

Oldlands Farm Business Park

Supplementary Economic and Employment Assessment

October 2008

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1. Introduction

- 1.1 ASDA Stores Ltd (ASDA) and the Trustees of the Langmead Estate have submitted a planning application for the development of a business park and a foodstore on land at Oldlands Farm, Bognor Regis (the application site). ASDA and the Trustees are the joint landowners of this important strategic site in Bognor Regis. It is a longstanding policy aspiration to deliver a high quality business park at this location.
- 1.2 The application proposal seeks permission for a first phase of development of 8.30 hectares with the remaining 11.35 hectares to be developed later as a second phase. The total potential development area for business uses at Oldlands Farm is 19.65 hectares, taking into account the land required for the North Bognor Regis Relief Road.
- 1.3 It is contended that the only way a high quality business park could be delivered at Oldlands Farm is for it to be brought forward alongside some form of enabling development.
- 1.4 The planning application was submitted in January 2008 and remains undetermined. The Council has requested additional information on viability, quantitative retail need, job creation and wider economic benefits to inform its consideration of the proposals.
- 1.5 This report addresses the proposed development's expected contribution to the local and sub-regional economies and to local employment opportunities. Separate submissions have been made dealing with the other matters raised by the Council.
- 1.6 In responding to the Council's question on job creation and wider economic benefits, it is necessary to set the application site in its policy context and the key considerations are summarised below.
- 1.7 The structure of this report is as follows:
 1. Introduction
 2. Local Plan Policy
 3. Regional Plan Policy and Objectives
 4. Central Government Objectives
 5. Assessment of the Proposed Development's Economic Contributions
 6. Conclusions

Appendices:

 1. Polegate Appeal Decision

2. Local Plan Policy

- 2.1 The 2003 Arun Local Plan (the current Local Plan) covers the period to 2011. It is understood that the preparation of the Arun Core Strategy has been placed on hold until the outcome of the proposed Ford Eco-Town is known.
- 2.2 The current Local Plan identifies the application site as an employment site under the provisions of Policy Site 5 'Commercial Allocations' and Policy Site 6 'Land to the north of Bersted, Bognor Regis and Felpham'. Policy Site 5 seeks to ensure that the development of the application site encourages the provision of adequate job opportunities for the resident workforce of Arun District. Policy Site 6 makes provision for:
 - 1) 11.25 hectares of development for a high quality business park, accommodating uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design;
 - 2) An 11.8 hectare reserve for an extension to the business park, subject to the resolution of flooding issues; and
 - 3) The provision of a relief road to form part of the Strategic Road network.
- 2.3 Policy Site 6 states that planning permission will only be granted for proposals which demonstrate that the whole of Site 6 can be developed in a '*comprehensive and co-ordinated manner*'.
- 2.4 The application site is covered by a draft Development Brief and Conceptual Master Plans for the Oldlands Farm area (July 2003). This document provides guidance on how the delivery of the total development could be phased.
- 2.5 In his assessment of the Policy Site 6 allocation, the Local Plan Inspector concluded that he had "*much sympathy with this strategy, and I have heard no compelling evidence that there is a better way forward....Given the present image and the apparent low demand for business premises in the town centre, a 'pump priming' high quality Business park as part of an urban extension seems to me to be a practical approach to the problems facing Bognor Regis*" (May 2002).
- 2.6 It is quite clear that six years ago and as part of detailed assessment of this site, the Inspector identified the role for the business park to pump prime the development. This conclusion has not been contested by the Council.
- 2.7 Therefore, the fundamental policy aim at local level is to create a "Gateway site" which will attract developers who wish to create a high quality business park.

3. Regional Plan Policy and objectives

South East Plan

- 3.1 A draft South East Plan was submitted to Government in March 2006. The key objectives of the draft Plan's Spatial Strategy as set out at paragraph 4.2 are:

The need to plan positively for a reasonable level of economic growth, with consequent labour supply, and appropriate management of physical and social infrastructure implications,

The need for further measures to reduce economic and social disparities in the region,

The need to promote a sustainable balance between economic prosperity, environmental quality, social well-being and a high quality of life in the South East,

The need for high priority to regenerate the coastal towns, and

The need to ensure high quality development.

- 3.2 The Examination-in-Public into the draft Plan was held in late 2006/early 2007 and the Inspector's report was published in August 2007. In response to this, the Secretary of State published Proposed Changes to the Plan and consultation on these closes on 24 October 2008. The Changes refer to the comparative higher levels of deprivation, lower earnings, higher unemployment, lower rates of business formation and poorer qualified workforce that are experienced by the Sussex Coast and Towns sub-region, of which Arun District is a part, when measured against the wider South East region.
- 3.3 The Changes state that particular challenges for the Sussex Coast and Towns sub-region include the need to improve economic performance, raise earnings, create a better balance between jobs and homes to minimise the need for out-commuting, and to reduce deprivation and social exclusion by spreading the benefits of sustainable new development as widely as possible across local communities.
- 3.4 The Changes propose amendments to Policy SCT1: Core Strategy. It is proposed to state that "*Local authorities and other agencies should, as a priority, pro-actively pursue and promote the sustainable economic growth and regeneration of the Sussex Coast that will....provide for sustainable urban extensions in Arun, Chichester, Rother and Wealden Districts*" (SCT1 iii).
- 3.5 Draft Policy SCT2: Enabling Economic Regeneration states that "*to help realise a step change in the sub-region's economic performance, national, regional and other relevant agencies and authorities should give increased priority to investment decisions and other direct support for the sub-region.*" There are no proposed changes to Policy SCT2 and therefore it is not being re-consulted upon.
- 3.6 The Changes propose new wording for Policy SCT3: Management of Existing Employment Sites and Premises. These changes are listed below and key text has been underlined:

"To deliver sufficient appropriate sites and premises for business and other uses that will help to facilitate the regeneration of the local economy, local authorities should, in addition to Policy RE3:

1. Develop and co-ordinate with other agencies delivery mechanisms to unlock and implement existing allocated business parks, other important sites that have persistently remained undeveloped and other strategic sites with economic development potential. This includes:

- Large-scale mixed-use development sites at Worthing and north of Bognor Regis:*

2. in other areas be prepared to identify and bring forward mixed use sites on existing or allocated employment sites in circumstances where this would deliver necessary employment space at the right time on sites which would be unviable for an employment only scheme.

3.7 This proposed change in policy is a clear acknowledgement by the Government Office for the South East (GOSE) of the failure of several key strategic employment sites and business park allocations in East Sussex to be developed. Specifically,

- (a) it recommends that delivery mechanisms should be found to help unlock their potential, and
- (b) Land at Oldlands Farm is specifically identified and described as a "large-scale", mixed-use development site".

3.8 Separate assessments demonstrate that enabling development is needed. Although the Council has challenged this, it has not provided any detailed analysis of its own or rebutted the submissions that have been made. Therefore, it is considered that the only delivery mechanism is enabling development as neither the Council or SEEDA has the funds to undertake this development.

3.9 The role of enabling development on a longstanding but undeveloped business park was recently considered at an inquiry. Wealden District Council (WDC) had refused planning permission for a mixed-use scheme comprising up to 11,060 sq m of B1a employment space and residential development up to 200 dwellings, together with other uses.

3.10 One of the main issues debated at the inquiry was *"the impact of development for a mixed-use scheme on the Council's objectives for economic regeneration"* (paragraph 6, Inspector's decision letter). Specifically, the Inspector assessed the loss of employment potential *"on what the Council described as a 'key strategic business site in the District'"* (paragraph 8).

3.11 The appellant's case was that this form of mixed-use scheme was a pragmatic and viable solution to the development of the site and would provide a realistic quantum of speculative B1 office floorspace. Furthermore, the housing was critical to cross-subsidise the scheme and to meet the high up-front infrastructure and other development costs.

- 3.12 The appellant's evidence showed that the appeal scheme was viable. SEEDA, West Sussex County Council (WSCC) and WDC contended that the site might attract sufficient investment to be developed.
- 3.13 Evidence on commercial viability and demand was supported by Stiles Harold Williams who are advising in this case. As noted, at the present time, neither the Council nor SEEDA has adduced any material to demonstrate that a high quality business park is viable on the application site without enabling development.
- 3.14 The Inspector went on to conclude that:

Given the clear guidance in the SEP, I believe that the reasonable expectation must be that the review would have to conclude that mixed use development would be the only way to unlock any employment potential of the site in accord with policy STC3iii, STC4 and RE2 (para 42) and I am satisfied from the evidence presented at the inquiry and the emphasis in recent Government guidance on securing delivery that more weight should be given in this case to the policies of the emerging regional spatial strategy, that will replace the SP, and the findings of the recent ELR. The appeal scheme is for a mixed use development and the viability evidence is compelling as to the need for the residential element to act as a subsidy to the commercial development and ensure the scheme's deliverability.

There would be a loss of potential employment floorspace but I find that there are very considerable benefits to the release of the site now. It would deliver over 6,000 sq m of speculative modern office floorspace at a strategically accessible and sustainable location. It would also deliver, in later phases, sites capable of development both on the appeal site and on the remainder of the allocation, with the potential to create between 982 and 1,288 jobs... Given the ability of the market to deliver the County Council's strategic aspiration for a single business park use, I consider that the prospect of securing this scale of economic development now is a powerful material consideration that should weigh significantly in favour of the scheme... A mixed use scheme proposed on this site would still contribute towards RES objectives for the coastal area and the site would make a strategically important contribution to meeting the identified need for employment land in the Eastbourne Hailsham Triangle to 2026. I conclude that substantial weight should be attached to these benefits which I find to be overriding and as such outweigh the policy objection.

- 3.15 The role of retail as the form of enabling development is considered in other submissions, however this appeal decision demonstrates:
- (a) The weight to be given to employment objectives in the draft South East Plan;
 - (b) The role of enabling development.

Wessex Structure Plan

- 3.16 The Wessex Structure Plan (2005) covers the period to 2016. The key strategic aim is to promote wider economic health and prosperity, social progress and environmental protection. It has a strong emphasis on sustainable development and the promotion of economic opportunities.
- 3.17 Policy LOC1 states that land to the north of Bognor Regis (Bersted/Felpham) is allocated as a large-scale mixed use development to provide 1,350 new homes and confirms that the principle of strategic-scale development at the location continues to be acceptable.
- 3.18 Policy NE5 states that development which would result in the loss of existing employment land or allocations should not be permitted where they are important in maintaining the supply of premises and jobs in an area.
- 3.19 Policy DEV6 states that 'development in the strategic locations and the urban area should meet the needs of the communities of West Sussex for homes, jobs, facilities, and services'. In doing so, the Structure Plan states that local plans should:
- n Specify the phase in which allocations on previously developed and greenfield sites should be developed;
 - n Secure an appropriate mix of types and sizes of premises in the redevelopment of existing employment areas and in new employment development; and
 - n Ensure the provision of a range of locations, types and sizes of employment premises and sites by safeguarding land or premises or allocating land and permitting new employment uses to meet the locational strategy and have regard to the needs of specific sectors of the business community.
- 3.20 The range of size and types of sites provided should meet the needs of a range of economic activities to include:
- "Small and starter businesses, firms providing high-value goods and services and those requiring prestige accommodation to allow for new job opportunities in a range of sectors".*

South East England Development Agency (SEEDA)

- 3.21 SEEDA is responsible for promoting the sustainable economic development and regeneration of the region. The priorities for achieving this are set out in the Regional Economic Strategy for the South East prepared by SEEDA in close contribution with partners.
- 3.22 SEEDA's purposes under the Regional Development Agency Act 1998 are in summary to:
- n Further economic development and regeneration;
 - n Promote business efficiency, investment and competitiveness;
 - n Promote employment;
 - n Enhance the development and application of skills; and
 - n Contribute to the UK's sustainable development.

4. Central Government Objectives

PPS 1 – Delivering Sustainable Development

- 4.1 PPS 1 outlines the key policies and principles which should underpin the planning system. Sustainable, mixed-use development is strongly promoted. It is stated that Planning should facilitate and promote sustainable, inclusive patterns of urban development by contributing to sustainable economic development and committing to promoting a strong, stable and productive economy that brings jobs and prosperity for all. Planning authorities are encouraged to recognise the wider sub-regional, regional or national benefits of economic development and consider these alongside any adverse local impacts.

PPS4 – Planning for Sustainable Economic Development (December 2007)

- 4.2 The Government's Consultation on a new Planning Policy Statement 4 states that local planning authorities should "*plan proactively to encourage economic development, in line with the principles of sustainable development*". It also urges local authorities to allow flexibility in their planning policies so as to further advance opportunities for sustainable economic development, rather than adopting too rigid a position, recognising the fact that it is not always possible to anticipate changes in the economic climate.

PPS6 – Planning for Town Centres (March 2005)

- 4.3 An assessment of the proposed development against the five key tests for new retail development is fully addressed in the Planning and Retail Statement and not replicated here.
- 4.4 PPS6 states that in addition to the five key tests, the important material considerations of contribution towards physical regeneration, employment creation, economic growth and social inclusion can be taken into account in the determination of planning applications.
- 4.5 It is contended that for the purpose of this assessment, significant weight should be attached to the achievement of employment creation and economic growth.

Consultation – Proposed Changes to PPS6 (July 2008)

- 4.6 Specific parts of the 2005 guidance are being revisited following Kate Barker's Review of Land Use Planning and investigations by the Competition Commission. The key proposed changes relate to the removal of the needs test for retail planning applications in edge and out-of-centre locations, and a broader and more thorough impact test. The proposed changes, if adopted, would allow retail proposals to be assessed in terms of their impacts – both positive and negative - rather than the quantitative need for them.
- 4.7 The new impact test proposes a stronger emphasis on economic, social, environmental and strategic planning impacts. The effects on employment and regeneration, the efficiency of the use of land and wider economic benefits would be thoroughly tested and taken into consideration.
- 4.8 To ensure consistency with the emerging Planning Policy Statement on planning for sustainable economic development (PPS4), the changes

introduce references to the need for planning authorities to plan for sustainable economic growth, to have flexible policies which are responsive to change, and to support employment creation.

- 4.9 A proposal's contribution towards supporting deprived areas and promoting social inclusion and regeneration, for example through serving a community in an area with limited access to services and facilities, will be assessed. Further, its contribution to physical regeneration and the re-use of previously-developed sites will form part of the impact test. It is stated that weight should be given to these important qualitative considerations.
- 4.10 It is proposed that where it is considered a proposal could generate some adverse impacts on a centre, but these are likely to be outweighed by significant wider benefits arising from the proposal, the proposal should normally be approved. This provides concrete support to the regenerative effects of non-town centre development: matters which could previously only be considered as "other material considerations".

5. Assessment of the proposed development's economic contributions

5.1 Having regard to a review of local, regional and national economic planning policy, and matters specifically raised by the Council in letters dated 6 October 2008 this section assesses the proposals against the following key economic objectives:

- (i) Will the proposal provide a range of employment opportunities?
- (ii) Will the proposal provide skills training opportunities?
- (iii) Will the proposals deliver high quality employment accommodation?
- (iv) Will the proposals improve the current economic disparities in the region?
- (v) Will the proposals generate significant investment in the Sussex Coast and Towns sub-region?
- (vi) Do the proposals comprise sustainable economic development?
- (vii) Will the proposals assist in the delivery of an existing employment allocation?
- (viii) Will the proposals contribute to physical regeneration?
- (ix) Will the proposals address social inclusion?

(i) Will the proposal provide a range of employment opportunities?

5.2 There is no doubt that the development of the application site for the form of development proposed will result in a wide range of job opportunities being provided for the existing and future resident workforce of Arun District. The proposals would allow for key local and regional regeneration objectives to be realised and delivered through a comprehensive, phased approach.

5.3 The proposed development would not lead to a loss of land used for employment purposes within the District and therefore undermine objectives in the development plan. The proposed development will bring the site forward for business park use consistent with the aims of Local Plan Policy Site 5 and Policy Site 6.

5.4 It is important to understand that the allocation of Oldlands Farm for commercial development in the form of a business park has been shown to be a theoretical allocation because the viability assessment has shown that development is not viable. We contend that given the scarcity of public funding, the Council will not acquire the site either by compulsory purchase or private treaty, nor will it develop it out. SEEDA has shown no interest in acquiring or developing the site. The current proposals allow for some 8.30 hectares of employment land to be brought forward which, at present will not be delivered by the market. Moreover, the application proposals facilitate the potential for a further 11.8 hectares of land to be made available, subject to further investigation into flood risk. The proposal will therefore not lead to the loss of employment land, it will in fact facilitate the development of employment land and avoid the sterilisation of over 19 hectares of employment land.

- 5.5 As noted, there are strong parallels between this case and the recently approved proposals at Polegate, the Inspector's decision for which placed significant weight on the draft RSS and the need to unlock sites such as this.
- 5.6 Policy Site 6 advises that the development should accommodate uses generally falling within Class B1 of the Use Classes Order, although uses falling within Classes B2 and B8 will be permitted if they contribute to the regeneration objectives for Bognor Regis and are of a high quality design. If Oldlands Farm were developed for B2 or B8 uses we consider this would be a missed opportunity to make this step change in the local economy, would fail to deliver value added business and would not support the regeneration objectives for Bognor Regis.
- 5.7 The proposals will lead to the creation up to 1,200 jobs in the business park, up to 450 jobs in the ASDA store (150 full-time and 300 part-time jobs) and indirect employment for people working on the maintenance of the landscaping, cleaning the offices and in catering. There will also be jobs created during the construction stages. The combined value of ASDA's initial investment is some £30m at a time of considerable economic uncertainty. This is significant.
- 5.8 Without enabling development, the opportunity to secure all of this investment and all of these jobs would be lost. It is suggested that the wider economic benefits of this scheme far outweigh any retail planning policy concerns.
- ASDA employment opportunities*
- 5.9 For the newly created retail jobs, ASDA works closely with employment agencies, Job Centres and local people to ensure that recruitment takes place from the local area enabling ASDA to become a local store and an important part of the community.
- 5.10 The Government is focused on developing sustainable communities through the planning system in order to support areas in need of regeneration. The creation of sustainable communities depends on local authorities working in partnership with employers who can deliver regeneration through increased economic activity and new jobs. ASDA is working with the Government, local authorities, employment services and communities across the UK to help provide the regeneration they expect. ASDA's approach to recruitment at some of its stores is in line with the policy announced by the Prime Minister Gordon Brown in 2007, which aims to take 100,000 people out of long-term unemployment.
- 5.11 ASDA was one of the first companies to sign up to Local Employment Partnerships (LEPs). Under the scheme, store managers are encouraged to enter into LEPs with Jobcentre Plus and agree a number of measures to encourage the long-term unemployed into work. ASDA is therefore encouraging its store management teams to:
- Continually review the recruitment process to ensure it is as inclusive as possible.
 - Commit to one-to-one mentoring of long-term unemployed people to help prepare them for a return to work.
 - Introduce work trials and work experience programmes to give people the chance to reacquaint themselves with the work place.

- Help Jobcentre Plus and the Learning and Skills Council create pre-employment training materials that are genuinely relevant to the modern workplace.

- 5.12 ASDA launched LEPs across its business in the first quarter of 2008.
- 5.13 ASDA recruits on personality and then trains colleagues to develop their skills. ASDA aims to employ its colleagues from the communities its stores serve. Retail is a people focused business and ASDA looks for those colleagues who can provide a warm and friendly service to its customers. ASDA has worked closely with Jobcentre Plus to identify and implement an appropriate recruitment structure for the area.
- 5.14 ASDA's approach is a welcome one for working parents because of the flexible hours on offer. New Deal applicants can also undertake a work placement with ASDA without losing their benefits.

ASDA job numbers and wages

- 5.15 ASDA offers employment on the basis of both annual and hourly contracts. Information on average annual and hourly contracts is being provided separately to the Council.
- 5.16 It is expected that shop floor and check-out colleagues in the new store on an hourly contract basis would receive in excess of the national minimum wage for adults over 18 years old on commencement of employment. After completing a period of 26 weeks of employment, this hourly rate would be increased.
- 5.17 ASDA does not alter hourly rates in line with an employee's age: under 18s receive the same rates as colleagues over 18. This represents a generous wage when compared against the national minimal wage levels: £3.53 per hour for under 18s; £4.77 per hour for 18-21 year olds; and £5.73 per hour for 22 years olds and over.
- 5.18 All colleagues who have worked with ASDA for six months are awarded generous annual bonuses, based on the performance of their store in that particular year. Bonuses are not exclusive to full-time colleagues and are awarded to part-time employees on a pro-rata basis consistent with their contracted hours.
- 5.19 All ASDA employees receive a 10% discount card for purchases within any ASDA store after twelve weeks of employment.
- 5.20 Typically, an ASDA store of the size and nature proposed is led by a Store General Manager who is supported by approximately four Trading Managers. The Trading Managers serve as team leaders for the store and have approximately sixteen Department Managers reporting to them. Approximately 5% of total store jobs are managerial positions. Between 10-20% of the total full-time jobs are managerial positions.

Potential for job transfers from existing retail employers

- 5.21 This is very difficult to estimate, but based on an indicative calculation for an existing ASDA store with a similar turnover to the Tesco store on Shripney Road, ASDA has calculated that there could be a loss of approximately 20-25% of colleague hours in the existing store as a result of a new store. This is because there are certain posts in store which are fixed – and not dependent on turnover, and others which are variable – and turnover sensitive. This would not equate to 20-25% of jobs. Due to

flexible working practices this is likely to result in an adjustment to colleagues hours with very few job losses.

- 5.22 In 1999, an EDAW study concluded that superstore openings created rather than destroyed jobs. EDAW found that between 165 and 236 net jobs were created for each superstore opening. Following on from this, the Competition Commission's 2000 report on supermarkets comments that, overall, arguments asserting that increases in superstore numbers have damaged net retail employment levels remain unsubstantiated.
- 5.23 A recent Department of Communities and Local Government paper states that creating new retail opportunities in town centres can benefit the poorest in society if specific attention is paid to how to support those from poor neighbourhoods to compete for the new jobs created. ASDA's approach to inclusive recruitment is outlined above.

Business Park employment opportunities

- 5.24 The total B1 floorspace that could potentially be provided on the application site in phase one (19,500 sq m), allowing for Stiles Harold Williams' proposed increase in annual take up rate from a historic rate of circa 850 sq m per annum to a rate of circa 1,400 sq m per annum, would constitute 14 years of supply. The application proposal will therefore facilitate the release of circa 14 years supply of land for high quality B1 floorspace, with the potential for significant additional releases thereafter. Based on Arup's employment densities guidelines (*Employment Densities: A Simple Guide*) produced for English Partnerships (2001) it is estimated that 60 people will be employed in the first business unit that will be built by ASDA (Unit E).
- 5.25 As explained in the Environmental Statement, collectively, the new B1 business space could create up to 1,200 jobs.
- (ii) Will the proposed ASDA store provide a range of training opportunities?
- 5.26 ASDA is an equal opportunities employer and is committed to developing skills and careers. The company has a comprehensive training programme and the biggest employer share option in the country. It also offers flexible shift patterns and jobs targeted at local people. ASDA was also awarded 'Employer of the Year 2002' by the Times. Training opportunities are provided to ensure that employment is available to people in the local area who currently do not possess those skills. In-house training is also provided to new employees to support the improvement of peoples' existing skills levels.
- 5.27 All new ASDA colleagues have a 12 week training programme, conducted in the store. Two days are spent learning in a classroom and the remainder of the time is spent on the shop floor and as relevant to their particular appointment. All specialist sections of the store, for example the bakery, fish counter, butchers counter etc, conducts supplementary training as appropriate. New colleagues are appointed a training buddy to support their introduction into the team.
- 5.28 ASDA is currently trialling a 12 month NVQ Level 2 in Retail Skills qualification in its north west stores. This is a Government funded qualification and is aimed at people without qualifications. Eligibility depends on whether other NVQ qualifications are already held by colleagues. For example - if you already have NVQ2 in another discipline you would not be eligible.

- 5.29 45 colleagues from ASDA's Fleetwood store and 30 from ASDA's Blackpool store have taken advantage of the NVQ Level 2 Retail Skills programme. ASDA would expect a similar number with a new store in Bognor Regis.
- 5.30 15 colleagues a week have been promoted from the shop floor into managerial positions across the country since 2005.
- (iii) Will the proposals deliver high quality employment accommodation?
- 5.31 The proposed development has the potential to create a prime location for business in the area and to create an attractive working environment. The proposal is for a high quality business park and would meet the important objective of creating a major "Gateway" site to the commercial heart of Bognor Regis. ASDA has committed to developing the infrastructure for the first phase and will construct an office building on Plot E. The remaining plots will be landscaped and serviced and will be ready to go.
- 5.32 The proposed business use accommodation will be a significant boost to the local office market in Bognor Regis and will provide the local economy with high quality office space that will enable the town to compete with other centres, such as Chichester.
- 5.33 As noted by Stiles, Harold Williams (SHW), this is just the sort of space for which the local market is demanding.
- 5.34 SHW has noted that Bognor Regis lacks any sites suited to a business park and does not have a reputation as a suitable location for quality office buildings or occupiers.
- 5.35 This is because there are no local businesses with a requirement for office space, nor are there footloose occupiers in the market who would consider Bognor Regis as a suitable location.
- 5.36 The prospect of finding a large space occupied on a pre-let basis is extremely low.
- (iv) Will the proposals improve the current economic disparities in the region?
- 5.37 The delivery of a high quality business park in Bognor Regis will improve the performance of both the local economy and that of the Sussex Coast and Towns sub-region.
- 5.38 Good quality businesses and employers will attract and retain a skilled workforce and reduce the need for out-commuting from the District for work. Retaining a skilled workforce would create a net improvement in local unemployment levels and the higher wages/salaries earned by employees will be circulated into the local service economy, in particular Bognor Regis town centre.
- 5.39 As noted, ASDA's employees will collectively earn around £4m per annum. The salary levels of business park employees and other businesses on the park are not known, however if these were at least double this, it would be around £8m in total.
- (v) Will the proposals generate significant investment in the Sussex Coast and Towns sub-region?
- 5.40 The South East Plan states that to help realise a step change in the sub-region's economic performance, local authorities should give increased priority to investment decisions and other direct support for the sub-region. It is this step-change that the Council envisaged in the Local Plan.

- 5.41 The planning application development represents a viable proposal to allow land at Oldlands Farm to be developed for the purpose that it was allocated in the development plan without recourse to the public sector. It is right and proper that the privately funded development should be pursued where it can be demonstrated that it does not cause harm. ASDA and the Trustees contend that this is the case.
- 5.42 As noted, the total investment by ASDA is some £30m.
- (vi) Do the proposals comprise sustainable economic development?
- 5.43 It is proposed in the Secretary of State's proposed changes to the South East Plan that local authorities should, as a priority, pro-actively pursue and promote sustainable economic growth and the regeneration of the Sussex Coast. The proposed development would be a major contribution towards the delivery of a sustainable urban extension to Bognor Regis, a principle supported by Central Government for Arun District.
- 5.44 The promotion of economic opportunities is a key component of sustainable development and the proposed development represents a significant investment in the local and sub-regional economies.
- 5.45 The Transport Assessment prepared by Cottee Consulting demonstrates this.
- (vii) Will the proposals assist in the delivery of an existing employment allocation?
- 5.46 The Secretary of State has recommended that in order to deliver sufficient appropriate sites and premises for business and other uses that will help to facilitate the regeneration of the local economy, local authorities should, develop and co-ordinate with other agencies delivery mechanisms to unlock and implement existing allocated business parks, other important sites that have persistently remained undeveloped and other strategic sites with economic development potential. The recommendation makes it explicit that this includes land to the north of Bognor Regis. Further, it is recommended that local authorities bring forward mixed use sites on allocated employment sites in circumstances where this would deliver necessary employment space at the right time on sites which would be unviable for an employment only scheme.
- 5.47 The proposed development would deliver a high quality business park on Site 6, as has been sought by Local Plan policy for at least 10 years.
- 5.48 The proposed development would secure an appropriate mix of types and sizes of premises in the redevelopment of a proposed major employment area.
- 5.49 ASDA and The Trustees contend that the emerging policy guidance in PPS4 should be taken into consideration. It requires local authorities to allow flexibility in their planning policies so as to further advance opportunities for sustainable economic development, rather than adopting too rigid a position, recognising the fact that it is not always possible to anticipate changes in the economic climate. ASDA and The Trustees considers that this emerging policy should be taken into consideration by the Council, such that sustainable development opportunities are properly encouraged.

(viii) Will the proposals contribute to physical regeneration?

5.50 The business park will play an important role in the local economy by allowing local businesses to expand/relocate and for their premises to be refurbished/redeveloped, thereby improving the business sector as a whole.

5.51 The analysis demonstrates that there won't be harm to the town centre and it won't harm regeneration proposals there.

(ix) Will the proposals address social inclusion?

5.52 Employment levels and the quality of available jobs are key components of social inclusion.

Range of employment types

5.53 The table below summarises the main economic activity in the zones within the catchment area of the application site. Figures have been sourced from Experian and have previously been quoted in the Environmental Statement that was submitted as part of the planning application.

Economic Activity	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9	Total of Zones
Economically Active	2,985	4,091	3,623	10,418	4,306	2,200	2,651	4,077	1,236	35,587
Employed	2,783	3,813	3,377	9,365	3,995	2,065	2,508	3,809	1,148	29,489
Unemployed	107	123	100	540	138	78	79	108	36	1,309
Other (students)	95	155	146	510	173	60	64	160	52	1,415
Economically Inactive	2,098	1,776	2,793	5,074	2,359	1,304	1,283	1,655	650	18,992

5.54 1,309 people within the catchment area were identified in the 2001 Census as unemployed.

5.55 At present, employment across Arun District is dominated by small businesses with less than 10 employees (86% of businesses). A higher proportion of people work in tourism and entertainment sectors compared to regional averages and the level of part time jobs is higher, reflecting the predominance of service sector industry and local government employment.

5.56 The new business park and the ASDA foodstore will provide a positive contribution towards the range of employment types that are available within the District.

Opportunities to gain and improve skills

5.57 The level of qualifications held by residents is significantly lower than the averages for the South East region. This is indicative of pockets of deprivation and levels of educational attainment in some parts of the District. Average wage levels in the District are amongst the lowest in West Sussex and significantly below averages for the South East.

5.58 Creating jobs with varying skill levels at the business park and ASDA store and the high quality products at low prices available at the ASDA store will lead to greater social inclusion. For the last 11 years, ASDA has won the Grocer 33 award for its low prices and high value.

Community involvement

- 5.59 Various forms of investment in the community take place through the ASDA Foundation that assists charities and voluntary groups that have the support of the customers and colleagues within any particular area. Each store has an Events Coordinator to work with the community and support local charities.
- 5.60 All of these measures demonstrate that the ASDA foodstore will support social inclusion.

6. Summary

- 6.1 Detailed viability and PPS6 assessment evidence is provided in separate reports.
- 6.2 It is contended that the only way a high quality business park could be delivered at Oldlands Farm is for it to be brought forward alongside some form of enabling development.
- 6.3 It is considered that in addition to the qualitative and quantitative retail case, there are other benefits of the proposal which should be considered in the determination of the planning application.
- 6.4 This paper demonstrates that the proposed development will form a very significant contribution to the District's economic development, will create substantial new employment opportunities and will deliver an aspiration that Arun District Council has supported for over 10 years.
- 6.5 Current Central Government guidance allows for the consideration of economic factors as material considerations in the determination of proposals with a retail element.
- 6.6 Emerging Government guidance encourages local planning authorities to plan "*proactively to encourage economic development, in line with the principles of sustainable development.*" Local planning authorities are also urged to allow for flexibility in their planning policies so as to further advance opportunities for sustainable economic development. Guidance states that rather than adopting too rigid a position, local planning authorities should recognise the fact that it is not always possible to anticipate changes in the economic climate.
- 6.7 Further other emerging Central Government guidance proposes that where it is considered a proposal for new retail floorspace could generate some adverse impacts on a centre, but these are likely to be outweighed by significant wider benefits arising from the proposal, the proposal should normally be approved.
- 6.8 The planning application development represents a viable proposal to allow land at Oldlands Farm to be developed for the purpose that it was allocated in the development plan without recourse to the public sector. It is right and proper that the privately funded development should be pursued where it can be demonstrated that it does not cause harm.

Drivers Jonas

October 2008



Appeal Decision

Inquiry held on 3-12 June 2008

Site visit made on 6 June 2008

by **M T O'Rourke BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
9 July 2008

Appeal Ref: APP/C1435/A/07/2061628

Land north of Dittons Road, Polegate BN26 6HT

- 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 Gladedale Group Ltd against the decision of Wealden District Council.
- The application Ref WD/2007/2353/MEA, dated 3 August 2007, was refused by notice dated 31 October 2007.
- The development proposed is mixed use development comprising B1a employment development (up to 11,060 sqm), A3 café (up to 75 sqm), D1 nursery (up to 600 sqm) and residential development up to 200 dwellings together with associated car parking following the demolition of the two existing dwellings (Gullfoss and Winfield Farm) and construction of means of vehicle, cycle and pedestrian access.

Decision

1. I allow the appeal, and grant planning permission for mixed use development comprising B1a employment development (up to 11,060 sqm), A3 café (up to 75 sqm), D1 nursery (up to 600 sqm) and residential development up to 200 dwellings together with associated car parking following the demolition of the two existing dwellings (Gullfoss and Winfield Farm) and construction of means of vehicle, cycle and pedestrian access at land north of Dittons Road, Polegate BN26 6HT in accordance with the terms of the application, WD/2007/2353/MEA, dated 3 August 2007, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural matters

2. The appeal application is in outline with all matters, apart from access, reserved for future consideration. Under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the development is EIA development and the application was accompanied by a Design and Access Statement, Planning Statement, Transport Assessment and by an Environmental Statement (ES) with appendices and the required non-technical summary. Prior to the inquiry the appellants made a voluntary submission of further environmental information under Regulation 19 of the 1999 regulations. The further information included alternative access arrangements with a roundabout in place of the signalised junction with Dittons Road shown on the original application drawings. The appellants publicised the Addendum to the ES by placing newspaper advertisements, putting a revised



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site notice on site and by writing to local residents and to statutory and non-statutory consultees.

3. On opening the inquiry the appellants asked that I determine the appeal on the basis of a roundabout access onto Dittons Road shown on Drawing No 36/C which I was told the County Council as Highway Authority had indicated that it preferred. Given the additional publicity carried out by the appellants prior to the inquiry, which included notifying those living around the site of their intention to ask to substitute the amended plans for a roundabout, I am satisfied that no-one would be prejudiced by my determining the appeal on that basis.
4. Prior to the inquiry, the Council formally withdrew reasons for refusal 5, 6 and 7. An agreed Statement of Common Ground (SoCG) was provided at the inquiry to which was appended a list of agreed conditions. As a result of the matters set out as agreed by the Council in the SoCG, the appellants did not call their witnesses who had provided written evidence on affordable housing, trees, terrestrial ecology and landscape and visual matters. It was agreed between the main parties that if permission were to be granted, these were all matters that could be covered by the imposition of conditions or were provided for in legal undertakings.
5. At the inquiry the appellants provided me with signed copies of an executed Unilateral Undertaking and a Bilateral Agreement with East Sussex County Council. These provide for various matters including affordable housing, landscape and biodiversity management, outdoor play space, the phasing of the business development, access to the adjoining land and contributions to health services, infrastructure provision including contributions towards additional school provision and junction improvements. I consider the weight to be given to these undertakings in my reasoning on the appeal.

Main issues

6. From what I have read, heard and seen, I consider that there are three main issues in this appeal. The first is the impact of development for a mixed use scheme on the Council's objectives for economic regeneration in the southern part of the District, and on the bringing forward of a larger site allocated in the Non-Statutory Local Plan (NSLP) for strategic employment development. The second issue is whether the development would meet an unfulfilled need for the release of additional housing land. The third issue is whether the appeal scheme would provide suitable vehicle access to the site.

Reasons

7. The development subject of the appeal is for a mixed use scheme that would provide around 11,000sqm of employment floorspace, in two phases, together with up to 180 residential units of which 40% are proposed to be affordable. It is agreed in the SoCG and confirmed at the inquiry that the site is suitable for development and that the appeal scheme would bring forward a high quality, sustainable, inclusive mixed use development that would accord with the objectives of Government policy set out in Planning Policy Statement 1 (PPS1), PPS3, the draft PPS4 and the emphasis on delivery in the recently published PPS12. It would form a logical sustainable extension to Polegate, contained by the A27 by-pass and well related to existing infrastructure and services and

representing the efficient use of land. It was further accepted that the site is suitability for housing and, save for the loss of employment floorspace, no other harm was identified as arising from the grant of permission.

8. Other than the conflict with employment policy and the issue of access to the site, the appellants have been able to satisfy all outstanding concerns of the Council and statutory consultees although local residents had other objections that I return to consider below. Thus the issues at the inquiry were very narrow and specific relating to the justification and acceptability of the appeal scheme and the resulting loss of employment potential on what the Council described as '*a key strategic business site in the District*'.

The first issue – loss of a business park

9. The economy of coastal East Sussex has long been recognised as underperforming on a range of economic indicators compared with other parts of the South East. Since the 1991 East Sussex County Structure Plan 1991-2001, and more recently in the East Sussex and Brighton and Hove Structure Plan 1991 to 2011 (SP) (adopted in December 1999), the poor state of the local economy has been identified as one of the key issues to be addressed. The SP saw prospects for indigenous growth as limited and patchy and alone not sufficient to regenerate the local economy and its policies, in particular E1 to E4, sought the provision of strategic sites for inward investment. At regional level, Regional Planning Guidance note 9 (RPG9) in 2001 identified the Sussex Coast and Towns as a priority area for economic regeneration.
10. The draft South East Plan (SEP) of March 2006, when approved, will replace the RPG and its core sub-regional strategy for the Sussex Coast requires local authorities and other agencies, as a priority, to pro-actively pursue and promote the sustainable economic growth and regeneration of the Sussex Coast to, amongst other things, reduce intra-regional disparities and help bring the performance of the sub-regional economy up to the South East average, and by major improvements to the strategic transport infrastructure reduce its peripherality and accessibility within the sub-region. This aligns with a key component of the South East Regional Economic Strategy 2006-2016 (RES) for the Coastal South East, to deliver its objective of smart growth through the retention and development of good quality employment sites.
11. Polegate is strategically located at the junction of the A22 and A27 within the Eastbourne/Hailsham Triangle, an area identified in the RES, SEP, the East Sussex Economic Partnership's Priority Sites Strategy, '*A Blueprint for the Eastbourne/Hailsham Triangle*' and the Triangle Masterplan Brief as having considerable potential for economic and sustainable development but at the same time is an area of economic need due to underperformance. There has been a strategic commitment to a high quality business park in the Polegate area for many years, first formalised in the 1991 Structure Plan. The extant SP carries forward this objective in policy S4 setting out the principles guiding the broad pattern of change and development in the County including supporting the early implementation of commitments to major high quality business development in the Polegate area (b). Polegate/Willingdon is specifically addressed in policy S19 and the development of a high quality business park to serve both the town and wider area. Policy E12 requires land to be brought forward to implement the committed proposal for a major, high quality

business park in Polegate, the Key Diagram identifying the approximate location of the business park allocation between Dittons Road (then the A27) and the proposed A27 by-pass (now built).

12. Policy BS2 of the adopted Wealden Local Plan 1998 confirmed the commitment to identify and deliver a business park at Polegate with appropriate sites intended to be identified through the preparation of a development brief. Although the 1998 Local Plan remains part of the extant development plan, along with the SP until formal approval of the SEP as the Regional Spatial Strategy for the South East (RSS), Local Plan policy BS2 was not saved by the Secretary of State in September 2007.
13. The land north of Dittons Road was first identified for a business park allocation in the First Deposit Draft Local Plan in 2003 and carried forward into the Revised Deposit Draft of November 2005. Whilst that document was not taken forward through the inquiry process to adoption, it was published by the Council in December 2005 as the NSLP to be an interim guide for development control. As such the Council considered it should be given limited weight.

The NSLP PW3 allocation

14. The appeal site comprises the major part of the land allocated in the NSLP for a high quality business park. Policy PW3 seeks business development falling within class B1, subject to certain criteria being met. The accompanying text provides more detail, identifying the PW3 allocation's intention to create a high quality modern business park in a landscaped setting that *'will help to broaden Wealden's economic base and serve the needs of Polegate/Willingdon and the wider area'* (paragraph 17.40). General industrial and warehousing uses and other similar sui generis commercial uses are identified as incompatible with the overall concept (paragraph 17.45). The allocation is seen as capable of providing jobs for about 600 people. The NSLP does not give a floorspace capacity for the allocation. However the supporting text proposed that in the order of 50% of the business park could be phased ahead of the A27 West Polegate Trunk Road Improvements. As the policy translates this into a restriction on any development in excess of 12,500sqm before completion of those improvement works, it is reasonable to infer that the Council, at the time of preparing the plan, foresaw a completed development of around 25,000sqm.
15. On the face of it there is a clear conflict with both the NSLP and the objectives of the extant SP. The appeal scheme would provide less than half the B1 floorspace that the NSLP envisaged would be provided, resulting in a significant loss of employment potential on what the Council, Locate East Sussex (the East Sussex Economic Partnership) and the South East England Development Agency (SEEDA) describe as a key strategic business site in the District. Moreover the proposed phasing would commit the appellants to providing only 6,268sqm of the proposed 11,060sqm with no certainty as to whether or when the further phase would come forward. As the appeal site does not include all the allocated land, the development would be piecemeal and prejudice the bringing forward of the remaining land for development. Access to the scheme is not shown as indicated on Figure 17.2 of the NSLP close to the roundabout of Dittons Road/A22 New Route with easy access to the strategic road network.

16. Against this the appellants argued that accepting this mixed use scheme was a pragmatic and viable solution to the development of the site that would provide a realistic quantum of speculative B1 office floorspace, still on a strategic scale, as well as much needed housing, including 40% affordable. Not only would it go some way towards improving Wealden's housing land supply, which was contended to be below the 5 year requirement, but the sale of the houses was critical as a cross-subsidy for the scheme and to meet the high up-front infrastructure and other development costs. Compared to the optimistic aspirations of the District and County Councils and SEEDA that, at some unspecified time in the future, the site might attract sufficient investment to be developed as a major high quality business park, the evidence showed that the appeal scheme was viable, had committed developers and was deliverable and that these benefits were so overriding as to outweigh any policy objection.
17. A great deal of evidence was presented to the inquiry on viability, market conditions, existing and potential future supply and the demand for employment floorspace in the Eastbourne/Hailsham Triangle. In addition I was referred to a number of reports on employment land and development at the Dittons Road, commissioned by the Councils over the last 8 or so years to advise its plan making functions. These generally acknowledged that in East Sussex the viability of development can be poor due to development costs (building costs and necessary infrastructure) exceeding likely returns (the rents that can be achieved) and viability has to be considered on a site by site basis.

Site viability

18. Vail Williams' development appraisal in 2004 of the Polegate Business Park advised the Council of concern that the local market could not support purely office development on a site of this size. The appraisal indicated a negative site value for a pure B1a use of -£4.26m even if it were assumed pre-lets could be secured (an unlikely scenario in Mr Stapleton's long experience of the local market). Further work by Donaldsons LLP for the East Sussex Economic Partnership and Wealden District Council in May 2007 on the Polegate allocations came to similar conclusions. If developed for solely B1a and B1c uses, the report showed negative land values for the site of -£3.8m to -£6.3m, but sensitivity testing indicated that by scaling back the quantum of commercial space this had a positive impact on viability *'as well as being more in line with the commercial property market context of East Sussex'*. None of the B1a/B1c options were found to be viable without 250 residential units being introduced as part of the mix.
 19. Donaldsons' sensitivity analysis did show that viability without a residential element could be achieved with the introduction of B2, B8 and sui generis uses (like builders' merchants and car showrooms). But no assessment was undertaken of the suitability of such uses on the site having regard to the surrounding residential properties and the NSLP policy objection and it was no part of the Council's case at the inquiry that planning permission should be refused to safeguard the land for those uses. Nor was there evidence that there is a market for such uses in this location. Mr Stapleton's experience was to the contrary and I note that Donaldsons had questioned whether that mix and quantum of uses could be delivered over a 10 year period.
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20. It is somewhat surprising that the officer's delegated report on the appeal scheme made no mention of either of these site specific reports and their that the business park allocation on its own was not viable. The recommendation made the assumption that the appeal scheme would result in a loss of employment potential when, in fact, the most recent advice to the Council at that time was that the business park allocation was unlikely to be delivered by the market. There were also other misunderstandings in the report about the amount of extra industrial space required in East Sussex and what the SEP Panel's report referred to as '*the Polegate opportunity*'. From what I heard at the inquiry I think that meant the land west of the A22 rather than this site.
21. The most recent report is the Wealden and Eastbourne Employment Land Review (ELR) published in final draft form in March this year. Roger Tym and Partners and Cluttons were commissioned to prepare the ELR to inform the employment space policies in Wealden and Eastbourne's forthcoming local development frameworks. In such ELRs, the 2004 ODPM Guidance Note on Employment Land Reviews advises that local planning authorities should assess the suitability of individual sites, whether existing, permitted or proposed, for future employment uses and to identify sites which are clearly unlikely to be required by the market or are now unsustainable for employment development. I agree with Mr Ward that without an assessment of whether such sites are '*fit for purpose*', which the Council accepted would have to include whether viable and deliverable, there is little to be gained in retaining large quantities of allocated employment land. The former PPG3 also required local planning authorities to review all non-housing land allocations when reviewing their development plans to consider whether some of that land might be better used for housing or mixed use developments.
22. In the ELR assessment of the Dittons Road allocation, concerns are expressed about the scale of the site and the relative small size of the local office market, the requirement for significant upfront investment in a new access and internal roads, the likely need for a phased development and for pre-lets in the first phase. Although the site was described as '*marketable*', the ELR did not undertake any new viability work and recommends a mix of office and industrial uses rather than B1 alone.
23. Detailed viability appraisals were produced by the appellants for the inquiry. The Donaldsons' work, which related to the whole of the allocation, was re-examined and whilst some of the assumptions differ and the take up rates adopted were felt to be optimistic in the local market, overall they were considered to be sensible and the results to be as expected – that without the residential, the commercial accommodation is a burden to the site which needs subsidising. Mr Osborne's appraisal of the appeal scheme, the costings and assumptions for which were not challenged by the Council, indicated that it would have a gross development value of some £62m of which the commercial element would be around £24m when complete, and the residential element £38m. The associated cash flow showed significant upfront expenditure by the appellants to deliver the commercial element with the prospects of delayed income from lettings/sales. With construction costs estimated at some £13.5m, the residential element would provide roughly three times the gross surplus of the commercial element, from which the infrastructure, utilities and other costs could be deducted. The appraisal concluded that high quality B1
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employment accommodation, if combined with residential, should be viable on the site and thus deliverable with a positive land value obtainable of £3.8m. However his sensitivity analysis indicated that changes in construction costs and sales/letting values could result in a negative land value, factors likely to be susceptible to change in the current economic climate.

24. The Council conceded in opening that, on the basis of the ELR, a business park at Dittons Road comprising solely of B1 uses would not be viable at the present time. The SoCG confirmed that *'a sole B1 business use on the appeal site and the wider allocated site is not financially viable and would require a form of cross subsidy which is only available through the introduction of alternative uses on the site'*. The appellants' evidence on viability was not seriously challenged. Although the ELR recommends a reallocation of the land from B1 uses to a mix of 50% offices and 50% industrial B1c/B2, with some ancillary B8 warehousing uses, to match local and future demand, when this mix was subjected to a detailed viability appraisal, the Council had to accept that such uses would also not be viable. That is a conclusion that might already have been obvious from Donaldson's May 2007 report, which showed no real difference in value between B1c, B2 and B8 uses, and from the Vail Williams report of 2004.
25. When pressed, the Council's witness had to agree, as did Mr Stansfeld for SEEDA, that there is no reasonable prospect, prior to 2011, of the site being used for employment development absent the inclusion of housing and it would be speculation to suggest that employment development without housing might be a reasonable prospect post 2011. These findings were accepted to apply across the board – both to a high quality business park and to a mix of employment uses. Nor that there is any real prospect of public funding becoming available to deliver employment floorspace on the appeal site, it being outside any regional hub or diamond for growth and with funds already committed in SEEDA's Corporate Plan. No evidence was presented to suggest that an improved relationship between construction costs, infrastructure costs and commercial rents and overall returns might be expected before 2026. Whilst future markets cannot be predicted, it is relevant that there has been knowledge in the market of policy support for a business park in the Polegate area since the early 1990s without any serious developer interest, supporting Mr Stapleton's assessment of the sluggish nature of the local market.
26. Notwithstanding the compelling evidence on viability, the need for cross-subsidy and the inclusion of a significant quantum of employment floorspace in the appeal scheme, it was the Council's case, maintained throughout the inquiry, that the land is a high quality site, which remains capable of meeting the needs of business and should continue to be protected for wholly employment use. East Sussex County Council, SEEDA and Locate East Sussex support the Council's line, arguing the strategic importance of the site and that permission for the scheme would result in the loss of future floorspace and potential for job creation, contrary to the objectives of the emerging SEP.

Employment floorspace/land supply

27. The employment floorspace requirement for Eastbourne and South Wealden is set out in the ELR. On the Base Case scenario, 81,082sqm total B space is required 2005-2026 to provide for demand plus a frictional margin (to allow the

market to operate smoothly). At the inquiry SEEDA suggested that there might be a greater floorspace requirement as new general employment projection figures from Experian are more in line with ELR's Sensitivity A. Both Sensitivity A and B assume a step change in the economic performance of the area. As high growth scenarios they represent local aspirations but the ELR authors clearly considered them to be highly ambitious without intervention and the estimates of additional employment on which they were based uncertain at this point in time.

28. The November 2006 Economic Blueprint for the Eastbourne Hailsham Triangle suggested a requirement for over 800,000sqm of extra industrial space in East Sussex by 2011 (referred to in the officer's delegated report). But this would only be if East Sussex were to achieve parity with the projected average amount of employment floorspace in England and Wales. Given the current disparity, this is clearly a highly aspirational figure. There are many reasons for variations between individual counties and I am not persuaded that parity is either achievable in the short term or necessarily desirable.
29. The ELR figure was based on bespoke employment projections consistent in approach to those used in the SEP, and I find no justification to look for a higher employment floorspace requirement. I agree with the paragraph 11.38 of the ELR that simply providing sites will not be enough to achieve the desired step change in economic performance and what is important is delivery, a point I return to consider later in relation to the Panel's recommendation on the SEP.
30. The ELR shows a significant mismatch between future requirement and planned supply with an oversupply of some 111,000sqm of B space (assuming around 35,000sqm from the PW3 allocation). However when future requirement is compared to likely market supply, the overhang is eliminated and a potential small undersupply of space to market requirement is identified. This undersupply is in industrial/warehousing space with Figure 9.1 showing offices almost in market balance. Mr Stapleton was critical of the viability assessment carried out by Roger Tym and Partners and Cluttons (the ELR's authors), and by implication that of Locate East Sussex. On his assessment there would be ample supply of B space employment land to meet requirements up to 2026, even on the basis of Sensitivity A, his corrected figures showing a '*viable supply*' of 123,982sqm against the 81,082sqm requirement. He gave cogent evidence that the ELR is overly cautious in discounting a substantial amount of likely viable supply and that sites in Eastbourne, where there are issues of flood risk and infrastructure costs, could be viable if developed for mixed use schemes including higher value enabling development.
31. I do not have detailed information on all those sites but given the emphasis in PPS1, the new PPS12, the draft PPS4 and policies in the draft SEP on delivery and the potential for mixed use schemes, it seems to me that the ELR takes an unduly pessimistic view. It is also evident from past performance of the market that gains can be delivered from the more intense use of sites after redevelopment. For example the permission granted for the Swallow Business Park, Lower Dicker provides for more floorspace than was allocated. Given that the PW3 allocation was for B1 uses only and that the ELR identified under-supply in industrial/warehousing space, in purely quantitative terms, it seems to me that the reduction in B1 floorspace as a result of the appeal scheme would not unduly impact on the market balance.

32. Quantitatively the PW3 allocation accounts for a significant share of business land supply in Eastbourne and South Wealden and also qualitatively is seen by the ELR as representing a key element of current and future land supply. This view seems to stem in part from the greenfield nature and size of the allocation but also because the ELR considered there to be no better suitable alternative locations in the sub-area. Yet it was no part of the ELR brief to look for an alternative site for a business park, nor did it do so. Thus limited weight can be given to its conclusion that there is no other option. Indeed that conclusion seems somewhat at odds with the suggestion in the ELR that the residential allocation (under NSLP policy PW1) of land to the west of Polegate could incorporate business development.
33. In its July 2007 Core Strategy Issues and Options Paper, the Council sought views on 4 possible sites as options for additional new employment business development. None have been assessed as to their achievability and deliverability and it is clear that the Council has not really started looking for an alternative to the PW3 business park allocation. Although that is to be expected because it was only on the opening of the inquiry that the Council conceded that the PW3 allocation was not viable, it is also clear to me that in these circumstances it cannot be said conclusively that there is no better alternative site for a business park until that search and assessment is carried out and the evidence subject to rigorous examination.

Jobs

34. The appellants conservatively estimate that the floorspace offered in the appeal scheme would provide for between 533 and 589 jobs (based on a density of between 19 and 21sqm per worker), which is not far off what the NSLP suggested would be provided from the whole allocation. At an employment density of 16sqm (as used by SEEDA), the proposals would yield rather more with 700 permanent jobs likely. Moreover the jobs from the appeal scheme would be deliverable now whereas the NSLP was prepared to accept a delay in the provision of half the jobs until after the delivery of the A27 improvements.
35. In addition, the obligations in the Unilateral Undertaking would facilitate the development of the remainder of the NSLP allocation. First by constructing the necessary infrastructure and secondly by creating a location that would be attractive to business occupiers. In addition to the serviced sites for buildings I and J, access would be provided to the land beyond, currently outside the appellants control, that could encourage its release for development, with the potential to deliver a further 589 jobs. This would broadly equate with the lower end of Mr Stansfeld's range of between 1250 to 1500 jobs that he thought could be provided by the 25,000 to 40,000sqm of accommodation that SEEDA would expect to be delivered on a 9.8ha site, depending on the mix of office and industrial space.
36. Assuming that quantum of floorspace and likely jobs, SEEDA considers the site to be a major strategic development with the potential to deliver a range of benefits that a smaller development could not. These include the creation of a high quality business location and a 21st century property infrastructure, the ability to act as a growth pole with significant local and regional multiplier effects and support for the growth of clusters and growth sectors. These are worthy aspirations. Their achievement depends on the availability and

development of suitable land in strategic locations where businesses wish to be. That will not happen unless the market considers such development to be viable and deliverable.

The South East Plan

37. The SEP recognises the lack of progress on bringing forward key strategic employment sites within the Sussex Coast as a serious barrier to economic regeneration; *'it is vital that the sub-region finds creative ways to utilise the opportunity that these sites present, especially with the limited scope for replacing them'* (paragraph 4.2). To that end, policy STC3 requires local authorities to manage existing employment sites and premises and to consider the judicious introduction of other uses as part of a mixed use scheme to help fund the provision of otherwise unviable employment space and the focus of any such alternative uses should be on housing development wherever possible. It was agreed at the inquiry that part iii of policy STC3 was particularly relevant to the appeal scheme. It states that local authorities should *'be prepared to permit mixed use schemes on existing or allocated employment sites in circumstances where this would deliver necessary employment space at the right time on sites which would be unviable for an employment only scheme'*. In that it has been accepted that the NSLP allocation is not viable but that some B1 use with up to 180 houses could be, I consider that the scheme fully accords with the objectives of draft policy STC3iii and the guidance in paragraph 4.2.
38. The Panel's report in August 2007 largely endorsed policy SCT3. It recommended that since there was a real risk of losing employment land to residential uses *'because of differential land values and the fact that business demand levels are currently insufficient to stimulate speculative development'*, where possible any change of use from employment to mixed uses should be done through the LDF process. The Council's development plan work is in its infancy and the submission and adoption of a site allocations DPD is not expected to be before February 2012.
39. So what would be gained by leaving consideration of this site to the DPD? I accept that opportunities of the scale of the PW3 allocation are limited in the Sussex Coast sub-region. Suitable land close to the coastal towns and not within the AONB or covered by other constraints is in short supply. Polegate and the South Wealden area are changing with potentially large numbers of new homes due to come forward over the next few years to support the provision of more employment land. The allocated site is well located in relation to the strategic road network, although it is not close to the railway. The brief to consultants has only recently been issued for the Eastbourne-Hailsham Triangle Masterplan, which is intended to be both a visionary document and an evidence base to show how a step change in the economic performance of the area can be delivered.
40. Only limited work has been done on alternative sites in the Council's July 2007 Issues and Options Paper. There is the recent ELR but in the light of its conclusions the Council's witness accepted that any work on the emerging DPD would also have to consider widening the range of employment acceptable on the allocated land. The Council, SEEDA and Locate East Sussex contend that the appeal site is a key strategic business site within the District. But if the

DPD is to demonstrate a sound evidence base for its allocations, it must also investigate the potential for alternative sites for employment uses. This would include *'the Polegate opportunity'*, which I take to be the land west of Polegate, to which the SEP Panel attached importance as a strategic site *'especially if associated with a new station'* and which the ELR also noted as an option for business development along with the current residential allocation.

41. But whether or not there are alternative sites for a business park in the Polegate area, my point is that putting a line around a site on a plan does not of itself make development happen. Recent Government guidance, most recently in the new PPS12 and in the consultation draft PPS4, stresses the importance of there being a sound delivery strategy, as does the SEP, and this is one of the key objectives for the consultants engaged on the Eastbourne/Hailsham Triangle Masterplan.
42. Neither the Council nor SEEDA was able to give any assurance that resisting mixed use development now would result in the whole of the PW3 allocation being delivered for B1 development in the future. Given the emphasis in the sub-regional strategy that *'the successful regeneration of the Sussex Coast will largely depend on ensuring that an appropriate range of good quality sites and premises in accessible locations is available to respond quickly to the needs of local businesses and realise opportunities for securing much needed investment'* (my emphasis) (paragraph 4.3), I find no advantage in these circumstances in waiting for the LDF process to run its course. Given the clear guidance in the SEP, I believe that the reasonable expectation must be that the review would have to conclude that mixed use development would be the only way to unlock any employment potential of the site in accord with policies STC3iii, STC4 and RE2.
43. It is not disputed that the appeal scheme for a mixed use development is deliverable and that it would provide a strategically important contribution to meeting the identified need for employment land to 2026. But for his concern about the loss of what he regarded as the site's employment potential, Mr Stansfeld agreed that SEEDA would welcome the delivery of over 6,000sqm of speculatively built employment floorspace, with more to follow, in which local businesses had already expressed interest as a result of Mr Stapleton's marketing campaign and which would provide the potential to meet any latent demand if it exists. The scheme would also provide housing in a sustainable mixed use development well located in relation to the town. Thus I do not consider that approval of the appeal scheme in accord with the objectives of draft SEP policy SCT3iii would materially conflict with the purpose underpinning the SEP Panel's recommended change.

Phasing

44. Notwithstanding the Council's second reason for refusal, I am satisfied that the scheme provides for a reasonable phasing of the employment floorspace with the Unilateral Undertaking guaranteeing the provision of over 6000sqm of floorspace as either fully fitted out business units or buildings completed to shell and core standard prior to the occupation of the 100th dwelling. As to the remaining floorspace, the Undertaking provides for infrastructure to be put in place so as to create serviced land (in Mr Stapleton's terms *'oven ready'*) for

buildings I and J and to access the land beyond outside the application site, thus facilitating its later development.

45. The site has been marketed and the expressions of interest received (mainly it appears from local businesses), of which about a third might be expected to convert into transactions, indicate to me a likely acceptable rate of take up of the floorspace in line with Mr Stapleton's projections. As to the two larger units, buildings I and J, I am satisfied from the evidence that it would be unreasonable to require this second phase to be built speculatively, as the reason for refusal seems to require. Buildings of this size are likely to be 'bespoke', being built to the occupier's own specification with a long lead in time. To allay the Council's concerns that only the first phase would be provided, the appellants have committed through the Undertaking to continue to market the site until all the floorspace is occupied or for five years after the occupation of the 70th dwelling. However it seems to me that the strongest incentive for marketing and successfully pre-letting and/or sale of buildings I and J, is the considerable value that would come from the final phase of development with all the other costs of the development already paid.
46. I am satisfied by the evidence of Mr Stapleton that the guarantee of the delivery of the first 60% of floorspace would facilitate and encourage the delivery of the second phase and I do not find the phasing of the development to be a matter that weighs in my mind against the proposal.

Piecemeal development

47. The appeal site is smaller than the allocated area and there are parcels of land to the east and north and a finger of garden land that are not in the appellants' control and outside the application (marked Parcels A and B on Plan 4 of the Unilateral Undertaking). Parts of these areas were shown on NSLP Figure 17.2 as landscape buffer areas, the NSLP intention being for the access road from Dittons Road, close to the A22 roundabout, to pass through a landscaped setting before entering the main development part of the site. However it was clear to me on my site visit that there are no physical constraints to developing the remainder of the allocation. Contrary to the Council's assertions, I consider that the appellants' estimate of a potential additional 7,000sqm of floorspace that could be delivered on the remainder of the allocation, whilst optimistic, is not physically incapable of being attained.
 48. As to access to these areas, it was confirmed at the inquiry that Parcels A and B could be accessed off the proposed main entrance to the appeal site. The illustrative layout indicates that public highway would be provided to the edge of the lane to the east and the central finger of land could be accessed from the main spine road. The Undertaking has been drafted to deliberately remove any ransom strips adjoining the remainder of the NSLP allocation.
 49. The Council appears to have two concerns – that the remainder of the allocation land could not be developed in accord with the principles associated with policy PW3 and that either it would have to be developed in isolation or alternatively through the appeal site, a process that the appellants would then be able to control. I deal with the access proposal separately but with regard to the Council's desire to see the principles of PW3 adhered to, the appeal scheme would occupy the main part of the developable area of the allocation.
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The crook of land between the A22 and A27 might not be laid out as a landscape buffer zone as intended, but it will remain open and as such, in my view, as it does now would serve to provide an acceptable setting for the settlement. As to the concern about the appellants having control over the remainder of the allocation, that land would not be sterilised; rather the appeal proposal would facilitate and encourage development not least by providing access and infrastructure at the appellants' expense. Thus I am satisfied that there would be no prejudice to the development of the remainder of the allocation land.

Conclusion on the first issue

50. The appeal site comprises the main part of the land allocated in the NSLP for B1 employment development. NSLP policy PW3 indicates the Council's intent with regard to the implementation of the strategic policy in the SP for a business part at Polegate, a policy which is of some age. The NSLP is a material consideration but one accepted by the Council to be of more limited weight. I am satisfied from the evidence presented at the inquiry and the emphasis in recent Government guidance on securing delivery that more weight should be given in this case to the policies of the emerging regional spatial strategy, that will replace the SP, and the findings of the recent ELR. The appeal scheme is for a mixed use development and the viability evidence is compelling as to the need for the residential element to act as a subsidy to the commercial development and ensure the scheme's deliverability.
51. There would be a loss of potential employment floorspace but I find that there are very considerable benefits to the release of the site now. It would deliver over 6,000sqm of speculative modern office floorspace at a strategically accessible and sustainable location. It would also deliver, in later phases, sites capable of development both on the appeal site and on the remainder of the allocation, with the potential to create between 982 and 1288 jobs. In addition the scheme would deliver 179 houses, of which 72 units would be affordable. Given the inability of the market to deliver the County Council's strategic aspiration for a single business park use, I consider that the prospect of securing this scale of economic development now is a powerful material consideration that should weigh significantly in favour of the scheme. It is also material that development for housing which can lever in the employment development, that would not be able to happen on its own, is entirely in accord with national guidance that supports mixed use schemes and with the draft SEP as one way to enable economic regeneration in accord with Sussex Coast policies SCT2, SCT3iii, SCT4 and SCT6. A mixed use scheme proposed on this site would still contribute towards RES objectives for the coastal area and the site would make a strategically important contribution to meeting the identified need for employment land in the Eastbourne- Hailsham Triangle to 2026. I conclude that substantial weight should be attached to these benefits which I find to be overriding and as such outweigh the policy objection.

The second issue – additional housing land

52. Employment development would only be delivered if part of the site is released for housing. The Council conceded its suitability for housing and did not refuse the appeal application on housing grounds. Nonetheless, the appellants sought to take the issue one step further. They presented considerable evidence to

the inquiry on the inadequacy of the Council's five year housing land supply and the contribution that the scheme would make to improving that through the delivery of up to 180 houses, arguing that there should not have to be a wait to achieve this via a change to the site's employment allocation through a site allocations DPD.

Affordable housing

53. The appeal scheme would secure the provision of a mix of 72 affordable housing units. The appellants' evidence on affordable housing was not challenged. Policies in the adopted Local Plan (policy HG2) and in the NSLP (policy HG4) require 30% affordable housing on qualifying sites. The appeal proposals in providing 40% would offer more than is required to meet the overall regional target under policy H4 of the SEP and would be in line with the general guideline for the Sussex Coast, set out in policy STC8, that at least 40% of new housing should be affordable.
54. The 2005 Housing Needs Study indicated a shortfall of 874 units per annum in the District in the period to 2011. An annual target was set to achieve 170 affordable housing units to rent, required to maintain the housing waiting list at its current level, leaving a shortfall of around 2,500 dwellings in the 2005-2008 period. However only an average of 52 affordable housing units are being delivered (2002/03 to 2006/07). Indeed the Council's Annual Monitoring Report published in December 2007 showed against Core Indicator 2d the completion of only 34 affordable homes, indicating the need for a significant uplift in the delivery of affordable housing if the targets in the Council's 2008-2011 Affordable Housing Delivery Programme and the objectives of the Corporate Plan and Community Strategy are to have any chance of being met.
55. The recent Housing Market Assessment (as yet unpublished in final form) found a significant affordability problem in the Eastbourne/South Wealden market and concluded that *'delivery will depend on South Wealden'*. Given the size of the need, the Council recognises that it must maximise affordable housing contributions from development sites. The appeal scheme offers the Council the certainty of providing a substantial number of affordable homes in an area of identified high housing need and as part of a mixed use development that would also offer employment opportunities.
56. The Unilateral Undertaking commits the appellants to provide the affordable housing whether or not Social Housing Grant is available. Moreover it significantly improves the affordability of those homes to be sold on a shared ownership basis. I consider the affordable housing provision to be a material consideration that further weighs in favour of the appeal scheme and in the desirability of its early delivery.

Housing land supply

57. Despite efforts to limit the matters in dispute, the parties failed at the inquiry to agree a number of important points, namely how the requirement should be calculated, the treatment of the pre-2006 shortfall and the prospects for delivery of housing on 21 of the sites. Much of the evidence on housing land supply was not produced until the inquiry and then was amended during it.
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Requirement

58. The appellants based its assessment of the requirement on the housing figures in RPG9 and the SP, arguing that these remain the extant development plan, are the most relevant and should include a deficit 2001-2008. The Council considered that the draft SEP, as recommended to be modified by the Panel, offered the more appropriate means of calculating the District's 5 year housing land supply requirement and no deficit was assumed pre 2006.
59. Both parties quoted support from Government guidance for their approaches; the appellants referring to advice in the 2004 PPS12 on the precedence to be given to the most recently adopted plan (in this case RPG9), and that where there was conflict between a regional spatial strategy and a structure plan (paragraph 5.12) only when proposed changes had been published to a regional spatial strategy, should it be given considerable weight. In response, the Council noted that PPS3 advises local planning authorities, in their local development documents, to also have regard to the level of housing provision as proposed in the relevant emerging regional spatial strategy.
60. PPS3 is the later document. It has as its principal aim to underpin the necessary step change in housing delivery through a new, more responsive approach to land supply at the local level and I consider it offers the most relevant lead on this issue. The CLG guidance gives practical advice on demonstrating a 5 year supply of deliverable sites and where housing provision figures are not available in the development plan for the following 5 years (as is the case here), advises that local planning authorities should make the best available estimate of the level of housing required and that *'this may include having regard to the evidence underpinning housing provision policies in the emerging RSS'*.
61. To my mind, the approach adopted by the Council of looking forward as to what needs to be provided over the next 5, 10 and 15 years to meet the housing needs of the District based on up to date population projections in the emerging spatial strategy, better reflects Government housing policy objectives. This is even if there is the expectation that the District requirement will be increased beyond that recommended by the SEP Panel when the proposed modifications are published. Against that the appellants have taken an historic approach, projecting forward 2001 RPG county wide figures for the district, based on their own unjustified apportionment using the 1999 SP distribution, in an assessment that emphasises the District's acknowledged failure in past performance post 2001.
62. That leads me to the question of shortfall pre 2006. The draft SEP sets a total level of housing provision with district figures. Paragraph 2.1 is clear that it does not include any allowance for shortfalls or surpluses against planning provision in RPG9, and that any under or over provision against rates of housing delivery to 2006 planned in RPG9 should be addressed in local development documents. Despite various Council documents that indicated that delivery shortfall from the SP should be carried forward, the Council chose at the inquiry to rely on an email from SEERA that I find falls rather short of being definitive advice on this matter.

63. There is no certainty that Wealden's level of provision in the RSS will remain unchanged from the Panel's recommendation for a 20% increase in housing provision (480pa) over that in the draft SEP. However there is also no evidence that it would be increased to anywhere approaching the SP level (880pa), let alone Mr Edwards' assumed RPG9 requirement (962pa), that would mean approximately 75% of the Panel's recommended provision for 2006-2026 being required in the first 5 years.
64. In terms of making a decision on this appeal, I see no advantage in exhaustively exploring the various permutations of policy requirements, depending on the period used and deficit assumed. It is enough to say that the consequence of the different approaches adopted was a very substantial variation in requirement and supply. The scenarios, helpfully set out in Mr Edwards' Appendix 21 produced on the last day of the inquiry, show a difference of nearly 5,000 units between the total 5 year requirement in Scenario A (the RPG9 requirement) of 7,400 units and the 2,740 units of Scenario D (the SEP requirement 2008-2013 with no deficit pre 2006).

Supply

65. When the requirements were set against the parties' assessment of supply, the appellants show Wealden with only 1.1 to 1.6 years supply of housing land, assuming between 1,641 and 2,330 units delivered in 5 years. The Council's figures, however, indicate a comfortable 6.8 years supply (on the basis that its 3,850 supply figure should be adjusted down by 115). But on the basis of Scenario C (Mr Edwards' sensitivity approach), assuming the SEP requirement but adding in the shortfall 2001-2008 against RPG9 and the SEP, this was reduced to 4.8 years.
66. For sites to be included as part of the 5 year housing land supply, PPS3 requires them to be deliverable for housing – that is available now, suitable now and achievable, meaning that there is a reasonable prospect that housing will be delivered on the site within 5 years (paragraph 54). The Council has not included windfalls, in accord with Government advice, nor has it changed any density assumptions. The Council has not yet prepared its Strategic Housing Land Availability Assessment (SHLAA) and relied on work undertaken by a consultant acting on its behalf at another inquiry in what essentially appeared to be a discounting exercise, supplemented by way of additional correspondence from house builders and their agents confirming progress on various sites. In the absence of any meaningful explanation as how the deliverability rates were arrived at, I find this falls some way short of demonstrating a deliverability assessment in accordance with PPS3 and the CLG advice note. The difference between the parties of between 1,405 to 2,094 units is substantial. The development prospects of 21 sites remain in issue, mainly because of differing views on build-out rates and start dates.
67. Independent research by the University of Glasgow indicates a typical build out rate of one unit a week, within an annual target range of 40 to 80 units. The Council's delivery rates would seem optimistic, particularly in the current economic climate and the response to that by the volume house builders. Clearly economic conditions cannot, on their own, justify the release of further housing land which will be subject to the same market conditions as sites allocated and permitted. But they are relevant in determining the deliverability

of sites and whether there is a reasonable prospect of housing being delivered within 5 years.

68. The SHLAA guidance also refers to the need to look at market factors including economic viability, level of potential market demand and projected rate of sales (particularly important for larger sites) as well as delivery factors including the developer's own phasing and realistic build out rates. Advice from CLG on determining the five year land supply is that *'it may be necessary to discuss with relevant developers/landowners and/or analyse current housing market conditions in order to make an informed judgement about this'*. To my mind this covers issues of market confidence that can affect valuations and slow down rates of construction. In that regard evidence to the inquiry was that Gladedale is structured differently to house builders and is less vulnerable to the current market conditions.
69. I therefore have some concerns about when the Council thinks development will start on some sites which would affect delivery rates over the 5 year period. Looking at those large sites with planning permission that are anticipated to come forward within 5 years (the orange sites), the appellants' agent is acting for the house builders in respect of sites 42 and 45 and I find his evidence as to delivery rates and start time to be preferred. As to sites 43 and 44, in their January 2008 email Taylor Wimpey anticipated a sales rate of 50 units per year for the two sites (in line with the research discussed above). As reserved matters applications have yet to be made, it is unlikely that units will come forward until 2010/11. Thus I accept the appellants' figures that around 571 less units are likely to be delivered than the Council say.
70. For the 5 sites that are allocated and/or with applications/appeals pending (the blue sites) the appellants show between 0-359 units whilst the Council assumes delivery of 449 units. There is a resolution to grant full permission on sites 64 and 71, but the legal agreements have yet to be signed for sites 73 and 75. Site 74 has a resolution to grant outline planning permission but the developer has an interest in the adjoining site subject to appeal which could delay a start. I think that the Council may be being rather optimistic in its trajectory and delivery could well be 100 or so units less.
71. There are 11 sites (the red sites) with planning permission or allocated where the appellants say there will be no delivery but the Council shows 604 units. Site 49 has permission but is subject to a notice served under the Commons Act 2006. This is likely to delay any start depending on the outcome of the application. There is still no option by a house builder to purchase site 54 which has site development problems. An application is expected from developers on site 56 and 40 units in 5 years seems achievable. An application is also anticipated on site 65 following a refusal. That site is allocated for 40 units but no developer is currently involved so full delivery within 5 years cannot be assumed.
72. Site 46 has been completed except for one unit which there is no intention to develop. An appeal is outstanding on site 47 for 32 sheltered apartments so it cannot be said at the current time to be achievable. Site 53 is allocated in the NSLP but there have been 2 dismissed appeals. The land is in multiple ownership. Whilst a further application has been made, the outcome is not known and I do not consider the site can be considered either suitable or

achievable at this time. Site 68 is a rural exception site that will not come forward. Following a dismissed appeal, a further application is expected on site 72. There is developer interest and 35 units may be achievable in 5 years.

73. An outline application for a mixed use scheme on site 67 (land east of Battle Road, Hailsham) was withdrawn in December 2007, two months after submission. However the developer appears confident that the development is deliverable and has gained control over the access. There are outstanding issues to be addressed with the Highways Agency and Highway Authority which may affect its viability. The site is well located close to the town centre and the delivery of 50 units in the 5 years might be achievable.
74. The largest red site is land west of the A22 at Polegate (site 70) where the Council estimates the delivery of 150 units in each of the years 10/11 and 11/12. The site is allocated in the NSLP for housing and associated uses under policy PW1. There is no extant permission. Two applications for larger scale residential development were refused in 2006. Whilst the Highways Agency has now confirmed that it would have no objection in principle to a certain level of development being served off a spur road from the A27 Cophall roundabout, this is subject to a satisfactory Transport Assessment which would need to consider the implications for the junction improvements identified in NSLP policies TR3 and PW1. Given the scale of the opportunity west of Polegate, strategically located at the junction of the A22 and A27 and by the railway, any new application would have to be considered against the policies of the SEP and the Panel's report and could run the risk of attracting a strategic objection if it failed to bring about employment and associated housing now sought through SEP policy SCT6. Despite the agent's assurances that an application for up to 600 units is imminent, there is no proper assessment by the Council of this opportunity such that I can conclude that the land, which is not all controlled by the developer, could yield 300 units in the next 5 years.

Conclusion on the second issue

75. Taking these matters together, I find that the supply situation is less comfortable than the Council's figures appear to show. Given my conclusions on the likely late delivery or non-delivery of sites that the Council rely upon in its trajectory which together might amount to 1000 or so units, on the basis of the Council's preferred Scenario D supply would be just over 5 years. On the basis of Scenario C (the SEP Panel requirement but addressing the shortfall 2001-2008), supply would be less than 4 years.
76. The policy consequence of this is that *'where Councils cannot demonstrate an up-to-date five year supply of deliverable sites ... they should consider favourably planning applications for housing'* (paragraph 71 PPS3). That is not a blanket presumption in favour of development and regard must be had to the other policies in the PPS including the considerations in paragraph 69. These are met on the appeal site. The Council's witness accepted at the inquiry that the site is suitable for housing and that the appeal scheme would achieve high quality housing with a good mix, including affordable housing, of an acceptable density and through the draft landscape and biodiversity management strategy would secure environmental sustainability. I have already concluded that the mixed use development would not undermine wider policy objectives for the delivery of employment opportunities.

77. Even if I am wrong on the deliverability of some of the housing sites, it was put succinctly at the inquiry that under-provision is now the only crime. Housing requirement figures are targets not ceilings. Additional housing would not be harmful to the Council's housing strategy. It would give the Council more leeway to meet its trajectory and take pressure off other areas. I am satisfied that housing on the site would only be beneficial.

The third issue – access to the site

78. The appeal scheme shows access to the site from the north side of Dittons Road between Primrose Cottage and Delcote. Originally proposed as a new signalised junction with the exit from the site left turn only, an alternative roundabout solution was prepared as a response to the placing of a Tree Preservation Order on the land. Although there would be some tree loss, that is acceptable to the Council's Arboricultural Officer and the revised scheme, which has been subject to an independent Stage 1 Road Safety Audit, is preferred by the Highways Authority and confirmed to be technically acceptable. In particular it would avoid the potential for undesirable U turns at the A22 roundabout.
79. I am satisfied that the provision of a roundabout here together with a shared pedestrian and cycle toucan crossing and zebra (or toucan) crossing would not inhibit vehicle movements from the existing access to the Chaucer Industrial Estate on the opposite side of Dittons Road. The Chaucer Industrial Estate access is around 30-35m to the west. Permission was granted in May 2007 for a new access to the estate around 150m to the east of the site access. It has been constructed but is currently blocked awaiting the Council's decision on a proposal for B1 and B8 uses on land formerly occupied by EDF Energy. The distances between the three access points is technically acceptable to the Highway Authority and would enable safe and efficient traffic interaction, including use by large vehicles.
80. A roundabout junction in this location would complement the new roundabout on Dittons Road to the west that will serve the Shepham Lane housing development and act as a speed restraint measure, consistent with the traffic calming already identified for Dittons Road and the proposed change to a 30mph speed limit. In addition the Undertaking provides for new and improved pedestrian and cycleway links to the town along the south side of Dittons Road that would encourage walking and cycling for shorter trips.
81. The reason for refusal refers to the failure to provide an access as required by NSLP policy PW3 in a location closer to the A22 roundabout. This access is shown on Figure 17.2, marked for illustrative purposes only, and a pedestrian/cycle access is shown where the new vehicle access is now proposed. I was told that the appellants had been unable to secure interests in the required land. As the Council has agreed an alternative access point to serve the housing site off Shepham Lane, its treatment of the NSLP allocations is inconsistent.
82. In any event, I see disadvantages to the NSLP access. Being close to the roundabout and the bypass, it would be a less sustainable option, increase the distance to the main settlement to the west and be likely to encourage greater use of the car, contrary to Government policy. Indeed in extolling the strategic

nature of the site, the Council's witness referred to the business park being close to and visible from the strategic road network. But the effect of that would be to promote a highly car-oriented scheme and encourage greater reliance on the private car. Secondly, with a single access at the eastern end of the allocation, the western part of the site, amounting to a third of the total allocation, could not be developed as it would lie beyond the 400m maximum cul-de-sac distance recommended in the Sussex Design Guide and a second access would be needed in a similar location to that shown to serve the appeal application.

83. Thirdly the appeal scheme includes other uses than employment, including housing, a nursery and café that would benefit from the access being closer to the town centre in that it would integrate the development more fully into the town in accordance with PPS1, PPS3 and PPG13 policy objectives. The NSLP access would be further away and draw residential traffic through the employment area.
84. Capacity analysis has demonstrated that the proposed roundabout access to the west would have sufficient capacity to accommodate the development traffic, including any additional traffic associated with the development of the remaining allocated land to the east, with the whole allocation area capable of being served by this single point of access. Its relatively central location would enable traffic to distribute quickly and efficiently within the site.

Conclusion on the third issue

85. I am satisfied from the highways evidence presented that the appeal proposals would provide the development with an adequate and safe means of access, in accord with the objectives of local, strategic and national policy. The Council has aspirations for an attractive landscaped entrance to a business park off Dittons Road and close to the A22 roundabout, but such an access is not deliverable and would bring its own disadvantages. I do not consider that non-compliance with the access arrangement shown on an illustrative drawing forming part of a non-statutory local plan provides any justification to reject the appeal scheme.

Other matters

86. I have read the letters from local residents, made both at the application and appeal stage, which raise a number of additional concerns.

Traffic conditions

87. The site is allocated for a business park in the NSLP and 25,000sqm of employment space would itself lead to additional traffic on the local highway network. The appeal application was accompanied by a detailed Transport Assessment which took account of the Shepham Lane development as well as other allocated and committed development in the area. Traffic flow information was derived from counts in 2005/6 and 'growthered' to the end of 2011. The mixed use development is predicted to generate 401 and 369 vehicular trips during the morning and evening peak hours. This compares to 517 and 454 for the same periods if the site were to be developed for a B1 business park. I am satisfied that these figures indicate a worst case scenario as a proportion of trips to the nursery and café would be linked to the

residential and employment uses or likely to be pass-by or diverted trips already present on the adjoining highway network.

88. Traffic levels on Dittons Road were historically higher when it was the A27. Whilst traffic travelling along the section of Dittons Road east of the new access from the appeal proposal would be likely to be twice that if the allocated development went ahead, affecting around 23 residential properties, the level of predicted traffic is well within the environmental capacity of the road and significantly below the level when it was the main A27. Moreover traffic from a mixed use scheme is more likely to be spread throughout the day and have less impact than office development where trips tend to be more tidal. Clearly local residents do not want to go back to pre-bypass days and I am satisfied that a substantial package of measures would be put in place that would significantly ameliorate any impact from the increase in traffic. Given the highly accessible nature of the proposals, I think it is reasonable to expect that there would be cross-visitation and pass-by trips and some reduction in vehicle trips as a result of the measures introduced through the proposed Travel Plan and the identified highways improvement package, for example more children being encouraged to walk or cycle to school.
89. Local residents have suggested that traffic would use the B2247 instead of the A22/A27. The routes are similar in length but it is difficult to imagine that the bypass would be slower compared with a local route with side road traffic interaction, pedestrian crossings and subject to 30mph and 40mph speed limits. Comments have been made about road safety, traffic speeds and the dangerous nature of the road. The evidence on personal injury accidents do not indicate any obvious clustering of accidents or underlying trend that would indicate a particular problem. The spatial distribution and occurrence of accidents are what might be expected on a road of this type and the level of traffic and there is nothing to confirm that the road is 'dangerous'. Nor am I persuaded that the proposed new roundabout would be dangerous. Both it and the signalised junction satisfy the relevant design criteria and standards and are acceptable to the Highway Authority.
90. The development proposals include a package of measures including traffic calming, an off-street shared cycleway and pedestrian crossings and refuges together with measures to encourage travel by alternative modes of transport including improved bus services. The appellants have agreed to contribute towards a Traffic Regulation Order to reduce the speed limit from 40mph to 30mph. This would complement the introduction of traffic calming measures and those proposed in conjunction with the Shepham Lane development. Having access to the two sites from roundabouts on Dittons Road would further serve to discourage extraneous through traffic over this section of highway and create gaps in vehicle flow allowing pedestrians to cross. The provision of a dedicated shared route for cyclists and pedestrians would enhance the walk to the town centre and station. With a further footpath link to Shepham Lane, I consider that the development would integrate fully with the surrounding area and as such comply with PPS1, PPS3 and the Transport White Paper in promoting social inclusion and making better places to live.
91. The proposed site access has been shown by modelling to operate satisfactorily with minimum predicted levels of vehicle queue and delay. The proposal includes contributions to be made in accord with NSLP policy TR3 towards

junction improvements on the wider strategic highway network to improve their operation and ease congestion. Thus I am satisfied that the proposals accord with guidance in PPS1 and PPG13, policies CC1, T1 and T8 of the SEP, SP policies S1, TR1, TR3, TR4, TR5 and TR16, policies EN1, TR1, TR2, TR3 and TR16 of the adopted Local Plan and NSLP policies TR1, TR2, TR3 and TR5.

Trees

92. The appellants have provided an Arboricultural Impact Assessment and Tree Shading Assessment. It is agreed in the SoCG that the appeal proposals could be developed without any adverse impact on existing trees, hedgerow and scrub and that the alternative roundabout proposal provides an enhanced opportunity to mitigate against the loss of the trees fronting onto Dittons Road. Prior to the inquiry the Council withdrew reasons for refusal 5, 6 and 7 and has suggested the imposition of suitable conditions to protect the trees that would remain on the site. I am satisfied that the proposals accord with guidance in PPS1, PPS7, PPS9 and Circular 06/2005 and the raft of policies in the SP, adopted Local Plan and NSLP to protect trees.

Ecology

93. The site is not in any statutory or non-statutory nature conservation designated areas. It is agreed in the SoCG that the ecological surveys carried out on behalf of the appellants are appropriate to the site and its features and that measures proposed, including comprehensive mitigation proposals and the landscape and biodiversity management strategy overcome the sixth reason for refusal. There is agreement on protection, mitigation and enhancement measures in respects of reptiles, bats and other species. Conditions have been agreed that are considered appropriate to control the development and protect wildlife and the ecology of the site. Thus the proposals accord with guidance in PPS1, PPS7, PPS9 and Circular 06/2005 and the raft of policies in the SP, adopted Local Plan and NSLP to protect the environment.

Flood risk

94. I have noted the concerns that the lower part of the site is currently waterlogged in winter. The site is not within the tidal floodplain and no objection on that ground was raised by the Council or statutory consultees. The ES includes a full flood risk assessment. The draft landscape and biodiversity management scheme includes proposals for sustainable urban drainage systems (SUDs) to deal with surface water drainage from the development. Conditions have been suggested to cover the provision and implementation of a surface water regulation system and storage facility that I am satisfied would adequately address surface water drainage.

Foul sewage disposal

95. Local residents have said there are problems with the drains in the area. Southern Water Services in their consultation response on the application referred to inadequate capacity in the local network to provide foul sewage disposal to service the proposed development and the requirement for additional off-site sewers or improvements to the existing sewers. I am satisfied that these matters can be adequately dealt with by the imposition of a suitable condition as suggested by Southern Water and included in the SoCG.

Open space and play provision

96. The appeal proposals are in outline. However the illustrative Masterplan indicates that more than sufficient informal and equipped children's play space to meets the needs of the development could be provided in accord with PPG17, SEP policy S8, policies PW3, LR1, LR3 and LR5 of the adopted Local Plan and NSLP policies LR2 and LR4.

Layout and landscape

97. The appeal proposals are in outline. Details of appearance, landscaping, layout and scale are reserved for future consideration at which time detailed plans would be required to be submitted to show the disposition and height of the buildings to assess their impact on adjoining properties and ensure no loss of amenity.
98. A detailed Landscape Strategy for the site has been developed that includes information on trees and proposed landscaping and planting. It is agreed in the SoCG that the Strategy would provide an appropriate landscape setting for the proposals, include suitable habitats for the existing ecology and provide opportunities for ecological enhancements. The appeal proposals are therefore considered to accord with PPS1, PPS7 and PPS9 and policies S1, S19, E12, EN1 and EN2 of the adopted Local Plan and NSLP policies NE7, BE1, PW3 and BS2.

Infrastructure and facilities

99. Polegate is in the Eastbourne/Hailsham Triangle and identified in the NSLP as a location where major peripheral development may take place. Local people are understandably concerned that improvements to facilities and services have not kept pace with development. Through the Unilateral Undertaking the appellants have covenanted to pay a health services contribution for the provision of a centrally located purpose built health centre to be provided on land west of the A22. In addition, by way of the Bilateral Agreement contributions, based on the County Council's formulae, are to be made towards additional primary school provision, additional secondary school provision, additional household waste and recycling facilities, a library contribution and towards rights of way. The scheme itself provides for a nursery on site. A contribution of £250,000 is also to be made towards improvements to bus facilities and services and contributions to junction improvements as required by NSLP policy TR3.

Other

100. I am satisfied that archaeology, noise and vibration and air quality have been appropriately considered and suitable conditions can be imposed.

The Environmental Information

101. The appeal application was accompanied by an Environmental Statement (ES), in two volumes with a non-technical summary which provided a detailed explanation of the background, site, surroundings and proposed development as well as the anticipated environmental impact, covering those matters that the Council had asked to be addressed. Subsequent amendments were made to the application proposals and further environmental information was publicised and submitted at the Inquiry. There have been adjustments and

corrections, the most important being the change to the access to provide for a roundabout and the additional ecological survey work. The evidence does not suggest that any main effects have been omitted or mis-stated. The adequacy of the ES was not an issue at the inquiry. I consider that the ES and subsequent information adequately identifies and describes the likely main effects of the proposed development. It also adequately addresses the measures that need to be taken to mitigate the various impacts. I consider therefore that the total environmental information submitted by the appellant is satisfactory and meets the requirements of the relevant Regulations.

Overall conclusion

102. The appeal proposals do not accord with the non-statutory Local Plan, or with the strategic proposal in the SP for a high quality business park in the Polegate area. The business park allocation has been shown to be unviable as have other mixes of employment uses on the site. The issue of the viability of employment allocations is directly addressed in the emerging regional spatial strategy, in particular through policy STC3iii, which supports the judicious introduction of higher value uses focussing on housing. The appeal proposal falls squarely within the scope of policy STC3iii. Along with the enabling housing, it would provide a substantial quantum of employment floorspace in a speculative development that would add to the variety and quality of employment sites and premises in the Eastbourne/Hailsham Triangle contributing to the desired economic regeneration of the Sussex Coast. The SEP Panel endorsed the approach in STC3 but added the recommendation that any change of uses should come about through the LDF process.
103. The Council's site allocations DPD is not expected to be adopted until 2012. Early work on its Issues and Options was broad brush. I am not satisfied that anything would be gained by retaining this allocation in the hope that one day it might become viable and be developed when all the evidence points otherwise. There are very considerable benefits to the release of the site now. In addition to the office buildings and serviced sites, the scheme would provide access to the adjoining areas that could potentially provide more employment development and would deliver 179 houses, of which 72 units would be affordable, at a time when the District's housing supply situation is tight. The site is suitable for a mixed use scheme; the housing would be of a high quality, with a good mix, include affordable housing, be of an acceptable density and would secure environmental sustainability. Additional housing would not be harmful to the Council's housing strategy.
104. The appeal proposals provide for certainty and an opportunity to secure the delivery of business floorspace, bringing with it realistic employment prospects and the necessary infrastructure to enable the remainder of the business allocation to be brought forward in the future. It would provide for an additional level of housing to help meet the existing and projected housing land requirement and much needed affordable housing in an area with a recognised shortfall. Against this is weighed the understandable desire to retain a strategic employment allocation but one that is accepted has no reasonable prospect of delivery in the short or medium term. Given the increasing emphasis in Government policy on delivery, I find that the balance must weigh in favour of the release of the land and the grant of permission for this mixed use scheme. I have taken into account all other matters raised but none are of

such weight as to override my conclusion for the reasons given above that the appeal should be allowed subject to the conditions set out below.

Conditions and Obligations

105. A list of agreed conditions was included in the SoCG. These were discussed at the inquiry and, other than condition 21 described as 'the Arsenal condition', I find them all to be reasonable, relevant to the development and to planning, necessary and precise and I am imposing them on the permission subject only to minor changes to clarify their intent and to include implementation clauses. I am satisfied that the conditions relating to the translocation of reptiles, the survey and protection of bats and bat roosts, and future habitat/landscape management adequately address the Council's concerns, set out in its reasons for refusal 5, 6 and 7, which are now withdrawn. In my view the conditions are all reasonable, relevant and necessary to secure an appropriate standard of development.
106. As to the proposed 'Arsenal condition', so named because similar wording had been used when permission was granted for the Arsenal football stadium, it was proposed because of the appellants' concern that it would be unable by the end of the inquiry to secure all the necessary signatures, including those of banks as mortgagors, to the planning obligations. In the event, and as preferred by the Council's Solicitor, additional clauses were inserted in the obligations to overcome this matter. These provide that the owners and developer covenant not to commence development until they, together with all parties with an interest in the Additional Land (defined on a plan), have entered into further planning obligations in the same terms in relation to the Additional Land. Having heard the views of both main parties, I am satisfied that this is a practical and appropriate response to the identified problem and would ensure that no development took place until satisfactory undertakings with all parties with an interest in the land are in place.
107. At the close of the inquiry the appellants provided me with an executed Unilateral Undertaking and Bilateral Agreement. I have already referred to their various provisions in my reasoning set out above. I am satisfied that the obligations provided for in the Undertaking and Agreement meet the tests set out in Annex B to Circular 05/2005 and that they are fairly and reasonably related in scale and kind to the proposed development. Accordingly they are material considerations to which I have accorded weight in my determination of this appeal and in my decision that planning permission should be granted.

Mary O'Rourke

Inspector

Schedule of Conditions

Attached to appeal decision APP/C1435/A/07/2061628

1. Application for the approval of reserved matters for the residential development and Phase 1 of the employment development hereby permitted, shall be made to the Local Planning Authority before the

expiration of three years from the date of this permission.

2. Application for the approval of reserved matters for Phase 2 of the employment development hereby permitted, shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.
3. Details of appearance, landscaping, layout and scale (herein called the 'reserved matters') shall be submitted to and approved by the Local Planning Authority before any development begins and the development shall be carried out as approved.
4. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters, that date being determined by whether the reserved matters were submitted in accord with Condition 1 or Condition 2.
5. Prior to the commencement of development a Phasing Programme shall be submitted to the Local Planning Authority for approval, identifying the Programme and sequence of works. The Programme shall identify Phase 1 and Phase 2 of employment development (referred to in Conditions 1 and 2). For the avoidance of doubt, Phase 2 refers to Blocks I and J as indicated on Appendix 2 to Mr Osborne's proof of evidence dated 07.05.08. The development shall be carried out in accord with the approved Phasing Programme.
6. No work shall be carried out under this planning permission (save for preparatory works of surveying, testing, sampling, soil testing, pegging out, tree protection, tree felling, archaeological investigation, construction of temporary boundary fencing, hoarding, and works of demolition in accordance with the relevant planning conditions), until the new access has been constructed in accordance with RPS drawing JNY4389/36 Rev C, and is open to traffic.
7. No development shall commence on any phase, until details of site landscaping and ecological enhancements and management, including a scheme for future habitat/landscape management on site, have been submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with an approved timetable.

Any ecological enhancements and management measures submitted for approval to the Local Planning Authority, shall be in accordance with the following documents:

- Draft Landscape and Biodiversity Management Strategy, May 2008, prepared by Barton Willmore;
- Landscape Strategy Plan, Dwg No L6, Rev E, prepared by Barton Willmore; and
- Ecological Mitigation Strategy March 2008, prepared by RPS

8. No development shall commence on any phase of the development, until a scheme for the provision and implementation of foul drainage and waste

water works has been submitted to and approved in writing by the Local Planning Authority. The works for that phase shall be carried out in accordance with the approved plans before the associated buildings of which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide for the new development shall be undertaken prior to acceptance of the development's foul water disposal.

9. Before the commencement of development, full written details for a Code of Construction Practice shall be submitted to and approved by the Local Planning Authority. The Code of Construction Practice should detail good practice measures for site working to mitigate potential impacts from construction, including details in respect of the following;

- a) How will retained features be protected;
- b) How will surface run off be controlled;
- c) Details of design controls for construction equipment and construction vehicles;
- d) Vehicle routing;
- e) Parking for site workers;
- f) Site compound location;
- g) Wheel washing facilities;
- h) Hours of working;
- i) Arrangements for the disposal of site waste
- j) Measures for handling topsoil

Water sprays will need to be provided during the delivery and dumping of sand and gravel, mixing and batching on wet rather than dry aggregate materials, minimum drop heights to be used for continuous batch drop activities. The approved Code of Construction Practice shall be implemented throughout the period of work on site.

10. Before the commencement of development on any phase, details of the proposed finished floor levels of the buildings, in relation to the existing and proposed site levels, the adjacent highway and adjacent properties, together with details of levels of all access roads, shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with the approved plans.

11. Before the commencement of development on any phase, a full Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include the following details;

- a) Numbering and detailing trees;
- b) Details of trees to be removed;
- c) Root protection areas;
- d) Routing of service trenches;
- e) Overhead services and carriageway positions;
- f) Details of no dig techniques (if required); and
- g) Where necessary, methodology for ground treatments to deal with compacted areas of soil.

The works shall be implemented in accordance with the approved details.

12. No development in any phase shall take place until details of the car parking facilities and appropriate turning areas, which shall include construction details, levels and surface water drainage, and a programme for their provision have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
13. No development shall take place on any phase until the Local Planning Authority has approved in writing a programme of archaeological works in accordance with a written scheme of investigation. The works shall be implemented in accordance with the approved details.
14. No development approved by this permission shall take place on any phase until a scheme, including design calculations and construction details, for the disposal of surface water which shall include the provision and implementation of a surface water regulation system and storage facility has been approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
15. Detailed drawings of the internal access roads shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any phase. The new main internal roads shall be constructed to a standard approved by the Local Planning Authority with a view to subsequent adoption as a maintainable highway and the works phased and completed with the progress of building construction to the written approval of the Local Planning Authority.
16. Details for the long term maintenance arrangements for any parts of the drainage system which will not be adopted (including ponds, ditches, swales, permeable paving, land drains) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should specify the responsibilities of each party for the implementation of the Sustainable Urban Drainage Systems scheme, a timetable for implementation, provide a management plan and maintenance plan for the lifetime of the development. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.
17. Prior to the translocation of any reptiles to an off-site translocation site, a survey will be undertaken of the translocation site, the results of which will be provided to the Local Planning Authority for their written approval. In addition a translocation method statement, including prescriptions for management and monitoring of the receptor site, will be provided to the Local Planning Authority for its approval in writing. The works shall be implemented in accordance with the approved details.
18. Prior to the demolition of any of the existing buildings on site, or the removal of any trees with bat roost potential, bat surveys shall be undertaken by an agreed expert to establish the presence or absence of bats within these features. Details of appropriate mitigation measures and contingency plans

shall be submitted to and agreed in writing by the Local Planning Authority, prior to the demolition of buildings or felling of trees. Should bats be found, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.

19. Prior to the felling of any trees on the site, a bat survey shall be undertaken by an agreed expert to determine the presence or absence of roosting or hibernating bats. Details of appropriate mitigation measures and contingency plans shall be submitted to and agreed in writing by the Local Planning Authority, prior to the felling of any trees. Should bats be found, the appropriate mitigation measures and contingency plans shall be implemented in accordance with the approved details.
20. No disturbance of soils, roots or vegetation in respect of the development hereby permitted, shall take place until full details of the measures and programme for reptile mitigation and conservation, including detailed methodology for the capture and translocation of such, have been submitted to and approved in writing by the Local Planning Authority. The mitigation and conservation measures proposed shall be in accordance with the Ecological Mitigation Strategy March 2008, prepared by RPS, and shall be implemented in accordance with the approved details and programme.
21. Prior to the commencement of construction on any residential development, details of amenity open space and play provision for that phase, shall be prepared in accordance with the Landscape Strategy Plan Dwg No L6 Rev E, prepared by Barton Willmore, and shall be submitted to the Local Planning Authority for its written approval, and thereafter implemented in accordance with the approved details.
22. No more than a total of 180 dwellings shall be constructed on the site.
23. Each and every reserved matters application, submitted to the Local Planning Authority for approval, shall be in accordance with the design principles set out in the Design and Access Statement prepared by John Thompson and Partners, dated July 2007, save for the means of access which is controlled by condition 6 of this planning permission.
24. Each and every reserved matters application, submitted to the Local Planning Authority for approval, shall be in accordance with the following documents:
 - Arboricultural Implications Assessment, 28 April 2008, prepared by Forbes-Laird Arboricultural Consultancy Ltd;
 - Tree Shading Study, 28 April 2008, prepared by Forbes-Laird Arboricultural Consultancy Ltd.
25. All residential dwellings, which are hereby permitted by this planning permission, shall be constructed to meet Code Level 3, as defined in the DCLG Guidance 'Code for Sustainable Homes, Technical Guide, April 2008'.
26. If during development any visibly contaminated or odorous material not

previously identified is found to be present at the site, then this must be investigated. The Local Planning Authority must be informed immediately of the nature and degree of contamination present. The developer shall submit a method statement detailing how this unsuspected contamination shall be dealt with for the written approval of the Local Planning Authority and the mitigation works shall be carried out in accordance with the approved details.

27. Clean, uncontaminated rock, subsoil, brick, rubble, crushed concrete and ceramic only shall be permitted as infill material.

28. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hardstandings susceptible to oil contamination, shall be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained.

APPEARANCES**FOR THE LOCAL PLANNING AUTHORITY:**

Graeme Keen of Counsel	Instructed by the Solicitor for Wealden District Council
He called	
Steven Scott-Brown	Scott-Brown Partnership
MRTPI	
Duncan Morrison BSc	Senior Planning Officer in the Planning Policy Team
MSc MRTPI	

FOR SOUTH EAST ENGLAND DEVELOPMENT AGENCY (SEEDA):

Timothy M W Stansfeld	Head of Planning
BA(Hons) MRTPI	

FOR THE APPELLANTS:

Miss Mary Cook of Counsel with Melissa Murphy of Counsel	Instructed by Barton Willmore of 35 Kings Hill Avenue, Kings Hill, West Malling, Kent ME19 4BW
They called	
Richard Stapleton FRICS	Chairman, Stiles Harold Williams
Andrew Osborne BSc	Partner, Vail Williams
Simon Ward BSc MRICS	Partner, Vail Williams
Anthony Setter	Senior Director, RPS Transport
BA(Hons) MSc CMILT	
MIHT	
Huw Edwards MSc	Partner, Barton Willmore
MRTPI	

INTERESTED PERSONS:

Mr M G and Mrs M A Munday	Westbourne Lodge, Dittons Road, Polegate BN26 6HX
C Shepherd	Mecca, Dittons Road, Polegate BN26 6HH
DB Hanlon	Mecca, Dittons Road, Polegate BN26 6HH

DOCUMENTS HANDED IN AT THE INQUIRY

- 1 Inquiry attendance lists
 - 2 Letters of notification of the appeal and inquiry and those notified
 - 3 Statement of Common Ground with separately bound appendices
 - 4 A. Draft Unilateral Undertaking
 B. Draft Agreement
 - 5 Summary of the provisions of Documents 4A and 4B
 - 6 Supplementary statement dated 6 June 2008 on the Section 106 Agreement and Unilateral Undertaking with attached plan
 - 7 Executed Unilateral Undertaking dated 10 June 2008
 - 8 Executed Agreement dated 10 June 2008
 - 9 List of Core Documents
 - 10 Rule 6 Statement of SEEDA and copy of email to PINS
 - 11 Proof of evidence of Mr Stansfeld for SEEDA and copy of email to
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PINS

- 12 Documents handed in by SEEDA at the inquiry:
 1. Extract from SEEDA submission to the SE Plan EiP Annex 3 – 3.2 Sussex Coast
 2. ESCC statement to SE Plan EiP on Sub-matter 8Ai – Sussex Coast Role and Economy
 3. Comparison of Experian Regional Planning Service Spring 07 and Spring 08 employment forecasts
 - 13 Eastbourne-Hailsham 'Triangle' Masterplan Brief for Consultants submitted by the Council
 - 14 Press releases of 15 November 2007 and 17 January 2008 about the Masterplan brief and the appointment of consultants submitted by the Council
 - 15 Map on OS base indicating the Eastbourne-Hailsham Triangle Masterplan area submitted by the Council
 - 16 Plan of the application site, planning history, roads, ancient woodland and area at risk of flooding submitted by the Council
 - 17 Rebuttal proof of evidence of Duncan Morrison for WDC
 - 18 Appendices to Mr Morrison's proof:
 1. Sandpits Uckfield
 2. Grovelands, Hailsham
 3. Land south of Howard Close, Hailsham
 4. Land east of Hailsham town centre
 5. Housing land availability assessment (appendices 1-11 to Mr Walker's proof to the Uckfield inquiry)
 6. GOSE letters
 7. Report of 12 December 2007 to WDC Cabinet on Improving the Delivery of Housing
 8. SoS decision letter and Inspector's report on Cherwell DC appeal relating to land at Banbury
 9. Proof of evidence of Mr Walker to the Uckfield inquiry into 3 housing appeals (2042597, 2046982 and 2053422)
 10. Supplementary and rebuttal statement of Mr Walker
 11. Land availability schedules as at October 2007 (as at pages 26, 27 and 30 of Appendix 5 with cross references to Barton Willmore site numbers)
 12. WDC 5 Year Requirement and Projected Supply (1.10.07)
 13. WDC Site Schedule of 5 Year Housing Land Supply 1 October 2007 – 30 September 2012
 14. Additional information on Sites 42, 67, 68 and 70
 15. Letter dated 11 June 2008 from Hillreed Developments Ltd re land east of Battle Road, Hailsham
 16. Report to Development Control South Sub-Committee 27 March 2008 relating to land to east of Shepham Lane, Polegate
 17. Letter dated 10 June 2008 from CLG to the Chair of East Sussex Strategic Partnership re East Sussex Local Area Agreement and NI 154
 - 19 Additional appendices to Mr Stapleton's proof:

RHS22 – extract from the Eastbourne Park Management Plan showing his employment sites 9 and 14
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- RHS23 – Assessment of Table 7.1 in the Eastbourne and Wealden Employment Land Review (Core Document G9)
- 20 Mr Setter's Supplementary Statement in response to rebuttal by Mr Morrison
- 21 Mr Setter's response to third party representations on transport and highways
- 22 Additional appendices to Mr Setter's proof:
 Appendix 9 – comparison of August 07 application traffic flows to local plan allocation (25,000 sqm B1)
 Appendix 10 – Hailsham and Polegate Transportation Studies Addendum 'A Joint Study by WDC, ESCC and the Highways Agency' November 2004
- 23 Appendices to Mr Ward's proof:
 1. Job capacity figures
 2. Space per job – Arup/English Partnerships guide
 3. Table of SEEDA worker density rates
 4. Email exchange between Roger Tym and Partners and Vail Ward LLP on figures in the draft Employment Land Review
 5. OED definition of 'strategic'
- 24 Rebuttal proof prepared by Simon Ward regarding employment and the local economy with appendices:
 1. Brief, tender documentation and notes of inception meeting for the Employment Land Review
 2. Letter from Network Rail to the SE Plan EiP and note of Huw Edwards on the 'Polegate Opportunity'
 3. Revised Market Balance – commentary by Mr Stapleton on the Employment Land Review and its conclusions as to the quality of the committed sites and the likely viable supply
 4. Additional Development Appraisal from Andrew Osborne on the Employment Land Review recommendation of development of the appeal site with 50% offices and 50% industrial/warehousing
- 25 Barton Willmore note on employment floorspace areas
- 26 Extract from the Regional Development Agencies Act 1998 – Section 4 purposes
- 27 Revised appendices to Mr Edwards' proof:
 Appendix 5 – schedule of 5 year housing land supply sites
 Appendix 6 – constraints on sites in WDC trajectory
 Appendix 10 – basic BW 5 year comparative (with WDC) land supply trajectory (in Volume 1 of appendices)
 Appendix 11 – basic BW 5 year requirement vs BW projected supply (in Volume 1 of appendices)
- 28 New appendices to Mr Edwards' proof:
 17. Plan showing application site area, allocation site area and land ownerships
 18. Figure 17.2 of the NSLP showing additional areas A and B outside the application site area
 19. The RES Map showing SE Plan sub-regional strategy areas, growth areas, regional hubs and diamonds for growth
 20. End of year 2007/08 Performance Report to WDC Cabinet of 7 May 2008
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- 21. BW 5 year housing land supply requirement scenarios A, B, C and D with agreed amended figures (as annotated in red by the Inspector at the inquiry)
- 22. Note dated 6 June 2008 detailing position between Barton Willmore and WDC on Housing Land Supply
- 23. Site by Site Comparison Table between BW and WDC 5 year Housing land Supply (12 June 2008)
- 29 Huw Edwards' Inquiry Update (11 June 2008)
- 30 Barton Willmore letter dated 28 May 2008 to local residents confirming their intention to ask at the inquiry to substitute the roundabout access option for the signalised access junction.
- 31 Opening submissions on behalf of the appellants
- 32 Opening statement on behalf of Wealden District Council
- 33 Closing submissions on behalf of Wealden District Council
- 34 Closing submissions on behalf of the appellants

PLANS

- A Application drawings –
 - Site location plan drawing PS2
 - Possible signalised junction drawing 24 Rev A
 - Illustrative drawings –
 - Illustrative masterplan JTP drawing ref. GDGP_001 Rev 0
 - Possible cycle route and traffic calming measures drawing JNY 4389/12 Rev B Option 3
- B Roundabout access drawing JNY 4389/36 Rev C