

DM/25/3067 Erection of 80 new residential dwellings (Use Class C3), including affordable housing units, vehicular, pedestrian and cycle access (including new footpath links to the east and west of the site along Reeds Lane), landscaping and open space, parking, sustainable drainage and other related works. (Site levels and drainage note received 16/1/25. Transport Note, Travel Plan Statement, Landscape and Visual Appraisal, GCN Technical Note and amended plans received 17/4/25). (Further transport note and GCN note received 21/7, amended plans received 21/7 and 28/7.Land West Of Kings Business Centre Reeds Lane Sayers Common West Sussex

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1) Introduction

Further to my previous submissions of 05/01/2026, 03/02/2026, 13/02/2026, and 17/05/2026, the contents of all I still consider to be valid to this application.

The documents which the applicant has now submitted still do not address or resolve the many issues and risks which I have previously raised. MSDC and WSCC have also continued to ignore these issues as well. My submission of 17/05/2026 summarised the danger of the risks to both councils of liabilities, legal action and costs to them due to a lack of concern and due diligence and these still stand. The following are the three major issues which neither the councils nor the applicant have as yet addressed or resolved.

2) Risk to Public Safety of the Shared Footpath Link to the Woodland Estate

i) The applicant in their latest design site plan still has the pedestrian/cycle link with the Woodlands Estate going through a car park and not as a separate pathway that avoids any conflict with vehicles. This therefore introduces a new totally avoidable public health and safety risk into the site. It means that both MSDC and WSCC are now open to the liability of legal action and costs in the event of injury to people, or damage to vehicles, resulting from the conflict between pedestrians/cyclists and vehicles when going through the car park.

ii) This is due to the applicant, MSDC, their Urban Designer and WSCC Highways prioritising the number of dwellings on the site and profit over public safety, by allowing an unnecessarily high housing density for this edge of rural village development site.

iii) When the applicant first applied for the site to be an Allocated Site in the MSDC Draft District Plan 2021-2039 it was for 100 dwellings over the whole area of the site. It was pointed out to both council and applicant that due to the flooding in the western part of the site that this would not be possible. The applicant has now taken that advice and proposed a development with dwellings to be built only on two thirds of the land instead. However instead of reducing the number of dwellings by a corresponding third, down to between 60 and 70, they have only reduced the number by 20% to 80. This has resulted in a crowded, crammed, high density layout, which while suitable perhaps for a urban suburban housing estate, is not suitable for the edge of a rural village site and gives rise to safety risks. MSDC has accepted this excessive dwellings number without question or challenge and has not investigated or challenged the public safety risks raised by doing so.

iv) The applicant's original design layout (shown on pages 19 & 20 of their Design & Access Statement), submitted to the pre-application meeting with MSDC held in September 2025, showed this pedestrian/cycle link with Woodlands as a separate pathway with no vehicle access. Therefore there would be a 0% risk of the possibility of conflict between cyclists/pedestrians and vehicles on it. Thus it met NPPF policies 117a *"give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas"* and 117c *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles"*

v) MSDC requested changes to parking and gardens in that layout to meet planning policy requirements. However because there was not enough land left on the site to accommodate these something else had to be scarified to allow space for them. That sacrifice was not a reduction in the number of dwellings but instead reducing public safety with the Woodlands link having to now go through a car park. This introduced conflict between pedestrians/cyclists and vehicles, which could cause injury or death, to replace what was previously a 0% risk of that happening. MSDC never questioned or challenged

the fact that keeping the number of dwellings at 80 was prioritising density over public safety thereby condoning this increased risk to the public.

vi) As there is no priority of movement in the car park, cyclists riding or children running through the gap and between the two developments into the car park risk contact with vehicles manoeuvring into or around it without either party having time to see each other, stop or take evasive action. WSCC Highways asked for details of this proposed link but have never followed this through or looked further into this matter even though there was a 0% risk option. Harm to the public would therefore appear be considered acceptable to them when it could instead be completely avoided.

vii) I have raised this and other issues of risk to public safety several times in my submissions, including that of 17/05/2026, but they have been ignored by MSDC.

viii) Reducing the number of dwellings on the site by the small amount of between 5 to 10 would free up enough land to resolve the public safety issues that are being caused by the inappropriate high density of dwellings. This would be quite achievable given that over 3000 other new houses are planned for Sayers Common/Albourne which include the largest number of new affordable and social housing dwellings in the district. Also MSDC has a more than adequate amount of headroom in their housing numbers to absorb such a small decrease. There is no any validity that could support dwelling numbers on this site being given priority over public safety in planning policy. The benefits of such a high dwelling density do not outweigh the harm caused to public safety as a result of it.

ix) By their actions (and non-actions) MSDC have therefore endorsed and condoned the prioritising of an unsuitable and inappropriate number of dwellings and profit at this site over public safety. They are now open to legal challenge and regulatory action because of this. By granting planning permission MSDC Planning Committee would be accepting this situation and giving their agreement to the introduction of a totally avoidable public safety risk.

3) Lack of Due Diligence in assessing Flooding Risk

i) WSCC LLFA responses to this application regarding flood risk are still incomplete. They are purely desktop based, with no onsite visit made, and rely on theoretical studies and limited curated evidence from the applicant. Thus due diligence has not been completed by them in this matter and they, and MSDC, are now both open to the risk of litigation and costs as a result.

ii) The applicant has not provided any primary evidence of the annual flooding of the western part of the site in the winter months and WSCC LLFA have not requested them to do so. The applicant only examination of the watercourse, which causes this winter flooding, was in October 2025 before the time of year that such flooding occurs.

iii) I have provided primary evidence of this flooding in my previous submissions. This includes my submission of 03/02/2026, where I provided evidence of the onsite flooding in December 2025/ January 2026, and I specifically requested that MSDC ensure that WSCC LLFA were to be made aware of this evidence. Hurstpierpoint & Sayers Common Parish Council also agreed with my concerns in their submission of 03/06/2026 and referred MSDC to them.

iv) This was additionally agreed by Albourne Parish Council in point 5 of their submission of 04/06/2026. This stated that: *"We would refer to the consultation responses submitted by 1 Kingsland Cottages, Reeds Lane, Sayers Common, Hassocks BN6 9JG, as this is highly relevant to the on- site flooding that occurred in December 2025 through to January 2026. The points made need to be sent to both WSCC LLFA and Motion Reside Developments Consulting Engineers for a response/review, as we do not believe that either comprehends the current flooding risks based on site facts and lived experience, rather than theoretical Flood Risk sequential studies."*

v) WSCC LLFA, however, have made no comments on this or provided any indication that they have looked at this matter and evidence. My submissions provided evidence that this watercourse overflows its capacity and floods the site, and not the other way round. Thus the applicant's proposal to discharge the flood water straight back into this same watercourse to reduce the flooding when it occurs is pointless, something that WSCC LLFA appears not to comprehend nor wishes to look into. The applicant's cursory look at the watercourse to assess its capacity is the equivalent of guesswork and not a proper survey. It also shows a lack of a desire to properly comprehend the flooding on its site and its causes.

vi) WSCC LLFA response of 07/05/2026 also advises that: *" The LLFA previously responded to the application on the 30 January 2026 with no objection to the proposals and recommended several conditions. Since this response the applicant has made several amendments to the proposed development. These amendments have no impact on the flood risk at the site or the proposed surface water drainage."*

vii) This ignores the applicant's General Arrangement Plan 17/04/2026 which shows that the new footpaths which are to go through the western part of the site are now to be covered with tarmac. These will therefore cause barriers to the natural flow of surface water. Similarly the applicant's design of the cycle/pedestrian exit at the south west corner of the site interferes with WSCC Highways road and flood drainage measures on Reeds Lane. This has a direct impact on this site as well as third party land including the highway. Nearly all of the site's proposed amenities including the Children's Play Area, Plaza, Amenity Lawn and Foul Water Pumping Station are to be situated in the part of the site which floods for several months of the year. WSCC LLFA's assessment of no impact is therefore either naive or lacks due diligence.

viii) The lack of consultation between WSCC LLFA and WSCC Highways/WSCC PROW teams also shows a lack of due diligence and care. Both of those departments hold flood records for this part of Reeds Lane which directly affect this site but they have not been consulted by WSCC LLFA, and none of their evidence had been examined or taken into account by either WSCC LLFA or the applicant. Neither have they taken into account the number of proposed new sites in the proposed District Plan, DPSC3, DPSC4, DPSC5 and MM93 through which this watercourse also passes, and who are also affected by flooding from it, together with the roadways of the B2118 and Reeds Lane.

ix) Therefore WSCC LLFA consultation responses on flood risk are incomplete and as a result unsafe. If flooding increases on the site, third party land or the highway, and damage, injury or inability to use amenities occurs as a result of this, then both WSCC and MSDC are now open to legal action being taken against them for costs due to this lack of due diligence.

4) Statutory Process for Pre Application Degradation of Site Land has not been followed

i) MSDC have still not addressed the issue of the incorrect base figure used in the calculation for the site's biodiversity net gain. They have also not undertaken an investigation of the primary evidence of the site ecological condition prior to degradation, which I have provided in my previous submissions.

ii) As mentioned in my previous submissions of 05/01/2025, 13/02/2026 and 17/05/2026, Places Services in Essex desktop ecological consultation response is falsely dismissive of the degradation of the site which took place prior to this application. MSDC have not followed the statutory processes required for the calculation of the biodiversity net gain figure for the site when degradation has taken place prior to an application being submitted.

iii) This site was subjected to biodiversity degradation in the spring of 2024 related to planning permission DM/22/0640 which was for the land next door to it (now the Woodlands Estate).

iv) My previous submission of 13/02/2026 to this planning application included a copy in full of an email sent by Ann Briggs Assistant Director for Planning and Sustainable Economy on 07/08/2024 concerning that ongoing degradation by the applicant of the biodiversity of this site (field). In it she specifically advised that:

"In relation to the biodiversity of the field, I can confirm that degradation of the onsite habitat can be taken into consideration under the statutory framework. In brief, this means that the biodiversity pre-development value of the onsite habitat should be calculated as the biodiversity value on the date immediately before the degradation. This of course would only be relevant should an application be submitted for development on the field. "

v) Statutory legislation regarding the degradation of a site prior to the submission of a planning application and the calculating of its biodiversity is covered under the Environment Act 2021 and the Levelling Up & Regeneration Act 2023. They confirm that the pre-development biodiversity value of the onsite habitat of the new planning application currently under consideration is to be taken to be its biodiversity value immediately before the carrying on of the activities (degradation) that lowered its biodiversity value.

vi) In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following information must also be provided by the applicant for the Biodiversity Gain Plan if such habitat degradation has taken place, a) a statement to this effect, b) the date immediately before the degradation activity, c) the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and d) any available supporting evidence for the value

vii) The applicant has never provided these details and MSDC has not followed the due legal process of requesting them from the applicant. Place Services have not visited the site, have no firsthand knowledge of it nor asked for these details. Their consideration of the site is desktop only based on documents provided by the applicant which are incomplete and based on incorrect information postdating the degradation and not before it happened.

viii) All the applicant's ecological surveys took place after the degradation had taken place. The applicant's own photographs also confirm this was the case. Those doing the surveys were unfamiliar with the land and had not seen or been advised of the actual biodiversity of the land prior to degradation.

ix) The applicant has not detailed the pre application biological condition of the site nor what the degradation was, such as the cutting down to ground surface level all of the grass in the field just prior to their first surveys taking place. This stopped flora from flowering and producing seeds and so reduced the number and extent of species. This affected all of the applicant's surveys including bat, reptile and mammal ones. The cutting of the grass removed cover causing both reptiles and mammals to be at a higher risk of depredation and to move away from the site. It reduced the number of invertebrates and seeds which act as a food supply for mammals and affected the number of bats by reducing their food. The numbers of species recorded in the applicant's surveys were therefore artificially low. Nor have they provided any surveys or evidence of the land before the large soil heaps from the site next door was placed on it or the hardcore and tarmac for the site office and car park together and the large number of trees which were cut down. Degradation has continued with the digging up and destruction of the bluebell plants along the northern site edge.

x) Under Schedule 14 of the Environment Act, if habitats on site have been destroyed or degraded prior to a survey and submission of planning application, the earlier habitat state will be taken as the baseline for the purposes of the biodiversity metric and a habitat condition score of 'good' will be allocated to the habitat parcel as a precaution. This measure was included to allow the local planning authority to take account of any habitat degradation or destruction undertaken on a site since January 2020, and to take the earlier habitat state as the baseline for the purposes of biodiversity net gain. Its purpose is to ensure that there is no advantage to be gained by the deliberate clearance of land in order to achieve a low baseline value for biodiversity net gain.

xi) The applicant has not done this nor provided the necessary information required to show that it should be otherwise. Therefore they have breached statutory legislation by scoring the land that they degraded as poor instead of the default good in their Biodiversity Net Gain calculations. Both MSDC and Place Services have accepted this without question and ignored third party evidence which provides details of the site condition before degradation took place and contradicts the applicant's evidence. Therefore they have both acted contrary to the statutory legislation and not followed its requirements. As a result the Biodiversity Net Gain figures and calculations used by the applicant for this site and accepted by MSDC can be concluded to be in breach of legislation so incorrect and unsafe.

xii) By their actions (and non-actions) MSDC have therefore made themselves open to legal challenge and regulatory action because of this. By granting planning permission MSDC Planning Committee would be giving agreement to, officially condoning and accepting these breaches of legislation

5) Conclusion

There has been a worrying disinterest shown by MSDC and WSCC in the issues and accompanying supporting evidence raised by both the public and the Parish Councils concerning this planning application. Their actions and non-actions, lack of due diligence, and putting dwelling numbers above public safety have left them open to legal and regulatory action with associated costs which will harm all existing and new the residents who it is their duty to serve.

The issues and risks which I have raised in this submission and my previous ones, including that of 17/05/2026, should all be detailed by the Case Officer in their Committee Report to the District Planning Committee for their meeting to decide on this application. This is to ensure that they have the full details of them when making their decision so that they are clear and comfortable with the risks because they relate to breaches of statutory processes, a lack of due diligence and the introduction of risk to public safety and subsequent costs to the Council. It would prevent the committee members from inadvertently making a decision in accepting liability for these risks and costs because they were not fully and correctly informed of them by their Planning Department.