

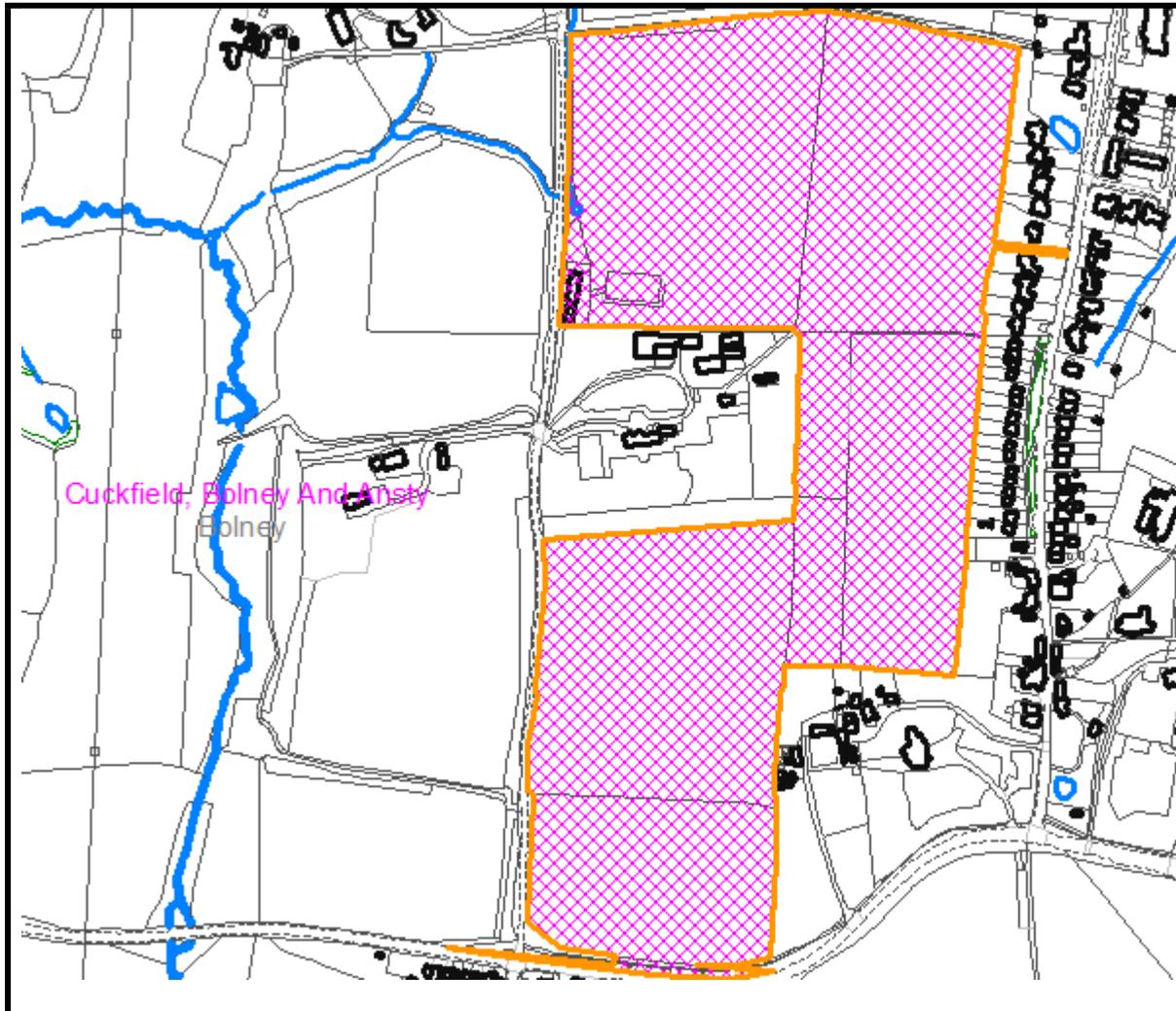
District Planning Committee



Recommended for Permission

2nd October 2025

DM/25/1129



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Site:	Land At Foxhole Farm Foxhole Lane Bolney West Sussex
Proposal:	Outline application (appearance, landscaping, layout and scale reserved), for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.

Applicant:	Mr John Allen And Wates Developments Limited
Category:	Largescale Major Dwellings
Target Date:	30th September 2025
Parish:	Bolney
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SVHKF0KT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks outline planning permission for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers on land at Foxhole Farm, Foxhole Lane, Bolney.
- 2.2 It is only the means of access that is to be determined at the outline stage with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Bolney Neighbourhood Plan (BNP).
- 2.4 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.5 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Bolney as defined by the District Plan. As such the site is located within the defined Countryside.

- 2.6 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 2.7 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the development plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.8 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard to the key policies indicated in paragraph 11(d)(ii) of the NPPF. When applying paragraph 11 (d)(ii), it is therefore relevant to consider the extent to which the development plan policies with which the application conflicts with are consistent with the NPPF.
- 2.9 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy BOLBB1 of the BNP relates to the built-up area boundary and states that development outside of the built-up area boundary will not be permitted subject to a number of criteria. The policy seeks to maintain or where possible enhance the quality of the rural and landscape character of the parish but seeks to restrict certain forms of development within the countryside. As the Council does not currently have a five-year housing land supply, it will be necessary in some instances to release sites outside of the built-up area boundary for development. As such limited weight can be given to policy BOLBB1.
- 2.10 The proposal would provide up to 200 dwellings, including 30% affordable housing, a community building to be used by Kangaroos a charity established in the District who support children, teenagers and adults with severe learning disabilities and complex needs, and public open space. The proposal thereby complies with policies DP30 and DP31 in the MSDP in respect of housing mix and affordable housing. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 2.11 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public right of way to the north of the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the

District, it is highly likely to be necessary to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). The landscape in this case is not designated or considered to be a valued landscape for the purposes of the NPPF. The impacts on the development of this site are not considered to be any greater than that would occur on any other greenfield site in the District developed for housing. This cannot, therefore, be an argument on its own, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

- 2.12 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 2.13 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.14 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 2.15 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.17 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.18 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and some parts of policy BOLBB1 in the BNP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply. The weight to be attached to policy BOLBB1 is also reduced given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 2.19 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm is assessed as less than substantial as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in

the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.

- 2.20 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, a community building, public open space, the economic benefits including additional spending in the locality, do outweigh the less than substantial harm to the setting of the designated heritage asset in this instance and also, the non-designated heritage assets.
- 2.21 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.22 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP25, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on a site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan (policy DPA14), the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA14 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need.
- 2.23 The proposal also conflicts with policies DP34 and DP35 in the MSDP.
- 2.24 In relation to the BNP it is considered the application complies with policies BOLE1, BOLD1, BOLH1, BOLH3, BOLA4, BOLA5 and BOLT1. The application however conflicts with BOLBB1 and BOLE2 as the site lies within the countryside.
- 2.25 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'*.
- 2.26 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.27 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or

specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 2.28 The proposal would provide up to 200 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. There would be social benefits through the provision of a community building for use by Kangaroos for people with additional needs and the creation of public open space. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.29 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 2.30 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change.
- 2.31 It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report, many of which will in any event be mitigated for as far as is possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, Travel Plan, open space, the biodiversity net gain requirements and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 2nd January 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing, the infrastructure contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP20, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

4.1 A total number of 366 representations have been received across the two consultation periods. The representations have raised the following issues which can be summarised as follows:

4.2 357 letters of objection received, raising the following concerns

Principle

- Site is a greenfield site in open countryside, outside development boundary, on edge of AONB.

- Proposal will cause irreversible damage to countryside which is valued for its intrinsic character and beauty.

- Site is not allocated under the adopted District Plan or Neighbourhood Plan.

- Site was previously dismissed when residents worked on Neighbourhood Plan, in favour of more appropriate sites. Proposal disregards community led planning and localism.

- Neighbourhood Plan has a target of 40 homes up to 2031, development represents a 5 fold increase on established need. No justification for development of this scale.

- Bolney is a category 3 settlement under policy DP6, with limited services; development should be focused in larger, more sustainable settlements.

- Development should be focused on infill and brownfield sites, not large-scale expansion onto rural land.

- Although site is allocated under DPA14 of Regulation 19 Draft District Plan, the Plan has not been adopted and carries limited weight in decision making. Application is premature.

- Applicant's claim that Council does not have a 5-year housing land supply is based on a Statement of Common Ground for an appeal and is not based on a formal Council publication. There is not an immediate need for housing to serve this part of the District.

- Council may not have a 5 year housing land supply but that does not mean that development anywhere is appropriate. It must be appropriate in context of NPPF.

- Proposal will result in loss of best and most valued agricultural land (grade 2 and 3a), yet no agricultural land assessment provided. Proposed loss of such land contradicts policies to protect productive land and fails to justify irreversible damage to the local rural economy.

- Development is contrary to National, District Plan and Neighbourhood Plan policies.

- Development will erode strategic gap between Bolney and surrounding villages.

Highways

- Proposed development will have unacceptable impact on highway safety.
- The A272 is a busy, dangerous road, especially around Bolney due to double bend, proximity of Chapel Road, Foxhole Lane and petrol station, plus junction adjacent to Bolney Nursery. Cars regularly queue for the petrol station (problematic when tanker is delivering fuel), drivers do not obey the speed limit and often do not stop for pedestrian crossing. Can take local residents 5 to 10 minutes to join A272. Road is unsuitable for cyclists and pedestrians.
- The road is subject to frequent road traffic accidents.
- None of existing traffic measures put in place have adequately resolved traffic speed and safety issues.
- New access onto A272 is dangerously close to pedestrian crossing and crossroads of Chapel Road / Foxhole Lane. New access is not safe, particularly for those turning right onto A272.
- Sight lines proposed are marginal and ghost island right turn lane is dangerous, will cause traffic to back up on A272 and conflict with traffic queueing for service station.
- Relocation of pedestrian crossing will further increase risk to life.
- Proposed filter lane will block vehicular access in and out of properties opposite on Cowfold Road.
- Additional traffic created by proposal will cause further congestion, accidents, and create rat run on adjoining roads.
- New community hub will create additional traffic, especially if used by Kangaroos Charity. Associated car / coach parking will increase traffic using access road.
- Community hub is poorly located / unsustainable with vehicles having to pass southern parcel of dwellings along long access road.
- Increased traffic will make existing junctions on A272 harder to drive into / out of.
- Upcoming installation of traffic lights at London Road / A272 junction will add to congestion.
- Local roads are too small / narrow with limited visibility and no raised footways to accommodate additional traffic, creating highway safety issues, especially at northern end of village. Proposal poses safety risk to pedestrians, cyclists, horse riders, dog walkers and those on mobility scooters.
- Foxhole Lane is already congested; limited passing places are muddy, could not cope with additional traffic.
- Proposal will make section of High Weald Landscape Trail on Colwood Lane less safe.
- Any new access routes onto The Street will be dangerous to pedestrians as narrow road with long sections with no pavement and parked cars / vans. Currently difficult to get to school on foot, with narrow non-raised pavements and sets of

steep steps to navigate, very difficult with push chair / pram or for those with mobility issues. Not safe for children to walk to school on their own.

- Proposed foot / cycle access via car park onto The Street, is unsafe and hazardous for vehicles trying to access / leave car park. Will reduce number of parking spaces.

- Dangerous walking from village to service station after dark, highway is unlit.

- Proposal will have unacceptable highways impact during construction phase. Road network unable to cope with increased congestion and mud on road.

- Chapel Road will be used for construction traffic, as a holding area outside the site.

- Highways impact should be considered in combination with Ansty application DM/23/2866, additional traffic from Northern Arc and Rampion 2 development.

- Development is not sustainably located.

- There are limited employment opportunities in village, no GP, dentist or pharmacy, no Post Office, no grocery store (just small shops at service stations), no library or swimming pool.

- New residents will be reliant on private car to access shops and services.

- Local bus service is limited in frequency. Not possible to commute by bus to nearby towns for 9am start. No reliable service for 6th form college students and no public bus route to local secondary school.

- Proposal conflicts with Mid Sussex aim to have key facilities within 15-minute walk.

- Existing parking issues in village will be exacerbated. Insufficient parking proposed for development, 4 cars per household is more realistic than 2.

- Accessibility of site is poor, not inclusive, with no joined-up cycle / foot link to the shared cycle / footpath that runs along the A23.

- Proposal will link to existing public footpath (44Bo) which is narrow and prone to flooding; no mention of upgrade to cope with additional users.

- Transport Assessment does not take account of nearby junction of A23 slip road or consider cumulative traffic impacts. No reference to construction traffic.

- Proposed works to The Street, including cutting into Bankside embankment, likely to lead to increased vehicle speeds / lower awareness / reduced parking. Will also make it difficult for larger vehicles to navigate traffic calming measures, causing congestion.

- Proposed works to Bankside embankment will resemble a car park. Works may not be physically possible due to services in embankment.

- New crossing and extended pavement to The Street will make it dangerous for residents to exit driveways.

- Proposed EV charging and car club may lead to increase in traffic from non-residents seeking such facilities.
- No safe pedestrian access between 'education area' and village school.
- Difficult for emergency services to access development with just one vehicular access point.
- Highway safety issues will place additional pressure on stretched emergency services.
- Proposal conflicts with policies DP21 and DP22 of the District Plan, BOLT1 of the Neighbourhood Plan, the Draft District Plan, NPPF and Active Travel England standing advice.

Infrastructure

- Bolney does not have infrastructure to support development of this scale; proposal will adversely impact services for existing residents.
- There are frequent problems with water supply / pressure and electrical power cuts which will be exacerbated by development.
- There are no EV charging points in village.
- Bolney is served by one water tower and treatment plant on edge of SE Water's supply area. Area needs a new water reservoir / supply.
- Villagers struggle to get emergency water supplies during outages, with nearest stations in Cowfold and Cuckfield.
- New houses unlikely to be equipped with cold water storage tanks; cold water would be provided by direct mains feed so impacted by any shortages.
- Southern Water still pumps sewage into the sea; proposal will increase amount of wastewater and runoff.
- Proposal fails to demonstrate how it would address water issues or contribute to necessary upgrades, contrary to DP42 of District Plan / DPS1 of Draft District Plan.
- Hospitals and GP surgeries cannot cope. Nearest health centres are in Cuckfield / Cowfold.
- Proposal will place strain on educational provision. Village school is at capacity and no secondary schools or 6th Form Colleges within 5 kms of village.
- Any increase in educational provision would be better placed within larger site such as Sayers Common (DPSC2).
- No meaningful consultation by developer regarding needs of residents, contrary to requirements of MSDC, the NPPF and Localism Act.
- An orchard, community building, children's play area and allotments are not key requirements.

- Bolney already has a village hall, Rawson Hall, which offers good office hub facilities with fast Wi-Fi connection, a community café and superb facilities for children's groups.
- Community building may be let to organisation with no connection to the village such as Kangaroos Charity, generating more traffic.
- No guarantee new hub would be a viable commercial business.
- A working hub would be of limited use, only benefit those working from home.
- There has been no request for an allotment in last 17 years and no need; why not build fewer houses with larger gardens instead?
- Proposed infrastructure improvements fail to meet regulation 122 tests, not necessary, not directly related to mitigation and unreasonably large for scale and type of development.
- 30% affordable housing is not enough, already too much expensive housing in area.
- Affordable housing likely to be at high end of allowed range and out of reach for many, especially as prospective residents would be reliant on private car to access services.
- Proposed development does not appear to integrate affordable and market housing in accordance with District Plan policy DP31.
- Site is not suitable for large amount of social housing due to reliance on private car.
- Insufficient infrastructure to keep children stimulated, resulting in misbehaviour.

Design and Impact on character of area

- Bolney is a small ancient village, with 45 listed buildings including a Grade I listed Church, 2 conservation areas and a unique rural character. Has a strong architectural character that has evolved over decades, reflecting its history and rural nature, with appropriate spacing, gardens and pathways.
- Scale of development is disproportionate to village, almost doubling its size and significantly increasing the population. An overdevelopment.
- Proposal will alter the character, scale and feel of the village, undermining its identity and rural charm, turning it into a small town.
- Planned developments should be incremental in nature and integrate well.
- Proposed development will create a separate parallel village that does not integrate with existing village, represents piecemeal expansion of village.
- A modern housing estate that does not reflect diversity of building styles within the village or linear form of the village. Out of keeping with character.
- Density of development is out of keeping.

- The sight of solar panels and heat pumps are not appealing in a village location.
- Community hub is an overbearing double structure.
- Proximity of listed buildings and new development is incongruous. There is a clear view of the development site from the listed Church. Proposal will alter its rural setting and diminish its significance. Proposal undermines the principles of heritage conservation enshrined in national and local planning policies.
- Development represents intrusion and suburbanisation of countryside, a major urban development within greenfield setting to side of village. Fails to protect intrinsic character and beauty of countryside and rural setting of village.
- Impact on landscape, conservation area and listed buildings far greater due to its proximity and elevation.
- Proposal would destroy medieval fields and hedgerows.
- Landscape and Visual Assessment concedes that development would result in major / moderate effects on site's landscape character and visual amenity.
- There will be clear, unmitigated views of development from public footpath and Foxhole Lane. View from footpath across rural landscape to listed Church will be permanently lost.
- Development would alter character of public footpath, conflicting with DPA14 of Draft District Plan.
- Proposal would harm setting of the High Weald AONB and is at odds with High Weald AONB Management Plan to maintain field patterns, enhance ecological function, protect archaeology and historic assets.
- Proposal conflicts with Mid Sussex Landscape Character Assessment, as does not maintain or restore historic pattern and fabric of the woodland and agricultural landscape for scenic, nature conservation and recreational purposes.
- Development does not enhance landscape, will be visible from northern boundary of South Downs National Park.
- Developers have not mentioned measures to maintain dark skies, which will diminish due to artificial lighting.
- Proposal is contrary to Development Plan policies including DP6, DP12 and DP26 of District Plan, BOLBB1, BOLE2 and BOLD1 of Neighbourhood Plan, MSDC Design Guide and NPPF, in particular paragraph 135.

Drainage

- Concerns regarding increased flood risk due to scale of development and loss of permeable land.
- Proposal will result in additional surface water run off onto low lying areas, roads, A272 and local streams.
- Local drainage is already under stress; current systems may not be sufficient to handle additional homes, increasing risks of localised flooding. Waste pipes

serving properties to south of development are at capacity and potential foul water discharge from the site is already at the limit of capacity of the sewer.

- Whole drainage system for Bolney needs to be redesigned, rather than attach additional housing to an outdated system.
- Fields to be built on regularly flood in winter, with adjoining properties on The Street and Bankside subject to extreme water run off during winter months and periods of heavy rainfall, with back gardens flooding. Proposal will exacerbate problem.
- Local ditches are not dredged, causing flooding on footpaths and roads. Public footpath, crossing and road are unsuitable in heavy rain due to flooding.
- Not reassured that SUDS and landscape buffer will be sufficient in preventing additional flooding. Proposed SUDS basin to north of Bolney Place is located by a steep slope, which may lead to subsidence and leakage. Any overflow will result in flooding of access road, pub car park and Bolney Place car park.
- Further details required regarding capacity / maintenance of Foxhole Lane culvert to which the northern parcel of site will discharge surface water to.
- Drainage Strategy lacks detail regarding long-term management responsibilities and runoff implications for adjoining land.
- Proposal conflicts with policies DP41 and DP42 of District Plan and policies DPS4 and DPS5 of Draft District Plan and NPPF.

Residential amenity

- Development will create overlooking onto adjoining rear gardens on The Street.
- Access road serving the development falls close to rear boundaries of properties on The Street, creating significant increase in noise and disturbance, with vehicle lights flashing through garden and rear windows at night.
- Proposal will reduce outlook, create additional noise and light pollution plus increased air pollution and carbon emissions, impacting residents' health (including mental health), wellbeing and quality of life.
- Community hub will appear overbearing from Little Foxhole, with parking spaces and access within metres of rear fence, impacting security and privacy. Will impact light to adjoining gardens, particularly in winter months.
- Application should include a Noise Assessment regarding potential impact from Community Hub upon neighbouring residents.
- Disruption during construction from contractor parking issues, dust, noise and loss of outlook.
- Allotments will result in increased bonfires and vermin.

Ecology

- Development will destroy wildlife habitats and green spaces that serve as wildlife corridors.

- There is a wide variety of wildlife in the area including protected species such as bats, barn owls, badgers, dormice and reptiles such as great crested newts. Proposal will cause irreversible loss of habitat for such species.
- Area adjacent to north of development is a natural area for dormice and deer nest in the local woods – will be pushed away by additional noise and disturbance.
- Proposal will result in loss of mature hedgerows and trees which are vital for biodiversity.
- Increased traffic, air and light pollution will further degrade the local ecosystem, with more wildlife killed.
- There is a precedent against street lighting in the village to protect nocturnal animals.
- No detailed BNG metric has been presented and no stewardship strategy secured for green infrastructure.
- Proposal is contrary to local and national policies for environmental preservation, policies DP37 and DP38 of District Plan and BOLE1 of Neighbourhood Plan.

General comments

- Bolney has adequate housing given that previous suitable brownfield site for housing was given planning permission for a warehouse.
- Village is being sacrificed to achieve local and national targets.
- Utilities Assessment document shows 38 x 4 bed units proposed, which is 19% of all dwellings. This breaches policy BOLH1 of Neighbourhood Plan which permits a maximum of 15% of all dwellings.
- Proposal would undermine community cohesion of village.
- Proposal would ruin beautiful views from existing properties.
- Loss of agricultural land will mean more importation of food, increasing carbon footprint.
- A smaller quantity of houses would be better located on London Road where there is drainage, street lighting and road safety is not a problem.
- Public green space in Masterplan likely to have 200 homes built on within 5 years.
- Police have stated that permeable nature of development with multiple access points increases the risk of crime, open space is at risk of dumping and camping, and community hub is at risk of graffiti. Play areas without adequate passive surveillance are at risk of anti-social behaviour.
- Village would be best served by adding housing in existing gaps, such as those along Ryecroft Road and on brownfield site (The Works) on London Road. Would be better integrated.
- Highway improvements to Bankside may affect integrity of housing above.

- Proposed highway improvements to The Street will isolate local farms, disrupt supply chains and adversely affect local businesses and trades people, undermining vibrancy of village.

- If planning permission is granted, numerous measures should be introduced to improve highway safety and sustainability including a combined cycle/foot path by A272 from pedestrian crossing to cycle / foot path by A23; traffic measures on Ryecroft Road, Foxhole Lane, and Lodge Lane; 30 mph speed restriction on altered section of A272; the relocation of community hub to southern parcel of development; new permanent all-weather surface and passing places to PROW; none of the amenity areas / open space to be developed to ensure SUDS continue to operate effectively; inclusion of bat boxes and swift bricks in development; enforceable measures to restrict construction workers parking on The Street and other roads outside the development site; fund a mobile library to visit Rawson Hall on a regular basis.

4.3 9 letters of support raising the following issues:

- Village needs more housing, especially for local younger people who have to rent.

- Support affordable housing provision.

- Proposal is nice extension to village with infrastructure and open spaces.

- Support as long as there's a facility for a junior school and health centre which could be combined in same building.

- Purpose built community hub is supported by local Kangaroos Charity; will be specially designed for children and adults with special educational needs and disabilities who will benefit from outdoor areas and allotments.

- Kangaroos Charity support families in Mid Sussex, providing an essential lifeline, with dedicated family/sibling programmes to provide respite for those with a disabled family member.

- Charity currently does not have a purpose-built dedicated hub; proposal would be a real asset to the community, with a familiar, customised environment for users that meets their needs.

- Proposed hub will allow charity to expand and accommodate 80 families on current waiting list. Number of children requiring SEND support continues to rapidly rise.

- Charity will still be based close to Haywards Heath.

- Proposed development benefits from integrated, community focussed approach.

- New development is within reasonable walking distance of 273 Metro bus service, accessed at Ryecroft Road bus stop.

- Proposal includes provision of a new bus shelter and real time information screens.

- Proposed development and S106 contributions could be used to improve level of service provided by bus 273, by extending operational day and providing additional journeys.

5.0 Summary of Consultees

5.1 Consultation responses are available to view in full on the planning file available on the online planning register.

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions towards Education, Libraries and Total Access Demand.

WSCC Local Lead Flood Authority

No objection subject to conditions.

WSCC Highway Authority

No objection subject to conditions and securing a financial contribution for enhancing the A272 around the Foxhole Lane junction.

WSCC Public Rights of Way Officer

No objection. The site falls immediately south of Public Right of Way (PRoW) Footpath (FP) 44Bo and plans to provide two direct links onto it. A site of this size means it is not unreasonable to expect considerable increased use of the PRoW as a direct consequence of the proposed development. This will increase the rate of damage to the path surface so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, this path must be improved and appropriate mitigation should be sought. A financial contribution towards surface improvements would be welcomed.

WSCC Minerals and Waste

No objection subject to the LPA being satisfied that there is an overriding need for the development that outweighs the safeguarding of the mineral resource, and that it has been demonstrated that prior extraction is not practicable or environmentally feasible.

WSCC Fire and Rescue Service

Request conditions regarding fire hydrants.

National Highways

Having assessed application DM/25/1129, we are content that the proposal, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A23) provided that a construction traffic management plan condition is imposed, reflecting DfT Circular 01/2022 and NPPF 2024 paras. 115-118.

Active Travel England

Refers to standing advice.

Sussex Police Crime Prevention

Makes recommendations regarding the layout and design of the scheme.

Sussex Police Infrastructure

Require an infrastructure contribution. The Police will need to recruit additional staff and officers and equip them. Investment into Automatic Number-Plate Recognition (ANPR) cameras and speed control measures will also be required. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development.

NHS Sussex

Require an infrastructure contribution which will be used for patient capacity increases at one or all the GP practices which will serve the catchment population of this proposed development.

Southern Water

There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 1.81 l/s for the above development at manhole reference TQ26231101. The development site is not located within Southern Water's statutory area for water supply drainage services. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

South East Water

No comments received.

Environment Agency

No comments received.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

Ecological Consultant

No objection subject to conditions. We are satisfied that there is sufficient ecological information available for determination.

Nature Space (Great Crested Newts)

In accordance with District Licence WML-OR136, planning conditions and informatives will be required, for the Council to be able to then authorise this development under the District Licence.

Landscape Consultant

No objection. There have been some positive amendments made to reduce landscape and visual impact. While we accept the principle of development on the site, we have some remaining concerns regarding the detailed design and how the layout can accommodate these.

Heritage Consultant

No objection. Recommends that a programme of archaeological trial trenching, secured by a condition, is undertaken on the proposed development site to identify the presence and extent of any archaeological remains, and to also inform on any mitigation, as appropriate.

MSDC Planning Policy

Comments in relation to policy requirements, housing land supply position, site selection process.

MSDC Contaminated Land Officer

The site has had historical use as agricultural land, which may have been used for the storage or disposal of items such as biocides, fuels, animal corpses etc. Due to this and the size and sensitivity of the proposed development, a phased contaminated land condition should be attached to ensure the site is safely developed for its end use. Additionally, a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, works stop until such time that a further assessment has been made, and further remediation methods are put in place if needed.

MSDC Environmental Protection Officer

Recommend approval subject to conditions including on lighting, air quality, noise protection for future residents.

MSDC Housing Enabling Team Manager

The proposal generates a requirement for 60 affordable units. The affordable housing units will need to be split 25% First Homes and 75% Social Rented or Affordable Rented. 2% of the 200 plots (4 plots), are also to be provided for self build, and these should be located together in one distinct area and will be required to meet the requirements of Policy DPH6:Self and Custom Build Housing.

MSDC Tree Officer

No objection. The trees to be lost are to facilitate access and are either category C or U, which would not be a constraint to development.

MSDC Section 106 & Infrastructure Manager

Requires infrastructure contributions towards formal sports, designated play areas, other outdoor provision and local community infrastructure. There would be onsite infrastructure of a community facility and informal outdoor space including community orchard and country park. Support 'Kangaroos' charity as the preferred operator of the new community building.

MSDC Conservation Officer

The proposal remains contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF, the less than substantial harm identified to the designated heritage assets would stand under the requirements of paragraph 215 to be weighed against the public benefits of the proposal, bearing in mind the great weight which must be given to the conservation of these assets. With respect to the NDHAs, under paragraph 216 the level of harm identified should be subject to a balanced judgement, bearing in mind also their significance within the local context, both of which are set out above.

MSDC Architect/Urban Designer

This is an outline scheme in which appearance, design, landscaping and scale are reserved matters. This is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultation. The scheme sufficiently addresses the principles set out in the Council's Design Guides and accords with policy DP26 of the District Plan; I therefore raise no objection to this planning application. I would encourage further development of this illustrative masterplan.

MSDC Street Name and Numbering

Informative regarding formal address allocation.

Twineham Parish Council

Twineham Parish Council has serious concerns regarding the proposed access on to the A272. It is already extremely difficult for vehicle users to turn right from Bolney Chapel Road at this junction. There are frequent "shunts" along this stretch of the A272. The proposed access is almost opposite the garage on the south side of the A272, where there are frequent queues for petrol spilling back on to the A272. The proposed access will be a serious hazard and needs some serious reconsideration. In view of the above concerns Twineham Parish Council requests a full road audit plan with proposed junction improvements.

6.0 Parish Council Observations

6.1 The Parish Council considers that the proposed application does not comply with the National Planning Policy Framework (NPPF), the Adopted Development Plan, the Bolney Neighbourhood Plan nor the Submission Draft Regulation 19 Mid Sussex District Plan 2021-2039 ('the Local Plan Review'). The Parish Council raises concerns in relation to:

- Settlement Hierarchy;
- Settlement Character;
- Countryside;
- Landscape and Visual;
- Impact on Heritage Assets;
- Agricultural Land Quality;

- Transport; and
- Planning Obligations.

6.2 Due to the lack of compliance with the development plan and other material considerations, Bolney Parish Council Objects to the planning application. More detail is provided beneath the sub-headings below.

Settlement Hierarchy

6.3 Bolney is identified in Adopted District Plan 'Policy DP6: Settlement Hierarchy' as a 'medium sized village providing essential services' (Category 3). The Plan makes clear that most development should be focussed to larger towns, with only limited growth in villages to meet local needs. The Plan states that 'within defined built up area boundaries, development is accepted in principle, outside these boundaries the primary objective... is to secure [countryside] protection by minimising... development that does not need to be there'.

6.4 The Proposed Development lies outside Bolney's built up area boundary, in open countryside. It is not allocated in the adopted Plan and has not been allocated in the Bolney Neighbourhood Plan. Instead, the proposal would extend the village into the countryside. This disregards Policy DP6's requirement that outside the built-up area boundary new housing should be limited to sites identified in the development plan or neighbourhood plan to meet local needs. Policy BOLBB1 of the Bolney Neighbourhood Plan requires development to be contained within the built-up area boundary unless certain provisions are met. The Proposed Development does not meet any of these criteria and is therefore in conflict with the policy.

6.5 Whilst it is recognised that the Local Plan Review proposes to allocate development at Foxhole Farm in proposed policy DPA14, this is not adopted policy. Furthermore, in accordance with the findings of the Planning Inspector in relation to the failure of the Local Plan Review to meet legal requirements under the Duty to Co-operate, the proposed allocation has not been reviewed and found sound by the Planning Inspectorate. We therefore consider it has very little if any weight in demonstrating the encroachment into the countryside is necessary, let alone acceptable.

Settlement Character

6.6 Adopted District Plan Policy 'DP26: Character and Design' requires that new development 'reflects the District's distinctive towns and villages, retains their separate identity and character' and protects valued open spaces and landscapes. A new 200 house estate would overwhelm Bolney's character. According to the 2021 Census, the village currently has a population under 650 living in 259 households. Adding 200 houses (roughly 450-500 people) is out of scale with the existing settlement. Furthermore, the Adopted District Plan explicitly expects infilling or very modest expansion only and requires new development to be of 'appropriate nature and scale' so as not to harm a settlement's character (Policy DP6). The proposal is clearly at odds with this requirement as it would almost double the size of the settlement.

6.7 In the response to the applicant's Pre-application Enquiry (Heritage Statement Appendix 27), the Mid Sussex District Council (MSDC) Conservation Officer stated that Bolney is a Sussex village which has developed over many centuries resulting in a linear settlement with a north-south alignment surrounded by open land and fields, such as, the proposed development site. A development of 200 homes on

open fields adjacent to the village will permanently alter the ancient linear settlement pattern of the village therefore conflicting with DP26 of the Adopted District Plan.

- 6.8 It is also considered that the objective set out in Local Plan Review Policy DPA14 to 'retain the character of footpath 44Bo' which runs along the Proposed Development's northern boundary has been disregarded by the proposals, a point which is agreed by the MSDC Conservation Officer.

Countryside

- 6.9 The primary objective of the Adopted District Plan with respect to the countryside (as per Policy DP12: Protection and Enhancement of Countryside) is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there.
- 6.10 'Policy DP12: Protection and Enhancement of Countryside' states that 'the countryside will be protected in recognition of its intrinsic character and beauty' and that development in the countryside will only be permitted if it maintains or enhances landscape quality and is necessary (e.g. for agriculture or is supported by a specific policy reference). Foxhole Farm is comprised of Agricultural Land Grade 2 and Grade 3 land in a valued rural landscape. The High Weald Character Assessment 'Field and Heath' identifies the fields of Foxhole Farm as being Medieval Field System. A development of this size would harm Bolney's rural views and setting.

Landscape and Visual

- 6.11 Concerns were upheld by the Planning Inspector in a recent appeal decision at land south of Henfield Road, Albourne (APP/D3830/23/3319542), where proposals to introduce a public open space were found to result in a change of use and visual appearance from agricultural land to managed parkland. In paragraph 46 the Inspector noted that this change would be detrimental to the rural character of the area and would erode the contribution the site made to the setting of the Conservation Area and several listed buildings. The Parish Council considers that the same principle applies in this case and that the proposals would result in unacceptable harm to both the landscape character and the historic environment.
- 6.12 The Parish Council disagree with the Applicant that the site does not form part of the setting of the High Weald National Landscape. Although the site is not in the High Weald AONB or immediately about the High Weald designated area, it does lie within National Character Area 122 High Weald. The northern part of the Parish of Bolney lies within the AONB. The High Weald Management Plan specifically states on page 17 that the High Weald Management Plan 'may be applied to the designated area and its setting especially when the setting falls within the High Weald National Character Area'.
- 6.13 Adopted District Plan policy DP16: 'High Weald Area of Outstanding Natural Beauty (AONB)' sets out that 'Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design'. Bolney Neighbourhood Plan Policy 'BOLE2 – Protect and Enhance the Countryside' requires development to ensure landscape impacts are acceptable.

- 6.14 The introduction of substantial built development on this currently open site would result in a significant and irreversible change to the local landscape character. The site forms part of a wider rural setting that contributes to the transition between the developed edge of Bolney and the High Weald National Landscape. The scale, extent and form of the proposal would erode the rural character of the area, introducing a substantial built development that would be at odds with the existing landscape pattern.
- 6.15 The Parish Council further highlight the landscape impact arising from the proposed creation of public open space at the centre of the site. As noted by MSDC's Conservation Officer (Appendix 2 of the applicant's Heritage Statement) in the response to the applicant's pre-application enquiry, the development would have a suburbanising effect on the currently open, agricultural character of the site. In particular, 'the transformation of the central field to parkland incorporating the vehicle access road providing the only car access to the northern section of the new housing will...have a significant effect on the rural nature of this part of the site'. The Conservation Officer concludes that the mitigation strategies proposed would not remove the harm caused.
- 6.16 The Proposed Development is therefore considered to be subject to the guidelines of the High Weald Management Plan 2024 to 2029 which does not support large development within the designated National Landscape or within its setting.
- 6.17 The proposal therefore conflicts with Adopted District Plan Policy DP16, Bolney Neighbourhood Plan Policy BOLE2 and with the objectives of the High Weald Management Plan 2024 – 2029.

Impact on Heritage assets

- 6.18 In recognition of the special architectural and historic interest of the village, two parts of Bolney are designated within the Bolney Conservation Area. Development affecting conservation areas should be compliant with Adopted District Plan Policy DP35. In addition, there are several listed buildings within the village. Development affecting listed buildings should be compliant with Adopted District Plan Policy DP34. These designated heritage assets are also protected by the Planning (Listed Buildings and Conservation Areas) Act 1990. Bolney Neighbourhood Plan Policy BOLD1 – Design of New Development and Conservation specifically sets out that development must 'not have an unacceptable impact on the setting of any heritage asset'. Additionally, it is a requirement of Local Plan Review Policy DPA14 for new development at the site to provide an appropriate layout and design which protects the setting of nearby Grade II listed building, 'Walnut and Well Cottage', and Bolney Conservation Areas (North and South).
- 6.19 The southern part is close to the Grade 1 Listed Church and the southern section of The Street where there are several Listed Buildings and is known as 'the Historic Core'. The northern part of the Bolney Conservation Area is said to be 'characterised by low density development, with trees, hedges and open spaces making an important contribution to the character of the Conservation Area'. See the MSDC 'Conservation Areas in Mid Sussex' document on the MSDC website.
- 6.20 The MSDC document continues 'the following effects in particular, contribute to the character of the Conservation Area:
- The lack of a uniform building line which adds variety and interest reflects the gradual growth of the village and enhances its semi-rural character;

- The variety of age and style of the buildings and the use of natural and traditional building materials;
- Attractive walling;
- Attractive countryside views; and
- Views in and out of the Conservation Area.

- 6.21 The agricultural fields at Foxhole Farm are one of the major contributors to the rural character of the village and integral to the setting of the Conservation Area and as such, development of this size would cause detrimental harm to the Conservation Area and its setting. In particular the site is visible from the Grade 1 Listed Church and it is considered that the development will have a harmful impact on the setting of this Listed Building.
- 6.22 Similarly, Neighbourhood Plan Policy BOLD1 requires new development to be designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of height, scale, spacing, layout, orientation, design and materials of buildings and the scale, design and materials of the public realm (highways, footways, open space and landscape). The suburban scale, nature and grain of the Proposed Development (as set out in the submitted parameter plans) is not compliant with this policy. A new housing estate built using modern building materials will be out of character with the linear nature of the village and of the existing buildings and will be contrary to Policy DP35 which requires developments to protect the setting of a Conservation Area and in particular, the views into and out of the Conservation Area.
- 6.23 As confirmed in the Conservation Officer's pre-application response, there is concern that the nature and scale of the development would cause 'mid-high' harm to the setting of the Conservation Area, particularly due to the prominence of new built form within the northern and southern fields. While proposed screening may reduce visual prominence, it cannot eliminate the loss or diminishment of the wider rural setting and views, which are integral to the heritage significance of the area.
- 6.24 Paragraph 215 of the NPPF sets out that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The Parish Council considers that the harm arising from the proposed development (outlined in detail elsewhere in this document) together with its clear conflict with the adopted development plan, significantly outweighs any 'public benefits' claimed by the applicant. As such, these benefits do not justify the harm caused.
- 6.25 The proposal is therefore in conflict with the Adopted District Plan, the Local Plan Review, the Neighbourhood Plan and the NPPF.

Agricultural Land Quality

- 6.26 Policy DP12 of the Adopted District Plan requires that 'Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality'. As set out the application documentation, the site includes areas of land which have been identified as 'best and most versatile' (BMV) agricultural land – Grades 2 and 3a. The Planning Statement suggests that an agricultural land assessment has been undertaken but the Parish Council has been unable to identify this within the submitted documentation for verification. The Planning Statement for the Proposed Development argues that the amount of agricultural land affected by the built development is small, but does not clarify the true loss of BMV agricultural land as the areas under the proposed open spaces will also be lost to agricultural use. This is a cause for concern which should be investigated in more detail. The loss of BMV is not acceptable as this conflicts with Policy DP12 of the Adopted District Plan.

Transport

- 6.27 Policy DP21 of the Adopted District Plan sets out the strategic objective to ensure that development is accompanied by the necessary infrastructure to support development and to create sustainable communities which includes a sustainable transport network and ease of access to local services and facilities. Bolney Neighbourhood Plan policy BOLT1 – 'Transport Impact of Development' requires development to demonstrate 'a) that any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and b) vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and c) any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village'.
- 6.28 The NPPF states the planning system should actively manage patterns of growth and that significant development should be focused on locations which are or can be made sustainable. Bolney is defined as a 'Category 3' settlement within Policy DP6 of the Adopted District Plan. There are at least nine other settlements considered to be more sustainable than Bolney.
- 6.29 The provision of services and social opportunities within the village is akin to its current scale and size. The application will almost double the number of current homes in the village, creating a demand which is out of step with the level of facilities currently provided. It is the Parish Council's view that the Proposed Development fails Adopted District Plan Policy DP21, Bolney Neighbourhood Plan Policy BOLT1 and the objectives of the NPPF. Bolney village is not sustainably located: There is a limited bus service (with no bus at all to Cowfold, the nearest village with some services and facilities), no cycle routes in the village or any suitable cycling infrastructure to connect the village to Cowfold or Cuckfield for medical services and other essential services. The consequence is that residents are reliant on private cars to access facilities to meet their daily needs. The applicant's proposed car share scheme, possible bus timetable changes and travel vouchers do not offer genuine choices of travel and will therefore not improve the sustainability of the village. Instead, the residents of the 200 new homes will themselves be dependent on private cars to access basic services and for daily activities such as work, grocery shopping and leisure thereby adding to the congestion on the roads in the village and increase concerns about highways

safety. In summary, this location is clearly unsustainable for the number of homes proposed in the Proposed Development.

- 6.30 The inclusion of a community hub building within the proposals is intended as infrastructure to support the new development, however, this facility is understood to be utilised for a specific charity and not as a general purpose asset for the wider community. This does not address the wider infrastructure shortfalls that limit the sustainability of the village. Moreover, the village already benefits from an existing community hall, limiting the need for a second facility of this nature.

Proposed Improvements to The Street:

- 6.31 The Parish Council has already raised concerns about pedestrian safety on The Street with the applicant during the District Plan Review and with MSDC in the Neighbourhood Plan process. Large sections of The Street do not have raised pavements for pedestrians but instead pedestrians use a red painted 'virtual' pavement and share the road surface with vehicles. At one point, outside the Eight Bells pub and the adjacent listed property Walnut and Well, there is no pedestrian pavement of any kind on either side of the road. Most of the length of The Street only has some form of pavement along one side of the road alone.
- 6.32 The applicant is proposing to improve pedestrian amenity along The Street with the addition of two uncontrolled pedestrian crossings in the form of 'kerbed built outs' with a one-way shuttle working arrangement to help with traffic calming. These kerbed built outs appear to depend on raised pedestrian pavements on either side of the highway, but at both points of The Street earmarked for the location of such a crossing, there is no existing raised pavement and little space between residential property boundaries and driveway accesses to create one. The proposals are therefore completely unworkable in practice and pedestrian safety on The Street will remain a major issue.

Access to Bolney Primary School

- 6.33 Access to Bolney Primary School is already made challenging for a number of reasons. The only highway link to the school uses Church Lane which is a narrow, single track lane with no room for two way traffic. The length of the single track part of the lane is approximately 160m, meaning drivers cannot see what vehicles may be approaching when they enter into it. The narrow nature of the lane also causes conflict with pedestrians and cyclists who are forced to be within the carriageway. There is an alternative access to the school via a Public Right of Way from The Street but this involves two flights of steps and is therefore not easily used by those with pushchairs, buggies and for those with mobility impairments. The additional pupils arising from the development would put even greater pressure on the routes to the school which will result in greater user conflict. This has not been considered adequately in the TA, which simply states the Proposed Development is within 2km of the primary school.
- 6.34 As set out above the proposed crossing points will do very little to improve the overall safety and efficiency of travelling to school as they do not join up with any other raised pavements for pedestrians.

Highways and Access

- 6.35 Adopted District Plan policy DP21 sets out that 'development will be required to support the objectives of the West Sussex Transport Plan 2011-2026', which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

- 6.36 The Proposed Development includes the creation of a vehicular access point from the A272 Cowfold Road. The Transport Assessment (TA) confirms that a T-junction arrangement with a ghost island right turn lane has, the applicant says, 'been agreed' as suitable for serving the development proposals. The applicant also proposes moving the existing pelican crossing 25m to the east closer to a bend in the road and adding a new non-signalised pedestrian crossing with 2m central refuge just to the west of the proposed site entrance onto the A272, close to the entrance to a petrol station forecourt.
- 6.37 The immediate area surrounding the proposed access has multiple conflict points. Within a short distance of the proposed junction lie an uncontrolled crossing, a garage/petrol station entrance, the entrance to an industrial estate, a pelican crossing and several private drives all joining the A272. These turning movements already create hazards on this stretch of the A272. Introducing a new major access and right turn lane amid these existing accesses will further complicate vehicle movements and line of sight. For example, vehicles slowing to turn into the garage or side roads may be obscured by each other or by the proposed ghost island lane, increasing the risk of collision. The Parish Council is also concerned for the safety of pedestrians if the existing pelican crossing is moved towards the east closer to a blind corner and questions the merits of installing a non-signalised pedestrian crossing close to the entrance of the petrol station with a proposed central refuge, which could hinder safe access into and out of the petrol station forecourt and industrial estate.
- 6.38 In addition to the entrances to the service station and the industrial estate, Foxhole Lane and Bolney Chapel Road meet the A272 at a crossroads just west of the site. All these accesses are within a few hundred metres of each other. Here, they are effectively 'back-to-back' on the A272. The Parish Council notes that the A272 at Bolney already has significant congestion and safety problems in peak hours and this site would add a number of extra turning movements.
- 6.39 The TA provided to support the Proposed Development has been found to include a number of errors and inconsistencies, as follows:
- Page 59 of the TA summarises five years of local collisions: 38 total incidents (28 slight, 10 serious, 0 fatal) on the nearby network. It concludes no pattern requiring remedial action. However, local reports differ, stating that up to three collisions per month have been recorded on this short section of A272, including a recent crash on the 25 May 2025¹² as well as several near misses with pedestrians when vehicles on the A272 have failed to stop at the red lights at the pelican crossing. This discrepancy suggests that either not all incidents are captured in the TA or that driver behaviour (e.g. wrong turn or panic) is worse than assumed. At a minimum, it indicates that any additional turning traffic risks further incidents.

- As a statutory consultee, National Highways (NH) has also expressed concern. They have requested that the application should not be granted permission for a period extending until 28 August 2025 to allow further analysis of impacts. Crucially, NH note that 'The status of Burgess Hill Northern Arc development (planning reference DM/18/5114/ DM/21/3279) should be clarified as it is understood the mitigation at the A272 Cowfold Road / London Road priority junction was to be implemented prior to 400 dwellings being occupied. As the mitigation has not yet been implemented, our understanding is that this development is not yet complete'.

- The TA states that the trip generation for the proposed community building has been calculated using trip rates from the 07/Q Community Centre land use category within TRICS and that it could be expected to generate 7 vehicular trips during the AM peak and 6 trips during the PM peak. However, given the proposed use of the building for Kangaroos, which provides programmes and activities focussed on meeting the need of those with Special Educational Needs and Disabilities (SEND), it is anticipated that the trip generation will be significantly higher than that of a typical community centre. A more robust approach would be to undertake a survey of an existing Kangaroos facility to better understand the likely travel demand and trip patterns associated with this specific use.

- 6.40 An assessment prepared by the Parish Council challenges the applicant's TA, and in particular, the applicant's TA methodology and residential trip rates. The conclusion of the assessment is that the applicant's trip data significantly underestimates the actual traffic movements that will be created by this proposed development and therefore the true impact the development will have on the local highway network.
- 6.41 In the context of the above it is our assessment that the development does not comply with Policy DP21 of the Adopted District Plan.
- 6.42 The NPPF sets out that development should be refused if 'cumulative impacts on the road network, following mitigation, would be severe'. In accordance with the above points, it is our opinion that the current proposals fail to demonstrate this will not be the case and therefore the proposal is in conflict with the NPPF. It also fails to comply with the Adopted District Plan (policy DP21) and the Bolney Neighbourhood Plan (policy BOLT1).

Planning Obligations

- 6.43 The Parish Council comments on the applicant's Draft Heads of Terms for Section 106 Agreement as follows:
- The Parish Council is pleased to see the provision for affordable housing for people with a Bolney connection;
 - The provision of a community building: The Parish Council prefers the use of the community building to be a more general one and not be specified for the use only by the charity Kangaroos. If, for example, the charity was to fail financially before it is able to move into the facility, the Parish Council does not want to be left with an empty building on site with restricted use. The Parish Council requests the wording to be 'the provision of a community building';
 - Although the Parish Council welcomes a financial contribution to improve pedestrian safety on The Street, it notes the applicant makes no financial provision

towards a cycle network connecting the village to nearby settlements to access facilities and services. This must be included;

- Likewise, there must be a financial contribution towards the highway improvements which will be necessary to make access to the site from Cowfold Road/the A272 safe for road users and for the residents and businesses located on the relevant stretch of the A272;

- There must be a financial contribution towards pedestrian pavements and crossings on the A272 near the proposed access to the development site;

- There must be a financial contribution to the cost of the necessary local sewer network upgrade to accommodate the new homes;

- There must be a financial contribution to the cost of the necessary off-site ground water drainage network upgrade along the A272 and to the drainage ditch running behind the residential properties on Cowfold Road to prevent flooding;

- There must be a financial contribution to the cost of the necessary local drinking water supply network upgrade to accommodate the new homes;

- There must be a financial contribution to the cost of the necessary local electricity network upgrade to accommodate the new homes;

- There must be a financial contribution to the cost of the necessary local telephone and broadband network upgrade to accommodate the new homes;

- There must be a financial contribution to the cost of the necessary improvements to the Rawson Hall to increase capacity to accommodate the residents of the new homes;

- The provision of three years free membership to the proposed car club should be available to both new and existing residents of the village, in the interests of integrating the new residents into the existing community so as not to create a 'them and us' scenario;

- Likewise, the Bus Taster Passes/Sustainable Travel vouchers should be provided to the whole community, not just residents of the new site;

- The geographical area for financial contributions to the services listed in the document must be increased from 5km to 10km. Bolney is such a remote settlement that there are no secondary or sixth form educational facilities within 5km, nor library services, waste or recycling facilities, for example;

- The suggestion that any contributions not spent within 5 years to be repaid to the developer must be removed.

For all the reasons above, Bolney Parish Council OBJECTS to this planning application.

6.44 Further submissions have been provided by the Parish Council in respect of the Transport Assessment submitted with the application. Full details of this are available to view on the planning file. The summary of this is:

Bolney is a small village in the countryside, the proposal will not change that from a transport point of view. It has minimal transport links and those who live there rely very heavily on the private car with the majority of households having one car per adult. There are also no cycle ways or pedestrian pavements to nearby villages. Bolting on a new development beside it of 200 dwellings is simply not going to change that. The efforts that the applicants have made to disguise that do not and cannot overcome that. The applicants go to great efforts to show that Bolney can be made accessible from the site by foot and bicycle but this does not help, having got to central Bolney (which would not be without difficulty) there is minimal public transport to go anywhere else.

The proposed Foxhole Farm Development is a 200 dwelling development which is just going to introduce a great number of cars onto the road network and there is little possibility of the residents being able to use sustainable public transport. Thus the applicants have failed to demonstrate that they can, by using a vision-led approach or otherwise identify suitable transport solutions or a sustainable development.

The location of the site and the lack of sustainable transport infrastructure mean that the proposed development will not provide a genuine choice of transport modes contrary to the requirements of the NPPF. The proposed development will therefore be reliant on the private car and would lead to very few journeys being made to destinations outside of the site and Bolney village by active or sustainable modes of travel.

The proposals do not accord with national, regional and local transport policy with regard to locating developments in locations which are or can be made sustainable through limiting the need to travel and offering choice of transport modes.

In summary this proposed development cannot be sustainable in this location and therefore fails Policy DP21 of the District Plan.

- 6.45 Following the re-consultation period, the Parish Council provided further comments. Full details of this are available to view on the online register. However, this response repeats the Parish Councils position that the application does not comply with the NPPF, the District Plan, the Neighbourhood Plan, the High Weald Management Plan or the Submission Draft Regulation 19 District Plan and that they are not the only statutory consultee who does not support the proposal. It goes on to provide further detailed comments in relation to the points previously raised in their original consultation response. It concludes that they strongly object to the application and whilst the Council can no longer demonstrate a 5-year supply and the tilted balance applies, that the application does not represent sustainable development.

7.0 Introduction

- 7.1 This application seeks outline planning permission for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers on land at Foxhole Farm, Foxhole Lane, Bolney. It is the means of access that is to be

determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.

8.0 Relevant Planning History

8.1 There are no previous planning applications of direct relevance to the determination of this application.

9.0 Site and Surroundings

9.1 The site of the planning application lies to the west of The Street and to the north of the Cowfold Road. The site forms five parcels of fields which wrap around Foxhole Farm.

9.2 In terms of planning policy, the site lies within the countryside as defined in the District Plan. It forms the site which is proposed to be allocated for development under Policy DPA14 in the Submission Draft District Plan which is currently at examination.

9.3 The northern boundary abuts woodland and pastoral fields while the eastern boundary adjoins the rear gardens of dwellings located off 'The Street'. The western boundary adjoins Foxhole Lane. The south of the site adjoins Cowfold Road which has dwellings opposite. To the north of the site a public right of way (PRoW – route no 44Bo) which runs east to west connecting Foxhole Lane with The Street.

9.4 The fields are undulating with the land to the south rising up to the centre of the site and then dropping back down to the north. The northern edge of the site reaches 37m AOD, then rise to a maximum elevation of 42m AOD at the centre of the site, within field 3, and then falls to around 24m AOD on Cowfold Road to the south. The fields are bordered by hedgerows and hedgerow trees.

9.5 The site lies outside of the two Conservation Areas of Bolney and does not abut them. The Bolney North Conservation Area lies to the north-east of the site starting at the end of the PRoW on The Street. This is some 10 metres from the north-east corner of the site. The Bolney South Conservation Area lies to the south-east of the site with an area of land between. This lies some 27 metres from the eastern boundary of the site at its closest point.

9.6 There are a number of listed buildings which are in the vicinity of the site being the Grade I listed Parish Church of St Mary Magdalene which is located approximately 120 metres to the east of the site at its closest point; and there are various Grade II listed buildings in the vicinity of the site, the closest being Walnut and Well Cottage which is located approximately 60 metres from the eastern boundary of the site at its closest point.

9.7 The High Weald Area of Outstanding Natural Beauty (HWAONB) is some 460 metres to the north and around 455m to the east of the site at its closest point. Intervening the eastern part of the HWAONB is the A23 and to the north several fields and woodland.

10.0 Application Details

10.1 This application seeks outline planning permission for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access,

ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers, on Land at Foxhole Farm, Foxhole Lane, Bolney.

- 10.2 The means of access is to be determined at the outline stage, with the appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application. The means of vehicular access is to be onto the A272 Cowfold Road to the south of the site. This vehicular access point is to be fixed and determined at the outline stage.
- 10.3 The application is supported by parameter plans and an illustrative masterplan and landscape plan that shows how the internal layout of the site could be configured to accommodate the development that has been applied for.
- 10.4 At the southern end of the site, the plans show a new access point onto the A272 Cowfold Road that would serve the whole of the development. This would be a priority T-junction arrangement with a ghost island right turn lane. The plans show that the existing signalised pedestrian crossing on the highway would be relocated to the east of the proposed access. There would be 2-metre-wide footways either side of the new access road into the site.
- 10.5 To the eastern boundary there would be two pedestrian/cycle links onto The Street and to the north of the site would be two pedestrian links onto the existing PRoW. This would allow pedestrians to access the village through alternative means rather than utilising the main vehicular access into the site to provide more direct routes into the village.
- 10.6 The illustrative masterplan shows that the development would be split with housing to the northern and southern parcels of the site. The development would provide up to 200 new dwellings, 30% of which are proposed as affordable and 2% self-build.
- 10.7 To the central part of the site would be a countryside open space with a country estate road set to the east. The open space would have a community orchard and a seating area.
- 10.8 To the west of the site would be community allotments, outdoor educational space and children's play areas.
- 10.9 Within the northern part of the site close to the community orchard would be a community building which has been identified to be occupied by 'Kangaroos' charity which is for people with learning disabilities and additional needs.
- 10.10 The application has been accompanied by a number of supporting statements for consideration consisting of:
 - Design and Access Statement
 - Planning Statement
 - Statutory Biodiversity Metric
 - Biodiversity Net Gain Assessment

- Ecological Appraisal
- Landscape and Visual Appraisal
- Draft Landscape and Ecological Management Plan
- Transport Assessment
- Framework Travel Plan
- Drainage Strategy
- Flood Risk Assessment
- Sequential Test Assessment
- Flood Risk Assessment and Drainage Strategy Addendum Report
- Heritage Assessment
- Archaeological Desk Based Assessment
- Arboricultural Implications Report
- Sustainability and Energy Statement
- Draft Heads of Terms for S106 Agreement
- Air Quality Assessment
- Noise Impact Report
- Lighting Impact Assessment
- Mineral Safeguarding Assessment
- Agricultural Land Classification and Soil Resources
- Utilities Assessment
- Socio-Economic Benefits of Development
- Sustainability Benefits of Development
- Statement of Community Involvement.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) *The provisions of the development plan, so far as material to application,*
- b) *Any local finance considerations, so far as material to the application, and*
- c) *Any other material considerations.'*

11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a Development Plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Bolney Neighbourhood Plan (BNP).

11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan but is an important material consideration.

11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 **Mid Sussex District Plan (MSDP) 2014-2031**

The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP13 - Preventing Coalescence

DP15 – New Homes in the Countryside

DP20 - Securing Infrastructure

DP21 – Transport

DP22 – Rights of Way and other Recreational Routes

DP23 - Communication Infrastructure

DP25 – Community Facilities and Local Services

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP34 - Listed Buildings and other Heritage Assets

DP35 – Conservation Areas

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

11.11 **Mid Sussex Site Allocations Development Plan Document (SADPD)**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. Relevant policies:

SA38 Air Quality

11.12 **Bolney Neighbourhood Plan (BNP)**

The Bolney Neighbourhood Plan was made in September 2016. Relevant policies:

BOLBB1 – Built-up Area Boundary

BOLE1 – Protect and Enhance Biodiversity

BOLE2 – Protect and Enhance the Countryside

BOLD1 – Design of New Development and Conservation

BOLH1 – Residential Development Mix

BOLH3 Affordable Housing

BOLA4: Securing Infrastructure

BOLA5: High speed Broadband

BOLT1 – Transport Impact of Development

BOLT3 – Off-street parking provision for new residential developments

11.13 **Other Legislation**

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.14 **Other Material Considerations**

11.15 **Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)**

The District Council is reviewing and updating the District Plan. The Submission Draft District Plan was published for public consultation on 12th January 2024 and is currently at examination.

11.16 The site of this application is proposed to be allocated for development under policy DPA14 in the Submission Draft District Plan. Policy DPA14 refers to the site as land at Foxhole Farm, Bolney, and proposes to allocate the site for 200 dwellings. The policy refers to the following being provided on site:

- Land for education provision
- Community facility
- Community working hub
- Allotments
- Informal outdoor space including community orchard and country park

11.17 The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Education
- Library
- Local Community Infrastructure
- Emergency Services
- Play area
- Health

- Other outdoor provision
 - Outdoor sports
- 11.18 The policy also refers to the provision of:
- Sustainable transport measures
 - Highway works
 - Sewerage network upgrades
- 11.19 In accordance with the NPPF, Local Planning Authorities (LPAs) may give weight to relevant policies of an emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. There are unresolved objections to policy DPA14 in the Submission Draft District Plan. As such, only minimal weight can be given to policy DPA14 and this planning application has been assessed against the policies of the adopted District Plan.
- 11.20 In addition, on 4th April 2025 (following the conclusion of the Stage 1 Examination Hearings for the District Plan Examination on 31st October 2024) the examining Inspector wrote to the LPA advising that in her view, the Council had failed to meet the Duty to Cooperate (DtC). The Inspector's letter advises that there are two options open to the Council, namely, to withdraw the Submission Draft District Plan from examination or to ask that the Inspector writes a report of her conclusions. The Inspector advised that the latter option of asking for a report to be written would be very likely to result in a similar conclusion to that contained within her letter.
- 11.21 At the time of writing this report, the District Council has not withdrawn the Submission Draft District Plan and has not asked the Inspector to write her report. Therefore, at the time of writing, the Submission Draft District Plan remains at examination and, given the objections to Policy DPA14, has limited weight in decision making. However, if the Inspector were to write a final report in terms similar to her letter of 4th April 2025, the LPA would not be able to adopt the Plan without challenging that decision successfully in Court. Until this issue is resolved, this is a further reason why limited weight should be given to the Submission Draft District Plan.
- 11.22 Notwithstanding the fact that minimal weight can be afforded to the Submission Draft District Plan as a statement of policy, it is relevant to note that all the sites that are proposed to be allocated for residential development in the Submission Draft District Plan are supported by a significant evidence base, which was formed during the site selection stage of the District Plan preparation.
- 11.23 All the sites that are proposed to be allocated for residential development in the Submission Draft District Plan have gone through the same site selection process. The methodology that was followed to develop a shortlist of potential housing sites that could be allocated in the Submission Draft District Plan was set out in the paper entitled District Plan Review: Site Selection Methodology, October 2023. The final decisions on which sites were allocated in the Submission Draft District Plan was informed by other evidence documents such as Sustainability Appraisal and Habitat Regulation Assessment. The site selection process was developed in order to determine the most sustainable and developable sites in accordance with the

NPPF, which will ensure that the site selection is consistent with the principles of sustainable development and consistent with the policies within the NPPF.

11.24 The initial step was to identify the pool of sites for consideration and assessment. The NPPF requires all local authorities to prepare a Strategic Housing Land Availability Assessment (SHELAA), to enable them to have a clear understanding of the land available in their area. The SHELAA 2023 (Stage 1) provides the pool of sites, from which specific deliverable and developable sites have been identified and allocated through the Plan making process. Stage 2 of the process was the detailed assessment of sites. This included three steps by which sites can be rejected resulting in a final shortlist of sites for further testing at Stage 3. This ensured that only the most suitable, sustainable and deliverable sites were proposed for allocation.

11.25 There are 14 criteria which each housing site was assessed against, split into three parts: Environmental Constraints, Deliverability and Accessibility. The first section of the assessment considered the Environmental constraints. This section of the criteria has been developed to reflect the requirement of the NPPF to steer development away from the most environmentally sensitive locations. The Council used the site selection stage to ensure that the greatest weight is given to those criteria. The second section of the assessment looked at the Developability considerations. This took account factors such as availability of sites and the achievability of appropriate and safe access. The third section of the assessment looked at Accessibility; the proximity and connection of sites in relation to services to ensure sites are located in the most sustainable places.

11.26 Appendix 4 of the Site Selection Methodology paper, provides the following conclusion in relation to site allocation DPA14:

'The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers, associated with this site. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.

In light of the above, it is considered that the site represents a suitable option for allocation. Therefore this site is allocated in the District Plan 2021 – 2039 Proposed Submission (DPA14).'

11.27 In short, in the preparation of the Submission Draft District Plan the Council has been through what officers consider to be a rigorous process of site selection, which has concluded that the DPA14 allocation is a sustainable location and is one of the sites within the District which is most suitable for meeting the District's housing need. Although the examining Inspector's letter to the District Council of 4th April 2025 is critical of the LPA, those criticisms focus on the DtC and do not call into question the methodology for the site selection work. In your Planning Officer's view, this work is robust and can be relied on to support decision making.

11.28 Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council

on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Affordable Housing Supplementary Planning Document (SPD)

WSSC: Guidance on Parking at New Developments (Sept 2020)

11.29 National Planning Policy Framework (NPPF) (December 2024)

11.30 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

11.31 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

11.32 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.33 Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

11.34 Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

11.35 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (PPG)

12.0 Assessment

12.1 It is considered that the main issues that need to be considered in the determination of this application are as follows:

- The principle of development
- Transport matters
- Landscape Impacts
- Heritage Assets
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Residential amenity
- Air quality
- Contaminated land
- Trees
- Ecology
- Drainage and Flood Risk
- Infrastructure
- Ashdown Forest
- Other Matters
- Planning Balance and Conclusion

12.2 Principle of Development

12.3 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Bolney as defined by the adopted District Plan. As such the site is located within the defined countryside.

12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

12.6 Policy DP6 of the MSDP states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built-up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

12.7 The proposed residential development does not meet all these criteria.

- 12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.9 The proposed residential development does not meet any of these special justifications.
- 12.10 Policy BOLBB1 of the Bolney Neighbourhood Plan (BNP) relates to the built-up area boundary. It states that development outside of the built—up area boundary will not be permitted unless:
- ‘ it is supported by a specific policy elsewhere in the Neighbourhood Plan; or the proposal is in accordance with other planning policies applying to the Parish*
 - it relates to necessary utilities infrastructure where no reasonable alternative location is available; or*
 - it is necessary for the purposes of agriculture, or some other use that has to be located in the countryside; and*
 - it maintains or where possible enhances the quality of the rural and landscape character of the parish; and*
 - it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality.’*
- 12.11 Policy BOLE2 of the BNP relates to the protection and enhancement of the countryside. It states that:
- ‘Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.*
- Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest.’*
- 12.12 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site.
- 12.13 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed

development does not accord with the Development Plan, when read as a whole. As per planning legislation, a decision must be made in accordance with the Development Plan unless there are any material planning considerations which indicate otherwise. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

12.14 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.15 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

12.16 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

12.17 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change. The site is not considered to fall within any of these categories and therefore footnote 7 does not apply.

12.18 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

- 12.19 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the amendments which were made to the NPPF in December 2024, which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.20 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still needs to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.21 As part of this process, the NPPF indicates that the weight to be given to Development Plan policies should depend on the degree to which they are in conformity with the NPPF.
- 12.22 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. In terms of the settlement hierarchy identified in policy DP6, this is still relevant when considering applications in terms of whether they are in a suitable sustainable location. However, the three criteria identified in policy DP6 is out of date in terms of restricting development to certain locations. As such, these policies can be given limited weight in the determination of the application.
- 12.23 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.24 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.25 Policy BOLBB1 of the BNP seeks to maintain or where possible enhance the quality of the rural and landscape character of the parish. Whilst this policy does seek to restrict certain forms of development outside of the built-up area boundary (within the countryside), as the Council does not currently have a five-year housing land supply, it will be necessary in some instances to release sites outside of the built-up area boundary for development. As such limited weight can be given to this policy.
- 12.26 Policy BOLE2 of the BNP seeks to protect and enhance the countryside. Whilst it is not considered to be a policy directly related to the supply of housing, it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

12.27 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

12.28 Transport matters

12.29 Policy DP21 in the MSDP states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*

- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.30 Policy BOLT1 of the BNP relates to transport impact of development and states:

'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:

a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and

b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and

c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village.'

12.31 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and

paragraphs 115 – 118 directly relate to the '*consideration of development proposals*', and they are set out below;

'115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

12.32 Policy DPA14 of the Submission Draft District Plan list the following requirements in relation to transport:

'3. Retain the character of footpath 44Bo which runs along the site's northern boundary and create a pedestrian link from the site.

4. Provide suitable vehicular, pedestrian and cycle access from Cowfold Road (A272).

5. Provide pedestrian and cycle access to The Street into the north part of the site between the properties of Westmeadow and Downland. In addition, explore potential for additional pedestrian and cycle access to The Street into the south-central part of the site.'

Although, for the reasons set out in in para 11.19 of this Report, Policy DPA14 has limited weight, this list remains helpful in identifying the site-specific requirements which are necessary in order to satisfy paras 115-118 of the NPPF.

- 12.33 The application has been supported by a Transport Assessment (TA), Framework Travel Plan, Road Safety Audit and Transport Response Notes in relation to the Local Highway Authority (LHA) and National Highway comments. All these documents have been carefully considered by the LHA and National Highways, and their comments can be found in full on the planning file.
- 12.34 There are several differing highway elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; and Parking. All these elements will be considered separately in the following paragraphs.
- 12.35 Access arrangements and off-site works
- 12.36 The proposals will be accessed for vehicles from the A272 (Cowfold Road) which in this location is subject to a 40-mph speed limit. The site will have two pedestrian accesses onto The Street as well as two pedestrian access to the PRoW to the north of the site. The detail of the pedestrian access points is a matter for a later reserved matters application. In addition, the applicant proposes a suite of off-site highway works to improve connectivity along The Street.
- 12.37 The vehicular access into the site is to comprise of a priority T-junction arrangement with a ghost island right turn lane provided from Cowfold Road. The access into the site would be 5.5m wide. The access will have 6m radii allowing large vehicles to be able to manoeuvre in and out of the access easily. A separate 2m wide footway will be provided into the site providing safe access for pedestrians.
- 12.38 There would be visibility splays of 2.4 metres x 120 metres to the west and splays of 2.4 x 105 metres, these would be in line with the posted speed limit (40 mph) and standards within Design Manual for Roads and Bridges (DMRB).
- 12.39 A separate crossing point along Cowfold Road is proposed east of the proposed point of access. Tactile paving will be provided to allow crossing to the footways on the southern side of Cowfold Road. There will be the relocation of the signalised crossing 25m to the west of its current position to facilitate the introduction of the ghost island right turn lane.
- 12.40 Two active travel accesses to encourage walking and wheeling are proposed into the site from The Street these are between the properties of West Meadow and Downland and also on to the public footpath to the north of the site. An additional potential connection onto The Street via the car park to the south of properties 19 and 20 is also shown on the illustrative masterplan.
- 12.41 The LHA have no objection to this access point or the associated offsite works. Your Planning Officer has no reason to disagree with the views of the LHA in respect of these matters. It is considered that a satisfactory access point can be provided to serve the development, and the proposed off-site works are reasonable.
- 12.42 Impact on highway network
- 12.43 Automatic Traffic Counters (ATC) was placed at three locations of the A272 Cowfold Road (east of the Bolney Cross Service Station); on The Street (north of

the junction with the A272 Cowfold Road) and also on the A281 (between the junction with A272 and the junction with Station Road in Cowfold). The ATC was carried out for a seven-day period during November 2023. The total average weekday peak flows for all three locations were 9,900 vehicles in the AM (7am – 10am) and 9,647 vehicles in the PM (16:00 – 19:00).

- 12.44 Cowfold Road at this point is subject to a 40mph speed limit. The 85th percentile speeds from the automatic traffic counts conducted in November 2023 were 38.9mph eastbound and 40.6mph westbound.
- 12.45 The trip generation for the proposed development has been calculated using trip rates derived from the industry standard TRICS trip rate data base. Based on 200 dwellings the expected trips in the AM peak hour (8am – 9am) would generate 91 two-way trips (25 IN, 66 OUT) and in the PM peak hour (5pm – 6pm) would generate 89 two- way trips (60 IN, 29 OUT).
- 12.46 In terms of the community building, the end user Kangaroos reviewed the trip rates based on the Community Centre Land Use within the TRICS trip rate data base. These assumption were low and as such advised that based on their operations the following movements would be expected for the use of the proposed building in the AM peak hour (8am – 9am) would generate 35 two-way trips (25 IN, 10 OUT) and in the PM peak hour (5pm – 6pm) would generate 35 two- way trips (10 IN, 25 OUT).
- 12.47 The total trip generation from the site based on both the proposed housing and community building use is 126 two-way trips in the peak morning hour and 124 two-way trips in the peak evening hour. This would equate to less than 2 trips per minute.
- 12.48 The submitted West Sussex County Council Response Note sets out that the proposed access junction can accommodate traffic flows higher than those forecast without having an unacceptable network capacity or highway safety impact.
- 12.49 The Highways Authority has considered the TA and Response Note and consider that trips generated by the site quickly disperse across the nearby road network. They advise that the modelling assessments demonstrates that the junction would work within theoretical capacity. In addition, they consider that the capacity impact of this scheme has already been reviewed and accepted as part of the cumulative TA.
- 12.50 The highway impacts of this proposal have been assessed through earlier evidence supporting the Draft District Plan and through the assessment of the proposed development on land east of Ansty Way, Cuckfield (planning reference DM/23/2866) currently under consideration which includes development for 1,450 new homes. National Highways has considered this and is satisfied that no further assessment of the impact of the proposal on the strategic road network (SRN) is required.
- 12.51 In addition, the LHA raises no objection to the proposal and advise that the proposal would not have 'severe' impact on the operation of the highway network and that there are no transport grounds to resist the proposal.
- 12.52 The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your

Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.

- 12.53 National Highways is responsible for the Strategic Road Network (SRN). They have considered the impact of the development on the nearby A23 and the cumulative impact from other committed developments and have raised no objection to the proposal, subject to conditions. It is therefore considered that the development would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the SRN in the vicinity of the site (A23).
- 12.54 Sustainable Transport
- 12.55 In line with guidance in the NPPF, the applicants have provided a Transport Vision for the site in their Transport Assessment (TA). This sets out the applicant's vision for the site is to create a high-quality, sustainable, residential-led neighbourhood, where people want to live and spend time. TA refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite improvements and good on-site layout design and minimising the need to travel through on-site infrastructure. The strategy provides opportunities for multi-modal travel, and the site is therefore accessible to a range of key facilities, services and amenities catering for every day journey purposes.
- 12.56 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Framework Travel Plan (FTP), which has been assessed by the LHA.
- 12.57 Bolney is a category 3 settlement as defined in the settlement hierarchy in the MSDP. Category 3 settlements are defined as medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. The FTP identifies the facilities and services within a 2km walking distance of the site including the village primary school, a pre-school, an employment site, the village hall and playing fields, the community café and the village stores and service station.
- 12.58 The site is located within close proximity of bus stops serving the hourly service no 2 and 89 services which link to Burgess Hill and Horsham. Service 273 located from London Road to the east which provides onward connections to destinations such as Crawley and Brighton.
- 12.59 The FTP includes the provision of two EV car club vehicles on site for three years, with three years free membership for new residents of the site; a Bus Taster Pass / Sustainable Travel Vouches to every household or a discount on cycle equipment; facilitating pedestrian improvements to The Street including new crossing facilities and new stretches of footway as well as bus stop improvements including the provision of real time information on bus services.
- 12.60 In addition to this, the applicants propose the enhancement and improvement of bus services which are being explored with bus operators. The FTP sets out that potential improvements could include the provision of additional bus stops,

upgrading existing stops and improved frequency of the 273 bus between Crawley and Brighton via Bolney. It sets out that a number of journeys currently omit Bolney due to low use, the delivery of 200 dwellings would add to demand to potentially allow all 273 journeys to stop at Bolney.

- 12.61 A number of off-site highway works have been proposed. These would be secured through a S278 agreement with the Highways Authority. However, as set out in the Transport Assessment and WSCC Response Note these would include tactile paving onto The Street by the northern pedestrian access; the provision of dropped kerbs / tactile paving at the junction of The Street / Paynesfield, to enable access to the bus stop of the northern side of the junction, as well as to the village hall; bus stop improvements on The Street, which include the provision of Real Time Information on bus services; carriageway widening to accommodate on-street parking; kerbed build-out and additional uncontrolled crossing with dropped kerbs and tactile paving; and the relocation of the existing disabled parking bay.
- 12.62 It is considered that the above measures are reasonable mitigation in relation to promoting sustainable transport options to access the site.
- 12.63 Car and Cycle Parking
- 12.64 As this is an outline planning application, future reserved matters applications will deal with the provision of car and cycle parking. The applicant has advised that these will be provided having regards to current standards or any other subsequent standards that may be adopted at that time. There are no reasons to think that a satisfactory level of cycle and vehicle parking could not be provided at the reserved matters stage.
- 12.65 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging infrastructure will be provided in accordance with the adopted EV charging standards at the time of the reserved matters application, which is currently a minimum of one charging point for each new dwelling.
- 12.66 In respect of the community building, the illustrative masterplan includes a total of 12 parking spaces with a layby on the spine road adjacent to the building to allow for coach drop off and pick up. However, full details of this would be considered at the reserved matters stage.
- 12.67 Construction stage
- 12.68 It is normal practice on major developments such as this, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.
- 12.69 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed

12.70 Transport Conclusions

- 12.71 To summarise on transport matters, it is considered that the applicants have demonstrated that satisfactory vehicular access points can be formed onto Cowfold Road. The level of vehicular movements that would be generated by the proposed development would not result in a severe impact on the highway network, which is the relevant test.
- 12.72 The site is considered to within a sustainable location and would provide appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport to encourage active and sustainable travel.
- 12.73 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. National Highways, the body responsible for the SRN also have no objection to the application. With planning conditions to secure the details of the access point and highways works, and a legal agreement to secure the Framework Travel Plan, highway improvements and footpath improvements to the PRow, it is considered that there are no sustainable reasons to resist the application on highways grounds.

12.74 **Landscape Impacts**

- 12.75 One of the objectives of achieving sustainable development is to ensure that proposals 'contribute to protecting and enhancing our natural, built and historic environment' (para 8, NPPF).
- 12.76 The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to '*maintains or where possible enhances the quality of the rural and landscape character of the District*'.
- 12.77 Policy BOLE2 of the BNP relates to the protection and enhancement of the countryside and states:
- 'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.*
- Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest'*
- 12.78 Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside'. It is, however, important to note that the site and the surrounding landscape do not fall within any national designation.

12.79 Policy DPA14 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.19 of this report, refers to the following matters in relation to landscape matters:

'3. Retain the character of footpath 44Bo which runs along the site's northern boundary and create a pedestrian link from the site.

6. Provide a country park between the north and south development parcels.

10. Meet the requirements of other relevant development plan policies.'

12.80 The application has been supported by a Landscape and Visual Appraisal (LVA) and a Landscape Response has been provided following the comments from the Councils Landscape Consultant.

12.81 The submitted LVA identifies the baseline Landscape Character Areas (and neighbouring LCAs where relevant) in which the site is located, these include:

- NCA 122: The High Weald (National Character Area (NCA))

- LCA HW4: High Weald Fringes and LCA 4: Hickstead Low Weald (West Sussex LCA, 2005)

- LCA 10: High Weald Fringes (Mid-Sussex LCA, 2005).

12.82 The LVA sets out that the *'site exhibits many of the characteristics of landscape character areas HW4 and LCA 10, High Weald Fringes. The site is agricultural, and generally rural and enclosed by hedgerows and woodland. There are long views to the South Downs, across the Low Weald, from the raised landform east of Foxhole Farm (field F3), but from nowhere else on the site. There are busy roads to the south (A272) and east (A23), but also a narrow rural lane to the west (Foxhole Lane).'*

12.83 It concludes that in the *'short-term, a small number of Major/ Moderate and Negative effects would be experienced by both landscape and visual receptors which equate to important planning considerations. However, given the incorporation of landscape buffers on the periphery of the development parcels, built form being limited to be lower, more enclosed ground and an abundance of planting being proposed across the site, these landscape and visual effects, which are regarded as important planning considerations, would be highly localised and would progressively reduce in the long-term as the proposed planting establishes.'*

12.84 The Council's Landscape Consultant has considered the submitted documents and illustrative plans. The details have been revised following their original consultation response to address a number of concerns. Full details of this are set out in the submitted technical note to address the landscape response. Following this technical note the Landscape Consultant is supportive of the proposal subject to the detailed design and how the layout can be accommodated. Such details would be dealt with at the reserved matters stage. They recommend further details are provided at the reserved matters stage concerning hard and soft landscaping, a landscape management plan, boundary treatment plan, a SUDs strategy and a planting strategy.

12.85 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It

is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the District, it is highly likely to be necessary to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). The landscape in this case is not designated or considered to be a valued landscape for the purposes of the NPPF. The impacts on the development of this site are not considered to be any greater than that would occur on any other greenfield site in the District developed for housing. This cannot, therefore, be an argument on its own, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

- 12.86 Concerns have been raised in respect of the impact of the development from the public right of way (PRoW) set to the north of the site (footpath 44Bo). Currently when walking along this PRoW there are open views available into the site. It is acknowledged that this open countryside nature and views will alter through the development of the northern parcel of the site where open views will no longer be available. Whilst the plans are currently indicative, the illustrative masterplan shows that properties are to be set away from this boundary with landscaping and planting between to soften the impact of the development.
- 12.87 As set out above, the applicant's supporting information has been assessed by the Councils Landscape Consultant, and their comments are summarised at the start of the report and set out in full on the planning file. Your Planning Officer considers that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP.
- 12.88 Notwithstanding this general conflict with policy DP12, the illustrative masterplan and building heights parameter plan shows that there would be sufficient landscaping on the boundaries of the site to reduce the visual effects including that on users of the PRoW to the north of the site. The building heights are reduced to the southern apartment blocks to 2 storeys to reduce both landscape and visual effects. Additional tree planting is also to be undertaken within the street scenes and parking courts.
- 12.89 However, for the reasons set out in paras 12.22 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12.
- 12.90 Agricultural land
- 12.91 As set out above, part of policy DP12 relates to the protection of grade 3a and above agricultural land from non-agricultural development. Paragraph 187b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'*

- 12.92 The applicants have provided an Agricultural Land Classification and Soil Resources report. This notes that the percentage of best and most versatile agricultural land (grades 1, 2 and 3a) is at 20% of the overall site. Therefore, there is some conflict with this part of policy DP12. However, it is noted that only moderate weight can be afforded to policy DP12 at present. The proposal would be required to provide a 10% gain in biodiversity, and this would accord with the aim of para 187b of the NPPF in respect of recognising the benefits from natural capital and ecosystem.
- 12.93 Given the tilted balance that must be applied because of the inability to demonstrate a 5 year housing land supply, the significant weight that should be applied to the goal of boosting housing delivery, and the relatively small percentage of land that is best and most versatile agricultural land, it is not considered that the loss of best and most versatile agricultural land is so significant in this instance that it would justify resisting this planning application.

12.94 Heritage Assets

- 12.95 The Local Planning Authority (LPA) is under a duty by virtue of S.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
- 12.96 Policy DP34 of the District Plan relates to listed buildings and other heritage assets and states:
- 'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*
- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
 - Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
 - Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
 - Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
 - Special regard is given to protecting the setting of a listed building;*
 - Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

12.97 Policy DP35 of the MSDP relates to Conservation Areas and states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

12.98 Paragraphs 207, 208, 210, 212, 213, 214, 215 and 216 of the NPPF are also relevant and state:

‘207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷⁵*

Footnote 75 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

12.99 There are no designated or non-designated heritage assets within the site itself, but there are a number within the vicinity.

12.100 Designated Heritage Assets (DHA)

12.101 Bolney Conservation Area is in two parts, centred on the southern and northern ends of The Street. The site abuts the south-western corner of the northern part of the Area and is in close proximity to the western boundary of its southern part. The northern part of the Conservation Area contains a number of listed buildings, and is characterised by low density development, with trees, hedges and open spaces making an important contribution to its attractiveness. The southern part of the Area contains several listed buildings, including the Grade I Church of St Mary Magdalen with its Norman chancel and nave. The buildings, which are arranged in an attractive manner around Bolney Street, create a sense of enclosure and form an attractive entry to the village. There are glimpsed views between the buildings along the street and looking from the higher points to either side of it, including the churchyard, which link this part of the village to the surrounding countryside.

12.102 The Council's Conservation Officer considers that the northern and central field of the application site makes a strong contribution to the character of the setting of the northern part of the Conservation Area. In respect of the southern part of the Conservation Area, the Conservation Officer considers that *'the site forms the entirety of its close rural setting to the west. It has a particular influence on the (currently rural) character of views looking westwards between the buildings to this side of The Street, and looking over the rooftops of the houses lining The Street from the elevated ground of the churchyard.'* Thus they consider that the site makes a strong positive contribution to the character and appearance of the southern part of the Conservation Area.

12.103 In terms of the impact of the development on the Conservation Area, the Council's Conservation Officer considers that the development would result in less than substantial harm at the mid-high range to this designated heritage asset. However, they consider that this is reduced due to the positioning of the access road in the central part of the site and the additional planted screening on the eastern boundary.

- 12.104 Walnut and Well Cottage is located to the western side of The Street within the southern part of the Conservation Area. It is a Grade II listed timber framed building, formerly two cottages dating from the 17th century or earlier. The Council's Conservation Officer considers that the surviving rural setting to the west of The Street, which forms this rural backdrop, will make a strong positive contribution to the special interest of the building and the manner in which this is appreciated. They consider that in terms of harm that the development would result in less than substantial harm at the low-mid range to this designated heritage asset.
- 12.105 St Mary Magdalene's Church is a Grade I listed stone church dating originally to c.1100, with a tower constructed in 1536-8 which houses an unusual peal of 8 bells. The church is set in an elevated position to the east of The Street. The Council's Conservation Officer considers that the *'rural setting to the east and west of the church, which to the west consists predominantly of the proposed development site, visible over the intervening houses on The Street, makes a strong positive contribution to its historical illustrative value as an early Sussex country parish church, and to its aesthetic value.'* As such they consider the development would result in less than substantial harm at the low-mid range to this designated heritage asset.
- 12.106 Daltons Farm on The Street is a Grade II listed 18th century or earlier red brick former farmhouse, part of a historic farmstead dating from the 19th century. The Council's Conservation Officer considers that the *'proposed development site forms part of that setting, lying a short distance to the southwest, separated by a further intervening field. The rear of Dalton's Farm is visible in views from the above-mentioned PROW running along the northern edge of the site, from which the northern field of the site is also very prominent. Contrary to the comments within the submitted Heritage Statement there is likely to be visibility of the site (and development on it) from the rear of the listed building and/or its immediate garden setting. The site also affects the context within which the farmstead is appreciated in views from the PROW.'* As such they consider the development would result in less than substantial harm at the mid-range to this designated heritage asset.
- 12.107 Tanglewood is a 17th century timber framed house located to the southern side of Lodge Lane, which sits on a ridge to the north of the site. The Council's Conservation Officer considers that the *'proposed development site is a short distance to the south of Tanglewood, separated from it by an intervening field and tree belts. However, given the topography which falls towards the PROW running across the north of the site, and then rises again north to south towards the site's central field, it is possible that there will be some intervisibility between the proposed development and the listed building, in particular in views from its upper floors, and/or from its immediate garden setting.'* As such they consider the development would result in less than substantial harm at the low range to this designated heritage asset.
- 12.108 Durstons is a 17th century or earlier timber framed house also located to the southern side of Lodge Lane. The Council's Conservation Officer considers that the property is likely to possess similar values to Tanglewood, and the rural setting will make a similar contribution to its significance. They consider that the weight that can be attached to this is limited and would result in less than substantial harm at the low range to this designated heritage asset.
- 12.109 Bolney Lodge and Bolney Cottage is a pair of Grade II listed buildings are located a short distance to the north of the site along Foxhole Lane. The Council's Conservation Officer considers that the *'proposed development site is located*

directly adjacent to the southern edge of the grounds to Bolney Lodge, separated from them only by the above mentioned PROW running between Foxhole Lane and The Street. Although this part of the Lodge grounds is wooded, the woods have an open structure which means that (contrary to the statement within the submitted Heritage Statement) the southern elevation of the house, including the large sash windows at ground and first floors, are clearly visible from the PROW, indicating (given that the site is also open to view from this part of the path) that there will be intervisibility between the site and Bolney Lodge itself, as well as its grounds. The site in its current state must therefore be considered to make a positive contribution to the setting and special interest of Bolney Lodge'. In terms of Bolney Cottage they consider that there is 'unlikely to be intervisibility between the site and Bolney Cottage due to the intervening topography and planting, however it does, as with Bolney Lodge, contribute positively to the rural character of the approach to the listed building along Foxhole Lane.' They consider that the development would result in less than substantial harm at the low-mid range for Bolney Lodge and at the low range for Bolney Cottage.

- 12.110 Bookers Farm and Bookers Barn are a grade II listed 17th century farmhouse and separately listed 15th century barn, forming part of the Bookers Farm historic farmstead, which is located a short distance to the west of Foxhole Lane opposite to the north-western corner of the site. The Council's Conservation Officer considers that the '*proposed development site forms part of the wider rural setting of the farmstead, with intervisibility from the listed buildings or their immediate settings. The site also affects the character of the approach to the historic farmstead from Foxhole Lane along the entrance drive, which is also a PROW.*' They consider that the development would result in less than substantial harm at the low-mid range for these designated heritage assets.
- 12.111 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of the above-mentioned heritage assets resulting in less than substantial harm.
- 12.112 Non-Designated Heritage Assets (NDHA)
- 12.113 Providence Chapel, Cowfold Road lies to the south-western corner of the site. This is a mid-19th century building now in residential use, and is a former Calvinist chapel with associated burial ground. The Conservation Officer considers that the proposal would result in a mid-level harm in terms of less than substantial harm to the asset of a mid-level of interest in the local context.
- 12.114 Bolney Place is to the east of the southern part of the site. This is a substantial country house which is now in commercial use. The Conservation Officer considers that this has potential to be considered as an NDHA due to its age and architectural quality. The Conservation Officer considers that the proposal would result in a mid-level of harm in terms of less than substantial harm to an asset of a mid-level of interest in the local context.
- 12.115 Old Post Office is on eastern side of The Street. The Conservation Officer considers that due to the surviving timber framed range to the rear of the late 19th/early 20th century frontage as well as the architectural character and communal value of the front range that the building is considered as an NDHA. They consider that the proposal would result in a low level of harm in terms of less than substantial harm to an asset of a high level of interest in the local context.

- 12.116 Overall impact on setting of all designated and non-designated heritage assets
- 12.117 In terms of the impact of the development on the designated and non-designated heritage assets, the Council's Conservation Officer considers that the *'proposed development will inevitably have a suburbanising impact on the currently open, agricultural character of the site. The introduction of substantial built form to the northern and southern fields will have the most marked impact, but the transformation of the central field to parkland incorporating the vehicle access road providing the only car access to the northern section of the new housing will also have a significant effect on the rural nature of this part of the site. This will inevitably have an impact on the contribution which the site currently makes to the settings of the above-mentioned heritage assets and the manner in which their various significances are appreciated.'*
- 12.118 The Council's Conservation Officer acknowledges that it is difficult in the absence of a fully developed scheme to determine the exact level of harm arising from the proposal on these heritage assets. However, they expect that for all the designated assets listed above this harm would fall within the less than substantial range, such that the balancing exercise set out in paragraphs 215 of the NPPF will apply.
- 12.119 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of the designated heritage assets. It is considered that the proposal would result in less than substantial harm to the setting of the above-mentioned heritage assets. In accordance with case law, it is necessary to give this 'less than substantial harm' significant weight in the planning balance to properly reflect the fact as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard should be given to the desirability of preserving listed buildings and their settings.
- 12.120 Where a finding of less than substantial harm is found, paragraph 215 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:
- provision of new housing (including a policy compliant level of affordable housing);
 - the provision of a substantial area of public open space including a community orchard and community allotments;
 - the provision of a community building for use by Kangaroos a charity for children, teenagers, and adults with severe learning disabilities and complex needs;
 - economic benefits arising from additional spending in the locality post construction from new residents.
- 12.121 It is your Planning Officer's view that these are important benefits and should attract significant weight in the planning balance. Taken together, your Planning Officer considers the public benefits outlined above outweigh the less than substantial harm to the setting of the heritage assets outlined above, notwithstanding the fact that this harm should be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. Therefore, whilst there is a conflict with policies DP34 and DP35 of the MSDF because there will be harm (classified as 'less than substantial' under the NPPF) and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the less than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.

12.122 In terms of the non-designated heritage assets, paragraph 216 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. It is considered that in the context of the development with surrounding buildings, and the separation of the proposal from these non-designated heritage assets that the scale of harm is low that impact will not result in significant harm or loss to these non-designated heritage assets.

12.123 Archaeological matters

12.124 An Archaeological Desk Based Assessment accompanies the application. This considers that based *'on available information, the study site is anticipated to have a low potential for all periods of human activity, although evidence of Medieval and Post Medieval land management, field boundary and agricultural activity associated with the nearby Medieval historic centre of Bolney and Post Medieval Bolney Place cannot be excluded. Evidence of Post Medieval quarries for sand extraction may also be present across the site's southern fields, in proximity of Brickfield west of Crosspost, circa 50m to the south, where brickmaking is recorded during this period'*. It goes on to state that overall *'due to the site's only moderate predicted archaeological potential, the development proposals can be considered unlikely to have a substantial negative impact or cause significant harm on any underlying archaeological assets that may be present at the study site.'*

12.125 The Councils Historic Environment Consultant has considered the desk-based assessment submitted by the applicants and considers that *'the proposed development site is likely to contain extramural features relating to the historic settlement, including evidence of agricultural activity and land management.'*

12.126 Accordingly, they recommend a programme of archaeological trial trenching, secured by a condition, is undertaken on the proposed development site to identify the presence and extent of any archaeological remains, and to also inform on any mitigation, as appropriate.

12.127 Your Planning Officer agrees with this approach. It is considered that with a suitable condition in place, potential archaeological remains will be properly dealt with in accordance with policy DP34 in the MSDP.

12.128 Design/layout/housing mix, sustainability

12.129 Design/layout

12.130 Policy DP26 of MSDP relates to 'Character and Design' and states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*

- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*

- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.131 Policy BOLD1 in the BNP relates to the design of new development and conservation and states:

'Planning permission for new development will ordinarily be permitted subject to the following criteria:

It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;

height, scale, spacing, layout, orientation, design and materials of buildings, and

the scale, design and materials of the public realm (highways, footways, open space and landscape); and

It does not have an unacceptable impact on the setting of any heritage asset; and

It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and

It creates a safe, accessible and well-connected environment that meets the needs of its users; and

It will not result in unacceptable levels of light, noise, air or water pollution, and

Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility.'

- 12.132 Paragraph 131 of the NPPF states in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 12.133 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.
- 12.134 The application is accompanied by an Access and Movement Parameter Plan and an Illustrative Masterplan. The illustrative masterplan positions built development away from the highest ground and integrates the existing landscape structure. The development adopts a perimeter block layout that potentially could include houses that will address the streets and spaces and provide secure rear gardens. In addition, it seeks to achieve well defined streets with a good level of enclosure and parking not dominating streets.
- 12.135 It is considered that the overall principles that are shown in the submitted plans are sound. Perimeter block layouts are a well-established way of organising residential development that allows dwellings to face onto the streets and provide traditional back-to-back gardens. This way of organising the layout also allows dwellings to face outwards towards the attractive boundary planting around the site.
- 12.136 The proposed development seeks to locate open space pockets along the main movement lines, not only enhancing connectivity but also revealing views of large trees and other key visual features, thereby increasing legibility and reinforcing the site's character. In addition, it seeks to locate most of the play spaces to be easily accessible for all new residents, while also serving as attractive, inclusive amenities for the existing village community.
- 12.137 It is also important to note that the description of this outline planning application seeks consent for up to 200 dwellings. Therefore, it is open to the applicants at a future reserved matters application to bring forward an application with fewer dwellings if they consider that this is the most appropriate design approach. The issue for the LPA to determine at this stage is whether in principle, the applicants have demonstrated that this quantum of development could be delivered on the site. It is your Planning Officer's view that the applicants have demonstrated that this quantum of development could be delivered on the site.
- 12.138 It is therefore considered that in terms of design and layout, the parameter plans, and the accompanying illustrative layouts show that the application complies with policy DP26 in the MSDP and policy BOLD1 of the BNP.

12.139 Standard of Accommodation

12.140 Policy DP27 of the MSDP deals with dwelling spaces standards, and states;

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.141 This is an outline application with only the principle of the development and the means of access to be determined at this stage. It will be at the subsequent reserved matters stage that the applicants would need to demonstrate compliance with the dwelling space standards. There are no reasons to think that this could not be done.

12.142 Accessibility

12.143 Policy DP28 of the MSDP states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) *Where new dwellings are created by a change of use;*
- 2) *Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) *Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) *Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair use dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.144 As this is an outline application, the internal layout of the scheme and the design of the buildings within it are not being determined at this stage. It will be at the subsequent reserved matters stage that the applicants will need to demonstrate compliance with this policy. There are no reasons why this policy could not be met at the reserved matters stage, and a planning condition is proposed to require this to come forward in the reserved matters application.

12.145 Sustainable Design

12.146 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states;

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.'*

12.147 Paragraph 164 of the NPPF seeks to ensure new development helps, 'to reduce greenhouse gas emissions, such as through its location, orientation and design.' Paragraph 166 expects new development to 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

12.148 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

- 12.149 A Sustainability and Energy Statement accompanies the application. This states that the development will seek to achieve a water consumption level of no more than 85 litres per person per day; be fossil fuel free utilising electric-only systems, such as air source heat pumps (ASHPs) to serve the space and water heating demands of the proposed dwellings and non-domestic building; utilise renewable technology, such as rooftop photovoltaic panels, to provide renewable electricity; achieve a significant reduction in CO2 emissions for the proposed dwellings, following the Energy Hierarchy methodology of a fabric first approach to reduce energy demand.
- 12.150 As this is an outline planning application, the final details of exactly what sustainable features will be incorporated into the development would need to be identified in the subsequent reserved matters application/s. It is considered that the applicants have sufficiently addressed this issue at the outline stage in accordance with policy DP39 of the MSDP.
- 12.151 Affordable Housing and Housing Mix
- 12.152 Housing Mix
- 12.153 Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.
- 12.154 Policy BOLH1 of the BNP relates to residential development mix and states:
- ‘To support sustainable communities and to reflect current and future local housing needs, housing developments are expected to provide a mix of all dwellings that fall within the following ranges subject to viability considerations:*
- 1- and 2-bed dwellings: a minimum of 40% of all dwellings, reflecting a balance of both 1-bed and 2-bed properties*
- 3-bed dwellings: 20-40% of all dwellings*
- 4+-bed dwellings: a maximum of 15% of all dwellings*
- An alternative mix of dwelling size provision will only be permitted if a robust justification is provided to the satisfaction of the local planning authority that the scheme as a whole would reflect the most up to date housing needs evidence available taking into account viability considerations.’*
- 12.155 The illustrative mix of housing is set out below:

	1 bed / 2 person	2 bed / 4 person	3 bed / 5 person	4 bed(+) 6 person
Market housing	5-10%	20-25%	40-45%	25-30%
Affordable ownership	10-15%	50-55%	25-30%	5-10%
Affordable rent	30-35%	40-45%	15-20%	5-10%

12.156 This mix reflects policy DPH7 in the Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19). This policy indicates the direction of travel for the District Council in respect of housing mix, but at the present time, the policy itself can be afforded very little weight because of the stage at the Submission Draft District Plan has reached in its examination. Nonetheless, the evidence base that sits behind the Submission Draft Plan can be afforded weight. Policy DP30 in the MSDP requires developments to provide a mix of dwelling types and sizes that reflect current and future housing needs. As the applicants mix is based on the evidence base the underpins the proposed policy DPH7, it is considered that this indicative mix would comply with the aims of policy DP30. It is considered that greater weight should be afforded to policy DP30 in the MSDP than the criteria relating to housing mix in the BNP because policy DP30 is more recent than policy BOLH1 of the BNP and in respect of the mix itself, what is being proposed aligns with the evidence base for emerging policy DPH7.

12.157 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDP.

12.158 Affordable Housing

12.159 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this.

12.160 Policy BOLH3 of the BNP relates to affordable housing and states:

'The type of affordable provision on any particular site should seek to address local needs as identified in the most up to date housing needs evidence available taking into account viability considerations. Applicants are encouraged to discuss the provision of affordable housing with Mid Sussex District Council before submitting a planning application

The location, layout and design of the affordable housing within the scheme should seek to create an inclusive development.'

12.161 The proposal would provide 30% affordable dwellings and 2% self-build.

12.162 The scheme provides a policy compliant level of affordable housing, and this should be afforded significant positive weight in the determination of this application. The

comments of the Councils Housing Enabling Team Manager are set out in full on the planning file. They raise no objection to the application. The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitably distributed (pepper potted) within the site to accord with the Councils policies. This would comply with policy DP31 in the MSDP and policy BOLH3 in the BNP.

12.163 Residential amenity

12.164 Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

12.165 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.

12.166 Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted.

12.167 The Illustrative Masterplan shows that the properties proposed along the eastern side of the southern part of the site are at the narrowest point some 10.17 metres from the site boundary; that the community building is some 25.6 metres from the boundary with Little Foxhole, and the properties on the eastern side of northern part of the site are at their nearest some 29 metres from the properties on The Street, and 51 metres back to back. Given the distances involved and both existing and proposed new planting there will be no adverse impact on the privacy and amenity of the occupants of these properties.

12.168 Whilst a number of existing properties will abut the proposed countryside open space, and the proposed road linking the northern and southern parts of the site, the road is set at least 11.2 metres from the rear boundaries of the properties on Bankside. As set out in the submitted Landscape Visual Assessment it is intended to supplement the vegetation along this eastern boundary to help protect the privacy and amenities of the occupants of these properties.

12.169 Overall based on the illustrative plans, it is your Officers view that the development would not be obtrusive or overbearing, and therefore no significant loss of residential amenity would be caused.

12.170 Concerns have been raised that the development would affect the mental health of local residents. It is acknowledged that there would be noise and disturbance during the construction period, however, this would be in the short term, and a construction management plan could be conditioned to reduce the impact on neighbouring amenity.

12.171 Conclusion on housing matters

- 12.172 To summarise, the submitted layout plan is illustrative to demonstrate that this quantum of development can be provided on site. It is considered that the application has demonstrated that this level of development can be provided and that it would be possible to deliver a high-quality development at the reserved matters stage.
- 12.173 The proposal would provide up to 200 dwellings, 30% of which would be affordable and 2% which would be self-build. The proposal complies with policies DP26, DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.

12.174 Air quality

- 12.175 Policy SA38 in the SADPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

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. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

- 12.176 The application is supported by an Air Quality Assessment that considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, the two sources of emissions would be exhaust emissions from site plant, equipment and vehicles and dust emissions from site activities. The applicants report notes that the operation of site equipment and machinery will result in emissions to atmosphere of exhaust gases, but with suitable controls and site management such emissions are unlikely to be

significant. In respect of vehicular movement from construction traffic, the applicants report advises that *'At this stage, detailed information regarding construction phase traffic flow is not available, however considering the size of the development, it is estimated that there be less than 20HDV outward movements per day, which is considered unlikely to cause a significant impact on local air quality with appropriate mitigation measures'*. The report sets out that this would be in accordance with the Institute of Air Quality Management (IAQM) guidance.

- 12.177 Once occupied, the applicants report notes that Air Source Heat Pumps are proposed for heating and hot water which mean that buildings will have no impact on air quality. As such the main impact on air quality would be from vehicular movements to and from the site. The report advises that Nitrogen Dioxide and Particulate Matter concentrations would all meet the air quality standards at all receptor locations and therefore the effect of the development prior to mitigation is not considered to be significant.
- 12.178 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (January 2023), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'. The calculated central damage cost value over a five-year period is £40,319, which can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.
- 12.179 The application has been reviewed by the Councils Environmental Protection Officer (EPO). The calculated figure of £40,319 is accepted and agreed, however, they state that *'Various mitigation measures have been recommended in Section 6 of the report, but at this stage, it is not certain which measure will be put in place. The specific mitigation measures to be implemented must be agreed upon to meet the calculated cost value, and therefore, a condition is recommended in that respect.'*
- 12.180 Your Planning Officer agrees with the comments of the EPO and is content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

12.181 Contaminated land

- 12.182 Paragraph 196 of the NPPF states *'Planning policies and decisions should ensure that:*

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'

- 12.183 The application is supported by a desk study contaminated land report. The report includes a Preliminary Risk Assessment and Conceptual Site Model which identify several plausible pollutant linkages. The preliminary risk rating for the majority of these linkages has been classified as low or very low, with a moderate to low risk for made ground coming into contact with future residents. While the potential pollutant linkages identified in the desk study are not considered to prevent development, they may require remediation or risk mitigation measures to reduce risks to key receptors. The report concludes that the requirement and extent of any such remediation cannot be determined until such time as an intrusive investigation and associated testing has been completed.
- 12.184 The Councils Contaminated Land Officer has considered the proposal. They state that due to the historical use of the site as agricultural land and the size and sensitivity of the development, that a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.
- 12.185 With such a condition in place it is considered that the application would comply with the guidance in paragraph 196 of the NPPF.

12.186 Trees

- 12.187 Policy DP37 in the District Plan states:

'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.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

- 12.188 Policy BOLE1 of the Neighbourhood Plan relates to biodiversity. It states in part that development proposals should protect and where possible enhance biodiversity subject to a number of criteria including:

'protecting ancient trees or trees of arboricultural value'.

- 12.189 Policy BOLD1 of the Neighbourhood Plan relates to the design and new development and conservation. It sets out a number of criteria that planning permission for new development would be permitted including:

'It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site'.

- 12.190 Paragraph 136 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.'

- 12.191 The application is supported by an Arboricultural Implications Report (AIR). The AIR states that 291 individual trees, and 25 groups of trees, 6 hedges and one area of woodland growing within or adjacent to the site were surveyed. It sets out that the site is formed by the trees growing within the hedgerow and along the field

boundaries, all of which align north-south and east-west. The greatest densities of trees are found lining Foxhole Lane and the PRow along the northern boundary. The majority of the trees are broadleaves most are either native or naturalised with the occasional planted exotic species, located within the curtilage of Foxhole Farm.

- 12.192 The AIR states that the individuals and groups of trees within or adjacent to the site, whose attributes are considered to meet the criteria of being of landscape, historic or wildlife importance are:
- the on and offsite trees primarily including English oak and field maple, lining the sides of Foxhole Lane growing alongside the western boundary of the site;
 - the row of on and off-site mixed species including primarily hybrid black poplar, English oak, beech, silver birch and sycamore growing on the eastern boundary;
 - the off-site individual trees and woodland (nos. 269 – 280 & W1) growing adjacent to the north boundary.
- 12.193 The AIR states that there are no category 'A' trees and 86 category 'B' specimens. The remaining 191 trees are assessed as category 'C' trees, being either of low quality, very limited merit, only low landscape benefits, no material cultural or conservation value, or only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these. Of the groups of trees, hedges, hedgerows and woodlands, none have been assessed as category 'A', three (G17, G23, W1) as category 'B', and the remaining 29 as category 'C'.
- 12.194 To accommodate the proposed development, as shown on the illustrative layout plan, four groups of trees and two hedges (nos. G13, G25, G26, G27, H2 & H6) are to have partial removals to facilitate access throughout the site, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained.
- 12.195 All those trees or groups of trees that constitute the main arboricultural features of the site and which make the greatest contribution to the character and appearance of the local landscape, to amenity or to biodiversity will be retained.
- 12.196 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP and policies BOLE1 and BOLD1 of the BNP do not include an absolute bar to tree removal. Given the fact that the majority of the trees in and around the site would be retained, the characteristics of the site would remain, although the character within the site would clearly change from being an undeveloped field to a major housing development.
- 12.197 The Council's Tree Officer states the proposal '*has been designed to retain the majority of the trees. The trees to be lost are to facilitate access and are either category C or U, which would not be a constraint to development.*' In addition, they note that no Ancient or Veteran trees were found by the Arboriculturist, so no increased Root Protection Areas are required.
- 12.198 There is no objection to the scheme from the Council's Tree Officer. It would be at the reserved matters stage, when a detailed layout is put forward, and it is therefore known whether there was any proposed incursion into root protection areas that

these issues would be assessed again. It is only necessary at the outline stage to establish that the principle of the development is acceptable with regards to policy DP37 in the MSDP and policies BOLE1 and BOLD1 of the BNP. Given the above, your Planning Officer considers that the principle of the application is acceptable and complies with the above mentioned policies. It is also the case that the proposal provides the opportunity for new tree planting at the reserved matters stage, comprising additional trees on the boundaries of the site, within the central open space and trees within the site, including trees along the new roads.

12.199 Ecology

12.200 Policy DP38 in the MSDP states:

‘Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.’

12.201 Policy BOLE1 of the BNP relates to protect and enhance biodiversity. It states:

‘Development proposals should protect and, where possible, enhance biodiversity by:

ensuring they do not have an unacceptable impact on sites of environmental importance; and

ensuring they do not result in loss of or unacceptable harm to protected species or their habitats and ancient or species-rich hedgerows, grasslands and woodlands; and in the case of loss or deterioration of irreplaceable habitats permission will be refused unless the need for, and the benefits of, the development in that location clearly outweigh the loss; and

preserving ecological networks such as colonies of native flora, migration and transit routes of fauna across roads and between green spaces, feeding and breeding grounds; and

protecting ancient trees or trees of arboricultural value; and

adopting best practice in Sustainable Urban Drainage Systems (SUDS); and

where possible, planting screening and amenity hedges and trees consistent with native species in the area, paying heed to eventual height, spread and shadow.’

12.202 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

‘When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in 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 (footnote 70), and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'

- 12.203 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.
- 12.204 The application is supported by an Ecological Appraisal, a Draft Landscape and Ecological Management Plan (LEMP), Appendix D Predicted Light Spillage, Lighting Impact Assessment, a Statutory Biodiversity Metric and a District Licence Report.
- 12.205 Site baseline
- 12.206 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.
- 12.207 Habitats
- 12.208 The habitats and ecological features present within the survey area are described in the applicants Ecological Appraisal. The site comprises site itself comprises five main grassland fields bounded by established hedgerows, woodland and residential dwellings. Additionally, the northern boundary is adjacent to a public footpath. A number of other habitats are present within the site including a single pond, woodland, scrub, tall ruderal vegetation, Bracken, bare ground, hardstanding and buildings. It sets out that the habitat survey area is dominated by species-poor modified grassland not forming an important ecological feature; and that the features of ecological importance include the native hedgerows and lowland mixed deciduous woodland.
- 12.209 The site itself is not subject to any non-statutory nature conservation designations. All non-statutory designations in the surrounding area are well separated from the site by existing development.
- 12.210 Species
- 12.211 The Ecological Appraisal sets out that habitats within the survey area are suitable to support protected and notable fauna including roosting, foraging and commuting bats, Badger, Dormouse, Hedgehog, Great Crested Newt, Slow Worms, Grass Snake and birds.
- 12.212 Bats
- 12.213 Within the site, several trees and buildings have been identified as potentially suitable to support roosting bats. The Ecological Appraisal identifies that no evidence of bat occupation within the buildings, such as droppings, staining or feeding remains, were recorded during the inspection survey. However, it was identified that the site supports a moderate number of trees with bat roosting potential.

12.214 Activity surveys at the northern boundary of the site recorded 8,428 bat registrations throughout the survey period with 47.3% of all registrations attributed to Common Pipistrelle, 27.5% to Soprano Pipistrelle, 3.1% to 'Big Bats', 16.2% to Myotis species 4.9% to Barbastelle and the remainder attributed to Long-eared species and Nathusius' Pipistrelle. In the southern part of the site a total of 2,562 bat registrations were recorded through the survey period with 66.2% of registrations were attributed to Common Pipistrelle, 18.5% to Soprano Pipistrelle, 2.7% to Big bat species, 1.6% to Long-eared species, 9.7% to Myotis species, and the remainder to Barbastelle and Nathusius' Pipistrelle.

12.215 Badger

12.216 The applicants survey indicates that a Badger latrine was recorded offsite to the west of the site, associated with the adjacent area of farm buildings. A possible disused Badger sett was also recorded offsite to the south of hedgerow, with a mounded area indicative of former spoil mounds, although no entrances were evident. However no confirmed evidence of Badger was recorded from within the site itself.

12.217 Dormouse

12.218 During the survey visits, two likely Dormouse nests and an occupied nest with four individuals were recorded, associated with hedgerows in the southern part of the site. These hedgerows are well connected to other wooded vegetation within the site, such that Dormouse is likely to be present throughout the site.

12.219 Water Vole and Otter

12.220 The habitats within the site are unsuitable for Water Vole and Otter, mostly comprising grassland. Due to the lack of suitable habitat within or adjacent to the site, it is considered that these species do not form a constraint to the site.

12.221 Other Mammals

12.222 No evidence of any other protected, rare or notable mammal species was recorded from within the site.

12.223 Reptiles

12.224 A peak adult count of 23 Slow-worm and one Grass Snake was recorded during the survey work at the site. Most reptiles within the site were recorded in the two northern grassland fields.

12.225 Great Crested Newt (GCN)

12.226 One pond is present within the site, and six ponds were identified within 250m of the site. Pond P7 recorded a positive result from the eDNA testing, indicating presence of Great Crested Newt. This pond is located approximately 80m to the north of the site. The results were negative from the remaining ponds. Pond P7 supporting GCN lies offsite and will not be directly affected by the proposals.

12.227 Breeding Birds

12.228 Based on the survey results, the site supports a modest assemblage of breeding birds which is typical of the farmland habitats on the edge of urban development,

with almost all breeding activity being associated with peripheral trees and shrubs, and a notable concentration of activity around the offsite farm buildings. No Red List declining farmland species were recorded.

12.229 Invertebrates

12.230 No evidence of the presence of any protected, rare or notable invertebrate species was recorded from within the site.

12.231 Avoidance, Mitigation and Enhancement Measures

12.232 The proposed development would require the loss of three small sections of native hedgerow for road and pedestrian access. Other important habitats including woodland and other native hedgerows and associated trees are retained under the proposals. Compensation for hedgerow losses would be through new native hedgerow planting to compensate for the loss of short sections of hedgerows.

12.233 All hedgerows, trees and woodland to be retained within the proposed development will be protected during construction in line with standard arboricultural best practice (BS5837:2012).

12.234 With regards to bats, potential roosting habitat provided by trees is retained within open space and at the boundaries of the site. To safeguard bats during removal of tree T5 a further inspection will be undertaken by a suitably qualified ecologist immediately prior to felling, with use of an endoscope and climbing inspections (if required) to examine any cavities to ensure that bats are absent and that no evidence of a roost (e.g. droppings) is present. To compensate for the loss of potential roosting resource, a woodcrete bat box will be erected for each affected Potential Roost Feature (PRF), placed on retained trees within the nearby vicinity of the affected feature.

12.235 With regards to Badgers, no Badger setts have been recorded within or adjacent to the site, albeit a Badger latrine was recorded within the adjacent farm building area. Accordingly, a precautionary approach will be adopted in relation to this species, with an update survey carried out prior to commencement of site works in order to confirm the current status of Badgers at the site.

12.236 Dormouse has been recorded at the site and will be affected by habitat loss with small sections of hedgerows to be removed for road and pedestrian accesses. Accordingly, mitigation and licensing will be required under a European Protected Species (EPS) development licence, obtained from Natural England. A condition can be placed on an approval to require such a licence prior to the commencement of works.

12.237 In order to minimise the risk to Dormice during vegetation clearance works, a number of safeguarding measures will need to be implemented. This will include sensitive timing of works, involving clearance outside of the peak hibernation or breeding periods, or as a two-stage process (removal of above ground vegetation during the winter months, followed by removal of stumps and ground works the following late spring once Dormice have emerged from hibernation).

12.238 To compensate for losses of habitat under the proposals, new tree and shrub planting will be provided at the margins of the site. Over 0.4ha of new planting is proposed exceeding the area of wooded vegetation to be lost (under 0.05ha). Nest

boxes will also be provided in retained habitat areas to increase breeding opportunities for this species.

- 12.239 The Councils Ecological Consultant supports the reptile translocation to an onsite receptor site on the northern and northwestern boundaries and within the central area (Sections 6.1.23 to 6.1.30 of the Ecological Appraisal. This should be secured by a condition of any consent.
- 12.240 The Councils Ecological Consultant also supports the Precautionary Method Statement for mobile protected species (including Hedgehog, which is a Priority and threatened species) in Section 6.1.34 of the Ecological Appraisal, which should be secured by a condition of any consent and implemented in full.
- 12.241 With regards to GCN, the applicant is following the District Licensing Scheme. The District Licence Report by NatureSpace and submitted by the applicant is available to view in full on the planning file. This report details the results of the assessment undertaken by NatureSpace Partnership on 19th May 2025. The assessment followed the agreed processes and protocols as set out in the District (organisational) Licence granted to Mid Sussex District Council (WML-OR136) and this report summarises how the proposed development can be dealt with under the District Licence. As per the report and licence requirements, three conditions are required, with these set out in Appendix A, as follows:
- A condition that links the planning consent to the district (organisational) licence WML-OR136.
 - A condition that requires the developer to submit a certificate from NatureSpace to the planning authority. Upon receipt of the second stage payment, NatureSpace Partnership will issue that certificate to confirm that all necessary payments have been made and that the development can be covered under the District Licence.
 - A condition that imposes some working restrictions and on-site mitigation measures, including the requirement for some works to be timed to avoid sensitive periods (relating to any areas of potential hibernation habitat), fencing and trapping of newts within 250m of ponds and the use of capture methods at suitable habitat features to reduce risks to newts (see p.6) prior to development. The document 'Great Crested Newt Mitigation Principles' is required by Natural England for use under the District Licences and is provided as an annex—this details District Licence requirements for methods of working and capture of newts.
- 12.242 Developments which utilise the District Licensing Scheme contribute proportionately (depending on the impacts of each development proposal) to the conservation strategy. This funds the creation, management, and monitoring of local compensation sites. NatureSpace and the Newt Conservation Partnership take on all responsibilities for compensation delivery, 25 years of management and monitoring, and annual reporting to Natural England.
- 12.243 With regards to lighting, the Councils Ecological Consultant supports the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application to avoid impacts from light disturbance.
- 12.244 In terms of enhancement measures, the Ecological Appraisal identifies a number of habitat enhancements including new planting, a wetland habitat, bat boxes, bird boxes, habitat piles and refugia, bee bricks and insect boxes.

12.245 Biodiversity Net Gain

12.246 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.247 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

‘The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15)’.

12.248 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.249 The applicants have stated a *‘separate Biodiversity Net Gain Assessment having measured the habitats that currently exist on site, and that proposed, indicates that the data from the baseline habitat survey work and the proposed habitat enhancement and creation works indicates that the development will result in a circa 49% net gain in habitats units, and a circa 17% net gain in hedgerow units.’*

12.250 The 10% biodiversity net gain will be provided on site. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.

12.251 Drainage and Flood Risk

12.252 Policy DP41 in the MSDP states:

‘Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council’s Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.253 Policy DPA14 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.19 of this report, refers to the following in relation to drainage matters:

'2. Follow a sequential approach by directing development away from areas of flood risk associated with surface water flooding in lowest areas of the site.'

12.254 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

12.255 The application is accompanied by a Flood Risk Assessment (FRA), a Drainage Strategy, a Sequential Test Assessment and an FRA and Drainage Strategy Addendum Report. This information has been assessed by WSCC Lead Local Flood Authority (LLFA) whose comments are available to view in full on the planning file.

12.256 Flood Risk

12.257 Flood zones are classified in the PPG as follows:

Zone 1 Low probability : Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)

Zone 2 Medium probability: Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High probability: Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or*
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)*

12.258 In terms of Fluvial/Tidal flood risk, the site is located in Flood Zone 1. The FRA also advises that whilst there are areas considered to be at a high risk from surface water flooding present in the northeast, northwest and south of the site, approximately 90% of the site is in an area considered to be at a very low risk from surface water flooding. Whilst the FRA goes on to advise that no built development is located in areas considered to be at risk of surface water flooding and that these areas are expected to be managed as part of the surface water drainage strategy. It acknowledges that the proposed access off Cowfold Road is in an area at a high chance of surface water flooding and that a such a Sequential Test Assessment has been undertaken as part of the application.

- 12.259 The submitted Sequential Test Assessment follows the requirements of para 173 of the NPPF which states a '*sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding*'. This is in order to steer new development to areas with the lowest risk of flooding from any source.
- 12.260 The submitted Sequential Test Assessment considers three other sites within the parish of Bolney which were identified by the Council's SHELAA. The assessment considers the likelihood of flooding and the Annual Exceedance Probability (AEP) of surface water extent for the sites assessed. It identifies that for all of the sites, including the application site, the proportion of the site subject to any form of flood risk is low. It goes on to set out that the development has been designed to ensure that residential development is located outside of 'High, Medium and Low' surface water risk areas and that these areas are instead used for water-compatible uses. It concludes that the risk of surface water flooding can be managed through the design process.
- 12.261 In order to address the surface water flooding to the southern area of the site by the access, it is proposed to culvert the existing ditch and to raise levels sufficiently to provide a cover of at least 0.75m to the proposed culvert, and as the existing ditch will be cleared and re-profiled to restore it to its original, lower bed level, the proposed development will lead to an improvement in drainage and a reduction in flood risk at this location. Furthermore, the proposed works will provide significant betterment at the location of the proposed ditch which following the works will be able to provide significantly more storage volume than presently available. The proposed culvert beneath the access road is designed to ensure a connection for surface water between the parts of the ditch to the east and west of the proposed access road, and to ensure the existing capacity of the ditch is not reduced.
- 12.262 Your Officers consider that the conclusions of the submitted Sequential Test Assessment are acceptable. This application site has been put forward as an allocation under policy DPA14 in the Submission Draft District Plan where the other sites were not considered suitable for allocation. In addition, other sites are unable to provide the scale of development proposed. Although the site access would be located within an area of surface water flooding, there is no other suitable location for the access. The proposed works would ensure that the access would be safe for emergency access and egress.
- 12.263 WSCC LLFA have raised no objection to the application in relation to flood risk. They have recommended a condition to require the development to be constructed in accordance with the submitted Flood Risk Assessment, Drainage Strategy and addendum report. With such a condition in place, it is considered that the development will be acceptable in relation to flood risk.
- 12.264 Surface Water Drainage
- 12.265 The submitted Drainage Strategy sets out that the site is currently greenfield and has no impermeable surfaces and therefore no areas which are positively drained. As such runoff from the site post development will need to be controlled to the equivalent low return period greenfield rate.
- 12.266 Part H of the Building Regulations establishes a hierarchy for surface water disposal, which encourages a SuDS approach. The hierarchy is that surface runoff must be discharged to one or more of the following in the following order of priority:

1. To ground via an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable,
2. To a watercourse; or where that is not reasonably practicable,
3. To a sewer.

- 12.267 The applicants supporting information advises that permeability is likely to be low across the site, and as such infiltration is unlikely to be a feasible option for the disposal of surface water. On the assumption that infiltration would not be viable the applicants are proposing that the most convenient points of connection for surface water would be for the southern parcel a connection into the existing ditch oriented approximately east to west and located adjacent to Cowfold Road and the southern boundary of the site, with subsequent discharge into the existing sewer network in Cowfold Road. For the northern parcel it is submitted that connection would be into the existing culvert (and subsequent watercourse) beneath Foxhole Lane to the west of the proposed development area.
- 12.268 The submitted report identifies that it is intended for the site to discharge via a series of swales, surface water attenuation areas, permeable paving and gravity driven surface water sewers to the north and south of the site.
- 12.269 The submitted FRA identifies that as part of the surface water strategy for the proposed development, excess runoff from the site will be released at the mean annual flood return period which represents a considerable reduction in the peak flows presently emanating from the site during high return period flooding events. The strategy will therefore improve upon the current situation with regard to surface water management and flood risk.
- 12.270 In relation surface water drainage, WSCC LLFA advise that the applicants updated Flood Risk Assessment and Drainage Strategy has addressed their concerns. They have raised no objection, subject to conditions to control the details of the drainage. It is considered that the applicants have demonstrated that the principles of the surface water drainage for the development, which include SUDS, are acceptable, in accordance with policy DP41 of the MSDP.
- 12.271 Foul Drainage
- 12.272 The intended foul strategy for the site proposes the collection of foul sewage by conventional gravity sewers. For the southern part of the site (fields 1&2), the proposal is to collect the foul sewage and direct it into the existing network in Cowfold Road to the south of the site. For the northern part of the site (fields 4&5), the proposal is to collect the foul sewage and direct it toward a proposed foul pumping station in the northwest corner of the site which will subsequently direct flows at a controlled rate via a rising main along the route of the proposed adoptable road. Upon reaching the southern part of the development, the rising main will connect into a proposed gravity sewer within the main access road serving the southern development.
- 12.273 As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewage system proposal to be approved in consultation with the sewerage company before the development commences and for those

approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the water Industry Act 1991).

12.274 Southern Water have confirmed that there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 1.81 l/s for the development. Therefore, subject to such a condition, it is considered that the foul drainage from the site will be satisfactory.

12.275 Water Supply

12.276 Policy DP42 states in part that proposals that increase the demand for offsite service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development.

12.277 South East Water would be the provider for water supply. The applicants have provided a Utilities Assessment as part of the application. This sets out that potable water can be supplied to the southern phase. However, offsite reinforcement is necessary to ensure adequate water supplies to the northern phase.

12.278 Details have been provided within the Utilities Assessment that South East Water have been contacted in respect of the scheme; with details of an estimate to carry out the works to supply water to the site.

12.279 In light of this, it is considered that policy DP42 in the MSDP is therefore addressed.

12.280 Objections have raised that there are frequent problems with water supply and pressure which will be exacerbated by development; and that the area needs a new water reservoir / supply. Whilst these concerns are noted, this is not a matter that can be dealt with under planning and is a matter for the water provider.

12.281 Infrastructure

12.282 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions) on the 25th July 2018. The SPDs were:

a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations

b) An Affordable Housing SPD

c) A Development Viability SPD

12.283 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which states:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests (25):

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'

12.284 The Council's Development and Infrastructure SPD was adopted in July 2018. Since that time, the PPG has been amended to discourage the use of SPDs for setting out formulaic approaches to contributions, on the grounds that these should be the subject of independent examination and should therefore be included in a Development Plan Document. This is the approach the Council has taken with regards to the Submission Draft District Plan, which is currently at examination.

12.285 Appendix 5 of the Submission Draft District Plan sets out the Council's approach for securing infrastructure under this plan. As part of the evidence base for the Submission Draft District Plan, the Council has produced an Infrastructure Delivery Plan (IDP). The IDP (which underpins Appendix 5) sets out the key infrastructure that will be required to support the objectives, spatial strategy and the delivery of the District Plan over the Plan period to 2039, identify where and when the infrastructure is required, who is responsible for delivering it, the cost of provision (if known) and how these costs are expected to be funded.

12.286 There is a considerable difference in the figures for infrastructure contributions for this development between the adopted Development and Infrastructure SPD and those in Appendix 5 in the Submission Draft District Plan. This is essentially because the Development and Infrastructure SPD was adopted in July 2018 and since this time, build and other costs have risen. As such, the 2018 SPD does not fully reflect the costs of providing infrastructure to mitigate new development, and this is reflected in the different (higher) figures that would be derived from appendix 5 of the Submission Draft District Plan.

12.287 The Council's Development Infrastructure and Contributions SPD (2018) was revoked in July 2025 and more up-to-date evidence on infrastructure costs (by using Appendix 5 of the Submission Draft District Plan) with a mechanism to charge higher levels of contributions to help alleviate that pressure is now relied on. It should be noted that Affordable Housing and Viability SPD's remain as adopted in 2018.

12.288 Paragraph 49 of the NPPF states:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given): 23

Footnote 23: During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.'

- 12.289 Having regard to paragraph 49 of the NPPF, the fact that the Submission Draft District Plan is still at examination reduces the weight that can be given to the Appendix itself. However, Appendix 5 is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust. Your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.
- 12.290 Appendix 5 is a material planning consideration, and it is for the decision maker to determine what weight to place on them. The use of the more up to date evidence results in infrastructure contributions that would fully reflect the current costs of providing the infrastructure to mitigate the impact of this development. It is considered that this approach is consistent with policy DP20 in the MSDP and also with the CIL Regulations.
- 12.291 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the NPPF, the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses including the Housing and Leisure Officers of the Council, West Sussex County Council, NHS Sussex and the Sussex Police & Crime Commissioner are available on the planning file.
- 12.292 Whilst there are figures provided for some infrastructure contributions, the final figure will not be known at this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.
- 12.293 West Sussex County Council Infrastructure Requirements:
- 12.294 Primary and secondary school contributions are required as part of the development and would be calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required.
- 12.295 The primary education contributions generated by this proposal shall be spent on additional facilities at Bolney CoE Primary School, or another primary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.
- 12.296 The secondary education contributions generated by this proposal shall be spent on additional facilities at Warden Park School, or another secondary school in the

planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.

- 12.297 The library contribution generated by this proposal shall be spent on a scheme to provide additional floorspace at the Haywards Heath library in respect of the extra demands for library services that would be generated by the proposed development.
- 12.298 A contribution towards highway improvements rather than towards sustainable transport of Total Access Demand (TAD) has been identified by the County Council. Highway improvement contributions generated by this proposal shall be spent on enhancing the A272 around the Foxhole Lane junction. This could cover signs, lines and surface improvements. The Highways Authority has advised that the applicant has agreed the contribution towards this to be £50,0000.
- 12.299 The legal agreement would also secure a Travel Plan Monitoring fee.
- 12.300 A contribution is also required towards surface improvements of the PRow footpath 44Bo to the north of the site due to the increase in the use of the PRow.
- 12.301 Mid Sussex District Council Infrastructure Requirements (including police and health requirements)
- 12.302 A formal sport contribution, calculated by a formula as the housing mix is not known, will be required for formal sport. Using average occupancy, the figure is £302,736. This would be spent on Bolney Cricket Club and/ or Bolney Stoolball Club and/or The Arc / Centre for Outdoor Sports in Burgess Hill and/or The Triangle in Burgess Hill.
- 12.303 New residential development will give rise to an increased demand for community facilities. This is reflected in Site Allocation DPA14 of the Submission Draft District Plan which requires the provision of a community facility and working hub on site. The Planning Statement accompanying the application confirms at Appendix A that a new community building will be provided on-site and that a community working hub will form part of this community building. The Community Building has been identified to be for the use of the charity 'Kangaroos', which provides for people with additional needs.
- 12.304 A contribution towards designated play areas calculated by a formula as the housing mix is not known would be required for the development. Using average occupancy, the figure for play area provision is £424,596. This would be put towards play equipment improvements at Batchelors Field play area, Bolney.
- 12.305 A contribution towards other outdoor provision calculated by a formula as the housing mix is not known would be required for the development. Using average occupancy, the figure for outdoor provision is £337,875. This would be put towards improvements kickabout/MUGA improvements at Batchelors Field play area, Bolney.
- 12.306 A contribution, calculated by a formula as the housing mix is not known, will be required for Local Community Infrastructure. Using average occupancy, the figure for local community infrastructure is £216,690. Bolney Parish Council have requested that this be put towards new speed indicator devices in Bolney and/or the construction of a brick-built storage facility at The Rawson Hall, and/or the refurbishment of the outside public convenience at The Rawson Hall and/or; bus

shelters refurbishment or replacement and/or; the installation of CCTV at the Rawson Hall.

12.307 NHS Sussex

12.308 Based on the housing mix on the tariff, a contribution of £306,607 is required to go towards NHS GP services.

12.309 Sussex Police

12.310 A contribution of £39,497.33 is required to go towards the costs of a police officer, equipment and training and a support staff.

12.311 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

12.312 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

12.313 Ashdown Forest

12.314 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

12.315 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

12.316 A Habitats Regulations Assessment has been undertaken for the proposed development.

12.317 Recreational disturbance

12.318 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

12.319 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and

Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

12.320 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

12.321 Atmospheric pollution

12.322 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

12.323 The proposed development was modelled in the Mid Sussex Transport Study as a development proposed to be allocated through the Submission Draft Mid Sussex District Plan (December 2023) such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal. This is also supported by the Submission HRA (May 2024) undertaken for the District Plan which concludes that the Mid Sussex District Plan will not result in adverse effects on the integrity of the Ashdown Forest SPA/SAC regarding atmospheric pollution, either alone or in combination with other plans or projects.

12.324 Conclusion of the Habitats Regulations Assessment

12.325 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

12.326 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

12.327 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

12.328 Other Matters

12.329 Waste and Minerals

12.330 The northern part of the application site is located within the identified Mineral Safeguarding Area (MSA) for Brick Clay (Weald Clay), with the southern side of the site being located within the Brick Clay consultation area. The WSCC Waste and Minerals Officer raise no objection to the proposal in terms of mineral safeguarding subject to the LPA being satisfied that that there is an overriding need for the development that outweighs the safeguarding of the mineral resource, and that it has been demonstrated that prior extraction is not practicable or environmentally feasible.

12.331 A Mineral Safeguarding Assessment (MSA) accompanies the application. The report concludes that the mineral resource would not be economically practicable to extract, owing to environmental constraints that exist around the site (namely proximal residential dwellings, to which the MSA applies a 250m buffer) and the costs associated with backfilling the site should prior extraction be undertaken. In addition, the report identifies the current excess of supply of the mineral within the county and concludes that there is relatively low demand for the resource.

12.332 It is your Officer's view that due to the size of the site and the relationship with residential properties, that the site would not be a suitable location for mineral extraction. In addition, it is considered that the benefits of the development outweighs the safeguarding of the mineral resource.

12.333 Coalescence

12.334 Concerns have been raised that the proposal would erode the strategic gap between Bolney and other settlements.

12.335 Policy DP13 of the MSDP relates to preventing coalescence. It states in part that:

'The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained. When travelling between settlements people should have a sense that they have left one before arriving at the next.'

12.336 The development is to be set to the western edge of the existing development boundary of Bolney. There is sufficient separation between the settlement of Bolney with other settlements so that the development if approved would maintain the separate identity between settlements.

12.337 The proposal is thereby not considered to conflict with Policy DP13 of the MSDP.

13.0 Planning Balance and Conclusion

13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Bolney Neighbourhood Plan (BNP).

13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Bolney as defined by the District Plan. As such the site is located within the defined Countryside.

13.4 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP. The proposal also conflicts with policy BOLBB1 of the BNP as it is seeking development outside of the built-up area boundary and does not meet the criteria within the policy which supports specific development in the countryside. In addition, it conflicts with policy BOLE2 of the

BNP as there will be a change in the undeveloped landscape of a field to a housing development.

- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the development plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to Development Plan policies will need to be assessed against the degree of conformity with the NPPF.
- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy BOLBB1 of the BNP can be given limited weight, and moderate weight can be given to policy BOLE2.
- 13.8 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public right of way to the north of the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the District, it is highly likely to be necessary to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). The landscape in this case is not designated or considered to be a valued landscape for the purposes of the NPPF. The impacts on the development of this site are not considered to be any greater than that would occur on any other greenfield site in the District developed for housing. This cannot, therefore, be an argument on its own, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.9 The proposal would provide up to 200 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP. In addition, the proposal would provide a community building to be used by Kangaroos a charity established in the District who support children, teenagers and adults with severe learning disabilities and complex needs, and public open space. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.10 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.11 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.

- 13.12 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 13.13 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.14 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.15 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.16 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and ~~some parts of~~ policies BOLBB1 and BOLE2 in the BNP. However, the weight to be attached to policies DP6 and DP12 as well as BOLE2 of the BNP is reduced because the Council cannot demonstrate a five-year housing land supply. The weight to be attached to policy BOLBB1 is reduced given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.17 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.
- 13.18 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, a community building, public open space, the economic benefits including additional spending in the locality, do outweigh the less than substantial harm to the setting of the designated heritage asset in this instance and also, the non-designated heritage assets.
- 13.19 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.

- 13.20 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP25, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan (policy DPA14), the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA14 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need. The proposal also conflicts with policies DP34 and DP35 in the MSDP.
- 13.21 In relation to the BNP it is considered the application complies with policies BOLE1, BOLD1, BOLH1, BOLH3, BOLA4, BOLA5 and BOLT1. The application however conflicts with BOLBB1 and BOLE2 as the site lies within the countryside.
- 13.22 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'*.
- 13.23 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.24 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.25 The proposal would provide up to 200 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal from the increased spend within the local economy once the development is occupied. There would be social benefits through the provision of a community building for use by Kangaroos for people with additional needs and the creation of public open space. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.26 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There

would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.

- 13.27 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change.
- 13.28 It is your Planning Officer's view that having regard to para 11d of the NPPF, that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development, as highlighted within this report, many of which will in any event be mitigated for as far as is possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. If the outline application hereby approved does not commence within one year from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Pre commencement

4. Prior to the commencement of the development hereby permitted a comprehensive Construction Environmental Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A23 and the Local Highways Authority). The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - construction phasing
 - construction routing plans
 - permitted construction traffic arrival and departure times
 - management of loose loads
 - cleaning of construction vehicles on-site, the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - the anticipated number, frequency and types of vehicles used during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the prevention of deliveries at the site during school drop-off and pick-up time (generally 0800-0900 and 1430-1530),
 - access arrangements from the public highway, including temporary accesses and alterations to existing accesses.
 - details of public engagement both prior to and during construction works.
 - measures to control noise or vibration affecting nearby residents;
 - artificial illumination;
 - dust control measures;
 - pollution incident control;
 - measures to deal with surface water run-off from the site during construction; and
 - site contact details in case of complaints.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To mitigate any adverse impact from the development on the A23 in accordance with DfT Circular 01/2022 and in the interests of highway safety and to protect the amenity of local residents and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

6. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, April 2025), Draft Landscape and Ecological Management Plan (LEMP) (SLR Consulting Ltd., April 2025), Appendix D Predicted Light Spillage (RSK submitted April 2025) and Lighting Impact Assessment (Nature Positive, April 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in Section 6.1.34 of the Ecological Appraisal (Aspect Ecology, April 2025), which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

7. Prior to or in conjunction with the submission of the first Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment, Drainage Strategy and both addendums. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable Drainage System and the measures taken to prevent pollution of the receiving surface waters.

- Provide detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)

- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 plus climate change allowance critical storm duration

- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 plus climate change allowance critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes or occur in any vulnerable areas of development (e.g. pumping station or electricity station)

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy DP41 Mid Sussex District Plan 2014-2031.

8. Any works which will impact the breeding / resting place of Hazel Dormouse, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

9. Prior to any works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Ecological Appraisal (Aspect Ecology, April 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:

a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

10. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

11. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.

(iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

(v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is potentially of archaeological interest and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

12. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

13. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
- o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the Local Planning Authority,

- b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

- c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

14. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

15. No development above slab level shall take place until a scheme of air quality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the findings of the submitted Air Quality Assessment (RSK Report No. 446021-01(02), Dated April 2025), and shall include measures to mitigate emissions in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex (2021 or any subsequent update). The scheme must demonstrate that the mitigation measures proposed are equivalent in value to the calculated damage cost of £40,319. All approved measures shall be implemented prior to first occupation and thereafter maintained.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy SA38 of the Site Allocations DPD.

16. No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS).

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

and unless otherwise agreed in writing by the Local Planning Authority,

Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken in accordance with CIBSE. The cooling hierarchy shall be applied to the scheme.

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme, and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Reason: To protect the amenity of future residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

17. No development shall commence unless and until details of the landscaping proposals in proximity of public apparatus has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water). Works shall be carried out in accordance with the approved details.

Reason: In order to protect Southern Water public apparatus in accordance with Southern Water's guidance and to comply with Policy DP41 of the Mid Sussex District Plan 2014-2031.

18. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building(s) have been submitted to and approved by the

Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Construction stage

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land at Foxhole Farm: Impact plan for great crested newt District Licensing (Version 1)", dated 22nd July 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works to existing ponds onsite may only be undertaken during autumn/winter, unless otherwise in accordance with the Great Crested Newt Mitigation Principles.

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-OR136, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion

of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

22. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

23. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

24. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031.

Self-Build

25. No reserved matters shall be submitted in respect of the self / custom build dwellings unless and until a design code and plot passport in relation to the two self / custom build plots detailing the parameters of future development for each plot has been submitted to and approved by the Local Planning Authority. These documents shall include (but not be limited to) the following information: a) Palette of materials for external appearance of dwelling including windows b) Parameters on height and positioning on the plot c) Details on boundary treatment d) Information on performance and sustainability requirements. Each plot should follow the design code and plot passport in the submission of any reserved matters application.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Pre Occupation

26. No part of the development shall be first occupied until the Framework Travel Plan (ITB16634-004D) has been submitted to and approved in writing by the Local Planning Authority. The Framework Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be carried out in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031

27. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- i. a timetable for its implementation,
- ii. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- iii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

28. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a detailed verification report, with evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure/s and flow control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 Mid Sussex District Plan 2014-2031.

29. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment, this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy DP41 Mid Sussex District Plan 2014-2031.

30. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

31. Prior to occupation, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

32. Prior to the installation of any external lighting on the site, details of lux levels for a specific scheme, and times of use, together with a report to demonstrate its effect on nearby residential properties, shall be submitted to and approved in writing by the LPA. It is recommended that the information be provided in a format that demonstrates compliance with the ILP Guidance Notes for the Reduction of Obtrusive Light.

The information shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

33. Prior to the first occupation of any dwelling or unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

34. Prior to the first occupation of any dwelling forming part of the proposed development they will notify the West Sussex County Council's Fire and Rescue Service that the fire hydrant(s) have been installed and are operational, to ensure that the Fire and Rescue Service are aware that the hydrant(s) is now a usable asset in the event of a fire.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

35. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

36. No dwellings shall be occupied until details of the play area(s) have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play area(s) shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031.

37. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy BOLD1 of the Neighbourhood Plan.

38. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Site Access Arrangement' and numbered ITB16634-GA-005 Rev J.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy BOLT1 of the Bolney Neighbourhood Plan 2016.

39. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

40. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - No burning of construction waste materials shall take place on site.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Highway Agreements Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.

4. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:
<https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/developing-building/connection-charging-arrangements> .

5. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £298 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made, and you will be liable to enforcement action.
6. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
7. In respect of condition 17, public apparatus for Southern Water refers to the extensive network of public water and sewer infrastructure it is responsible for maintaining and managing. This could include water mains, public sewers, and hydrants.
8. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.
9. Any reserved matters application should be accompanied by the following documents:
 - o Hard Landscape Plan
 - o Soft Landscape Plan
 - o Landscape Management Plan
 - o Boundary Treatment Plan
 - o SUDS strategy (including existing watercourses)
 - o Planting Strategy.
10. Great Crested Newts:
It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR136, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District

Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

11. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	FF-01		01.05.2025
Other	P20074-RFT-XX-XX-DR-A-0101	P08	04.07.2025
Other	FHF-44	07	04.07.2025
Other	p20074-RFY-XX-XX-DR-A-0111	P02	29.04.2025
Other	P20074-RFT-XX-XX-DR-A-0112	P01	29.04.2025
Other	P20074-RFT-XX-XX-DR-A-0113	P02	29.04.2025
Other	P20074-RFT-XX-XX-DR-A-0114	P03	04.07.2025
Other	P20074-RFT-XX-XX-DR-A-0115	P01	29.04.2025
Other	P20074-RFT-XX-ZZ-DR-A-0400	P04	29.04.2025
Access Plan	ITB16634-GA-005	J	14.08.2025
Access Plan	ITB16634-GA-023		14.08.2025
Other	P20074-RFT-CH-00-DR-A-0121	P02	01.05.2025
Other	P20074-RFT-CH-ZZ-DR-A-0321	P02	29.04.2025