

**Little Reeds Farm
Hickstead
RH17 5LY**

**Acoustic bund and landscaping
Planning Statement
0332**

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1. Introduction

- 1.1 This statement sets out the case of the owner, Mr and Mrs Cave (*‘the Applicant’*), for engineering works to create a five-metre-high earth acoustic bund to the west of Little Reed with associated landscaping (*‘the Proposal’*). The site is Little Reeds Farm, London Road, Hickstead, RH17 5LY (*‘the Site’*).
- 1.2 The Site is on the east side of the A23 dual carriageway and hosts a detached, two-storey dwellinghouse with associated non-commercial outbuildings. Access to the Site is from the A23 using a long-standing existing driveway with gates from the A-road. Around the dwellinghouse is a residential garden, and beyond this, there are grass paddocks located north and south of the dwellinghouse. Mixed trees and hedges form the Site boundaries.
- 1.3 The replacement dwellinghouse at the Site received planning permission in 2022 under ref. DM/21/3622, permitted by notice dated 05 January 2022, has recently been completed, excluding some landscaping works. Due to its proximity to the A23, the Site suffers from significant noise disturbance, which defines the environment. The replacement dwellinghouse allowed for an upgrade to the external fabric of the dwellinghouse, improving the internal noise environment. However, the ability to open windows and enjoy the external environment drives the need for the Proposal.

The Proposal

- 1.4 The design team assessed the noise environment at the Site, both internally and externally, specific to the residential use. Baseline assessment looked at the daytime LAeq,16h results at ground floor level (1.5 m AGL) and at the upper height (i.e. 4.5 m AGL), where bedrooms would be located. Consideration to night-time LAeq,8h levels at the upper height (i.e. 4.5 m AGL), where bedrooms are located, was also given. The accompanying noise impact assessment explains the specific values, which are not repeated here but uniformly were above acceptable levels.
- 1.5 The noise impact assessment scenario tested bund heights at 2.5, 3, 4, 5, and 6 m. Given the proximity of the A-road, no scenario removes all the noise impact. The optimum height was set at 5 metres above ground level. Consideration was given to the use of fencing. Fencing at 5m height carries maintenance costs and ultimately provides a harsh visual impact. Altering the Site’s topography allows for permanent noise control, lower maintenance, and an improved visual impact.

- 1.6 The existing Site access between a lay-by and the A23 / A2300 exit slip road will be used to access the Site. Detailed technical work and negotiation with National Highways ('NH') preceded this planning application. This technical work considered safely importing soil to the Site to construct the bund over an expected 12-month construction period. Through a rigorous safety process, NH agreed to a temporary departure from standards to allow access to a limited number of heavy goods vehicle ('HGV') movements into the Site. These detailed negotiations are outlined in the accompanying Transport Assessment and related transport documents.
- 1.7 The Proposal also allows for extensive landscape creation and a 10 per cent Biodiversity Net Gain on Site. This allows for an overall improvement of the landscape through substantial planting. This planting hides the changed topography from views that would exist to the north, east and south, screening the bund sensitively.
- 1.8 At the conclusion of the engineering works, the land will be restored and used solely as residential gardens and horse paddocks. There is no intention to permanently change the use of the land nor intensify the usage of the vehicular access beyond the duration of the works permitted.

Planning History

- 1.9 The relevant application to the current Proposal is DM/21/3622 ('the 2022 Permission'), which approved the construction of the replacement dwellinghouse. Condition 4 of that application required a Construction Management Plan to be submitted and approved by the Council. This condition was then discharged by application ref. DM/22/0320. The dwellinghouse on Site today accords with that permission.

Summary

- 1.10 The decision before the Council is whether the Proposal should be considered acceptable in the context of local planning policy, which seeks to preserve the Site's undeveloped nature and support applications that positively contribute to the landscape and the scenic and natural beauty of the countryside. Without careful design, the encroachment of an engineered landform might appear as a visually intrusive feature. However, using the accompanying Landscape Visual Impact Assessment ('LVIA'), the visual impacts of the Proposal are highly localised. Nonetheless, the Proposal, through this submission, will demonstrate how it

conserves and enhances the landscape. However, it should be acknowledged that the A23 creates a distinct visual and noise environment to the detriment of the countryside and, in this case, the occupiers of the dwellinghouse at the Site.

- 1.11 Officers are therefore required to consider whether this highly localised engineered landform and habitat creation Proposal should be regarded as acceptable in terms of its impact on the landscape. The Applicants' position is that the Proposal should be deemed to comply with the policy, as further explained below, and that its effect on the landscape is acceptable due to the careful approach to design. Other technical planning matters are proven to be appropriate and manageable by condition. The decision-making process is, however, wider. It must encompass both natural and human health benefits from a noticeable reduction in the ambient noise environment. The need for this Proposal is great and outweighs any harm that can, at most, be regarded as negligible.

2. Planning policy considerations

- 2.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires the decision maker to take account of (a) the provisions of the development plan, (b) local finance considerations, and (c) any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act requires the determination of applications to be in accordance with the plan unless material considerations indicate otherwise. The National Planning Policy Framework 2024 (*'Framework'*) is a material consideration in planning decisions. Relevant Framework policy is referred to further as necessary below.
- 2.2 The development plan for Mid Sussex District is explained within the Mid-Sussex District Plan 2014-2031 (*'the LP'*). The Applicant is aware that the Council has submitted the emerging replacement LP for the period ending 2039, which is now progressing through examination. A review of those emergent policies confirms no relevant shifts away from current adopted policies, and therefore, although potentially carrying some weight, they are not discussed further.
- 2.3 Case law has established that since development plans frequently contain policies that pull in different directions, what must be considered is whether a Proposal complies with the development plan as a whole. In *Islington LBC v Secretary of State for Communities and Local Government* [2012] EWHC 1716 (Admin), the court stated:

“These policies need to be seen as a whole rather than individually since the statutory question in s.38(6) requires a judgment as to whether proposed development accords with the Development Plan, not whether it accords with individual policies, a number of which may pull in a variety of differing directions when applied to a particular proposal.”

- 2.4 In other words, policies should not be applied in an overly rigidly technical or overly formulaic manner. Instead, applications should be looked at holistically, with the positive merits of any Proposal balanced against any restrictions or limitations that may apply.

Noise and residential amenities

- 2.5 The A23 dual carriageway runs parallel to the west boundary of the Site and is a source of significant traffic noise. The proximity to noise places creates harm to residential amenities. The construction of the replacement dwelling at the Site was recently completed, and the dwelling is occupied. The existing boundary treatment to the highway is insufficient to reduce the noise to the external environment or allow windows to open. The acoustic assessment report accompanying the application finds that significant noise control will be required. Policy DP29: Noise, Air and Light Pollution explains the Council’s approach to controlling the noise environment. It states as follows:

“The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people’s life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

...

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless

adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;*

[...]” [emphasis added]

- 2.6 The replacement dwelling at the Site was approved under planning application DM/21/3622. No noise impact assessment was submitted with that application, and no additional noise attenuation measures were proposed. The policy would not have allowed a new dwellinghouse in this location if not for the fact there was already one there. In respect of future occupiers’ amenities, the officer report comments that:

“The relevant minimum space standard for 2 storey, 4 bedroom dwelling for 8 people is 124 square metres with 3 square metres of built in storage. The proposed replacement dwelling exceeds these standards.

and

The layout provides for suitable natural light and ventilation to each room and the replacement dwelling would benefit from a spacious garden curtilage. It is thereby considered to comply with the above policies.”

- 2.7 The planning assessment did not consider the impacts of noise or address the requirements of policy DP29. The applicant is now in a position where the approved dwelling offers substandard living conditions due to noise disturbance. Additional noise mitigation measures are required to resolve this issue.
- 2.8 The Proposal would attenuate noise, and the reduction levels are supported by a Noise Impact Assessment (*‘the NIA’*). The report recommends external noise levels up to 55 dB and that internal noise does not regularly exceed 45 dB. The baseline noise survey recorded an external level of 74 dB.
- 2.9 The NIA assessment includes a graphical noise model and tabulated noise model results, which are colour-coded. The results are shown for different mitigation options

with the daytime and nighttime sound levels. The benefits of screening increase with height, and the taller bund options perform better in the model. The report recommends a bund of at least 4 metres height to achieve acceptable external and internal noise conditions. It is noted that more instances of green colouring, indicating noise levels within 5dB of the recommendation, are achieved for 5 and 6m bunds. Five metres height was chosen to balance noise attenuation and visual impact.

Protection of the countryside

- 2.10 The Site is in a rural area beyond any settlement boundary. There is an area of commercial development west of the Site on the far side of the A23. Apart from this, the surrounding land has agricultural fields lined with trees and hedges. The Site includes a garden, paddocks and an area of temporary hardstanding. Public views into the Site would only be from vehicle traffic along the A23. There are no footpaths or public rights of way nearby. The Site and surrounding landscape area are not under any special designation. It is not in the High Weald National Landscape, with no ancient woodland or protected trees. Policy DP12 controls development in the countryside: Protection and Enhancement of the Countryside, which explains as follows:

“The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- it is necessary for the purposes of agriculture; or*
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.”*

- 2.11 The Proposal is not necessary for the purpose of agriculture. The acoustic bund was designed to maintain the quality of the rural and landscape character of the area. The application is accompanied by a Landscape and Visual Impact Assessment, which considers the visual effects of the Proposal. The bund would be largely screened from view by the existing boundary planting. The bund would be vegetated and, over time, would appear like a natural landform. The application includes a landscaping scheme that includes native planting suitable for the rural area and delivers the Biodiversity Net Gain. The Proposal would not appear prominent in public view, and the Site’s rural character would be maintained.

Ecology and Biodiversity Net Gain

- 2.12 Policy DP37: Trees, Woodland and Hedgerows explain the approach to protecting trees, woodland and hedgerows. Their preservation is of particular importance, and the policy requires:

“The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that 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.

[...].”

- 2.13 The Site does not include any veteran trees or ancient woodlands. The application

is accompanied by an arboricultural report prepared by The Mayhew Consultancy. The tree survey identified three individual trees and thirteen groups of trees. The proposed development would result in losing one group of Cypress trees, which are internal to the Site. These trees are Category C and considered to be of low quality. The report finds the removal of this group would be acceptable. All other trees would be retained. The report recommends tree protection, which would be implemented during construction. The proposed development includes soft landscaping, which includes planting new native trees. In accordance with policy DP17, the Proposal incorporates retained trees and takes the opportunity to plant new trees.

- 2.14 Policy DP38: Biodiversity has been overtaken by introducing Biodiversity Net Gain ('BNG'), but the objective is the same. The proposed landscape scheme doubles up and provides the BNG requirement of a 10% increase overall, accounting for any losses at the Site. The policy explains that biodiversity will be protected and enhanced with limb one requiring new locally relevant habitat, which the Proposal delivers:

"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*

[...]"

- 2.15 In England, BNG is mandatory from 12 February 2024 under schedule 7A of the Town and Country Planning Act. This Act introduced a national requirement for development to deliver a BNG of 10%. Consistent with this national requirement, an emerging policy of the new LP, DPN2 Biodiversity Net Gain, requires proposals to demonstrate a 10% net gain in habitat value. The policy also states that BNG should be provided on-site wherever possible.

- 2.16 The application is accompanied by a calculation of BNG provided by the Ecology Co-op. There is suitable space and opportunities to achieve a BNG of more than 10% on-site. The creation of the acoustic bund would require the clearance of some vegetation. Replacement planting on the Site is proposed to compensate for this habitat loss. The Proposal would include new planting along the Site boundary, planting the bund and improving the grassland with wildflower and meadow planting.

- 2.17 The Ecology Co-op has completed an ecological impact assessment for the Site. A low level of bat activity was identified at the Site, and Great Crested Newts's presence was not ruled out. Mitigation measures, such as a precautionary approach to vegetation clearance and a sensitive lighting scheme, are recommended. Biodiversity enhancements for the Site are recommended, which include planting native shrubs and flowers and installing wall-mounted bat boxes. The construction of the bund is also expected to positively impact biodiversity by reducing sound and light disturbance from the A23.

Highways and access

- 2.18 The Proposal would use the existing Site access, a driveway directly from the east side of the A23 London Road. The access has gates set back a significant distance from the highway. Hardstanding is adjacent to the dwellinghouse, providing parking and turning space for at least three vehicles. This parking provision is suitable for residential use on the Site. To the north side of the dwelling, there is a larger hardstanding area related to the Site's previous use for outdoor storage. The Proposal will retain this hardstanding temporarily while the acoustic bunds are being constructed. A planning condition could be used to secure the removal of this hardstanding, and the area would be restored to grassland.

"DP21: Transport

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.”

- 2.19 The distance from the existing Site access to a layby of the A23 is less than National Highways standards require. National Highways have provided advice by email that a departure from standards application will be needed to retain the access in the existing position. It has been agreed that the departure from standards application will be submitted to National Highways at the same time as the planning application to run in parallel. A construction management plan will be supplied for the implementation of the bunds, and this can be secured by a planning condition.

- 2.20 The parking and access arrangements for the Site were found to be acceptable for application DM/21/3622 to provide the replacement residential dwelling. The scheme would not meet the policy requirement of DP21 to be designed to adoptable standards; however, this has been addressed by the parallel application to National Highways for a departure.

Flood risk and drainage

- 2.21 Policy DP41 requires development to be safe from flood risk and not to increase the risk of flooding elsewhere. All developments are expected to use Sustainable Drainage Systems. Policy DP41 explains the approach as follows:

DP41: Flood Risk and Drainage

“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 development 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.”

- 2.22 Most of the Site, including the replacement dwelling, does not fall within Flood Zones 2 or 3 and is at a low risk of surface water flooding. To the north of the Site, there is the Holmbush Gill stream, a tributary to the River Adun. The part of the Site close to the north side boundary falls within Flood Zones 2 and 3 and has a potentially high risk of fluvial and surface water flooding.
- 2.23 Following the advice of the drainage consultant, the proposed acoustic bund has been positioned beyond any land within Flood Zone 2 or 3. The application includes a Flood Risk Assessment and Surface Water Drainage Strategy. A sustainable drainage system can manage drainage at the Site, and the Proposal would not increase flood risk elsewhere.

3. Summary

- 3.1 A replacement dwelling has been constructed at the Site, implementing planning approval DM/21/3622. The Site is near the A23, London Road, a dual carriageway that is a source of noise disturbance. The application for the replacement dwelling did not include a noise impact assessment, and the impact of noise on future occupiers was not considered when the application was determined.
- 3.2 The replacement dwelling suffers from noise disturbance, and a noise impact assessment demonstrates that external and internal noise currently exceeds recommended levels. Noise mitigation measures were considered using computer modelling of different scenarios. An acoustic bund of up to five metres in height is

proposed to achieve acceptable living conditions. The Proposal would protect the occupier's quality of life as required by policy DP29.

- 3.3 There are limited public views of the Site, and screening is provided by boundary vegetation. The proposed bund would be planted and, over time, would appear as a natural landform. The Visual Impact Assessment finds that the development would have an acceptable impact on the Site's appearance. The bund height of up to five meters is an appropriate compromise between the amenities' improvements and the development's visual impact.
- 3.4 The Site parking and access arrangements would remain as existing. Due to the proximity of the access to a layby on the A23, a departure from the standard application must be made to National Highways. An existing area of hardstanding would be retained for a temporary period during the construction of the bunds. A construction management plan would ensure highway safety during the development.
- 3.5 The Proposal is necessary to secure the amenities of occupiers of the approved replacement dwelling. The potential impacts of the development can be managed, and an improvement in habitat value can be secured. The Proposal complies with the relevant policies of the development plan, and it is submitted that planning permission should be permitted.