



Stuart Malcolm,  
Mid Sussex District Council – Planning Department,  
Oaklands,  
Oaklands Road,  
Haywards Heath,  
RH16 1SS

15 December 2024

Dear Stuart,

**RE: Discharge of Conditions 5, 8, 9, 10, 11, and 27**  
**Application Reference: DM/24/1253**  
**Land South of St Stephens Church, Hamsland, Horsted Keynes, West Sussex**

Please find enclosed documentation to discharge conditions 5, 8, 9, 10, 11, and 27 attached to the above planning permission. I have set out below a summary of proposed details and how it satisfies the condition of the requirements.

#### Condition 5

The wording of Condition 5 states:

*Prior to commencement of development (including any demolition, groundworks and site clearance but excluding any ecological work the scope of which must first be confirmed and approved in writing by the Local Planning Authority) an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:*

- a) Measures for the protection of those trees and hedges on the application site that are to be retained.*
- b) Details of all construction measures within the 'Root Protection Area' of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstanding, roads and footpaths.*
- c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.*

*The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.*

The document titled "5579 REV AMS REPORT - Land South of St Stephens Church - 11\_11\_2025" is the Arboricultural Method Statement produced by Broad Oak Tree Consultants Limited, which covers all requirements of Condition 5.

Chapter 6 and the TPP in Appendix 3 gives details of protection measures of the trees and hedges which are to be retained. Chapter 7 and the TPP in Appendix 3 gives details of the construction methods to be followed within the root protection areas. Appendix 1 of the report provides a schedule of the proposed surgery works to be undertaken to the trees and hedges on site which are due to be retained.

You will recall that airspade root investigations were carried out along the proposed new access to inform construction methods for the access road to ensure minimal damage to the rooting systems of the off-site trees within 'Summerlea'. These reports were approved with the permission and the final AMS submitted here commits to implement these methods as part of tree protection measures.

### Condition 8

The wording of Condition 8 states:

*Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:*

- measures to control noise or vibration affecting nearby residents;*
- artificial illumination;*
- dust control measures;*
- pollution incident control and site contact details in case of complaints.*
- the anticipated number, frequency and types of vehicles used during construction,*
- the method of access and routing of vehicles 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 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),*
- details of public engagement both prior to and during construction works.*

*The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.*

The document titled "CMP for Land South of St Stephens Church" addresses the requirements of Condition 8 by including details on measures to control noise and

vibration, artificial illumination, and dust control, as well as a pollution incident control plan and site contact details for complaints. It also covers the anticipated number, frequency, and types of construction vehicles, the method of access and routing, parking for site operatives and visitors, loading/unloading and storage of plant and materials, security hoarding, wheel washing facilities, and details of community engagement.

#### Condition 9

The wording of Condition 9 states:

*Prior to the commencement of any development above ground/slab level details, a scheme of mitigation measures to improve air quality relating to the development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the "Air Quality and Emissions Mitigation Guidance for Sussex" which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.*

The document titled "94461\_AQMS\_Rev\_B\_Final" address the requirement of Condition 9 by confirming that it has been prepared in accordance with the "Air quality and Emissions Mitigation Guidance for Sussex" (2021). The statement details the necessary mitigation measures, such as the IAQM Highly Recommended Mitigation Measures for a Medium Risk site (Appendix C), which, upon approval, will form the basis for the works that must be completed prior to occupation and thereafter maintained.

#### Condition 10

The wording of Condition 10 states:

*Prior to the commencement of the development a Non-Licensed Great Crested Newt Precautionary Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.*

The document title "14252.GCNMethodStatement" addresses the requirements of Condition 10 by detailing specific measures that will be put in place, such as retaining existing reptile/amphibian exclusion fencing throughout the works , conducting a passive displacement exercise and destructive search on any suitable vegetation outside the fenced area , and implementing a protocol for contractor briefings and immediate work stoppage if a Great Crested Newt is found. The implementation of these measures is considered appropriate for the site context, which has been assessed as unlikely to host Great Crested Newts due to habitat limitations and existing dispersal barriers.

## Condition 11

The wording of condition 11 states:

*The development hereby permitted shall not commence unless and until 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.*

*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*

The document titled "14252.CEMP" addresses the requirements of Condition 11 by setting out comprehensive measures to manage and mitigate potential environmental impacts during the construction phase. The procedures documented to achieve this compliance include: completing a Risk Assessment of potentially damaging construction activities; clearly identifying 'Biodiversity Protection Zones'; outlining practical measures and sensitive working practices, often provided as method statements, to avoid or reduce impacts ; specifying the location and timing of sensitive works to prevent harm to biodiversity features; detailing the use of protective fences, exclusion barriers, and warning signs; defining the role and responsibilities of the Ecological Clerk of Works (ECOW), including when they must be present to oversee works; and establishing responsible persons and clear lines of communication for all ecological matters.

## Condition 27

The wording of Condition 27 states:

*The development hereby permitted shall not be occupied/brought into use until the following components of a scheme to deal with the risks associated with contamination of the site have each been submitted to and approved, in writing, by the local planning authority:*

- a) A preliminary risk assessment which has identified:*
  - all previous uses*
  - potential contaminants associated with those uses*
  - a conceptual model of the site indicating sources, pathways and receptors*

- *potentially unacceptable risks arising from contamination at the site and unless otherwise agreed in writing by the LPA,*

*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 LPA,*

*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; and, unless otherwise agreed in writing by the LPA,*

*d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

The document titled "STL J14075 Report" addresses the requirements of the Condition. Condition 27(a) is satisfied by the Desk Study (Section B) and Preliminary Conceptual Model (Section C), which identify previous agricultural uses, potential contaminants, a conceptual model of sources, pathways, and receptors, and a risk assessment. Condition 27(b) is met by the Phase II Site Investigation (Section D), detailing the intrusive investigation and soil/water testing used for a detailed risk assessment. For Condition 27(c) (remediation strategy) and Condition 27(d) (verification plan), the report concludes that since no significant contamination has been identified and no relevant pollutant linkages requiring remediation were found; therefore, a formal remediation strategy or verification plan is not considered necessary.

The Desk Study and Preliminary Site Investigation Report was produced by Southern Testing for the previous owners Rydon Homes (now BYond), in August 2019. Since this time Macar Homes acquired the site from Rydon Homes, along with this report and the consultants reliance has been novated to Macar. A letter of reliance from Southern Testing in June 2025 states that Macar Homes has the full rights to use this document.

I look forward to receiving approval of these conditions in due course, but if you need any further information please contact me.

Yours sincerely,

James Carson – Planner