



Homes
England

Bellway

Brookleigh, Burgess Hill

Phase 1 East: Green Circle

- Residential Sub-Phase: P1.3,
- Open Space Sub-Phases: OS1.1a, OS1.1b, OS1.2

Planning Statement



January 2025

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1.0 INTRODUCTION

- 1.1 McConnell Planning has been appointed by Bellway Homes to submit a reserved matters application jointly by Bellway Homes and Homes England (herein referred to as the RMA) to Mid Sussex District Council (MSDC) for details of a section of the Green Circle to be provided pursuant to the outline planning permission ref DM/18/5114, as amended by planning application ref DM/21/3279, (herein referred to as the OPP) granted for a mixed-use development on land to the northwest of Burgess Hill (Brookleigh).
- 1.2 This Planning Statement sets out the details of the Green Circle and how this complies with national planning policy, local planning policy and the parameter plans and design documents approved under the OPP.

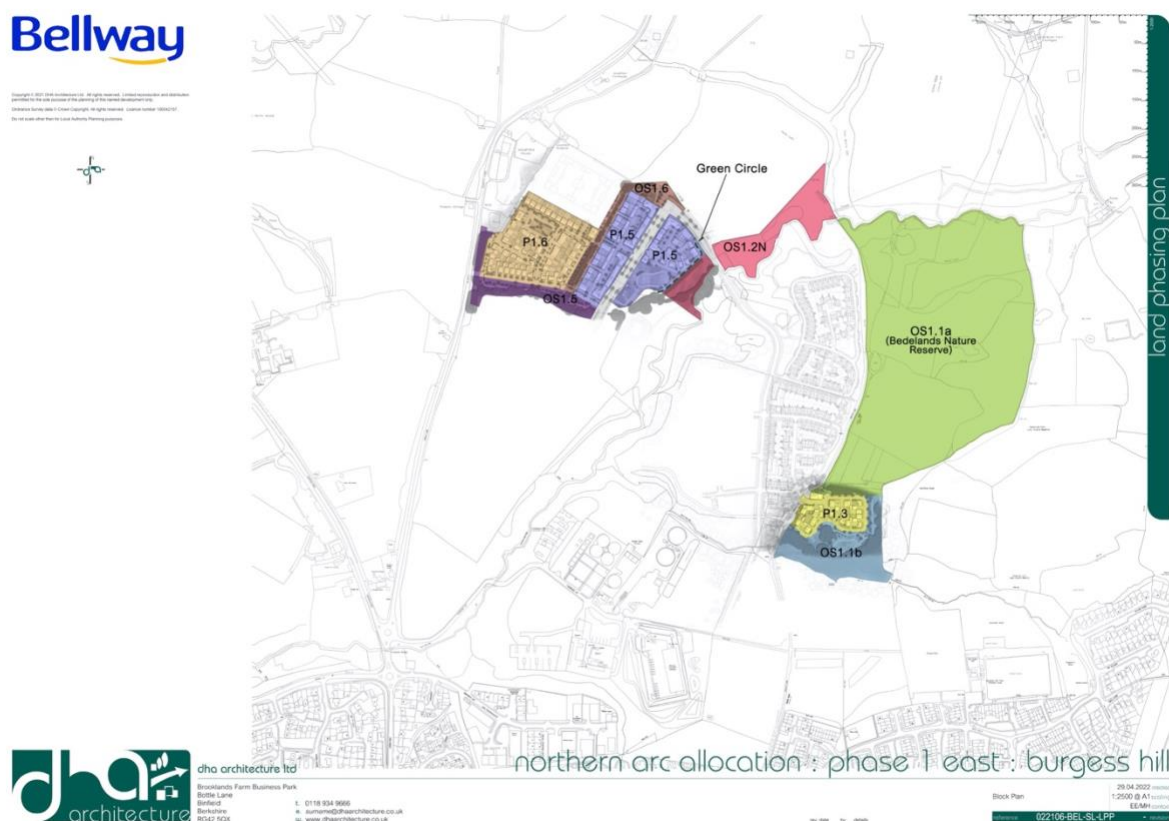
2.0 PROPOSED DEVELOPMENT

- 2.1 This RMA seeks approval for the following development:
- “Reserved matters application pursuant to outline planning permission ref DM/18/5114, as amended by planning application ref DM/21/3279, for the provision of the Green Circle within Sub-Phases OS1.1a, P1.3, OS1.1b (Freeks Lane) and OS1.2N at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill”.
- 2.2 To develop the detailed strategy for the construction of this section of the Green Circle, the following information has been prepared:
- Ecological Mitigation Strategy
 - Biodiversity Assessment
 - Arboricultural Method Statement
 - Flood Risk Assessment

An EIA Statement of Conformity is also included with the application.

3.0 SITE DESCRIPTION

- 3.1 The Brookleigh development includes a strategic green link network referred to as the Green Circle. The Green Circle extends across the entire Brookleigh development in an east-west direction. This RMA includes the section of the Green Circle to be provided along Freeks Lane within sub-phases OS 1.1a, OS 1.1b and P1.3 and then extending in a south-west direction through sub-phase OS 1.2N. These sub-phases are shown on the plan below:



- 3.2 Freeks Lane has deciduous woodland to either side virtually along its entire length with scrub also present along much of the northern section. A limb of Big Wood, an ancient woodland, lies to the east of a small section of Freeks lane to the south of the

River Adur. Freeks Lane is a Public Right of Way (footpath 96CR) (PROW). The entire extent of the Green Circle included within the RMA lies within Flood Zone 1 except where Freeks Lane crosses the River Adur together with a small section of Freeks Lane to the south of the river.

- 3.3 There are no built heritage assets within the application site. Lowlands Farm barn is a non-designated heritage asset has recently suffered extensive fire damage and is to be replaced. There are no national or international ecological designations within the application site. In addition, there are no Special Areas of Conservation or Special Protection Areas (SPAS) within 10 km of the application site.
- 3.4 Whilst Freeks Lane is a PROW, the section to the south of Lowlands Farm barn is hard surfaced whilst the section to the north of Lowlands Farm barn is unsurfaced. The section of Freeks Lane that is not surfaced has banking to either side in some parts due to the path has being worn away. As such, it is quite difficult to walk along in sections, in particular during the winter months when it gets very wet. The section of the Green Circle to be provided within OS1.2N is not a defined footpath or cycleway and is currently grassland.
- 3.5 The proposed Green Circle is aligned along the western edge of sub-phases OS 1.1a, OS 1.1b and P1.3 and along the southern edge of sub-phase OS 1.2. The underlying objective is to provide a bridleway as close to 3 metres in all sections. However, there is likely to be some small sections along Freeks Lane where topographical or arboricultural factors render this impractical, for example where there is notable banking. In such situations, the aim will be for the bridleway to be as close to 3 metres as is feasible.
- 3.6 The bridleway will be constructed to the public rights of way standard details adopted by West Sussex County Council for bridleways. In accordance with the West Sussex County Council guidance notes for equestrian access, the bridleway will be cleared to a height of 3.75 metres to allow a horse rider to pass safely. In addition, a replacement bridge will be constructed across the River Adur in place of the existing narrow footbridge.

4.0 PLANNING HISTORY

- 4.1. Outline Planning Permission (ref DM/18/5114) on land to the north and north-west of Burgess Hill was granted by MSDC on 4th October 2019 for:

“Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and six permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.”

The OPP approved a number of parameter plans, which are listed below:

- Land Use
- Green Infrastructure
- Access and Movement
- Density (Max/Min)
- Building Heights (Max)
- Demolition and Retention
- Phasing

The relevant parameter plan to this RMA is the Access and Movement parameter plan, which identifies the Green Circle.

The OPP also approved the following documents:

- Revised Development Specification and Framework August 2019

- Revised Design Guide August 2019

4.2 An application under S73 of the Town and Country Planning Act 1990 for a modification to conditions 5, 6, 7, 11, 22 and 35 of the outline planning permission was approved on 9 December 2022 (ref DM/21/3279).

This S73 application also approved the following document:

- Street Design and Adoption Manual June 2022

Condition 35 of the OPP states that no development shall take place within 15 metres of any ancient woodland unless and until an ecological design strategy (EDS) addressing the mitigation, restoration and compensation of Ancient Woodland and 15m buffer zone habitats, has been submitted to and approved in writing by the local planning authority.

The mitigation measures should follow those identified in section 7.1.2. of the Ecological Impact Assessment Section 73 Application - Incursions to Ancient Woodland (AECOM Limited, April 2022) and the Revised Parameter Plan Green Infrastructure Sheet No. 3 Issue 5 (AECOM, April 2022) as submitted and agreed with the LPA and compensation to be based on final losses once detailed design has been agreed.

For losses of Ancient Woodland (irreplaceable habitat), a factor of x30 will be required for bespoke compensatory woodland creation to deliver ecological functionality as connectivity with other habitats.

The EDS shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.

- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Full details of habitat restoration and/or creation.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

4.3 A Non-Material Amendment ref DM/24/2576 pursuant to application ref DM/21/3279 to enable the construction of a Skills Hub was approved on 25 October 2024 with amendments to various parameter plans.

4.4 An application for reserved matters approval (ref DM/21/3870) for Phase 1 East of the Brookleigh development was granted in May 2022 for:

“Reserved Matters Application pursuant to Outline Planning Permission DM/18/5114, to consider access, appearance, landscaping, layout and scale with respect to the erection of 247 dwellings and associated car parking, open space and infrastructure, including an extension to Bedelands Nature Reserve and provision of the Green Circle and pedestrian/cycle route for Sub-Phases P1.3, P1.5, P1.6, OS1.1a, OS1.1b, OS1.2N, OS1.5 and OS1.6) to the east of Isaacs Lane and Lowlands Farm at the Northern Arc development on land north and north-west of Burgess Hill”.

It should be noted that whilst the description of this application refers to the Green Circle, during the determination of this application, the section of the Green Circle within Sub-phases P1.3, OS1.1A and OS1.1B was removed from the application.

5.0 PRE-APPLICATION ENGAGEMENT

- 5.1 A request for pre-application planning advice was registered by the Council on 1st August 2024 (ref DM/24/1845). A Teams meeting with Essex County Council Place Services ecologists was held on 4th November 2024 and a site meeting with the Council tree officer held on 7th November 2024. Place Services were content with the information submitted with the request for pre-application planning advice. An e-mail was received on 14th November 2024 from the case officer, Joe Swift, with comments from the tree officer advising that the proposal could progress to the design stage and requested that veteran or important trees were plotted along the route.

6.0. PLANNING POLICY CONTEXT

- 6.1 This section of the Planning Statement sets out a brief summary of planning policy relevant to the proposed development.
- 6.2 In accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. The development plan for MSDC currently comprises the Mid Sussex District Plan 2014-2031 adopted in March 2018 (MSDP).
- 6.3 The Council is currently reviewing and updating the MSDP, which will be replaced with the District Plan 2021-2039. The Submission Draft District Plan (SDDP) was published for consultation in December 2023. Stage 1 of the Examination Hearings into this Plan took place in October 2024 with dates for Stage 2 yet to be

announced. Whilst this Plan carries limited weight in the decision making process until the Examination hearings have been completed and the report of the Inspector published, this planning report will nevertheless reference relevant policies in this Plan.

National Planning Policy

6.4 At the national level, the National Planning Policy Framework (NPPF) provides an overarching context for the determination of planning applications. The current NPPF was published in December 2024 and acts as guidance for making decisions about planning applications. At the heart of this document is a presumption in favour of sustainable development. The relevant chapters of the NPPF applicable to the assessment of this RMA are chapter 14 regarding flood risk and chapter 15 concerning the natural environment.

6.5 The NPPF is supported by Planning Practice Guidance, with the categories covering Biodiversity Net Gain, Flood Risk and Coastal Change and the Natural Environment being relevant to the RMA.

Local Planning Policy and Guidance

6.6 At the local level, the following policies are considered relevant:

Mid Sussex District Plan 2014-2031 (MSDP)

Policy DP37: Trees, Woodland and Hedgerow

Policy DP38: Biodiversity

Policy DP41: Flood Risk and Drainage

Submission Draft District Plan 2021-2039 (SDDP)

DPS4: Flood Risk and Drainage

DPN2: Biodiversity Net Gain

DPN3: Green and Blue Infrastructure

DPN4: Trees, Woodland and Hedgerow

7.0. PLANNING ASSESSMENT

- 7.1 The provision of the Green Circle is an integral part of the Brookleigh development. It extends across the entire Brookleigh development and will enable future residents of the Brookleigh development to access facilities within Brookleigh in a sustainable non-vehicular means, as well as connecting into the wider urban area of Burgess Hill.
- 7.2 The Green Circle is therefore an essential part of the Brookleigh infrastructure that will contribute significantly to the successful functioning of Brookleigh as a high quality sustainable development by promoting safe pedestrian and cycle permeability. With sub-phases P1.5 and P1.6 under construction and people moving into these houses, this section of the Green Circle has added significance in that it provides a direct non-vehicular link into Burgess Hill. This is particularly significant in that with Brookfield being at its initial stages of development and key infrastructure such as schools yet to come forward, it is important that these residents have good pedestrian and cycle access into Burgess Hill to aid accessibility.
- 7.3 The importance of providing sustainable travel infrastructure within developments is endorsed in national and local planning policy. Notwithstanding, the actual provision of the Green Circle requires careful evaluation in relation to ecological, bio-diversity, arboricultural and flood related considerations to ensure that it complies with both national and local planning policy covering these matters and the relevant parameter plans and design documents that have been approved through the outline planning permission for the Brookleigh development.
- 7.4 Whilst the Access and Movement Parameter plan defines the overall form and alignment of the Green Circle within the Brookleigh development, the Street Design

and Adoption Manual includes guidance for the design and construction of the Green Circle along Freeks Lane and Condition 6 of the OPP states that the detailed design of the development proposed through Reserved Matters applications shall have regard to, and broadly accord with, the principles and specifications set out in that Manual.

- 7.5 The Manual states that Freeks Lane will be upgraded in a low-impact way with a no-dig, permeable construction that retains all existing significant trees and all hedgerows, and prohibits any cutting back or removal of Ancient Woodland. No seating or lighting is to be provided. Freeks Lane is split into three sections A-C with section A lying to the south of Lowlands Farm and sections B/C from Lowlands Farm northwards to where it meets sub-phase OS1.2N.
- 7.6 The RMA has split this part of the Green Circle into eight sections. This is in response to the varied ground conditions, landscape character and environmental constraints that prevail within this section of the Green Circle. The strategy considers each section separately and sets out the key design principles that would be adopted for each of the detailed areas, utilising the following principles:
- Typical construction and materials in line with MSDC standards
 - Maximum width (where possible) of 3 metres
 - No tree loss
 - Vegetation to be retained where possible
 - No lighting to be proposed
 - No benches to be proposed
- 7.7 The section below sets out in more detail how the various environmental constraints have been addressed in the design of the Green Circle and how these environmental considerations will be applied to the construction of the Green Circle:

Ecology

- 7.8 The provision of the proposed Green Circle is broadly defined on the Access and Movement parameter plan, this broad alignment traverses some ecologically sensitive areas. Policy DP38 of the MSDP seeks to avoid disturbance to sensitive habitats and species by taking appropriate measures whilst Policy DPN3 of the SDDP seeks to protect and enhance green infrastructure both on and off site.
- 7.9 An Ecological Mitigation Strategy has been submitted with the application. This strategy seeks to ensure that all ecological receptors are protected during the construction of the bridleway, through precautionary methods of works, and appropriate timings. It is informed by ecological surveys covering hazel dormouse, and great crested newts.
- 7.10 No dormouse were recorded in the survey and no Great Crested newt breeding ponds will be lost or damaged from the proposed development and the predicted scale of negative impact is recorded as 'Low'. The report concludes that a licence from Natural England is not necessary for either species although precautionary mitigation measures to protect hazel dormouse and great crested newts will be required. These are set out in the report and include the appointment of a licensed ecologist to ensure the precautionary measures are followed during construction.
- 7.11 The report also confirms impact on foraging bats although five trees with potential roosting features were noted and mitigation measures provided. The impact on riparian mammals is predicted to be negligible whilst there will be no tree felling with occasional tree pruning and small-scale scrub clearance although measures are provided to protect the ancient woodland in areas that fall within 15m of the ancient woodland boundary. Trees will be protected in accordance with the Arboricultural Method Statement that forms part of the RMA.

- 7.12 The report proposes a range of compensation and enhancement measures to compensate for any small loss of habitat and roosting/nesting opportunities that may arise from the development. This, together with the reasonable avoidance and protection measures that are proposed, will ensure that the favorable conservation statuses of protected species will be maintained and the ancient woodland will not be negatively impacted.
- 7.13 It should also be re-iterated that as part of the pre-application planning advice sought by the applicant, a meeting was held with ecologists at Essex County Council Place Services where the proposed development was discussed with the benefit of the proposed ecological mitigation strategy. The ecologists at Place Services confirmed that they supported the RMA provided that the proposed avoidance, protection and enhancement measures set out above are implemented.

Biodiversity

- 7.14 The Planning Practice Guidance states that the approval of reserved matters for outline planning permissions is not within the scope of biodiversity net gain (as it is not a grant of planning permission). Furthermore, the S106 agreement supporting the OPP includes a biodiversity objective, which is a requirement to secure a site net gain of 10% in biodiversity compared with the baseline biodiversity value. Notwithstanding, this development will contribute towards a biodiversity progress report to ensure that the biodiversity of the land can be evidenced on the biodiversity objective date, which occurs 25 years from the commencement of the wider Brookleigh development.
- 7.15 It must also be acknowledged that the provision of the Green Circle has to pay regard to Policy DP38 of the MSDP, which seeks to protect and enhance biodiversity by ensuring that development contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure. Whilst Policy DPN2 of the

SDDP states that development will need to deliver a net gain in biodiversity value, as detailed above, this is covered in the S106 agreement supporting the OPP.

- 7.16 A Biodiversity Net Gain (BNG) file note is submitted with this application. This note includes an indicative BNG assessment, which identifies that using the Statutory Metric, installation of the Green Circle path will result in a minor loss of 0.63 habitat units (HU) from a low baseline biodiversity value of 2.72 units, which equates to a net loss of 23% (there are no linear features within the site).
- 7.17 However, it should be noted that the Greengage BNG assessment for Reserved Matters Approval DM/21/3870 (covering P1.3,P1.5 P1.6, OS1.1A, OS1.1B, OS1.2N, OS1.5 and OS1.6) within which the Green Circle partly lies, showed a net gain of 47.38 units over a baseline value of 231.21 units, equivalent to a BNG of 21% for habitat (area) units and 23.56% hedgerow (linear) units. Therefore, the loss of 0.63 HU will not result in a material change to the overall BNG position for this phase of the Brookleigh development with a net gain well in excess of 10% site wide target that is sought through the overall development.

Trees

- 7.18 NPPF Para 131 makes clear the important contribution made by trees to the character and quality of urban environments. MSDP Policy DP37 and SDDP Policy DPN4 state that development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.
- 7.19 The proposed construction of the Green Circle does not result in the removal of any trees with some minor tree pruning to provide 3.75 metre height clearance over the route and removal of small sections of scrub. Almost the entire alignment of the Green Circle along Freeks Lane is within a route protection area. An Arboricultural Method Statement has been submitted to demonstrate how the

construction works can be carried out with avoiding unacceptable arboricultural impact and providing an adequate level of tree protection for those trees adjacent to the Green Circle.

- 7.20 The report provides details on how existing hard surfacing that is to be replaced in root protection areas is to be removed with as little impact as possible and how the replacement hard surface can be installed with as little impact as possible. To achieve this, the Green Circle will have pinch points at various points along the Freeks Lane section where either land gradients or landscape features do not permit a 3m wide bridleway. This flexibility in the width of the Green Circle has been agreed with the West Sussex County Council Rights of Way officer in recognition of the physical constraints that exist along sections of Freeks Lane.
- 7.21 The report also notes that the proposed upgrading of the current PROW along Freeks Lane will help deter the use of alternative routes being taken and degrading adjoining woodland where the existing route is difficult to navigate, thereby reducing impacts upon adjoining woodland, including ancient woodland.
- 7.22 As part of the pre-application planning advice sought by the applicant, a site meeting was held with the Tree Officer from MSDC to discuss these design principles.

Flood Risk

- 7.23 A Flood Risk Assessment and Drainage Strategy report is submitted with the planning application. This report establishes that the Green Circle is in Flood Zone 1 with a very low risk of tidal/fluvial flooding and surface water flooding except where Freeks Lane crosses the River Adur and a small section of Freeks Lane to the south of the river, which are located in Flood Zone 2 and 3 with a medium and high risk of flooding respectively.
- 7.24 Whilst noting that a small section of the Green Circle has a medium or high risk of flooding, the Access and Movement parameters plan has defined the route of the

Green Circle. The NPPF, para 170 states that where development is necessary in areas at risk of flooding, the development should be made safe for its lifetime without increasing flood risk elsewhere. Policy DP41 of the MSDP and Policy DPS4 of the SDDP support this approach.

- 7.25 Furthermore condition 52 of the OPP permits the Green Circle to be located within the approved modelled 1 in 100 year with 105% climate change allowance flood extent provided that adequate flood plain compensation is provided where there is any loss of flood plain through the provision of the Green Circle. The condition also states that all river crossings should be clear span bridges. The report identifies that a short section of the route encroaches into the 1 in 100 year climate change extent.
- 7.26 The report states that to prevent any displacement of flood plain volume, the bridleway will be laid as close as possible to the existing ground levels whilst the bridge will be clear span ensuring that it will not obstruct flows or contribute to an increase in flood risk. The bridleway will be constructed in permeable materials and designed with a 1:40 gradient with run off infiltrating into the ground.

Construction

- 7.27 The ground conditions along Freeks Lane mean that it is only practical to construct the northern section of the Green Circle that is unsurfaced during the drier months of the year. Accordingly, the intention is to commence works in April 2025 with a 6 month construction programme. Condition 35 of the OPP requires the submission of an Ecological Design Strategy to address the mitigation, restoration and compensation of ancient woodland and 15m buffer zone habitats. Bellway will submit a separate application to clear this condition although it should be noted that the Ecological Mitigation Strategy and Arboricultural Method Statement will form the basis of that application.
- 7.28 That application will also be supported by additional detail on the construction programme covering matters such as the detailed timetable for implementation, the

phasing of the construction works, future maintenance and disposal of wastes. It is anticipated that these matters of detail relating to construction will require further discussion with the Council and other relevant statutory consultees following the submission of this RMA and so are not provided in detail at this stage. It is also acknowledged that a Temporary Traffic Regulation Order will be required to close the Public Right of Way along Freeks Lane whilst the construction works take place.

- 7.29 A culvert will be constructed below the Green Circle towards the western end of the Green Circle to ensure that surface water from the secondary school is not impeded by, and does not drain across, the Green Circle. This surface water will eventually drain into the River Adur. The location and dimensions of the culvert is shown on the surface water drainage outlet plan for the secondary school provided in Appendix 1. Appendix 2 includes an example design of the culvert.

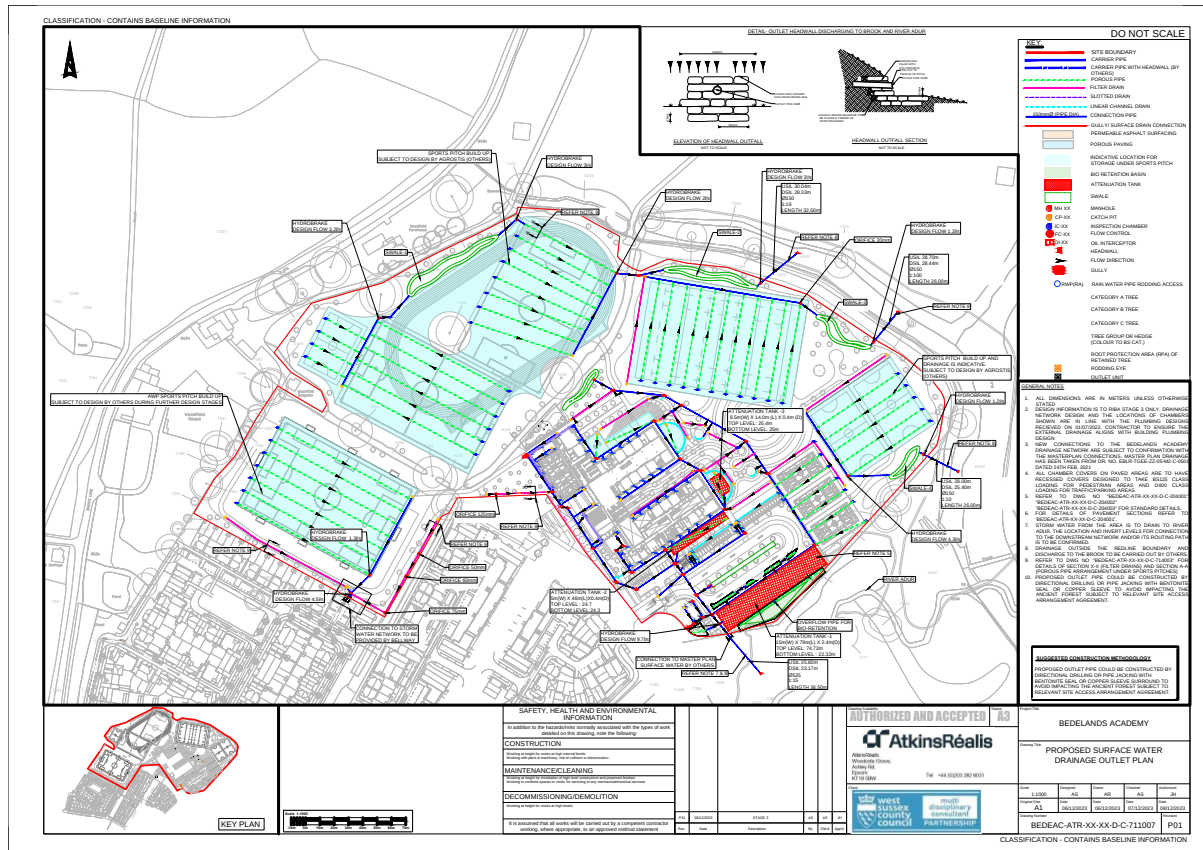
8.0 CONCLUSION

- 8.1 The Green Circle is identified on the Access and Movement parameter plan that was approved under the OPP for the Brookleigh development. This establishes the overall alignment of the Green Circle with the Street Design and Adoption Manual providing specific detailed guidance for the design and construction of the Green Circle along Freeks Lane. This RMA seeks to approve the details for the section of the Green Circle to be provided in residential sub-phase P1.3 and open space sub-phases OS1.1a, OS1.1b and OS1.2 within the eastern section of the Brookleigh development.
- 8.2 This Planning Statement has demonstrated that the details and proposed construction method of the Green Circle has had full regard to relevant environmental considerations including ecological, arboricultural and flooding considerations and is in accordance with the protocol for the design and construction of the Green Circle along Freeks Lane as set out in the Street Design and Adoption manual. It is also fully compliant with national and local planning policy applicable to these matters.

- 8.3 This is the first section of the Green Circle to come forward through a reserved matters application and will provide a vital pedestrian and cycle link into Burgess Hill from the initial residential sub-phases P1.5 and P1.6 that are currently being constructed. It is requested that the application is approved without delay so that construction of the Green Circle can commence as soon as is practically possible. This will make an important contribution to ensuring the accessibility of the Brookfield development, in particular at these initial stages of this urban expansion.

9 APPENDICES

Appendix 1: Secondary School Drainage Strategy



Appendix 2: Indicative Swale Detail

Aesthetically Pleasing Drainage Outfall From ACO

ACO Technologies plc
aco.co.uk

10 Apr 2014
News

