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16 September 2026

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By email: planninginfo@midsussex.gov.uk

RE: DM/26/1613 — Land parcels adjacent to Worsell Drive, Copthorne — 69 dwellings (Miller Homes)

Dear Caroline Grist,

I **object** to this application and ask that permission be **refused**. Please place this letter on the file.

The Lead Local Flood Authority objects to the application, and so does Worth Parish Council. This letter takes account of the documents and responses on the portal up to 13 September 2026, including the Noise Impact Assessment and the revised Planning Statement of September 2026.

Part 1 — reasons for refusal shown on the applicant's own documents:

1. Gardens, shed bases and an acoustic fence inside the root protection area of ancient woodland
2. Loss of the land made available for a school and a surgery, with no evidence of need
3. Drainage and road infrastructure inside the approved 20m watercourse stand-off, and the statutory net gain failed on the watercourse
4. Parking at least 22 spaces short of the Neighbourhood Plan standard
5. A wheelchair dwelling below the Council's floor area standard, and affordable housing concentrated in one parcel

Part 2 — matters that cannot be assessed on the evidence, each going to layout or principle:

6. Noise, ventilation and overheating
7. Protected species
8. Ashdown Forest Special Area of Conservation
9. Traffic and highway safety
10. Flood risk and drainage, on which the Lead Local Flood Authority objects
11. Ground conditions

Points 12 to 14 cover sustainability, air quality and obligations. Sources are in **Appendix A**; further inconsistencies in **Appendix B**.

Policy framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 applies. The development plan is:

- Mid Sussex District Plan 2014–2031 (March 2018)
- Site Allocations DPD (June 2022)
- Small Scale Housing Allocations DPD (April 2008)
- Copthorne Neighbourhood Plan (made 29 September 2021)
- West Sussex Joint Minerals Local Plan and Waste Local Plan

Policies engaged: **DP21, DP25, DP26, DP28, DP29, DP31, DP37, DP38, DP39, DP41; SA38; CNP1, CNP2, CNP10, CNP14, CNP15.**

The Planning Statement (revised September 2026) gets this framework wrong:

- paragraph 4.2 omits both allocations DPDs and lists six SPDs as "statutory development plan documents"
- paragraph 5.49 calls CNP15 "Sustainable Transport", and paragraph 5.50 claims accordance with "Policy CNP16 (Car Parking)". CNP15 is Car Parking; CNP16 is New Parking Areas. The Transport Statement repeats the error.
- it cites the August 2026 NPPF only for S4(1) and in general terms. It does not address any of the national decision-making policies engaged below: N2, N6, DP3, TR6, F4, F8, P2 or HC3.

As a result, **no submitted document applies the Neighbourhood Plan parking standard** (point 4).

National policy (NPPF, 17 August 2026)

The site is within Copthorne's built-up area, so **S4(1)** applies: development "should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects". S4(2) lists circumstances in which that is likely, and "include[s] (but [is] not restricted to)" them.

(a) S4(2)(a)(ii) and N6(2). S4(2)(a)(ii) lists substantial adverse impact on Policy N6. N6(2) directs refusal:

"development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists."

Gardens, sheds and a fence in the ancient woodland root protection area are deterioration (point 1). No exceptional reasons or compensation are offered.

(b) S4(2)(c) — other refusal directives:

- **N2(2):** "If significant harm to biodiversity resulting from a development cannot be avoided ... adequately mitigated or, as a last resort, compensated for, then the development should be refused." The applicant's ecologist records a potentially significant residual effect on dormice (point 7).
- **DP3(3):** proposals "should be refused if, without clear justification, they conflict with ... relevant aspects of the principles in paragraph 2", including layouts "which minimise risks from the impacts of climate change including overheating" (point 6).
- **TR6(4):** proposals "should be refused if they would have a severe adverse impact on the transport network ... or an unacceptable impact on highway safety" (point 9).

Where the evidence needed to test these is missing, compliance cannot be found and S4(1) cannot operate in the applicant's favour.

(c) Loss of public service infrastructure land. S4(2) is not exhaustive. Losing land made available for a school and a surgery is an adverse effect of real weight under DP25 and NPPF HC3 (point 2).

Part 1 — Reasons for refusal

1. Gardens, shed bases and an acoustic fence in the ancient woodland root protection area

Policy. DP37: "ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that ... have landscape, historic

or wildlife importance, will not normally be permitted." Development must prevent "damage to root systems" and incorporate woodland "within public open space rather than private space".

(a) The incursion. The Arboricultural Report records woodland W40 as "Ancient & Semi-Natural", and its impact table states:

"Minor incursion on into the RPA of woodland: limited to smaller trees on the woodland edge. Plot 14: 7.8m², Plot 15: 11.3 m²) for the installation of boundary fencing and gardens."

- Its summary adds "construction of the garden shed bases"
- The fence "will require the removal of the Tree Protection Fencing"
- That fence is the scheme's **1800mm acoustic fence** on plots 14–16 (Proposed Boundaries Plan), with post footings dug into the root protection area
- The root protection area passes into private gardens, the opposite of what DP37 requires

(b) The buffer is at its minimum where it most needed widening. The Natural England and Forestry Commission standing advice states that the 15m buffer exists "to avoid root damage (known as the root protection area)", and:

"Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone."

Larger buffers are "more likely to be needed if the surrounding area is ... close to residential areas". The applicant widened the buffer to 20m "in places" precisely "to ensure the RPAs of the boundary trees ... are adequately protected". At plots 14 and 15, where its own table shows the root protection area crossing the 15m line, it did not.

(c) The documents contradict each other:

- Design and Access Statement: the buffer ensures "no works encroach within this area"
- Ecological Impact Assessment: "The development will occur outside of the RPA"
- Arboricultural Report: incursion at plots 14 and 15

(d) Two veteran trees identified, then ignored. The Arboricultural Report states that arboriculturists "did identify two trees during the survey (T14 & T22), which they considered to be ancient or veteran".

- The survey schedule records both at life stage "V", with veteran root protection radii of **20.7m (T14)** and **15.75m (T22)**
- Neither appears in the impact tables or conclusions
- The metric records "Irreplaceable habitat present at baseline: No"; the application form declares none
- Scaled from the Tree Constraints Plan, the red line and road corridor are about **15m from T14**, inside its 20.7m veteran root protection area

(e) The Tree Officer's advice was not followed. At pre-application stage: "the ancient woodland and tree buffer zones should be left undisturbed" and "planting pits should be included in the Arboricultural Report". Both views were "fully supported". The root protection area is disturbed; there are no planting pits.

Conclusion: conflict with DP37; deterioration of irreplaceable habitat under N6(2), engaging S4(2)(a)(ii) and S4(2)(c).

Request: refusal. Otherwise, before determination, a measured overlay of the woodland edge, buffer, veteran root protection areas of T14 and T22, garden boundaries, acoustic fence and all works, and the Tree Officer's determination of T14 and T22.

2. The school and surgery land is lost with no evidence it is not needed

Policy. DP25: "The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose." NPPF HC3(1)(a): proposals must "be informed by an understanding of the need for any associated improvements to community facilities and public service infrastructure".

The 500-home outline permission (13/04127/OUTES) made this land available. Its committee report counted "a new primary school" among the "social benefits ... which attract positive weight". The Neighbourhood Plan (paragraph 7.25) records that the development "provides a site for a new primary school ... a site for a GP surgery". Worth Parish Council objects that the school use "would have retained substantially more open and green space than the current proposal".

(a) The evidence the Council asked for is absent. The pre-application response of 11 December 2024:

"It therefore needs to be clearly demonstrated within any application that this infrastructure is no longer required, for example providing correspondence with West Sussex County Council and the NHS showing that all options have been explored."

No such correspondence is on the portal. Instead, at least ten documents repeat an unsourced assertion, naming three different decision-makers:

- Planning Statement: "Pound Hill Surgery confirmed to SMH that it would be unviable"
- Design and Access Statement: "Through conversations with West Sussex County Council it has been established that the school and GP surgery were no longer required"
- Transport Statement, Travel Plan, Arboricultural Report, Noise Impact Assessment: "The local medical group has advised it is not viable"

WSCC Highways' response of 10 September 2026 repeats the same wording. Repetition is not evidence.

(b) A section 106 release is not evidence of need. It decides whether the land may be built on, not whether the facility is needed. DP25 and HC3 ask the second question. The releases are not evidenced either:

- **School (Schedule 3):** paragraph 1.2 requires County Council notice "in writing". The Planning Statement relies on "dialogue". No written notice is on the portal.
- **Surgery (Schedule 5):** release requires 12 months' marketing under an approved Healthcare Facility Marketing Strategy, or NHS confirmation. Neither is on the portal.

(c) The release clause is misquoted. Planning Statement paragraph 5.4 closes its quotation of Schedule 3 paragraph 1.3 at "may be obtained". The sentence continues:

"and they shall pay to the County Council a sum equivalent to the cost to the County Council of acquiring on the open market an alternative site for the Primary School ... (and for the avoidance of doubt the Developer and the Owner shall also pay the Primary School Contribution ...)"

The payment obligations are cut without an ellipsis. The September 2026 revision repeats the error.

(d) The pre-application response is misreported:

- Planning Statement 2.11: the principle "was considered acceptable"; 5.6: "established by Officers at pre-application stage"
- The response: the principle "**could be considered** acceptable", conditional on the evidence of need above
- Statement of Community Involvement: lack of demand "confirmed with Officers of the Council". The response records the opposite expectation.

Conclusion: conflict with DP25 and HC3(1)(a).

Request: refusal, unless before determination the Council obtains written confirmation from WSCC as education authority and NHS Sussex Integrated Care Board that neither facility is needed.

3. Infrastructure inside the approved 20m watercourse stand-off, and statutory net gain failed

Policy. CNP1.3: development should "retain features such as shaws, hedgerows, ponds and brooks, and enhance them". DP38: biodiversity protected and enhanced.

(a) The approved stand-off. The Watercourse Enhancement Scheme (DM/21/2035) records that "a 20m stand off as per the Stream Buffer Zone Management Scheme has been incorporated into the scheme layout". Outfalls are permitted only on these terms:

"The exact location of outfalls will be sited to avoid sensitivities and minimise the area of impact. An ecological Clerk of works will supervise the work. The design will aim to have the lowest possible impact ... with consideration given to avoiding changing water flows and potential for any scouring effects ... details will be provided with the reserved matters for the associated development phase that creates the need for any outfall."

This is that phase. It provides no siting assessment, no Clerk of Works and no flow or scour assessment.

(b) Development inside the stand-off. Drainage drawing 24205/2045/500 P10 is keyed "20m STREAM BUFFER ZONE". Inside it are:

- part of the northern access road and the parking court fronting plots 50–56
- a **76.3m³ geocellular storage tank**
- manholes S29–S31, the outfall pipe and the headwall

The Design and Access Statement justifies the layout on a buffer "of **10m** from the top of the existing bank".

(c) The Brook is a main river. The applicant's flood risk assessment calls Copthorne Brook an "Environment Agency designated 'Main River'". The EA is a statutory consultee for works within 20m. It has not responded.

(d) Three documents, three outfalls:

- Ecology Appendix F: "no wider than 2m"
- Arboricultural Report: a **2,289mm** precast headwall, craned in, bank excavation up to 2m × 3m, "unavoidable access within the RPA of trees T49, T51, T52 and T53"
- Arboricultural Report assessed drainage drawing **P07** (525mm pipe, directional drilling, 600mm deep). The submitted drawing is **P10** (150mm pipe, inverts 1.6–1.9m). The drainage note never mentions directional drilling.
- The drainage note describes the discharge as both "into the Copthorne Brook" and "the northmost ditch that borders the plot"

(e) The ecology assessment ignores the works in the Brook. "Outfall" does not appear in the body of the Ecological Impact Assessment. It scopes water vole out because the Brook is "approximately 10m away", and protects otter by fencing "between the Site and watercourse". Only Appendix F records "direct impact to ... the Copthorne Brook ... which may negatively impact otter, water vole, and the watercourse itself".

(f) The statutory metric fails.

- **2.2m of the 3.5m of Brook** within the red line recorded as lost: –62.86% watercourse units
- "Trading rules satisfied? No"; "Remaining losses; Like for like not satisfied"

- The User Guide: "If you do not follow these rules, you cannot claim a biodiversity net gain". Unit types "must not be summed, traded, or converted"; High-distinctiveness watercourse losses "must be replaced with watercourse units of the same habitat type"
- None of the four off-site parcels supplies watercourse units or has a registration reference
- The tool requires 0.01997 statutory watercourse credits. No provider is identified.
- The Ecological Impact Assessment's "10% biodiversity gain through off-site enhancements" omits the watercourse failure

This is a failure of the statutory metric, not a demand for gain beyond it (N2(3)). Government guidance asks "whether the biodiversity gain condition is capable of being successfully discharged". The gain hierarchy puts avoiding loss of higher-distinctiveness habitat first. Keeping works out of the Brook was not considered.

The Council's ecologist should also check:

- the baseline "Major" encroachment, justified by a "small headwall", which the guide treats as Minor
- whether more than 3.5m of Brook should be entered, the red line being within the 10m riparian zone

Conclusion: conflict with CNP1.3 and DP38; unjustified departure from the approved stand-off.

Request: refusal. Otherwise, before determination: a measured top-of-bank overlay against all works; EA consultation; one consistent outfall design assessed across drainage, ecology and arboriculture; and a corrected metric with a secured like-for-like watercourse route.

4. Parking at least 22 spaces short of CNP15.3, and 26 short of the County calculator

Policy. DP21 requires adequate parking "with the relevant Neighbourhood Plan where applicable". CNP15.3:

"New development should include car parking spaces in accordance with the greater of: (a) The latest WSCC guidance at the time the application is submitted. OR (b) For residential units, provision of on-plot / off-street car parking spaces in accordance with the following table: 1 bed – 2; 2 bed – 2; 3 bed – 3; 4+ bed – 4"

(a) CNP15.3(b). Mix: 12 one-bed, 17 two-bed, 30 three-bed, 10 four-bed.

- Required: $12 \times 2 + 17 \times 2 + 30 \times 3 + 10 \times 4 = 188$
- Provided (applicant's schedule, garages as full spaces): **154 — 34 short**
- Every one-bed flat has 1 space (needs 2); 12 three-bed houses have 2 (need 3); every four-bed house has 3 (needs 4)
- Counting every garage and visitor bay as a full space: still **at least 22 short**
- No CNP15.4 justification is offered, because CNP15 is never applied

(b) The WSCC calculator (Transport Statement Appendix C):

	Required	Provided
Allocated	143	143
Unallocated (includes visitors)	35	9
Total	178	152

- **26 short.** Paragraph 5.5.5 still claims the 9 visitor spaces "adequately accommodate the demand".
- The applicant's own paragraph 2.4.4 cites visitor demand of "0.2 spaces per dwelling": **14 needed, 9 provided.**
- Allocated provision (143) exceeds the 136 all-unallocated demand, so "the existing parking design should be reviewed". Paragraph 5.5.4 presents that as a merit.

(c) WSCC Highways does not engage with either figure. Its response of 10 September 2026 states that "The proposed parking is considered acceptable and is within the LHA's guidance". It does not mention the 178 spaces its own calculator returns, the 26-space shortfall, or CNP15.3. It also notes "a lot of parking dominance" in the northern parcel.

(d) The figures do not reconcile:

- Table 5.1's allocated column sums to 143 but prints 149; visitor 9 prints 161. The application form repeats 149.
- Allocated spaces: 154 (site plan), 157 (Car Parking Plan), 143 (Transport Statement)
- Garages count as car spaces, then again as cycle storage (paragraph 5.5.7)

Residents "highlighted parking provision as a key issue" (Transport Statement).

Conclusion: conflict with CNP15.3 and DP21.

Request: refusal, unless the layout meets CNP15.3, or a CNP15.4 case is made and the full WSCC requirement of 178 spaces is met.

5. Undersized wheelchair dwelling; affordable housing concentrated in one parcel

Policy. DP28: M4(3) wheelchair dwellings for "generally 4%" of affordable homes. DP31: affordable housing "integrated with market housing" and meeting DP28.

On 2 September 2026 the applicant replaced the six First Homes with shared ownership (Planning Statement 5.20; revised Site Plan C03 and Affordable Housing Plan C03). The layout, the distribution and the wheelchair dwelling are unchanged.

(a) The wheelchair dwelling is plot 15, AL23 Clevefont: a **single-storey two-bedroom dwelling of 72.2m²** (Site Plan C03; drawing 11965-RLA-25-ZZ-DR-A-3311).

- The Affordable Housing SPD (Figure 5) requires wheelchair dwellings to exceed national space standards. Its smallest two-bedroom figure is 73m² (2B/3P flat); for a two-bedroom house, **103m²**.
- The housing officer's final pre-application position (14 November 2024): a 3B/5P wheelchair house of 121m² preferred; a two-bedroom wheelchair bungalow acceptable only if fully M4(3)(2)(b) compliant, and the unit then proposed "would need to be increased in size"
- The officer required the unit and its parking "clearly identified on this plan in green". The revised Affordable Housing Plan C03 still has no green entry and no numbered parking.
- The officer required 1:50 annotated plans checked by the occupational therapist, with "any changes required ... made prior to planning approval being granted". The only floor plan of the unit is at 1:100 on the house type sheet; no 1:50 annotated plans are on the portal.
- No Affordable Housing Schedule is on the portal
- Plot 15 also takes the larger woodland root protection area incursion (point 1), and its garden is one of the six the Noise Impact Assessment predicts above the 55 dB guideline (point 6)

(b) Distribution. All 12 northern-parcel homes are affordable, with no market housing.

- Planning Statement 3.14: "The majority of the proposed affordable units are located within the northern parcel"
- SPD 2.43: clusters "of no more than ten dwellings ... rather than concentrated in one location", more only "in high density flatted schemes"
- Housing officer: "distributed throughout the site ... with open market units in between each cluster"
- Planning Statement 3.14 claims "This layout was considered adequate by Officers". Nothing on the pre-application file (DM/24/2241) says so.

Conclusion: conflict with DP28, DP31 and the Affordable Housing SPD.

Request: refusal, unless before determination: a wheelchair dwelling meeting SPD Figure 5, with 1:50 M4(3) plans checked by the occupational therapist; an Affordable Housing Plan and Schedule as specified; and distribution meeting SPD 2.43.

Part 2 — Matters that cannot be assessed

Each goes to layout, dwelling numbers or principle. A condition is "necessary to make the development acceptable" (NPPF DM6(1)(a)) only once the Council knows what it is making acceptable.

6. Noise, ventilation and overheating: the applicant's own assessment defers what its cited guidance says cannot be deferred

Policy. DP29: noise-sensitive development near high noise "will not be permitted ... unless adequate sound insulation measures, as supported by a noise assessment are incorporated". NPPF P3(2)(a): "healthy living conditions for occupiers". DP3(2)(b): layouts minimising "overheating".

(a) What the Council required (pre-application):

- an acoustic survey addressing "the flight path, the distribution centre and ... the motorway"
- "residents should be able to open their windows and trickle vents should be avoided"
- these concerns "should be able to be designed out through changes to the site layout"

(b) What the Noise Impact Assessment (Stantec, December 2025; on the portal from 3 September 2026) does:

- assesses internal levels "with windows closed" only (section 5)
- bases compliance on "natural ventilation" with "**Uprated trickle ventilation**" to living spaces and bedrooms (5.2.7, Table 5.2), the approach the Council said should be avoided
- finds external night-time levels "above 65 dB LA_{max,f} across the majority of the development", so "it is unlikely that the internal noise criteria would be achieved at night in bedrooms, by utilising open windows to mitigate overheating" (6.3.2)
- leaves the answer to later: "dynamic thermal modelling will be completed at detailed design stage to determine the method of ventilation for homes" (6.3.3)
- places areas facing the M23 and Worsell Drive in ProPG's "**medium noise risk**" category at night, and the northern parcel's Worsell Drive frontage in medium risk by day and night (4.4)

(c) It defers what its own cited guidance forbids. The assessment quotes the Sussex Planning Noise Advice Document (November 2023), which the Planning Statement lists at 4.2 as a Council SPD:

"It is not accepted that an overheating assessment should be addressed post-planning. Overheating assessment and mitigation can have material impacts on design features, orientation of facades etc. As such, it should be incorporated into the design of a development and not as an afterthought."

The same document says "preference is to be given to criteria based on windows being partially open", and requires the cooling hierarchy to be demonstrated wherever windows must be closed. Neither is done.

For medium-risk sites, the assessment itself quotes ProPG: "any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an Acoustic Design Statement". No Acoustic Design Statement has been submitted. The assessment proposes that one be "conditioned".

National guidance points the same way:

- PPG Noise (30-006-20190722): where mitigation "relies on windows being kept closed most of the time ... a suitable alternative means of ventilation is likely to be necessary"
- Approved Document O applies "where the local planning authority considered external noise to be an issue at the planning stage", as this Council did

(d) The distribution centres were not assessed. The assessment names "Amazon and DHL distribution centres to the southwest, between the site and the motorway" (1.3.3), then states that their noise was "inaudible during the setup and collection periods of the sound survey, therefore a separate assessment of these sources has not been undertaken" (3.5.2). The survey visits were in daytime. Night-time distribution activity was never assessed, although the Council named it as one of three sources.

(e) The survey is thin. It ran from 11:30 on 21 November to 14:45 on 25 November 2024, and about 50 of those 99 hours were excluded for adverse weather, including all of Saturday 23 November. Aircraft maximum levels "have not been modelled" (4.2.4).

(f) The garden mitigation assessed is not the mitigation drawn.

- The assessment finds six gardens above the 55 dB upper guideline: **plots 14, 15, 16, 17, 18 and 49** (7.1.2)
- It relies on "a **2 m** acoustic fencing (garden fence) along the western perimeter" of all six (7.1.4), and even then levels "have the potential to exceed the upper guideline level by 1-2 dB" (7.1.5)
- The Proposed Boundaries Plan shows an "**1800mm** high Acoustic Fence" to **plots 14, 15 and 16 only**. Plots 17, 18 and 49 have none.
- The fence at plots 14 and 15 sits in the ancient woodland root protection area (point 1)

Request: before determination, an Acoustic Design Statement and overheating assessment following the Planning Noise Advice Document's cooling hierarchy, with the ventilation strategy fixed; an assessment of night-time noise from the distribution centres; and acoustic fencing drawn to the height and extent the assessment relies on. Without these, DP29, P3(2)(a) and DP3(2)(b) cannot be met, and DP3(3) directs refusal.

7. Protected species: "no residual effect" rests on untested judgement

Policy. DP38. Government advice to planning authorities: do not decide applications "until you have received all the necessary surveys".

There is **no reptile survey and no dormouse survey**. Fieldwork was a habitat walkover (29 August 2025) plus badger, water vole, otter, crayfish, river condition and ground-level tree surveys.

(a) Reptiles. The Ecological Impact Assessment finds:

- grassland "suitable for reptiles ... multiple potential basking opportunities identified"
- "any legacy populations of reptiles that were not successfully translocated may still be present"
- "the likelihood of encountering reptiles during preparation works is high"

It still concludes "low risk of killing or injury" and residual effect "None", resting solely on the unsurveyed view that "the Site is unlikely to be key for the population". Also:

- the only reptile survey is from 2022, "120m west of the Site, separated by mature woodland and a stream"
- no population estimate, no receptor area
- phased clearance displaces reptiles towards the population already translocated "on the west of the stream", with no evidence that habitat has capacity
- the Reasonable Avoidance Method Statement relied on is not on the portal
- the "new other neutral grassland" relied on for reptiles is 0.032 hectares

(b) Hazel dormouse, a European protected species:

- presence "within the Site is unlikely", with no survey, from 2013 and 2016 data
- the metric records **0.106 hectares of mixed scrub lost**, including hazel; this is not assessed as a dormouse impact
- standing advice calls for surveys where proposals affect "woodland ..., hedgerow or scrub", accepting surveys up to three years old
- no licensing position; the Council must judge whether Natural England would license before granting permission

(c) A significant residual effect is admitted. The assessment's "only one impact being potentially ecologically significant: predation of the known hazel dormouse population by cats"; "Even with the mitigation outlined above, there remains potential for long-term small residual impacts". No compensation is offered: **N2(2) is engaged**. The Planning Statement's "no residual impacts on conservation status of any habitat or species" (5.57) contradicts its own ecologist.

(d) Baseline and mitigation do not match the metric:

- the grassland is "other neutral grassland" (Medium) in the text, but modified grassland (Low) in the habitat table and the metric (1.137ha). The classification sets the baseline and trading rules.
- mitigation relies on "Provision of new woodland"; the metric creates none

Request: before determination, a reptile survey or evidence of receptor capacity; a dormouse survey of the scrub to be lost, with a licensing assessment; and the Council ecologist's view on the grassland classification.

8. Ashdown Forest: an adopted policy quoted by the applicant, then not applied

Site Allocations **SA38**, as recited in the applicant's Air Quality Assessment:

"In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC."

The pre-application response required each application to be "assessed for its potential traffic impacts on the Ashdown Forest Special Area of Conservation in relation to the impact of nitrogen deposition". The Air Quality Assessment quotes SA38, then assesses only construction dust on two local woodlands. **Nothing assesses nitrogen deposition on Ashdown Forest.**

Under the Conservation of Habitats and Species Regulations 2017, the Council must rule out a likely significant effect, alone or in combination, before granting permission. That cannot be conditioned.

Request: a nitrogen deposition screening assessment, with Natural England, before determination.

9. Traffic and access: the Highways response rests on a baseline that fails the real-prospect test

WSCC Highways (10 September 2026) raises no objection. Its reasoning does not hold, for four reasons.

(a) It relies on netting off uses that will not come forward. Highways states that "The TRICS analysis demonstrates that the proposals will see a reduction in the number of previously agreed trips". That is Transport Statement 6.7.1, which nets off a 74-trip school and a 9-trip surgery. The same Transport Statement (1.2.2), and Highways' own response, say the school "is not required" and the surgery is "not viable".

- Against the land as it is, Tables 6.2 and 6.3 give **+52 morning and +40 evening peak trips**. Neither the Transport Statement nor Highways states that figure.
- A fallback counts only with a real prospect, "the antithesis of one that is 'merely theoretical'" (*Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314, para 27). On the applicant's own account, neither use has one.
- Highways' own pre-application advice (22 November 2024) was that the proposals "will see a **modest increase** in traffic over what has currently been permitted". Its September response reports a reduction against the same uses, without explaining the change.

(b) No current capacity work:

- Copthorne Way roundabout relies on a 2021 horizon year (RFC 0.82), five years past, although the Transport Statement records the 1,900-dwelling Forge Wood sector and operational distribution units nearby
- **M23 Junction 10 is not assessed**, by the Transport Statement or by Highways. Outline conditions 32 and 33 cap occupation at 100 and then 300 dwellings "until the completion of the improvements to the M23 junction 10", to keep the motorway "an effective part of the national system of routes". Those works were designed for 500 homes; this adds 69.
- National Highways has not responded
- TR6(3) requires "reasonable future scenarios" including "potential cumulative impacts", agreed with the authority and relevant bodies. None has been.

(c) The northern access route contradicts the outline permission. The Transport Statement says: "Given the bus gate restrictions access to these houses will be via Shipley Bridge Lane only as agreed for the outline application for this parcel of land." Outline condition 36:

"The proposed secondary vehicular access to Shipley Bridge Lane shall be used as an emergency access, bus access, and vehicular access to a GP car park and school drop off area only. There shall be no other means of vehicular access to the development from Shipley Bridge Lane."

Imposed "In the interest of road safety". The two uses that justified the access are the two being deleted. Highways' response does not mention Shipley Bridge Lane, condition 36 or the bus gate. Shipley Bridge Lane is a Surrey highway, and Surrey County Council has not responded. The Design and Access Statement's claim of "a new principal access from Shipley Bridge Lane" is wrong: the principal access is from the A264.

(d) The northern refuse vehicle reverses off the bus route. The Transport Statement: "The refuse vehicle will access in reverse gear, and egress in forward gear."

- Drawing 332612039-STN-HGN-SW-DR-CH-0008 P04 shows the vehicle reversing off Worsell Drive into the northern parcel entrance, and leaving forwards. It never enters the parcel's internal road.
- The Transport Statement (3.4.3) places "bus stops serving both directions on the access to the northern development parcel"
- Highways says the tracking shows each vehicle "can adequately manoeuvre within the site access roads". In the northern parcel it does not enter them.
- Highways did not visit the site ("DATE OF SITE VISIT: n/a")

Request: before determination, absolute trip generation; reasonable future scenarios including M23 Junction 10, agreed with National Highways; any consented-use comparison justified against *Mansell*; Surrey County Council's assessment of the Shipley Bridge Lane route; and a highway safety assessment of the reversing manoeuvre at the bus stops. Until then DP21 and TR6 cannot be met.

10. Flood risk and drainage: the Lead Local Flood Authority objects

Policy. DP41. NPPF F4(2): a site-specific flood risk assessment for Flood Zone 1 "Sites of one hectare or more". This site is **2.05 hectares**.

(a) The Lead Local Flood Authority objects (11 September 2026):

"Following a review of the documents on the portal the LLFA has been unable to fully address the proposals in obtaining sufficient information. We object in principle until such time as the information presented presents a full a [sic] coherent submission"

It requires:

1. "A short technical summary of how the proposed scheme aligns and meets the current National Statnards [sic] for SUDS"
2. "Clarification and resubmission of appropriate calculations to current standards fully referenced to detailed plans"
3. "Updated surveys, Ground Investigation, groundwater monitoring and percolation testing"

Worth Parish Council reports that "Properties located close to the adjacent brook have experienced flooding issues in the past".

(b) The flood risk assessment is a 2013 draft for another scheme:

- "Version 0.2 — November 2013 — Draft Final"; "Verified by" and "Approved by" blank
- prepared for the 54-hectare outline, with "sites for a primary school and a GP surgery"
- does not assess the current red line, extended to the Brook, or the relocated outfall
- the drainage note says it shows "no flood risk"; it actually records "a small portion of Flood Zone 2" and a residual blockage risk

(c) Superseded climate change basis. The 2025 drainage note uses "Environmental Agencies 2016 revised guidance" (40%), with no catchment or epoch under current allowances. The 2013 assessment uses 2009 figures.

(d) NPPF F8(2) not met. Sustainable drainage should:

- "Be designed in accordance with the National Standards for Sustainable Drainage Systems" — not referred to; the LLFA asks for exactly this
- "Have maintenance arrangements in place ... for the anticipated lifetime of the development" — none in any document
- "take account of advice from the Lead Local Flood Authority" — that advice is an objection

(e) Groundwater at the tanks is unassessed. Underground storage of 672.7m³ (southern parcel) at about 2m depth, plus the 76.3m³ tank beside the Brook, sit in ground the applicant's own documents describe as:

- alluvium, with "a fluctuating water table" and "substantial waterlogging"
- groundwater seepages needing possible "sump pumping in excavation"
- groundwater with "elevated contaminant concentrations"

The drainage note does not mention groundwater, flotation or lining. The LLFA now requires groundwater monitoring and percolation testing.

Request: refusal while the LLFA objection stands. Otherwise, before determination: the information the LLFA requires; a current site-specific flood risk assessment with climate allowances by catchment and epoch; seasonal high groundwater levels at the tanks, with flotation and lining addressed; maintenance and adoption arrangements; and Environment Agency advice.

11. Ground conditions

Policy. NPPF P2: sites must be "suitable for their proposed use taking into account ... Ground conditions, including any risks arising from ... contamination", with "Adequate site assessment

information, prepared by a competent person"; responsibility "rests with the developer and/or landowner".

(a) The Council's Environmental Protection officer (26 August 2026):

- the submission "does not adequately address the subsequent contaminated land assessment, remediation and verification works undertaken pursuant to Condition 26"
- the site "overlies land historically associated with the former sewage treatment works", where "hot spots of contamination relating to asbestos, lead and polycyclic aromatic hydrocarbons" were found
- "the information submitted is insufficient to demonstrate that the site is suitable for the proposed end use without further assessment"

(b) The only ground evidence is a four-page desk note:

- summarises 2017 site-wide reports "available on request", not on the portal
- five exploratory holes in the southern parcel, three in the northern
- no mention of the sewage works, condition 26, or the red line extension to the Brook
- "three further gas monitoring rounds to be undertaken"; no results

(c) The application form is wrong. It answers No to known contamination, suspected contamination, and a vulnerable use; a Yes would have required "an appropriate contamination assessment". It gives the site's current and last use as "n/a". The applicant's own consultants say otherwise:

- Noise Impact Assessment (1.3.2): "The northern and southern sites are currently used as site compounds for the surrounding residential sites currently under construction"
- Ecology Appendix F: "a site compound" and "hard standing"
- The Council's archaeological adviser (1 September 2026) also records "compound construction and tree clearance"

(d) This cannot be left to condition. Remediation could require clean cover or changed levels in gardens, work within the woodland root protection area at plots 14–15, or protection of drainage tanks in contaminated groundwater. The cut and fill drawing shows about 4,786m³ of fill to the school plot. Each affects the layout now proposed.

Request: a site-specific risk assessment covering the compound use, the outstanding gas monitoring and the condition 26 record, before determination, and a corrected application form.

12. Sustainability: DP39 expectation not met

Policy. DP39: minimise energy use "through the design and layout of the scheme including through the use of natural lighting and ventilation"; "Use renewable sources of energy". The pre-application response, citing DP39:

"there is an expectation for new housing development to go beyond only providing a Fabric First approach. This is a matter that Members are very interested in ... The inclusion of these houses can also provide an opportunity for lessons being learnt from the trial houses to be incorporated"

The submission:

- leads on "a fabric-first approach" (Sustainability Statement)
- achieves **10.3%** below Part L 2021 from fabric and roof PV; the Turnley house type only **1.65%**
- proposes **gas boilers throughout**, because "the standard St Modwen house types are not designed to accommodate low-temperature heating systems", avoiding "fundamental changes to the house type layouts"
- records that the Future Homes and Building Standard, "with a strong emphasis on low-carbon heating", applies from 2027

- uses a feasibility matrix headed "**Suitable for use at Land at Ripley Avenue / The Crescent**", a different site, which calls heat pumps "an efficient solution" before rejecting them
- models 4 of 12 house types, and no affordable house type
- does not mention the trial houses
- calls the result "policy-compliant" without naming the policy
- relies on natural ventilation that the Noise Impact Assessment finds unlikely to be usable at night (point 6)

Request: a site-specific heating and energy strategy justified against DP39, before determination.

13. Air quality: screening threshold exceeded, resolved by analogy, mitigation unsecured

- 170 daily vehicle movements through the Crawley AQMA "exceeds the EPUK / IAQM screening criteria of 100 AADT within an AQMA"
- resolved not by modelling, but by reference to a 2021 assessment of a different B8 scheme (DM/21/3805), with 2019 and 2026 baselines and no cumulative run
- traffic distribution taken from the outline scheme, which included the school and surgery
- damage cost **£9,904** offset entirely against infrastructure already delivered under the outline; nothing new, nothing secured
- policy context taken from the emerging District Plan 2021–2039 submission draft
- no Environmental Health comment on the portal

Request: Environmental Health to agree the read-across in writing or require modelling; any damage cost mitigation secured by obligation.

14. Contributions cannot be secured by condition

Planning Statement 5.69 asks that contributions be "imposed by way of suitably worded condition". NPPF DM6(2): conditions "should not be used to ... Require payments of money". Contributions need an obligation meeting CIL Regulation 122(2). No heads of terms or draft agreement is on the portal.

Request: heads of terms and a draft agreement before determination.

Documents not on the portal

Relied on in the submission or required at pre-application, but not on the portal at 13 September 2026:

1. **Acoustic Design Statement and overheating assessment** — required by ProPG for medium-risk sites and by the Planning Noise Advice Document (point 6)
2. **Southern Plot Lighting Plan 24205/2045/1300** — EclA 4.2 (woodland light spill); only the Northern Plot plan is present
3. **Biodiversity Net Gain Report** — EclA Appendix C
4. **River Condition Assessment output** — sets the watercourse condition score
5. **Reptile Reasonable Avoidance Method Statement** — EclA Table 5-1
6. **WSCC and NHS correspondence**, and WSCC's written notice under s106 Schedule 3 paragraph 1.2
7. **Healthcare Facility Marketing Strategy** and marketing evidence (s106 Schedule 5)
8. **Atkins and Ian Farmer 2017 ground investigation reports**, and gas monitoring results
9. **Affordable Housing Schedule**, and **1:50 M4(3) plans** of the wheelchair dwelling
10. **Post-development habitat plan** keyed to the metric

11. **DM/24/2241 pre-application response, DM/21/2035 Watercourse Enhancement Scheme and DM/21/2964 condition 26 record** — public under their own references, directly relevant to points 1, 2, 3, 5, 6 and 11

Consultation

No response is on the portal from the following. Each should be consulted:

- WSCC (education) and NHS Sussex Integrated Care Board — point 2
- Environment Agency — main river, works within 20m — point 3
- Natural England — Ashdown Forest, protected species — points 7, 8
- Council ecologist and Tree Officer — points 1, 3, 7
- Surrey County Council and National Highways — point 9
- Environmental Health (noise, air quality) — points 6, 13
- Housing Enabling team and occupational therapist — point 5
- Thames Water and South East Water — Southern Water says it is not the undertaker

WSCC Highways should also be asked to address the points at 9(a) to 9(d), and the parking figures at 4(c), which its response does not.

Please also confirm the Council's EIA screening position; the parent permission was EIA development.

Summary of requests

1. Refuse permission. On the applicant's own documents, the scheme:

- places gardens, sheds and an acoustic fence in ancient woodland root protection area — DP37, N6(2) (point 1)
- removes school and surgery land without evidence of need — DP25, HC3 (point 2)
- builds inside the approved 20m watercourse stand-off and fails the statutory watercourse metric — CNP1.3, DP38 (point 3)
- falls at least 22 spaces short of the parking standard — CNP15.3, DP21 (point 4)
- provides an undersized wheelchair dwelling and concentrates affordable housing — DP28, DP31, Affordable Housing SPD (point 5)

These adverse effects substantially outweigh the benefits under S4(1); S4(2)(a)(ii) and S4(2)(c) apply.

2. Do not grant permission while these remain unresolved, each a further reason for refusal:

- flood risk and drainage, on which the LLFA objects — DP41, F4(2), F8(2) (point 10)
- noise, ventilation, overheating — DP29, P3(2)(a), DP3(2)(b), DP3(3) (point 6)
- reptiles, dormouse and the admitted residual effect — DP38, N2(2) (point 7)
- Ashdown Forest nitrogen deposition — SA38, Habitats Regulations (point 8)
- traffic, M23 Junction 10, Shipley Bridge Lane, refuse reversing — DP21, TR6(3), TR6(4) (point 9)
- ground conditions — P2 (point 11)

3. Do not accept conditions in place of that evidence, or in place of an obligation for contributions (point 14).

Yours faithfully,

Ingrid Marson

Appendix A — Sources

Documents are on the DM/26/1613 portal unless another reference is given. **PS** Planning Statement (Savills, September 2026); **TS** Transport Statement (Stantec, December 2025); **NIA** Noise Impact Assessment (Stantec, December 2025); **EclA** Ecological Impact Assessment (SLR, 28 November 2025); **Arb** Arboricultural Report (SLR, 28 November 2025); **DAS** Design and Access Statement (11965-3620 C03); **Metric** Statutory Biodiversity Metric (completed 4 December 2025).

Consultee responses — WSCC Lead Local Flood Authority, 11 September 2026 (headed "DM/26/1615" but describing this application); WSCC Highways, 10 September 2026; Worth Parish Council, 8 September 2026; Place Services (archaeology), 1 September 2026; MSDC Environmental Protection, 26 August 2026.

Framework — PS 4.2, 5.49–5.50; TS 2.3.28–2.3.31. Copthorne NP: CNP1.3 p.13, CNP14 p.36, CNP15.3–15.4 p.38, para 7.25 p.26. NPPF (17 August 2026): S4 pp.24–25; N2 p.89; N6(2) p.92; DP3 pp.65–66; TR6 p.72; HC3 p.75; P2, P3 p.79; F4(2) p.84; F8(2) pp.86–87; DM6 p.21.

Point 1 — Arb Executive Summary, 5.1, Table 4-3, Table 5-1, 6.4, 8; Tree Constraints Plan ARB-D-01 Rev 03; Tree Protection Plan ARB-D-02 Rev 04. Proposed Boundaries Plan 11965-RLA-25-00-DR-A-3201 C02. DAS 2.1. EclA 5.1.2. Natural England and Forestry Commission, *Ancient woodland, ancient trees and veteran trees: advice for making planning decisions* (gov.uk, 14 January 2022). DP37. DM/24/2241 pre-application response, 11 December 2024.

Point 2 — DP25 pp.74–75. 13/04127/OUTES committee report, 31 July 2014. Section 106 agreement, 25 May 2016, Schedule 3 paras 1.1–1.3, Schedule 5. PS 1.4, 2.11, 5.4–5.6; DAS p.6; TS 1.2.2; Travel Plan; Arb; NIA 1.1.3; SCI p.15; WSCC Highways response. Worth Parish Council response. DM/24/2241 response.

Point 3 — Watercourse Enhancement Scheme, SLR, March 2018 (DM/21/2035), 3.1, p.10, 3.2. Drainage drawing 24205/2045/500 P10; Drainage and Flood Risk Strategy note, Stantec Rev D, 16 December 2025, 1.6, 5; Drainage Summary Plan SK030. DAS 2. Hydroland FRA 2013 3.1, 4.1. EclA Appendix F (13 November 2025), 3.3.6.4, 4.1, 5.3.5, 6.0, 7.0. Arb 5.3, 9.6, 9.14, 9.15. Metric: C-1 row 10; Headline Results F55, H53; Trading Summary WaterC's E22; Credits Summary D11; Off-site gain site summary rows 7–10. Statutory Biodiversity Metric User Guide (June 2026) Table 2 p.15, Table 3 p.16, p.47, Table 14 p.51. Biodiversity net gain PPG (gov.uk).

Point 4 — TS Appendix C, Table 5.1, 2.4.4, 5.5.4–5.5.7. Proposed Site Plan 11965-RLA-25-00-DR-A-3200 C03 schedule; Car Parking Plan 11965-RLA-25-00-DR-A-3520 C02; application form. WSCC Highways response ("Internal Layout and Parking"). DP21; CNP15.

Point 5 — Savills email to MSDC, 2 September 2026 (tenure change). PS 3.14, 5.20. Site Plan 3200 C03 schedule; Affordable Housing Plan 11965-RLA-25-00-DR-A-3203 C03, legend; Housetype AL23 Clevefont 11965-RLA-25-ZZ-DR-A-3311 C01 (1:100). Affordable Housing SPD (July 2018) 2.43–2.49, Figure 5. DP28, DP31. Housing officer emails, DM/24/2241, 4–5 and 14 November 2024. NIA 7.1.2.

Point 6 — NIA 1.3.3, 2.1.2–2.1.3 (quoting the Planning Noise Advice Document, November 2023), 3.1.1, 3.3.2, 3.5.2, 4.2.4, 4.4, 4.5.2–4.5.3, 5.2.7, Table 5.2, 6.3.1–6.3.3, 7.1.2–7.1.5. PS 4.2, 5.37–5.40. Proposed Boundaries Plan 3201 C02. DM/24/2241 response. DP29. PPG Noise (22 July 2019) 30-006-20190722. Approved Document O (2021) 3.2.

Point 7 — EclA 2.2.2, 3.3.5, 3.3.6.6, 5.3.3.1–5.3.3.3, 5.3.6.1–5.3.6.3, Table 3-1, Table 5-1, 7.0. Metric A-1 rows 12, 15–16; A-2. Natural England standing advice (reptiles; hazel dormice); *Protected species and development: advice for local planning authorities* (gov.uk). PS 5.57.

Point 8 — Air Quality Assessment 2.3.16, 5.1.2, 5.1.8. DM/24/2241 response.

Point 9 — WSCC Highways response, 10 September 2026 ("Access and Visibility", "Network Capacity", "Internal Layout and Parking"). TS 1.2.2, 3.3.2, 3.4.3, 5.3.3, 5.6.2, 6.5–6.7.1, Tables

6.2–6.3, Appendix A (WSCC, 22 November 2024), drawing 332612039-STN-HGN-SW-DR-CH-0008 P04. 13/04127/OUTES decision notice: description; conditions 5, 32, 33, 36; Informative 4. DAS. *Mansell* [2017] EWCA Civ 1314 para 27.

Point 10 — WSCC Lead Local Flood Authority response, 11 September 2026. Worth Parish Council response, 8 September 2026. Hydroland FRA v0.2 (November 2013): document history, 1.1, 6.6.2, 6.13, 6.14. Drainage note 1.2, 1.7. Geo-environmental Summary Note 3.2, 3.5. Archaeological Desk-Based Assessment (SLR, 4 December 2025) p.8, Appendix B 5.11.3–5.11.4. Application form (2.05ha).

Point 11 — MSDC Environmental Protection, 26 August 2026. Geo-environmental Summary Note (Stantec G.001 Rev 4, 25 November 2025) 3, 3.1, 3.4, 4. Application form. NIA 1.3.2. EclA Appendix F. Place Services, 1 September 2026. Cut and fill drawing 24205-2045-600 P04. DM/21/2964.

Point 12 — Energy Statement Table 6, p.9, Appendix A pp.22–24, Appendix B. Sustainability Statement p.5. DP39 p.94. DM/24/2241 response. NIA 5.2.7, 6.3.2.

Point 13 — Air Quality Assessment 2.3, 5.4.1–5.4.6, 5.7.2, 6.2.3.

Point 14 — PS 5.69.

Appendix B — Further inconsistencies

1. **SCI:** residents told a "Transport Assessment ... confirms the proposal accords with the local plan's transport requirements, most notably in regard to trip generation and parking". CNP15.3 is never applied; the TS's own appendix shows a 26-space shortfall.
2. **SCI:** density reduced from 77 to 69 "In responding positively to comments". Its exhibition board already offered "around 70 new homes", crediting "pre-application discussions with Mid Sussex District Council".
3. **Pre-application:** the scheme "has over-extended to the north ... outside of the original school site". The drainage note: "The total area of the Southern Plot has now been increased such that its extents reach the northern woodland area".
4. **NIA:** refers to the "M32" throughout (the M32 is in Bristol; the site adjoins the M23), applies the superseded December 2024 NPPF, and was prepared on drawings dated 14 November 2025, before the submitted layout revisions.
5. **Arb:** "prepared on the proposal of delivering 73 new homes". The application is for 69.
6. **EclA:** appendix lettering does not match contents.
7. **EclA:** dated 28 November 2025, cites a Noise Impact Assessment dated December 2025.
8. **Air Quality Assessment:** "A246" twice (it is the A264); outline reference given as "13/01427/OUTES"; "either gas or electric heating", against gas boilers throughout in the Energy Statement.
9. **Drainage and geo notes:** "Copthorne village centre approximately 4.5km to the west". The TS original: "Crawley town centre is approximately 4.5km to the west".
10. **Geo note:** dates the 2017 Atkins and Ian Farmer reports to May; Atkins gives October and June.
11. **DAS:** "all drawings in this report are for illustrative purposes only", in a full application.
12. **DAS:** dates the outline permission to 2013; it was granted 25 May 2016.
13. **Arb:** cites the superseded December 2024 NPPF.