



Mr. James Smith, Case Officer

Planning Department, Lewes District Council

17th August 2026

Application LW/26/0321 — Approval of Reserved Matters following outline permission LW/20/0609, as amended by S73 consent LW/23/0561: 12 custom-build homes and supporting infrastructure, Former Hamsey Brickworks (Hamsey Lakes), South Chailey

Dear Mr. Smith,

1. The Parish Council's position

1.1 Hamsey Parish Council ("the Parish Council") has considered this reserved matters application in detail. This response constitutes its formal representation as statutory consultee.

1.2 The Parish Council accepts that the principle of up to 12 custom-build dwellings and the means of access were established by the outline permission and are not before the Council in this application. It also wishes to record, in fairness to the applicant, that the architectural quality of the submitted proposals is high: the dwellings are carefully considered, well designed, use a restrained palette of quality materials, and respond to the lakeside setting far better than the repeat house types that characterise most volume development. Design quality of this kind carries weight, and the Parish Council does not seek to diminish it.

1.3 Nevertheless, the Parish Council **objects to the approval of reserved matters in the current form** and asks that the application not be determined until the matters set out below are resolved, and that if approval is granted it be subject to the specific conditions and confirmations requested. The Parish Council's concerns go to matters squarely within the scope of this application — layout, landscaping, scale and their consequences for the existing community — and to the integrity of the framework of conditions and obligations within which this reserved matters submission sits.

2. Construction traffic, phasing and the absence of any construction assessment

2.1 The submitted Transport Statement (i-Transport, June 2026) is eight pages long and addresses only internal layout, parking, refuse and emergency access. It contains **no assessment of construction traffic whatsoever**: no anticipated HGV numbers or frequencies, no routing assessment, no program, and no assessment of cumulative effects. Swept-path analysis was undertaken for a refuse vehicle, a fire appliance and an estate car — not for any construction vehicle.

2.2 The Parish Council rejects the submission's premise that transport matters are closed. The Transport Statement asserts that because ESCC raised no objection at outline stage — commenting that the A275 right-turn lane "would operate within capacity" — "no further assessment of traffic impact is necessary." That outline-stage assessment addressed one thing only: the operational trip generation of twelve occupied dwellings. It did not, and could not, assess the construction phase: HGVs, low-loaders, concrete wagons and years of trade traffic negotiating a fast section of the A275 at a split-lane junction and threading through a residential estate. Construction impact was expressly left over to Condition 8, which remains undischarged. The planning history does not identify any dedicated assessment of construction vehicle movements by anyone, at any stage of this site's planning history — it cannot now be treated as resolved by an outline permission that deliberately deferred it. Not in either the original 2020 outline application, the S73 application or this current reserve matters application. Nor the 2025 Antler application. By contrast, neither did the wider Hamsey brickworks

redevelopment application's transport assessment include any assessment of construction traffic and was only raised by highways response.

This is not a novel expectation: when the adjoining phase of the same site was consented in 2014, ESCC Highways required exactly this — a Construction Traffic Management Scheme addressing vehicle size, routing, hours and contractor parking (ESCC Highways conditions letter, HW/LW/14/0712, condition 3) — yet, as with the present application, that scheme was deferred to a pre-commencement condition rather than assessed at application stage

If there has ever been any submission of construction impact assessment on this site, we cannot find any evidence of it and request the District council to confirm if any exists or request that it is supplied by the applicant.

2.3 Circumstances have also materially changed since the outline assessment was made. When access was considered under LW/20/0609, the adjoining estate was itself under construction. It is now complete and fully occupied — or nearly so — by families: children play in and around these streets, residents walk dogs, and the estate functions as a settled residential neighborhood whose only vehicular connection to the outside world is the same narrow A275 junction and spine road that all construction traffic must use. Children having to cross this road to school, families and older residents crossing to the bus stop is significantly less safe when traffic is turning into the estate, blocking the view of oncoming traffic (at 60mph).

It is also noted that there is currently a match funding contribution of just over £12,000 towards a crossing here from the original Hamsey Brickworks application that remains pending.

The cumulative traffic burden on this stretch of the A275 from development in the surrounding area has likewise grown considerably since 2020 and continues to grow. An assessment made against the conditions of 2020–2023 cannot simply be carried forward to 2026 as though nothing had changed.

2.4 The physical constraints compound the risk. All construction access must pass from the A275 — via the fast split-lane junction — through the completed residential estate on Old Brickworks Lane and Lakeside: residential streets, sections of which are surfaced in hand-laid block paviors never designed for repeated heavy vehicle loading, past occupied family homes and the estate's only children's play area. Internal carriageways of 3.7–4.0m are effectively single-track for HGVs. No construction compound, holding area, or operative parking arrangement is identified anywhere in the submission.

2.5 The phasing structure makes this worse, not better. The 15-phase program submitted under LW/26/0246/CD (Phasing Plan Statement, Lavender Homes, 6 May 2026) — site establishment, then groundworks and piling, then **twelve separate single-dwelling construction phases** — is expressly structured around CIL liability and the custom-build delivery model. Its practical effect on the existing community is years of intermittent construction activity, with repeated mobilisation and demobilisation of plant and deliveries, rather than one continuous and bounded construction period. Neither the Transport Statement nor the Planning Statement acknowledges this consequence, let alone assesses or mitigates it.

The Phasing Plan Statement itself confirms three matters of direct concern: individual plot phases "may proceed concurrently with other plot phases, subject to there being no conflict in terms of site access, construction traffic, or amenity" (Phasing Plan Statement, p.3, Phase 2 trigger/dependency wording repeated at each plot phase) — with no indication of who assesses or enforces the absence of such conflict; Phase 1 includes undefined "temporary construction access arrangements where required" (Phasing Plan Statement, p.2, Phase 1), which have never been identified or assessed by the Highway Authority; and the road within the development itself — described in that document as "the primary estate road" — has its final binder and wearing course deferred to Phase 15, the last of fifteen phases, with only its sub-base and base course laid throughout construction (Phasing Plan Statement, p.3, Phase 2, and pp.9–10, Phase 15).

For the avoidance of doubt, this refers to the new internal road within the application site itself, not to the existing Old Brickworks Lane/Lakeside roads, which are already complete; but it confirms that the site's own access road will remain in an unfinished, base-course-only condition for the duration of a construction program

extending over multiple years — a further indicator of the scale and duration of disruption to be managed, and a matter the CMP should address directly.

2.6 This community has direct and recent experience of construction of the existing estate, and residents' representations on this application record speeding and inconsiderate construction driving during that build (see the representations of Mr. and Mrs. Blackmore, requesting monitored vehicle speeds and a "first gear" policy; Mrs. Gladhaug on the unsuitability of the brick-surfaced roads and the A275 junction). The cumulative burden on the local network — the estate construction, works in the wider area, and now a further multi-year program — is a material consideration to which the application gives no weight at all.

2.7 The Highway Authority's own recent handling of this site demonstrates that more is required. On the parallel application LW/25/0484 (Antler Homes — a materially identical quantum of 12 dwellings on the same land), ESCC objected until the applicant demonstrated by swept-path analysis that HGVs could turn within the site, and until a parking shortfall was corrected arising from ESCC's published position that a garage counts as only one third of a parking space (garages being used for parking in only 19–45% of cases nationally) — which the then-applicant resolved by replacing all garages with car ports (Transport Statement Addendum, i-Transport, 19 November 2025; ESCC updated response, 3 December 2025).

The present submission — prepared by the same transport consultancy — contains no HGV tracking and reverts to reliance on garages for both parking and cycle storage. The Parish Council further notes that no response from ESCC Highways to LW/26/0321 appears among the published consultation responses and asks the Council to confirm that ESCC has been consulted and to require of this application the same rigor ESCC required of LW/25/0484, including swept-path analysis for construction and other large vehicles.

2.8 The Parish Council also places on record a disparity arising from the two different consenting routes available for this site. LW/25/0484 was, as the applicant's own Planning Statement records (para. 1.4), "a live planning application... submitted by a different applicant... seeks full planning permission for the erection of 12 residential dwellings" — a freestanding full application, not tied to the outline permission or its 2023 Section 106 agreement, and therefore capable of attracting its own planning obligations. On that application, ESCC Highways required, through a Section 106 agreement, contributions of £17,160 towards public transport infrastructure and £46,740 towards secondary school bus transport (ESCC Highways, updated response, 3 December 2025).

The present application proceeds instead under the extant outline permission (LW/20/0609, as varied by LW/23/0561) and its own 2023 Section 106 agreement, which contains no equivalent transport contributions. The Parish Council recognises that reserved matters approval cannot impose new planning obligations, and that the two routes are legally distinct; it notes the disparity because the same twelve dwellings on the same site would, had this application come forward as a full permission rather than via the outline route, have been expected to fund some £64,000 of local transport infrastructure that this scheme will not provide — context that belongs in any fair assessment of the cumulative infrastructure burden on this community, and a further reason for the Highway Authority to scrutinise this application as closely as it scrutinised LW/25/0484.

2.9 The Parish Council therefore requests:

- (a) that no reserved matters approval be issued until the Council has considered how Condition 8 of the outline permission (Construction Management Plan) will operate across the 15-phase program, and that the **CMP be a single, comprehensive plan governing all phases**, not discharged piecemeal;
- (b) that the Parish Council be **consulted on the Condition 8 discharge application** before determination, in accordance with the condition's own requirement for "details of public engagement both prior to and during construction works";
- (c) that the CMP secure, as a minimum: construction vehicle routing confined to [agreed route], delivery scheduling outside school run and peak hours; a speed limit and enforcement protocol on estate roads, with a first-gear/walking-speed requirement on the brick-paved sections; a condition survey of Old Brickworks Lane and Lakeside before commencement, with a mechanism for reinstatement of damage;

wheel-washing; an identified on-site compound and operative parking so that no construction parking, loading or storage occurs on existing residential streets; a defined limit on the number of plot phases under construction concurrently, with a named party responsible for the "no conflict" judgement the Phasing Plan Statement leaves unassigned; definition of any "temporary construction access arrangements" contemplated by Phase 1, assessed by the Highway Authority; and a named community liaison contact with a published complaints procedure;

(d) confirmation that Condition 19 (construction hours: 0800–1800 Monday–Friday, 0830–1300 Saturday, no Sunday/Bank Holiday) will be actively monitored and enforced across the whole multi-year program. The Parish Council notes that the permitted start time of 0800 coincides exactly with the period when families on the existing estate are leaving home to take children to the local primary and secondary schools and asks that the CMP's delivery-scheduling and vehicle-movement restrictions (requested at (c) above) take particular account of this coincidence, rather than treating 0800 simply as the earliest permissible start for the heaviest vehicle movements.

3. The "Gated Private Community" marketing, and community access to Kiln Wood

3.1 No document within the application proposes gates. On the contrary, the Design & Access Statement and Planning Statement describe an "open boundary approach" in which plot curtilages merge into the wider landscape without walls, fences or formal enclosure — an approach the Parish Council supports and which is integral to the landscape-led case made for the scheme.

3.2 The applicant's own sales campaign says otherwise. The development is being marketed on Rightmove as "The Lake Houses" (Oakley Property; listing added 13 July 2026, while this application remains undetermined), with "**Gated Private Community**" prominently listed as a key feature, at prices from £1,350,000 (three-bed), £1,650,000 (four-bed) and £1,800,000 (five-bed). The Parish Council draws the Council's attention to the obvious inconsistency between the scheme as submitted for approval and the scheme as sold. A resident's representation (Ms. Stephenson, 13 July 2026) sets this out in detail. We are not asserting that the development will be or will become gated but that the marketing is creating uncertainty as seen in the numerous local resident responses.

3.3 The question of gating is not merely one of character. The Parish Council reminds the District Council of the documented framework governing **Kiln Wood** — which, as the Council's own S73 officer report records, is designated ancient woodland **and** a Local Green Space under Policy EN2 of the Hamsey Neighborhood Plan. Under the woodland management arrangements approved on 8 November 2017 pursuant to Condition 9 of LW/14/0712, and the associated proposals set out in writing to the Parish Council by EA Strategic Land in 2018 and accepted by the Parish Council in January 2018: management of Kiln Wood is to pass to a management trust/company whose articles must include voting representation for Hamsey Parish Council and the Bevernbridge Area Residents' Association, and **existing Bevernbridge residents are to enjoy access to the woodland on the same terms as new residents**, with controlled public access provided for in the approved Woodland Management Plan.

3.4 Public access to Kiln Wood was, moreover, an assessed feature of the outline scheme itself. The officer's report to committee records (para. 8.1.20) that "a footpath would be formed to provide access to the woodland area and waterbody within the southeastern corner of the site, providing an amenity function and **facilitating public access to Kiln Wood, as encouraged in section 7.9 of the Hamsey Neighbourhood Plan.**" The reserved matters submission describes only "informal pedestrian walkways" for residents and is otherwise silent on how anyone — existing residents or new — reaches Kiln Wood once the lake perimeter is developed. A gated estate wrapped around the lake would be capable of physically severing the access which the community was promised and on the strength of which earlier permissions were supported. The Parish Council also notes the representation of Mrs. Durrant, a long-standing local resident, who records that during the previous owner's tenure residents were assured the lagoon and its surroundings would be protected, that a path around it would be provided for existing and new residents — and that she was shown where an entrance gate would be located. While anecdotal, this account is consistent both with the 2018 documented framework and with the

"Gated Private Community" marketing now published, and the Parish Council considers it should be given appropriate weight.

3.5 The Parish Council therefore requests:

- (a) written confirmation from the applicant of whether any gate, barrier or other access control across the estate roads or paths is intended at any stage;
- (b) a **condition on any reserved matters approval precluding gates or barriers** across the vehicular accesses and pedestrian routes, and securing the open boundary treatment as submitted;
- (c) confirmation of the status of the Kiln Wood management trust/company (formation, Parish Council and BARA representation, funding), and a requirement that the landscaping details demonstrate the retained access route(s) to Kiln Wood;
- (d) that the Council record that the enjoyed open outlook over the lake — whether or not the land was formally public — is a real amenity loss to the existing community, to be weighed in the assessment of layout and landscaping.

4. Viability, affordable housing and the integrity of the planning obligations

4.1 The Parish Council asks the Council to place the following documented sequence before members and to act on it.

4.2 The policy baseline, as the officer's report to the December 2022 committee records, was a commuted sum based on **40% affordable housing**. The applicant contended — initially that self-build development was exempt altogether (a position withdrawn after challenge by the Council's legal officers) — and then, through a Financial Viability Assessment, that a policy-compliant sum would render the development unviable, citing extraordinary construction costs. The FVA was independently reviewed by a Chartered Surveyor under the RICS Professional Statement, who concluded that while a policy-compliant contribution was not viable, **"it would be viable for all homes to be sold at a discounted rate and remain viable"**. On that basis officers recommended a commuted sum of **£378,564**, equivalent to the discounted rate identified by the independent assessor.

4.3 On 7 December 2022, the Planning Applications Committee — advised in the supplementary report that "the monetary sums available to make a contribution to offsite affordable housing cannot be relied upon" in a dynamic market — resolved that the S106 agreement must include **"a financial review mechanism... to allow for clarity over the true construction costs and sales values and if there are surpluses then these will make a financial contribution towards the provision of off-site affordable housing"**, anticipated to operate per individual property with the owner meeting review and monitoring costs.

4.4 The S106 agreement as executed secures neither the officers' recommended figure nor the committee's safeguard. Its recitals record that the owner "subsequently agreed to pay an Affordable Housing Contribution of **£250,000 instead of a review mechanism being required**, which has been agreed by the Head of Planning under delegated powers." The executed sum is £128,564 — some 34% — below the figure officers themselves recommended to committee, and the per-property review mechanism the committee resolved to require was abandoned.

4.5 The Parish Council has reviewed the Financial Viability Assessment itself (Oakley Property (Sussex) Limited, prepared as at April 2022). Its appraisal assumed the following sales values: three-bedroom houses at **£700,000–£715,000**; four-bedroom houses at **£950,000**; and five-bedroom houses at **£1,100,000** — an average of £525 per sq ft across a total sellable area of 20,450 sq ft, producing a Gross Development Value of **£10,730,000**. On those values the FVA concluded a policy-compliant scheme produced a negative land value of –£1,250,000, that even the Parish Council's modest request for two affordable units produced a negative land value of –£200,000, and that only a nil-affordable-housing scheme was deliverable.

4.6 The same dwellings are now marketed at: three-bedroom **from £1,350,000** (89–93% above the assumed values); four-bedroom **from £1,650,000** (74% above); and five-bedroom **from £1,800,000** (64% above) — an

implied gross development value in the region of £19 million against the £10.73 million appraised, and this before noting that the reserved matters scheme provides approximately 32,450 sq ft of accommodation against the 20,450 sq ft of sellable area on which the appraisal was based. Even applying the FVA's own £525 per sq ft to the floorspace now proposed would produce a GDV of more than £17 million. On any view, the viability position on which the affordable housing obligation was fixed bears no resemblance to the development now being sold.

Whilst build costs have undoubtedly increased since 2022, it is difficult to reconcile increases in sales values of approximately 65–90% with the viability assumptions that underpinned the negotiated affordable housing contribution

4.7 The Council will also wish to note that the Financial Viability Assessment was prepared by Oakley Property (Sussex) Limited — the same firm now conducting the Rightmove marketing campaign for the completed scheme. The Parish Council notes that the author of the appraisal is the same firm now marketing the completed homes at roughly double the appraised values and is accordingly well placed to explain the divergence to the Council.

4.8 The Parish Council further observes that the scheme has moved upmarket in composition as well as price. The Original Application officer's report to committee recorded a parameter mix including six two-bedroom dwellings, four three-bed dwellings and two five-bed dwellings, this differs from the original outline application design code which shows 4no 3 beds, 6no 4 beds and 2no 5 beds on the parameter plan (*DESIGN AND ACCESS STATEMENT and DESIGN CODE - 18096-SBR-ZZ-XX-RP-A-80201 Rev5 - PP-01 pg31*) but then states 4no 3-beds, 6no 4 beds and 2no 2beds in the summary on pg39. The Section 73 then reverts back to the original mix as stated in the original application design code, ie 2no 5 beds rather than 2no 2 beds (*SBR-SW-XX-DR-A-80100 Rev 14 - Proposed Site Layout Plan*); the FVA appraised a mix of 4no. 3 beds, 6no 4 beds & 2no 5beds (inc 5 as affordable) which match the original application and parameter plan but not the original design code summary nor officers report;

This reserved matters scheme then delivers a different mix of 3no 3 beds. 7no 4 beds & 2no 5 beds and no two-bedroom homes at all.

These are summarized below.

Document	2B	3B	4B	5B	Total
Original Officers report	6	4		2	12
Original Design Code Plan		4	6	2	12
Original Design Code Summary	2	4	6		12
S73 Site Plan 2023		4	6	2	12
FVA 2023		4	6	2	12
RM Application 2026		3	7	2	12

The Council is asked to clarify which mix the outline permission and its viability concessions were predicated upon; on either version, the development for which those concessions were granted is not the development now being delivered and marketed. The precise circumstance the Committee anticipated — a surplus emerging once true sales values and mix became known — has materialised; the mechanism the Committee resolved to secure to capture it was removed by delegated decision for a fixed sum representing little more than 1% of the marketed development value. The Parish Council notes the contrast with the adjoining estate (LW/14/0712), which delivered twelve affordable dwellings alongside 37 open-market homes.

4.9 The Parish Council is careful in how it frames housing need. It does not contend that the district's housing figures represent an evidenced local demand — they derive from the Government's standard-method calculation. But whatever need those figures embody, dwellings priced at £1.35m–£1.8m adjacent to an

ordinary residential estate self-evidently do not address it, and the only need-based justification advanced by the applicant — demand on the Self-Build and Custom Housebuilding register — is itself called into question by the manner in which the scheme is being marketed (see 5 below). The Parish Council also observes that the submitted and marketed visualisations omit the adjoining estate entirely, presenting the scheme in an idealised isolated landscape; the Council should assess the actual context, not the brochure.

4.10 The Parish Council requests that the Council: (a) report this sequence to members; (b) re-examine the viability position in light of the FVA figures and the applicant's own marketing evidence set out above; and (c) pursue a deed of variation to reinstate a viability review mechanism before further approvals, discharges or amendments (including the anticipated plot-by-plot NMA/S73 applications) are granted. The Parish Council recognises that reserved matters approval cannot of itself reopen the S106; it raises the matter because the discrepancy between assumed and actual values is a material consideration in the Council's stewardship of this site, and because public confidence in the planning process depends on committee resolutions of this kind having practical effect. As set out at paragraphs 4.3–4.4 above, the committee's own resolution on this site was not, in the event, carried into the executed agreement: the review mechanism members resolved to require was replaced, under delegated powers, with a fixed sum below even officers' own recommendation. The Parish Council raises this not to relitigate that decision, but because a second instance of a democratically resolved safeguard being administratively set aside on this site would further weaken, rather than restore, public confidence in the process, and is a reason for members themselves — rather than officers acting under delegation — to consider the matters raised in this response.

5. Custom build status does not distinguish these dwellings from standard market housing

5.1 The entire consent rests on the scheme being genuine custom build under the Self-Build and Custom Housebuilding Act 2015: that was the basis of the principle of development, of the S106's Custom Housebuilding Scheme obligations, and of the CIL-driven phasing. The S106 requires that plots be transferred only to persons on the SBCH register, a qualifying custom housebuilding developer, or persons approved by the Council, and — unless otherwise agreed — that "the initial Occupant of any Custom-build Dwelling shall be the person who had a primary input into that Dwelling's final design layout."

5.2 The Custom Housebuilding Scheme (CHS Rev 3, submitted 6 May 2026) asks the Council to accept that the 12 dwellings satisfy that obligation on the basis that each purchaser will have "primary input into the layout" of their home. In practice, the CHS defines that input as: internal room configuration, arrangement of principal rooms, position of internal openings, and "internal specification including kitchen, bathroom and joinery layouts" (CHS §6, §6.1). It is explicit that this stops well short of the building itself: "the overall architectural design, external appearance and structural principles of each dwelling are fixed and controlled by the design code," and purchaser input "will not extend to fundamental alterations to the approved architectural form, structural system, or external appearance" (CHS §6.2). This is not materially different from what any buyer of a standard new-build home is routinely offered by a volume developer — a choice of kitchen units, tiling, flooring and joinery from a curated range. The CHS effectively concedes as much, describing the process as one where "purchaser input will typically be exercised through **selection and refinement of curated interior design approaches prepared by the developer's design team**" (CHS §6.3) — buyers choosing from options the developer has already designed, not designing the home.

5.3 This is no longer a hypothetical concern. A live Rightmove listing for a three-bedroom home at "The Lake Houses" (marketed by Oakley Property, Lewes; added 13 July 2026; Rightmove's own internal property reference, given in the small-print disclaimer at the foot of the listing, is KLY_LWS_LFSYCL_906_1051531045 — cited here only so the listing can be independently located and verified) shows how the scheme is actually being brought to market, and it does not resemble the process described in Schedule 3 or the CHS:

(a) **Marketing route.** Schedule 3, Part 3 and CHS §7.1–§7.4 require the plots to be marketed first, and made available, to those on the Council's Self-Build and Custom Housebuilding Register, with disposal to the open market only permitted as a fallback after 12 months of registered marketing has failed to find a qualifying purchaser, and only once the Council has been notified. Yet the property is already listed as a

"NEW HOME" through a mainstream estate agent on Rightmove, with an open invitation to "register your interest today... before the full public launch" — ordinary open-market pre-launch marketing, not registered-buyer marketing, and ahead of Council approval of the CHS itself.

(b) **No eligibility framing.** The Schedule 3 process depends on purchasers meeting the "Qualifying Custom Housebuilding Developer" test (age, nationality, intended sole/main residence, register membership) before a plot is transferred. Nothing in the listing mentions the register, eligibility criteria, or any verification step — it reads exactly like any other new-homes listing, complete with a mortgage-in-principal calculator, stamp duty calculator and "can you afford it?" prompt.

(c) **"Custom build" as a lifestyle feature, not a process.** "Custom Build Opportunity" appears as one bullet point among "Gated Private Community," "Lakeside Setting" and "Air Source Heat Pumps & Solar PV" — presented as an amenity, not as the regulated design-input mechanism Schedule 3 describes. The accompanying description ("a carefully guided custom build process, enabling buyers to influence the interior design and specification of their home") is vaguer than even the CHS's own wording and commits to nothing beyond what any developer might offer a buyer choosing options from a brochure.

(d) **Interiors already designed by a third party.** The listing credits "Interior Architecture by Pfeiffer Design" — a commercial design practice, not the individual purchasers — which confirms in the marketing itself what CHS §6.3 already implies: the interiors purchasers are said to have "primary input" into have in substance already been designed for them.

5.4 Taken together, the marketing material in circulation right now does not evidence a genuine self-build or custom-build allocation process. It evidences a standard speculative new-homes launch, sold through a conventional estate agent ahead of the Council even approving the CHS that is supposed to govern how these plots are allocated. The Parish Council's concern is not simply that the finished product may look like ordinary developer housing — it is that the developer's own live marketing conduct is already inconsistent with the sequencing and eligibility safeguards in Schedule 3 that the CHS asks the Council to sign off. The Parish Council therefore asks the Council to confirm, before determining this application: whether its Self-Build and Custom Housebuilding Register has been formally notified; whether the current campaign is register-restricted marketing or a premature open-market launch in breach of the intended Schedule 3 sequencing; the status of the CHS approval; and how the Council will satisfy itself that the scheme as marketed genuinely constitutes custom housebuilding within the statutory definition — on which the custom-build CIL exemptions anticipated in the phasing plan also depend.

6. Kiln Wood and ancient woodland: an internal contradiction in the application

6.1 The application documents contradict one another on the single most sensitive environmental receptor adjoining the site. The Planning Statement states that the woodland "immediately adjoining the northern and western boundaries is treated as ancient woodland for the purposes of this application" (Planning Statement, para. 2.6, p.4); the Design & Access Statement states in materially identical terms that the woodland to the north and west "is recognised and treated as ancient woodland for the purposes of the application" (Design & Access Statement, p.4); and the Arboricultural Impact Assessment identifies "Woodland to the east of the site... designated as Ancient Semi Natural Woodland (ASNW)", with the extent of the designation and a 15m recommended buffer shown on the tree survey plan (Arboricultural Impact Assessment, TGA.2689.ArbImpactAssessmentRevB, para. 1.10, p.3).

By contrast, the Ecological Impact Assessment states of the lowland mixed deciduous woodland it records on the western, eastern and northern site boundaries that it "is not considered to be ancient as it lacks ancient woodland indicator species and is not listed on the Ancient Woodland Inventory (MAGIC, 2014)" (Ecological Impact Assessment, David Archer Associates, 14 May 2026, §4.2.3, p.15 of 75). These four documents cannot simultaneously be correct as to which boundaries carry ancient woodland status, or whether any of it does. The Council's own officer report for LW/23/0561 puts the matter beyond doubt so far as Kiln Wood itself is concerned: "Kiln Wood is designated ancient woodland and is also included within the Hamsey Neighbourhood Plan as a Local Green Space" (Officer's Report, LW/23/0561, Site Description section, p.5).

6.2 The Parish Council asks that this inconsistency be resolved on the record before determination, that Natural England/Forestry Commission standing advice be applied on the basis that Kiln Wood is ancient woodland and a Local Green Space, and that the following be addressed at this reserved matters stage — since appearance, landscaping and layout are precisely what is now being fixed: recreational pressure from twelve additional households on the woodland; light spill from highly glazed, lake-facing elevations and external lighting onto the woodland edge and the lake (the principal bat foraging feature, with activity recorded as moderate to high), noting that the lighting strategy required by Condition 18 remains unsubmitted; and the true extent of tree removal, which includes all lake-edge vegetation, eight willows to the west, and parts of the G2 and G7 buffer/screening groups with a protection offset of only 1.5 metres from the new road edge in places.

The Parish Council is not seeking to resolve the ecological classification itself. Rather, the Council should not determine the application whilst the applicant's own submitted documents materially disagree

7. Drainage and outstanding technical objections

7.1 The Environment Agency's response of 10 July 2026 is a holding position requiring further information: confirmation of capacity at Barcombe New Wastewater Treatment Works (whose event-duration monitoring data for storm discharges are described by the EA as relatively high), and foul drainage plans, with reconsultation requested. The application should not be determined until the EA's requirements are met.

7.2 The Parish Council gives particular weight to this because residents' representations (Ms. Stephenson, Mr. Ho, Ms. Che) independently report ongoing wastewater failures on the existing estate attributed to defective installation of the existing private drainage system — the very system to which the new foul drainage is proposed to connect via a pumping station. The Parish Council supports residents' request for a proper capacity and condition assessment of the receiving private network before any connection is approved and asks that Condition 16 not be discharged without it.

7.3 The Parish Council also endorses the Contaminated Land adviser's recommended conditions (verification report; unexpected contamination), noting the remediation verification position has been outstanding since 2023, and the specific concern raised in representations regarding piling and concrete works within a water-filled clay pit hydraulically connected to downstream watercourses — a matter for the CEMP under Condition 7 to address explicitly.

8. Scale and the Design Code: plot-by-plot verification

8.1 The Planning Statement repeatedly characterises the approved Design Code's parameters as "indicative" and "principles, not rules", and invites the Council to treat the scheme-wide gross internal area as "the primary measure of compliance". That is not the basis on which the S73 consent was granted. The officer report for LW/23/0561 records that the revised parameters "would not represent a blanket acceptance", that **"the scale of each individual plot [would be] assessed as part of the reserved matters application"**, and that per-dwelling volume thresholds were the safeguard against unacceptably bulky buildings.

8.2 The Parish Council accordingly asks the Council to verify compliance with the Design Code **plot by plot** — footprints, volumes, deck dimensions and heights — and not by scheme-wide averaging. Two specific discrepancies require clarification. First, the original Design Code describes the scheme as "an overall gross area of circa 30,000 sq ft spread across 12 units" (pg45), and the S73 officer report expressly records that "the parameters for the area and volume of each dwelling would not be increased from that presented in the original design code"; yet the revised design code submitted for the S73 application asserts a range of "30,000–35,000 sq ft" (pg5) within which the proposed 32,450 sq ft stated in this reserved matters application sits "centrally but". The 2023 Financial Viability report that affordable housing concessions was based on notes only 20,450 sq ft. Therefore, the representations of the officer at S73 stage have in fact been breached as the 30-35000 sq ft was approved there. An 8% increase in development size from the outline scheme and an almost 60% increase on the viability report.

It is also of note that, whilst not of influence, the submitted 2025 scheme by Antler homes for full open market housing was for a total of 22,042 sq ft (and a different varied mix again) warranted significantly more statutory consultation and objection than this application.

The Council is asked to identify why the increased 35,000 sq ft was approved despite the officer's explicit notes that it wouldn't.

Secondly, Design & Access statement states a 6.4m height above ground Level (measured from where) (pg14) and 2 storey in height (pg16) whereas the Planning Statement asserts the Code allows "up to three storey and 9m" (Sec12.8 pg. 17) which we find no reference to in the actual S73 application, the S73 officer report records a maximum of 8.1 meters (6.6m two-storey (asserted in the outline application plus the 1.5m basement allowance but does also note two and 3 storey dwellings (pg8). So, whilst the 6.4m currently being proposed is within the S73 6.6m it is also noted in the S73 officers report that *"the increased parameters would not represent a blanket acceptance of 8.1 metre high dwellings across the development,"* (pg7) which this current scheme under consideration is now proposing in some form with a blanket height or repeated houses across the site.

The Council is asked to clarify the correct and exacting approved parameters and to measure the submission against them.

As stated above, the approved Design Code describes an overall development of circa 30,000–35,000 sq. ft. However, the officer's report for LW/23/0561 makes clear that the revised Design Code did not amount to a blanket acceptance of increased floorspace and that each individual plot would still require assessment at Reserved Matters stage against the approved plot parameters, including footprint, volume and scale. The Parish Council therefore requests that compliance be demonstrated on a plot-by-plot basis rather than by reference to an overall scheme-wide floorspace.

8.3 The Parish Council additionally notes internal inconsistencies in the submission which merit correction before determination, including contradictory parking schedules between the Planning Statement and Transport Statement, a placeholder document reference ("ref: XXX") for the Tree Protection Plan, in the planning statement (para. 20.1, pg. 27) and the description of the Hamsey Neighbourhood Plan as guiding development in "Newhaven" (Planning Statement, para. 5.8, p.9: "The Hamsey Neighbourhood Plan (HNP) was formally 'made' (adopted) by Lewes District Council in November 2019. It seeks to guide development in Newhaven up to 2030.") Individually minor, these are indicative of a submission prepared at speed against the outline permission's expiry deadline and reinforce the need for careful officer scrutiny rather than reliance on the applicant's summaries.

9. Unresolved matters carried forward

9.1 The Parish Council asks the Council to confirm, before or upon determination, the status of each of the following: Condition 2 phasing (LW/26/0246/CD, undetermined); the Custom Housebuilding Scheme (submitted 11 May 2026, unapproved); Conditions 5 (LEMP), 6 (EDS), 7 (CEMP: Biodiversity), 8 (CMP), 12 (tree protection/no-dig), 16 (drainage details), 18 (lighting strategy) and 21 (sustainability assessment), none of which has been discharged; the badger pre-commencement survey and any Natural England licensing under Condition 20; the outstanding contaminated land verification report; the staged payment of the Affordable Housing Contribution with indexation; and firefighting water supply provision raised by East Sussex Fire & Rescue Service.

10. Conclusion

10.1 The Parish Council does not oppose the principle of this development — that question was settled at outline — and it genuinely admires the architecture. But the application before the Council is silent on the construction reality facing an existing community that must host another multi-year, fifteen-phase build accessed solely through its own streets; it is contradicted by the applicant's own marketing on the fundamental

question of whether this is an open or gated development; it ignores documented community access commitments to Kiln Wood; and it arrives amid clear evidence that the viability basis on which affordable housing was negotiated away no longer reflects reality.

10.2 The issue of social cohesion here is quite clear, the existing Hamsey Brickworks development is already a somewhat isolated residential area, no connecting footpath to local areas and parish services and difficulty with accessing (infrequent) bus services is often cited as feeling like an isolated community, adding an selection of high value private houses does nothing to resolve this and only furthers the car dependent nature of this overall area and its impact on the local infrastructure.

10.3 Individually, several of these matters might properly be addressed by condition or further approval. Collectively, however, they demonstrate that the Council does not yet have sufficient information to conclude that the reserved matters before it achieves the quality of development anticipated by the outline permission or that the wider planning framework governing the site is capable of operating as intended.

10.4 The Parish Council notes that many of the issues identified above have also been independently raised by local residents through separate representations, including concerns regarding construction traffic, drainage, Kiln Wood access, gated-community marketing and wastewater infrastructure. The Parish Council relies notes that these are not isolated concerns.

10.5. The scheme as proposed offers nothing to the existing community or the wider parish as a whole, no community play area (especially given what transpired with phase 2 of Hamsey Brickworks), no infrastructure improvements or contributions, no defined or community access to the lake or the Kiln Woods, just premium private homes aside an existing community.

10.6 The Parish Council therefore objects to approval in the current form and requests that the application be determined only once the matters above are resolved, and in any event subject to the conditions and confirmations requested at paragraphs 2.7–2.9, 3.5, 4.10, 5.4, 6.2, 7 and 8. The Parish Council asks to be notified of any committee consideration of this application and requests that, given the issues raised, the application be **determined by the Planning Applications Committee rather than under delegated powers.**

Yours sincerely,

On behalf of Hamsey Parish Council