands scheme is the only one of the appeal schemes before you that achieves that positive ecological outcome. Mr Colebourne will demonstrate that major new housing development does not have to be at the expense of environment or biodiversity. Important and special features of the scheme include a Green Bridge, to continue the ecological corridor across the new access from the A22.

16. The appellants have sought to provide essential community infrastructure on site – a school, doctor's surgery, estate office for the affordable housing, community hall, sports fields, ranger's lodge (complete with Ranger), employment and local retail development, as well as improved public transport with a half hourly service into the site

to the town centre and, of course, the major new affordable housing on the site.

17. A Statement of Common Ground with ESCC is currently being finalised to demonstrate that the primary and secondary education demands of the development could appropriately be met through the provision of a primary school on site and appropriate financial contributions respectively. Evidence will also be provided [Mr Melton] to show the need and justification for the school (which is supported by ESCC education department) the employment development and sports fields and the other community facilities which constitute the mosaic of uses and facilities which will ensure that the proposals generate a genuinely mixed and sustainable community, in an exceptional environment, with essential facilities on site or near to hand, and the possibility of living, working, playing, being educated and housed all within the Downlands community, but with good sustainable transport, pedestrian, cycling links to the town centre of Uckfield. No other site in Wealden offers such an opportunity.

18. In considering the accessibility of the site the design team has been mindful of the desirability of encouraging use of non-car modes of transport for short local journeys, while providing direct access onto the wider highway network for longer journeys. Thus the principal vehicle access is directly onto the A22 by a new roundabout, close to the layby on the bypass. Bus routes will be enhanced and a higher capacity more

frequent bus service will be created, not only for the residents of Downlands, but for others served by the routes.

19. Similarly, dedicated and segregated cycle and pedestrian links to the town centre will be created. It now appears to be agreed between the appellant and the highway authority that the Downlands development will have the smallest impact on town centre highway congestion and safety of all three schemes before you, although it provides far more housing than any of the other sites. The appellant's case will demonstrate that existing town centre congestion is a major problem in Uckfield, causing death and serious injury and that the County Highway Authority has no solution to it, having accepted, in desperation, contributions from developers of other sites at Eastbourne Road and other sites allocated in the non-statutory local plan towards a town centre highway improvement scheme that has no design, no plan, no status, no acquired land and is unaffordable. It is also our case that it is undesirable, as it will encourage use of the motor car and increased traffic in the town centre of Uckfield. It is not capable of providing a sustainable solution to the Town Centre's traffic problems.

20. The other Bird in Eye appellants at this inquiry have jumped onto the County Council's bandwagon to provide a fig leaf for their own exacerbation of the town's congestion problem and seek to overcome their contribution to the traffic problem by making a financial contribution. Neither of the appellants, nor the LPA have assessed the cumulative effect of development of the two Bird in Eye sites.

21. It is not a primary objective of the Downlands appellants' case to attack the Bird in Eye sites. Our case is that all 3 sites are needed to provide housing for the District. However, there can be no real doubt that the breadth and ambition of the Downlands project, and its ability to deliver solutions to existing identified need, through a mixed use sustainable scheme, is of a different order to the BiE sites, altogether.
22. The Bird in Eye sites are traditional commercially-driven fringe housing estates, on the slopes of Bird in Eye Hill, with no prospect of the synergies of mixed use (other than for those in the scaffolding profession) and with poor, dangerous and inconvenient pedestrian and cycling links to the town centre and contributing to danger and congestion there as a result of the traffic they generate. We acknowledge the need for new housing in Wealden and Uckfield, but it is a depressing prospect that the proposals for Bird in Eye are the best that speculative property development by some of the Country's biggest house-builders can offer.
23. By contrast, as a charity, and freed from the commercial imperatives of the boardroom, the overriding objective of those responsible for producing the Downlands appeal scheme has been to generate a development that can help to resolve problems, so as to meet the needs of the Uckfield and wider community (rather than adding to them) in an exceptional environment that can offer hope to its inhabitants and to do so in a way that will hand on to future generations a development which is attractive, holistic, integrated, sustainable, well designed and well

fitted into its landscape and its environment, a true sustainable development, consistent with Government policy.

24. At the close of these inquires, I shall invite you, subject to a section 106 obligation and appropriate conditions, to recommend to the Secretary of State that the appeal should be allowed and the proposals approved.

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15 January 2008

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