

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0446	Case Officer:	Joseph Swift
Application Type:	Reserved Matters Application		
Proposal:	The construction of a single carriageway link road from the tie-in with the proposed Western Bridge and Link Road (WBLR), through to the proposed tie-in with Eastern Bridge and Link Road (EBLR) including tie-ins to the existing B2036 Cuckfield Road. The primary east-west route will typically comprise of a new 6.5m carriageway with one 3m shared footway/cycleway and one 2m wide footway and two 2.75m verges. While the 6.5m wide carriageway will be consistent throughout, some sections of the primary east-west route will diverge from this typical arrangement to complement area specific requirements. The northern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and single 2m footway. The southern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and a short extension of the Green Super Highway extending to the driveway entrance servicing the existing Oak Barn Bar & Restaurant carpark. The western end of the east-west road corridor and the southern link to the B2036 Cuckfield Road will both facilitate connections to the Green Superhighway. All will be constructed to an adoptable standard, together with associated crossing points, earthworks and vegetation removal, surface water and foul drainage infrastructure, utilities corridors and diversions, road lighting, soft landscaping, including tree-planting and temporary fencing, on-street parking and provision of in-line bus stops for bus services. (Amended plans recieved 15/02/2026).		
Site:	Burgess Hill Northern Arc, Land N And NW Of Burgess Hill, Between Bedelands Nature, Reserve In The East And, Goddard's Green Waste Water Treatment Works In The West, , , , ,		
Validation Date	28 Feb 2025	Overall Expiry Date:	13 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jun 2026
Target Date:	30 May 2025	Recommending Officer Signature:	Joseph Swift

Date Legal		No of	8
-------------------	--	--------------	---

Agreement Completed: (if applicable)		Representations:	
--	--	-------------------------	--

Signed and Agreed By:	<i>Steven King</i>	Date:	24 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0446

Burgess Hill Northern Arc, Land N And NW Of Burgess Hill, Between Bedelands Nature, Reserve In The East And, Goddard's Green Waste Water Treatment Works In The West, , , , ,
The construction of a single carriageway link road from the tie-in with the proposed Western Bridge and Link Road (WBLR), through to the proposed tie-in with Eastern Bridge and Link Road (EBLR) including tie-ins to the existing B2036 Cuckfield Road. The primary east-west route will typically comprise of a new 6.5m carriageway with one 3m shared footway/cycleway and one 2m wide footway and two 2.75m verges. While the 6.5m wide carriageway will be consistent throughout, some sections of the primary east-west route will diverge from this typical arrangement to complement area specific requirements. The northern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and single 2m footway. The southern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and a short extension of the Green Super Highway extending to the driveway entrance servicing the existing Oak Barn Bar & Restaurant carpark. The western end of the east-west road corridor and the southern link to the B2036 Cuckfield Road will both facilitate connections to the Green Superhighway. All will be constructed to an adoptable standard, together with associated crossing points, earthworks and vegetation removal, surface water and foul drainage infrastructure, utilities corridors and diversions, road lighting, soft landscaping, including tree-planting and temporary fencing, on-street parking and provision of in-line bus stops for bus services. (Amended plans recieved 15/02/2026).
Nicholas Milner

SUMMARY OF REPRESENTATIONS

8 third party letters of representation have been received in relation to this application which has raised the following objections:

- Highway safety issues
- Impact on character and appearance
- Loss of outlook
- Noise and disturbance
- Impact on traffic
- Impact on wildlife
- Impact on local community - town centre derelict
- Increased traffic on Cuckfield Road

SUMMARY OF CONSULTEES

WSCC LLFA: Following a review of the updated information, we now have no objection to this application.

MSDC Tree Officer: No further comments, condition in compliance with landscaping and planting plans.

Ecology Consultant: No ecological objection.

WSCC PRoW: No objections

Southern Water: No objections

WSCC Highways: No objections subject to conditions

Design Review Panel: The panel were equally split between not supporting the scheme (red) and supporting the scheme subject to changes that address the above identified issues (amber).

TOWN/PARISH COUNCIL OBSERVATIONS

Burgess Hill Town Council: This application was previously discussed on 31st March 2025. The Committee of 9th March noted the application and still had concerns about the implications for highway safety including on Cuckfield Road and suggested that suitable mitigations such as roundabouts are implemented for road safety.

The Committee of 9th March also supports the request expressed by the Ecology Team for a suitable Bat Assessment to be carried out prior to making any recommendation.

Hurstpierpoint and Sayers Common Parish Council: No comments to make.

INTRODUCTION

The application seeks Reserved Matters consent (for all matters - access, appearance, landscaping, layout and scale) for the central avenue, which comprises the construction of a single carriageway linking from the proposed Western Bridge to Isaacs Lane. It also facilitates connections to the Green Superhighway, as well as crossing points, earthworks, drainage infrastructure, utility corridors/diversions, road lighting, landscaping, and the provision of street furniture at Brookleigh, to the north of Burgess Hill.

RELEVANT PLANNING HISTORY

The wider development of Brookleigh (formerly Northern Arc) has an extensive planning history and as such is not all detailed below. The applications most relevant to this application are as follows:

Outline Planning Permission

The original outline permission for the site was granted under application DM/18/5114 on the 04/10/2019 for:

Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.

This outline permission was amended under application DM/21/3279 on the 09/12/2022 for:

Planning Application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 5 (approved parameter plans), 6 (accordance with Design Guide), 7 (requirement for a Design Principles Statement), 11 (archaeological investigation), 22 (sustainable drainage) and 35 (restriction of development within 15m of ancient woodland), removal of conditions 50 (public transport strategy) and 51 (phase public transport strategy), addition of new conditions relating to public art on planning permission DM/18/5114, to allow amendments to site boundary, densities and heights, parameters of road layout, proposed land uses, right of way improvements and drainage outfalls, require general accordance with the Street Design and Adoption Manual, allow phased submission of details for archaeology and drainage details and require a public transport strategy and financial contributions towards the public transport strategy to be secured in the legal agreement. Amendments to the legal agreement associated with the amendments to the conditions and additional amendments related to the delivery of open space parcels OS1.2N, OS1.2S, OS3.3 and OS3.4, the Centre for Outdoor Sports, Employment Strategy, the Secondary School, Mobility Corridors, payment of financial contributions and monitoring fees

A further section 73 application (DM/23/0747) was submitted to vary DM/21/3279 and was approved 03/10/2025 for the following:

Planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 2 (phasing), 4 (approved plans) and 5 (approved parameter plans) of planning permission DM/21/3279 (itself a section 73 approval that permitted a variation of the conditions attached to planning permission DM/18/5114), to allow amendments to the planning application site boundary, update to the phasing of development and the Access and Movement Parameter Plan (004) to clarify the approach to the Green Superhighway link over and in the vicinity of the western bridge on the Northern Arc Avenue.

Eastern Bridge and Link Road (now known as Holmbush Avenue)

Full planning permission (DM/19/3313) was granted on the 17/01/2020 for:

Construction of a single carriageway link road from Isaacs Lane to Freeks Farm comprising a new all-movements junction on A273 Isaac's Lane, highway comprising 6.1 - 6.5m carriageway with separate 4.5m 'Green Superhighway' and 3m cycle/footway provision on the north side and 2m footway on the south side segregated from the carriageway by landscaped verges, including all-modes bridge across the River Adur, constructed to an adoptable standard, together with, earthworks, surface water and foul drainage infrastructure, utilities corridors, street lighting, landscaping and temporary fencing.

This link from Isaacs Lane to Freeks Farm (now known as Oakhurst) has not yet been completed but is open to the public. The completion of the scheme, including the final finished surfacing and landscaping is due to be completed after the surrounding plots have been developed. An application is currently pending consideration under application DM/21/4355 for: Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 4 (compliance with Ecology Statement) and 15 (compliance with submitted plans) of planning permission DM/19/3313 to allow amendments to Ecology Strategy and amendments to the road layout and signage and the addition of a road crossing for equestrian users, cyclists and pedestrians.

Western Link Road (now known as West End Farm Avenue)

Reserved matters was approved under DM/20/0254 for:

Reserved matters application for DM/18/5114 - the first phase of the western link road, comprising the construction of a new all-movements roundabout on the a273 Jane Murray Way, a single carriageway 7.3-metre wide highway link with two 3- metre shared footways/cycleways and two 2.75- metre verges, connecting to the a2300 via a new all movements roundabout, junction to the UKPN electricity substation, junction to future employment uses, zones for two minor junctions, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting, and landscaping. amended plans and updated supported documents received 17th march 2020 detailing amendments including the extension of the southern boundary of the site to accommodate increased drainage basins and inclusion of bridleway on north side of A2300.'

This link between Jane Murray Way and the A2300 has been completed and is now open to the public.

Western Bridge and Link Road

An application (DM/25/1128) is currently pending consideration for the second phase of the Western Bridge and Link Road, which will link the A2300 to the application for the Central Avenue.

SITE AND SURROUNDINGS

The strategic allocation of Brookleigh is located to the north side of Burgess Hill. The site stretches west from Issacs Lane, across Cuckfield Road, which it would incorporate approximately 260 metres of the B2036 Cuckfield Road and continues west where it ends within an area of undeveloped agricultural land, it is proposed to connect to the Western Bridge and Link Road Phase 2 which is subject to a separate application currently pending consideration.

The site extent covers 7.6 hectares and is set entirely within the red line of the original outline permission (DM/18/5114 as amended). The majority of the site is undeveloped agricultural land, except for where it incorporates Cuckfield Road and where the drainage connection will run through the car park for Oak Barn and across the driving range.

A mixture of sporadic residential dwellings along with some commercial units and educational institutions such as the Oak Barn, a driving range, Bodel Brothers, Bible training institute and the Alternative Provision College are located along Cuckfield Road and their accesses come directly off Cuckfield Road.

APPLICATION DETAILS

The application seeks Reserved Matters consent (for all matters - access, appearance, landscaping, layout and scale) for the central avenue, which is part of the link road that runs through the entire Brookleigh site. This follows the outline planning approval DM/18/0509 (As amended by DM/21/3279 and DM/23/0747) and as such the principle of the development has been established.

The proposal includes the construction of a new 1.2km highway connection from Isaacs Lane across to its connection point with Phase 2 of the Western Bridge and Link Road, for which an application is currently pending consideration. The proposed development will incorporate approximately 260 metres of the existing B2036 Cuckfield Road and will provide two new T-junctions on the B2036 Cuckfield Road, giving priority to users of the Central Avenue.

The proposed single carriageway would be 6.5 metres wide, providing two directional traffic for vehicles, with a 3 metre wide continuous shared footway and cycle way on the northern side of the carriage way and a 2 metre wide pedestrian footpath on the southern side, widening to 4 metres from Cuckfield Road to Isaacs Lane in order to provide the Green Superhighway.

The new section of link road is proposed to have a speed limit of 20 mph between the A273 Isaacs Lane and the western end of the Central Neighbourhood Centre, it will then rise to 30 mph from this point to the A2300. It would also mean reducing the 40mph speed limit section of the B2036 Cuckfield Road to 30 mph.

Western Bridge to Central Neighbourhood Centre - This section of highway would consist of a 6.5 metre wide single carriageway, with a 2.75 metre verge and parking bays at either wide, a 3 metre wider shared footpath and cycleway to the northern side and a 2 metre footpath on the southern side. A small section would have the Cycle Super Highway (segregated pedestrian and cycle route) would be positioned on this section before this heads south and east away from the application site through future development parcels. The proposal has been designed with all the intersection with tertiary roads along the avenue being priority junctions, with priority given to cyclists and pedestrians.

Central Neighbourhood Centre - This section of highway would consist of a 6.5 metre wide single carriageway, with a 3 metre wider shared footpath and cycleway to the northern side and a 2 metre footpath on the southern side. A neighbourhood square should be provided adjacent to the northern shared footway and cycleway (subject of a separate Reserved Matters Application), with safe and convenient pedestrian and cyclist crossing points to facilitate access to the Neighbourhood Centre and the proposed primary school.

Central Neighbourhood Centre to B2036 Cuckfield Road - This section of highway would consist of a 6.5 metre wide single carriageway, with a 2.75 metre verge to the southern side, a 3 metre wider shared footpath and cycleway to the northern side and a 2 metre footpath on the southern side.

B2036 Cuckfield Road - This section of highway would consist of a 6.5 metre wide single carriageway, with a 2.75 metre verge to the northern side, a 3 metre wider shared footpath and cycleway to the northern side and a 2 metre footpath on the southern side, with pedestrian and cycle crossing points at key pedestrian desire routes.

B2036 Cuckfield Road to A273 Isaacs Lane - This section of highway would consist of a 6.5 metre wide single carriageway, with a 2.75 metre verge at either wide, a 3 metre wider shared footpath and

cycleway to the northern side and a 4.5 metre wide Green Super Highway on the southern side with pedestrian and cycle crossing points at key pedestrian desire routes. The Green Super Highway would join the route from Cuckfield Road to the south.

A comprehensive landscaping plan has been provided to support the application, showing the earthworks and vegetation removal required, along with details of tree and shrub planting. Tree pits have been coordinated with lighting and street parking to ensure minimum soil volumes of 30m³ and the tree pits have been designed to assist with surface water drainage and filtration. Feature trees have been used at focal points and to define gateways, while a mixture species rich grassland and wildflower, ground cover verge planting and wetland/rain garden verge planting will be incorporated.

Surface water and foul drainage infrastructure, as well as utility corridors and diversions have been incorporated into the proposal to support the proposed infrastructure as well as road lighting, to ensure the full length of the central avenue is lit.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

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, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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.'

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD), the West Sussex Joint Minerals Local Plan 2018 Partial Review (2021) and the West Sussex Waste Local Plan (2014).

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

- DP6 Settlement Hierarchy
- DP7 General Principles for Strategic Development at Burgess Hill

- DP9 Strategic allocation to the north and northwest of Burgess Hill
- DP20 Securing Infrastructure
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design
- DP28 Accessibility
- DP29 Noise, Air and Light Pollution
- DP34 Listed Buildings and Other Heritage Assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage
- DP42 Water Infrastructure & the Water Environment

West Sussex Joint Minerals Local Plan (2018)

The West Sussex Joint Minerals Local Plan was adopted in July 2018 and subsequently reviewed in 2021. The relevant policy is considered to be consistent with the NPPF and should be afforded full weight. The relevant Policy is: M9 Safeguarding Minerals

West Sussex Waste Local Plan (2014)

The West Sussex Joint Minerals Local Plan was adopted in April 2014. The relevant policy is considered to be consistent with the NPPF and should be afforded full weight. The relevant Policy is: W23 Waste Management within Development

Site Allocations DPD (SADPD)

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. However, there are no policies considered relevant to this application.

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the 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. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

- o DPS1: Climate Change
- o DPS2: Sustainable Design and Construction
- o DPS4: Flood Risk and Drainage
- o DPN7: Noise Impacts
- o DPN9: Air Quality
- o DPN1: Biodiversity, Geodiversity and Nature Recovery
- o DPN2: Biodiversity Net Gain
- o DPN10: Land Stability and Contaminated Land
- o DPB1: Character and Design
- o DPB2: Listed Buildings and Other Heritage Assets
- o DPT1: Placemaking and Connectivity
- o DPT3: Active and Sustainable Travel

- o DPT4: Parking and Electric Vehicle Charging Infrastructure
- o DPH3: Sustainable Development - Inside the Built-Up Area
- o DPH12: Accessibility

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.

Northern Arc Masterplan (2018)

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The Masterplan sets out a vision for the Northern Arc along with the following Strategic Development Principles that are relevant to this application:

- SDP1 Access and Strategic Movement
- SDP2 Northern Arc Avenue
- SDP3 Strategic Green Connections
- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP6 Housing Mix, Density and Capacity
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP9 Built for Life
- SDP10 Integration with Established Communities
- SDP11 Education
- SDP12 Mixed and Balanced Community
- SDP13 Integrating Employment Opportunities
- SDP14 Landscape and Green Infrastructure
- SDP15 A rich variety of open space
- SDP16 Ancient Woodland and Veteran Trees
- SDP17 Sports Facilities
- SDP18 Topography
- SDP19 Visibility
- SDP20 Existing Utility Infrastructure
- SDP21 Climate resilient development
- SDP22 Low carbon energy
- SDP23 Integrated Water Management
- SDP24 Construction and Material Use

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

This document identifies the provision of a highway link between the A2300 and the A273 (the Northern Arc avenue) as one of the pieces of transport infrastructure required to support the Northern Arc development.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan has been made. However, the 'plan area' within the Neighbourhood Plan does not extend to the application site. Therefore this Neighbourhood Plan does not form part of the development plan for the consideration of this application.

However, it is a 'made plan' and contains specific policies relevant to this Northern Arc application. Therefore the following policy of the Burgess Hill Neighbourhood Plan is considered to be a material planning consideration in the determination of this Northern Arc application:

- G6 Footpaths, Rights of Way and Cycle Links (relevant because it states that new development will be expected to provide links to the existing network where appropriate)

Burgess Hill Town Wide Strategy (2011)

The Burgess Hill Town Wide Strategy comprises the Town Council's proposed strategy for Burgess Hill for a 20 year period. The Strategy states that the Town Council was keen to develop a new but realistic and deliverable strategy in order to prevent the town from standing still and potentially going into decline. The Strategy states that:

'A key part of the development of the strategy was to identify what local people wanted their town to be like. A number of consultation events, strategies and visions have been prepared over the last 6-7 years and each contained a common thread of Burgess Hill being:

- a fully sustainable 21st century town focussed around a high quality, vibrant and accessible town centre;*
- a town that's existing and future population is supported by the necessary community facilities, employment opportunities and access to green open space; and*
- a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*

To achieve the above vision, it was considered that the town needs:

- a better town centre with a greater range of shops and a more attractive pedestrian environment;*
- improved public transport, walking and cycling links as well as better roads;*
- new and improved community and cultural facilities;*
- additional high quality and suitably located business park development; and,*
- new, improved and well-connected sports, recreation and open space in and around Burgess Hill.'*

To help meet this vision a number of projects are identified within the Strategy including:

- 'improvements to the town centre (to the main routes of Queen Elizabeth Avenue, Civic Way and Church Road/ Church Walk as well as improved buildings and a new public square);*
- improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)*
- new and improved community and green infrastructure (including a new Centre for Community Sport, management of Ditchling Common, new open space provision in the east of the town, a civic info centre and a new community/ arts centre); and,*
- improved and new employment development.'*

The Strategy identifies that in order to deliver the desired projects, then additional housing developments would be required and subsequently identified the requirement of around 4000 homes, including 500 on land east of Kings Way and 3500 on land to the north and north west of the town.

Burgess Hill Public Transport Strategy (2016)

West Sussex Transport Plan 2011-2026 (2011)

West Sussex Walking and Cycling Strategy 2016-2026 (2016)

Listed Building and Conservation Area (LBCA) Act 1990

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

National Planning Policy Framework (NPPF) (December 2024)

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.

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.'*

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

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.'

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.'

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.

ASSESSMENT

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

- Principle of Development
- Design, Visual Impact and Landscape
- Trees
- Ecology & Biodiversity
- Transport, Highways and Movement
- Residential Amenity
- Water Resources, Flood Risk & Drainage
- Sustainability
- Listed Buildings
- Other Issues
- EIA Regulations
- Planning Balance and Conclusion

Principle

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.

The principle of the development has been established by the granting of the outline planning application DM/18/5114 in October 2019 which permitted

'Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.'

The outline permission was amended by Section 73 applications DM/21/3729 and DM/23/0747.

As part of the outline approval, parameter plans were approved that identify the key principles and broad locations of elements of the development. The Access and Movement parameter plan (004 Rev 11) shows the location of the principal pedestrian/cycle routes and highways connections, including a new link road running through the Northern Arc within a 10m corridor. The submitted reserved matters application for this part of the link road is in broad accordance with the approved parameter plans as per the requirements of the outline permission.

Furthermore, it should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill. Policy DP9 is the relevant policy in the District Plan which allocates the strategic development of which this application site forms a part of. Policy DP9 states:

'Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:

- Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*
- 25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;*
- Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;*
- A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;*
- Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and*
- A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive.'*

This application provides part of the new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane as identified in this Policy.

Policy DP9 further states:

'Strategic mixed-use development in this location will:

- Progress in accordance with an allocation-wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to and approved by the local planning authority. Each planning application to be determined should accord with such approved documents unless otherwise agreed by the local planning authority.'

SDP2 of the Masterplan sets out that the proposal will include the provision of a link road between the A273 Isaacs Lane and the A2300.

This proposal is an important element of this link road.

SDP3 of the Masterplan sets out that the development will provide, inter alia, a new Green Super Highway through the Northern Arc.

The proposal includes part of the Green Super Highway.

Policy DP7 of the District Plan sets out general principles for strategic development at Burgess Hill. The Policy states:

'Strategic development will:

- Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*
- Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;*
- Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;*
- Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*
- Provide a range of housing including affordable housing, in accordance with policy DP31: Affordable Housing and housing for older people;*
- Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity; Provide an effective telecommunications infrastructure, including provision for broadband; and*
- Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

The compliance of the proposed development with these requirements is discussed in the relevant sections of the remainder of the report.

In addition to the granting of the outline permission and the allocation policies, the site is located within the built up area, as defined by the Mid Sussex District Plan. Policy DP6 of the Mid Sussex District Plan states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

In light of the above points, it is evident that the principle of the proposal is clearly established.

Design, Visual Impact and Landscape

Policy DP7 of the District Plan requires strategic development at Burgess Hill to identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan.

Policy DP9 requires land uses and infrastructure delivery to identify and take account of environmental, landscape and ecological constraints appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible.

Policy DP26 of the District Plan relates to character and design. In part it requires developments to be well designed, be of a high-quality design and layout with appropriate landscaping and greenspace; contribute positively to and clearly define public and private realms as well as creating a sense of place whilst addressing the character and scale of surrounding buildings and landscape.

The Masterplan sets out the following at SDP2:

'The design and character of Northern Arc avenue will be developed to ensure that it strikes the optimum balance between its place-making role at the heart of the community, uniting the various character areas across the Northern Arc, and its role as a supporting through route.'

The Masterplan sets out the following place-making objectives at SDP7:

- *'Creating walkable neighbourhoods with vibrant centres that are accessible to all;*
- *Co-locating schools, community centres and open spaces with the neighbourhood centres to support vitality and community identity;*
- *Designing streets as places that encourage social interaction as well as walking, cycling and public transport;*
- *Ensuring that streets, public realm and open spaces are well overlooked and designed to feel safe and secure;*
- *Creating a place that is easy to find your way around with a clear hierarchy of streets and spaces, landmark features and views;*
- *Setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links;*
- *Incorporating trees, gardens and green spaces throughout the development to provide shade and cooling during extreme heat events and to increase its ability to adapt to climate change;*
- *Supporting health and well-being through opportunities for active lifestyles and living in close contact with nature;*
- *Providing a variety of different character areas which reflect variations in landscape and topography, as well as the role and function of different parts of the community;*
- *Integrating business and employment uses to diversify day time activities;*
- *Accommodating car parking and servicing in ways that are convenient and safe but also unobtrusive.'*

SDP9 of the Masterplan states that design proposals will be assessed against the place-making objectives set out in the Design Guide (SDP8) and Building for Life 12.

SDP18 of the Masterplan sets out that *'the development will work with the Northern Arc's undulating topography to respect and build on the existing sense of place, as well as reducing the amount of earthworks and levelling required.'*

The Northern Arc Design Guide sets out *'the key urban design, public realm and place-making principles that will be applied across the whole of the new community.'* It is therefore intended to be used as a guide for all of the forthcoming reserved matters, including this application, to support the delivery of the overall vision. The relevance to this application is that the Design Guide establishes the broad parameters of the design of the development in relation to the following:

- Place-making
- Northern Arc Neighbourhoods and Centres
- Residential Character Areas
- Employment
- Access, Movement and Street Layout Design
- Car and Cycle Parking
- Landscape and Public Realm

The application has been to the Design Review Panel (DRP) at both the pre-application stage and once the Reserved Matters application had been submitted. A summary of these comments is set out below:

'The Panel found it difficult to join up the dots, with the infrastructure coming in first, as they don't know how the rest of the spaces will interact with the road. The road will restrict how other elements are designed and will impose the crossing points, however these might not reflect the actual desire lines once the surrounding parcels are developed, making it difficult to consider without designing the full scheme. Nonetheless, it was accepted that Homes England was bringing the infrastructure forward early to unlock the surrounding development parcels.'

'Overall there was a mixed review of the proposal with two members giving the proposal a red, while two members gave the proposal an amber and were happy with the proposal subject to the following recommended changes.'

In particular the Panel was concerned about the following issues:

- speeding around the engineered curve at the intersection with Cuckfield Road
- would prefer hatching replaced with an infill material
- connections between the square and the green should have a pedestrian priority
- remove central white lines
- the illustrative plans appear unrealistic (don't show it at different seasons and from day one)
- wanted to ensure the pipes to the tree pits were at regular intervals to ensure suitable watering.

The highway safety issues in relation to pedestrian crossings and speeding will be dealt with within the Highways Section of the report. It is noted that it is not common to see the infrastructure being designed and delivered in advance of the surrounding parcels, and it is acknowledged that there are some disadvantages to this approach, primarily that the new road layout could constrain the surrounding parcels and that key desire lines cannot be accurately predicted. However, there are also advantages to this approach, specifically that providing the infrastructure ahead of the development parcels will facilitate them being unlocked quicker than if the road were designed and delivered by the associated developer. It also ensures a standard design approach across the entirety of the road and enables the road to come forward in its entirety before residential plots are developed. The situation is not dissimilar from a residential development being designed alongside an existing road. Furthermore, if at the application stage for the adjacent parcels, amendments are required to the road, these could potentially be dealt with by an amendment to this application or subject to a further consent.

While the illustrative plans do not reflect how the landscaping will appear from day one, it is not considered that this would be sufficient to warrant a refusal of the scheme. The CGI's and visuals do not form part of the approved plans and landscaping details etc is covered in a following section of the report. In respect of the wider landscape impact, there will inevitably be the loss of trees and vegetation (as discussed in the tree assessment section), but it is recognised that this is unavoidable due to the need to provide this section of the spine road broadly within this location in accordance with the Northern Arc Masterplan and in accordance with the outline permission. In addition, the proposal includes a detailed landscape proposal, which includes additional tree planting, details of which is to be secured by a planning condition to ensure that the development would have an acceptable impact on the landscape.

With regards to the white lines, these have been required by WSCC Highways who will be adopting the highway and cannot be removed, however the hatched areas have been replaced by an infill material to address the DRP's comments.

The Northern Arc Design Guide requires the spine road to strike the optimum balance between its place making role and uniting the various character areas and its transport role. It is considered that the proposed development achieves this.

The proposal includes the following sections:

Part of Section 2B - Western Bridge to Central Neighbourhood Centre, within the design guide it sets out:

'Along the section between the western bridge and the Central Neighbourhood Centre of Northern Arc avenue, two lane carriageway must be 6.50m wide in total to accommodate the two way traffic and a bus service. The carriageway should be lined up with minimum of 4m wide tree verge which should accommodate 2.5m wide on-street parallel parking on both sides or either side where possible. The green verge will be then lined up with a 3m wide shared footway and cycleway on the northern side and with a 2m wide footway on the southern side.'

Section 2C -Central Neighbourhood Centre, within the design guide it sets out:

'This section of the avenue only covers the frontage of the Central Neighbourhood Centre. The cross-section of the avenue should be simplified along the centre by eliminating the tree verge and the on-street parallel parking in order to emphasize the square and the facilities along it. It must be formed of a 6.5m wide carriageway, a 3m wide shared footway and cycleway on the northern side and a 2m wide footway on the southern side. The material at this section of the avenue should respond to the character of the centre in order to create a sense of a high quality complete space.'

Section 2D -Central Neighbourhood Centre to B2036 Cuckfield Road, within the design guide it sets out:

'This short section of the avenue follows the same principles of the section along the Central Neighbourhood Centre. However due to the direct frontages of the buildings to the avenue it will have a greater sense of enclosure and more urban character.'

Section 3 - Cuckfield Road, within the design guide it sets out:

'The Northern Arc avenue will follow the alignment of the Cuckfield Road with an appropriate geometry that will be capable of accommodating a bus route. The Cuckfield Road will connect to the avenue with T-junctions which will be closely spaced.'

'This section of the avenue should provide a 6.5m wide carriageway, a 3m wide shared footway and cycleway on the northern side and a 2m wide footway on the southern side. It is acknowledged that the available corridor may limit width through out this section. Therefore it should be designed in detail at the further stages of the development.'

And finally Section 4- B2036 Cuckfield Road to Isaac's Lane, within the design guide it sets out:

'This section of the avenue should be fronted by a continuous building line. It should accommodate a 3m wide shared footway and cycleway on the northern side. In addition, it should accommodate the 4.5m wide Green Super Highway, the dedicated footway and cycleway, on the southern side (for further detail on Green Super Highway please see section 8.2.4).'

'In between the Green Super Highway and the shared footway and cycleway the avenue must accommodate a two lane 6.5m wide carriageway and should provide a 2.75m tree verge. This section should not include on-street parking.'

Although the verge is slight smaller than the 4 metres width envisaged within the Design Guide for section 2B, the proposal still contains significant 2.75 metre verges on both sides, with the street being tree lined, furthermore it incorporates the addition of a traffic tree island, which adds an interesting landscaped feature to the design, and incorporates verges to the southern sides of sections 2D and 3, which are beyond the original requirement of the design guide. As a result, the proposal is considered to be in broad accordance with the design guide. It is noted that the character of the road will be largely dependent on the design of the adjacent plots, however, this will be a matter for the future when these parcels come forward. Nonetheless, due to its broad compliance it is considered that this part of road infrastructure will help realise the place-making objective within the Design Guide.

To conclude this section, the design of this key piece of highway infrastructure is satisfactory and the subsequent landscape and visual effects are considered acceptable. The application complies with Policies DP7, DP9 and DP26 of the District Plan, Principles SDP2, SDP7, SDP8, SDP9 and SDP18 of the Northern Arc Masterplan, the NPPF and the Northern Arc Design Guide.

Trees

Policy DP37 of the District Plan states:

'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.*

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.'

SDP14 of the Masterplan relates to 'landscape and green infrastructure and states that:

'The development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place.'

SDP16 refers specifically to ancient woodland and veteran trees and states that:

'The multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone.'

SDP21 of the Masterplan sets out that green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions.

The applicant's submissions state the following in respect of the arboricultural impact:

'A total of 30 tree features will require removal or part removal to facilitate the Proposed Development; this includes five individual trees, three part tree groups and one part woodland as moderate quality (Category B), eight individual trees, one tree group, one part tree group, one hedgerow and eight part hedgerows classified as low quality (Category C) and the remaining two individual trees classified as unsuitable for retention (Category U). The Category U trees are arguably not suitable for long term retention and their removal is justified regardless of the Proposed Development.'

All of the trees to be removed are within the red line application boundary.

'Tree removals are required due to a direct conflict with the Proposed Development, to avoid inappropriate tree retention close to the new highway and associated infrastructure and to achieve the landscaping objectives for the Site.'

'Tree removals will be mitigated with a high quality scheme of new tree planting and associated landscaping works which will represent an opportunity to enhance the quality, benefits and resilience of trees on the Site.'

All of the remaining recorded trees can be retained and protected.'

The broad location of the road has been set by the parameter plans approved as part of the outline consent. While it is accepted that this would result in the loss of some trees, the Councils Tree Officer has been consulted on this application and has raised no objections to the proposal. The loss of these trees is therefore considered to be acceptable.

As part of the planning process the Tree Officer has also made suggestions in relation to the landscaping plans, to ensure that the scheme includes a substantial proportion of appropriate native trees. These suggestions have been incorporated into the application and the Tree Officer has recommended that the proposal is conditioned in accordance with the landscaping and planting plans. Subject to this condition they have raised no objections to the proposal.

It is therefore considered that the trees and landscaping accord with Policy DP37 of the District Plan and principles SDP14, SDP16 and SDP21 of the Masterplan.

Ecology & Biodiversity

Policy DP7 states in part that strategic development will: *'Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity;...'*

Policy DP9 also makes clear that *'the relevant land uses and infrastructure delivery for each phase: Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7: General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity...'*

Policy DP38 of the District Plan 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.'

SDP14 (Landscape and Green Infrastructure) of the Masterplan states that: *'The Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets. It will also deliver a net gain in biodiversity. This will be achieved by delivering ecological enhancements within the green infrastructure areas, such as ecologically valuable SuDS systems, private and shared garden and amenity space, and passive measures elsewhere such as green and brown roofs and the creation of new habitats through measures to support wildlife such as, for example, bat boxes. The development provides an opportunity to increase the diversity and resilience of tree cover, particularly in relation to climate change, pests and disease, as well as delivering a range of amenity benefits.'*

SDP15 of the Masterplan sets out that *'the Northern Arc will provide a rich variety of attractive open spaces. These will support wider biodiversity objectives and promote climate change, pest and disease resilience, as well as meeting community needs for recreation and supporting health and well-being.'*

SDP16 (Ancient Woodland and Veteran Trees) of the Masterplan sets out that, *'the multiple designated Ancient Woodlands within the Northern Arc, which are an irreplaceable habitat, will be retained and protected through a sensitive design approach. Ancient Woodlands will be incorporated into the framework of green spaces and protected by a buffer zone.'*

A similar ethos is found within Para 187 and 193 of the national Planning Policy Framework (NPPF).

There are two areas of Ancient Woodland, Bridge Farm Shaw North, within the application site and Bridgefarm Shaw to the south of the application site. As part of the Ecological Impact Assessment it has recommended that best practise measures are included within the Construction Environmental Management Plan (CEMP) to avoid constriction impacts from dust, lighting, noise and pollution. Embedded within the wider Brookleigh scheme is a requirement for 15m no development buffer to all Ancient Woodland and an additional 10m buffer where only soft landscaping such as swales are permitted.

As part of this application there is a short stretch of drainage infrastructure within Bridge Farm Shaw North, however, these works were considered as part of the DM/21/3279 where it was concluded that this incursion into the ancient woodland was acceptable as there were wholly exceptional reasons for this essential infrastructure. It is noted that these works are limited to an existing track, which help limit the impact on the Ancient Woodland. No other incursions to the Ancient Woodland or buffer are included within this application.

As part of the consideration of the impact on Ancient Woodland at the outline stage a condition was attached that requires any works within ancient woodland or its buffer not to commence unless and until an ecological design strategy addressing mitigation, restoration and compensation of Ancient Woodlands and their buffers have been submitted and approved. As part of this condition any losses of ancient woodland has a x30 factory requirement of bespoke compensatory woodland creation. This would be secured through this existing condition.

As set out within the Ecology Impact Assessment: 'The Proposed Development will result in the loss of approximately 3.9ha semi-improved grassland; 0.9ha improved grassland; approximately 980m hedgerow and individual broadleaved trees which will be replaced through creation of approximately 0.39ha of wildflower grassland, 0.11ha of wetland mix, 0.11ha of groundcover verge planting, and approximately 77 trees along the proposed Central Section, and approximately 0.31ha of wildflower mix, and approximately 0.09ha of native shrub planting at the proposed SuDS pond and dry detention basin.'

The Councils Ecology Consultant originally requested additional information, following the submission of the additional information the Ecology consultant have provided the following comments:

'Further to our response dated 5th December 2025, we have reviewed the additional information submitted, including the Landscape Planting Plan, Planting Schedules 1 to 8 Revision P05 (AECOM, February 2026) and Landscape General Arrangement / Planting Plan Overview P05 (AECOM, February 2026). We support these documents from an ecological perspective.'

Our previous comments in our response dated 5th December 2025 are summarised below:

We support the non-licensed Precautionary Method Statement for bats in Section 5.1.13 of the T39 Bat Emergence Survey Report (AECOM, October 2025) and agree that if felling does not occur within 12 months, then further emergence surveys for bats will be required. This should be secured by a condition of any consent and implemented in full.

We note that trees CS10 (Oak) and T32 (Oak) are due to be felled and have Potential Roost Features for individual bats (PRF-Is) (Ecological Impact Assessment (AECOM, February 2025). Therefore, we welcome the provision of bat boxes as compensation which will be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). In addition, the trees must be inspected by endoscope on the day and felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). We support the Precautionary Method Statement for bats in Section 7.4.3.3 of the Ecological Impacts Assessment (AECOM, February 2025), which should be secured by a condition of any consent to manage the risk for trees CS10 and T32.

We also note that Tree AW15 (Oak), which has PRF-M, will be retained and we therefore support the use of hand tools within 10m of the tree and the timing of works in early spring or autumn to limit impacts to this tree (Section 7.4.3.3 of the Ecological Impacts Assessment (AECOM, February 2025)).

We also support the planting of trees to facilitate the bat crossing at the Central Section (Section 7.5.2 of the Ecological Impacts Assessment (AECOM, February 2025)), particularly as the rare Barbastelle bat has been recorded on site in low numbers.

We note that two outlier Badger setts will be lost to the development, and we therefore support the Precautionary Method Statement for Badger and mobile species (including Hedgehog, which is a Priority and threatened species) in Section 7.2.5 of the Ecological Impacts Assessment (AECOM, February

2025)). We also support the pre-construction surveys for Badger in Section 8.1.2.2 of the Ecological Impacts Assessment (AECOM, February 2025)) to inform the need for any licence from Natural England. These and details of any additional mitigation should be secured by a condition of any consent and implemented in full.

As there are records for Slow Worm and Grass Snake within 2km of the site and there is some suitable habitat to support reptiles in the north of the site, we support the implementation of the Precautionary Method Statement for reptiles and common amphibians in Section 7.4.3.2 of the Ecological Impacts Assessment (AECOM, February 2025)).

We also support the implementation of a Wildlife Friendly Lighting Strategy for this application (Ecological Impacts Assessment (AECOM, February 2025)), to avoid impacts from light disturbance. We note that lighting documents of the proposed street lighting have been included with the application. However, it would be useful for the applicant to submit an ecological interpretation of these documents to ensure that the proposals will avoid lighting impacts to foraging / commuting bats. This should include reference to the Guidance Note:08/23 (Institute of Lighting Professionals).

We support the implementation of a 15m buffer zone between ancient woodland (irreplaceable habitat) and the development (Section 7.3 of the Ecological Impacts Assessment (AECOM, February 2025)) and the Outline Construction Environmental Management Plan (AECOM, January 2025)).

The Ecological Impacts Assessment (AECOM, February 2025) sets out the finalised proposals for biodiversity net gains for this phase of the reserved matters application and states that a measurable biodiversity net gain can be achieved for hedgerow and habitat units. However, we recommend that the completed metric calculation tool and associated condition assessments should be submitted for the LPA to review, to allow certainty for the LPA that measurable biodiversity net gains will be achieved for this phase.

We are aware that the Northern Arc scheme will deliver over 50 habitat units in the wider scheme. The LPA case officer has advised that Biodiversity Net Gain has been secured by a Section 106 legal agreement (10% secured across the scheme as a whole), agreed as part of permitted outline application reference DM/18/5114 (Case Officer, email 8th April 2024). We understand from the Case Officer (email 8th April 2024) that the outline application secures the BNG through the S106 with obligations for reports to be submitted every 500 occupations.

We recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

We look forward to reviewing the ecological interpretation of the lighting assessment when it becomes available.'

The CEMP requirements referred to are addressed through condition 8 of the outline consent DM/18/5114 (as amended by DM/21/3279 and DM/23/0747) this condition sets out the need for each reserved matters area to be subject of a construction and environment management plan. a condition has also been recommended to ensure the lighting proposed is acceptable in relation to its impact on bats.

It should also be highlighted that the legal agreement secured as part of the outline permission, secured biodiversity net gain across the whole of the outline application site area.

The reserved matters submission is therefore considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Principles SDP14, SDP15 and SDP16 of the Masterplan and the NPPF.

Transport, Highways and Movement

Policy DP21 of the District Plan 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.'

Policy DP22 of the District Plan states:

'Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

Policy DP7 states that strategic development will, inter alia

- '- Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*

- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;..*
- Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;...'*

Site specifically Policy DP9 requires 'A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive.'

Policy DP28 of the District Plan 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.'

The Masterplan sets out the following at SDP1-:

- *'Permeable layout that integrates with the surrounding highway network*
- *Maximise sustainable patterns of movement*
- *Highway design will direct traffic to the A2300 via the A273 and the Northern Arc avenue and minimise movement through the villages to the north of the site*
- *Northern Arc avenue to provide a new through connection between A273 Jane Murray Way and A2300 in the west and A273 and Maple Drive in the east*
- *Priority junctions and traffic signals favoured over roundabouts to support permeability for pedestrians and cyclists*
- *Two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway*
- *Network of secondary pedestrian and cycle links will be provided throughout the Northern Arc linking the area to the wider town to provide attractive, convenient and safe routes to facilitate sustainable movement*
- *Three neighbourhood centres, connected to each other by the Northern Arc avenue, located so people can walk to local facilities and services within 5 to 10 minutes of their home, as well as being accessible by cycle, public transport and car.'*

SDP2 of the Masterplan refers to the Northern Arc avenue and states that:

'In accordance with Local Plan policy, the development of the Northern Arc will include the provision of a link road between the A273 Isaac's Lane and the A2300 as described in SDP 1. This new link will be provided by the Northern Arc Avenue and will serve both as a through route (alongside the A273 Sussex Way/Jane Murray Way) and as a development access road.'

SDP3 of the Masterplan states that the Northern Arc will provide two strategic pedestrian and cycle links

- an enhancement of the Green Circle and a Green Super Highway.

SDP4 of the Masterplan requires that, alongside the strategic links of SDP3, a network of pedestrian and cycle links will be provided throughout the Northern Arc linking into the existing town.

SDP10 of the Masterplan states that the Northern Arc will seek to maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and wider district.

The Northern Arc Design Guide divides the central avenue into a number of different sections, with the road being a minimum of 6.5 metres wide throughout to allow for two way traffic. The sections do differ in relation to parking provision and verges, but all contain a shared 3m footway and cycle way and a 2m footway (which becomes the Green Super highway between the B2036 Cuckfield Road and A273 Isaacs Lane.)

The approved IDP also sets out the intent of the applicant to deliver appropriate infrastructure within the Northern Arc that would include the following:

- On Site Road Network
- Road and Footbridges
- Highway Access Point Works
- Public Transport Projects
- Sustainable Travel Projects
- Walking and Cycling Projects
- Active Mode Main Access Point Works
- Off-site Highway Works

Policy G6 of the Burgess Hill Neighbourhood Plan refers to footpath and cycle links and states that new development will be expected to provide links to the existing network where appropriate.

The Burgess Hill Town Wide Strategy sets out a number of requirements including :

- *'a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*
- *improved public transport, walking and cycling links as well as better roads.*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)'*

In respect of new housing to the north of the town, The Town Wide Strategy requires, amongst other matters:

- *'sustainable transport measures and links into the town centre.*
- *a northern link road taking traffic away from Sussex Way, thus creating a sustainable transport corridor;'*

While the NPPF sets out:

'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.'

The application as submitted shows that the scheme would incorporate a 3m wide shared footway and cycleway on the northern side of the proposed road. The southern side would have a 2 metre wide footpath, with the proposal also incorporating sections of the Green Super Highway and the Green Circle. These provisions would provide pedestrian and cycle connections along the central avenue and

into the adjacent parcels, which is in compliance with both the Access and Movement Parameter Plan and the Northern Arc Design Guide.

It is acknowledged that these connections will be dependant on the proposed layout of the adjacent parcels and ensuring that they are also in accordance with the parameter plans and the design guide. However, all future development of Brookleigh is required to be in broad compliance with these documents.

The proposal does not impact on any existing Public Rights of Way and the WSCC PRow Officer has been consulted on the proposal to which they have raised no objections.

In addition, West Sussex Country Council (WSCC) as the Local Highway Authority (LHA) have been consulted on the proposal and raise no objection, subject to the inclusion of certain conditions.

Highway Safety

The new road has been designed to a safe standard, including at the junctions with Cuckfield Road where the new road would take priority.

Revised accesses have been provided to the Squires and the Alternative Provision College via a spur road connecting into Cuckfield Road.

Visibility splays are provided in accordance with Manual for Streets requirements at all junctions.

The road is designed to have a 20 mph speed limit, with Cuckfield Road being reduced to 30 mph in the immediate vicinity of the site rising to 40 mph further north. In order to facilitate this change, a series of off-site speed reduction measures have been proposed along Cuckfield Road. As these do not fall within the application site, permission cannot be approved for these as part of this application. However, indicative speed reduction measures for Cuckfield Road have been provided with this application and a condition is recommended to secure these speed reduction measures prior to the commencement of works. In addition, a scheme of monitoring is recommended to be secured by condition and any additional measures to be implemented in accordance with a scheme to be agreed.

Junction modelling has indicated that all the junctions would operate within capacity. Wider junction modelling, outside of the application site was carried out as part of the outline application and this application would not alter these conclusions.

Vehicle tracking has been provided demonstrating that two HGVs or buses can pass each other at all times along the route. In relation to refuse vehicles, a refuse vehicle would need to cross the centre line of the secondary road to complete the manoeuvre. Given the limited occurrence of these movements and the benefit of the reduced kerb radii to pedestrians and cyclists, the impact of the movement is acceptable in safety terms.

Vehicle tracking has also been provided for a max length legal artic at the junctions with Cuckfield Road. The tracking does show considerable over run of the adjoining lane and ghost right hand turn lane on the central section. However, it is anticipated that the number of vehicles undertaking the movements would be low, any vehicles approaching from the east would have the opportunity to continue on Issacs Lane to reach Burgess Hill and those heading northbound would have the option to utilise the central section if travelling from the west, or would be limited in number if travelling from central Burgess Hill.

A stage 1 Road safety audit has been undertaken and a designers response produced. The majority of auditors recommendations have been agreed with, and an exception report produced for those the designer and WSCC do not agree with. These items generally focused on the provision of crossroads, visibility splays in the vicinity of bus stops, level differences between the shared use provisions and building plots and the vehicle tracking identified above. The exceptions are mostly as a result of the design approach, which is to support movements by pedestrians and cyclists, with limited numbers of vehicles crossing between the side roads leading to residential parcels. Impacts on the visibility splays from buses would be limited in time frame and levels differences would be resolved as the future phases are developed. As such the overall highway safety level of the proposals would be acceptable.

Sustainable Transport

A 3m wide shared pedestrian/cycle route has been provided along the northern side of the Northern Arc Avenue in line with the parameter plans.

The eastern section of the road, between Isaacs Lane and Cuckfield Road provides the Green Super Highway (a segregated cycle and pedestrian route), this links in with the Green Super Highway already permitted on the Eastern Bridge and Link Road to the east. At the junction with Cuckfield Road this heads south on the western side of Cuckfield Road. The western most section of the road also contains a small section of Green Superhighway. This is in line with the parameter plans which demonstrate that the Green Superhighway will head eastwards through future development parcels rejoining the carriageway in the west.

In the middle section of the proposal between Cuckfield Road and the west of the application, a 2m pedestrian footpath is provided on the pavement. Pedestrian footpaths are also provided on the eastern side of Cuckfield Road (heading south) and the western side of Cuckfield Road (heading north).

Pedestrian and cycle crossing points are provided along the road in the proximity of junctions, bus stops and key facilities. Many of the crossing opportunities are provided on raised tables. Copenhagen Crossings are provided across all the accesses to future parcels.

The design of the proposal is therefore considered to encourage sustainable movements.

This route will be a key public transport corridor serving Brookleigh, a minimum of a 6.5m carriageway is provided to allow two buses to pass and a total of 6 bus stops are proposed along the route to serve key destinations and future residential parcels. The bus stops will be provided with bus cage marking and include flag poles and shelters. The final design of the bus stops will be secured via condition.

Parking

A total of 24 parking spaces are proposed along the central section and would provide supporting parking for future land uses alongside the central section including the central neighbourhood centre, primary school and parkland. this level of parking is considered to be acceptable. additional parking will be secured through the future development parcels.

Subject to the recommended conditions and in the absence of any unacceptable impacts on highway safety, severe cumulative impacts from the proposal or any technical objection from the LHA there is no reason to object the proposal on highways grounds.

It is evident from the above assessment that the application therefore complies with Policies DP7, DP9, DP21, DP22 and DP28 of the District Plan, Principles SDP1, SDP2, SDP3, SDP4 and SDP10 of the Masterplan, the Northern Arc Design Guide, the IDP, Policy G6 of the Burgess Hill Neighbourhood Plan, the Burgess Hill Town Wide Strategy and the NPPF.

Residential Amenity

Policy DP26 of the District Plan 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...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.'*

The policy test of whether or not an application is acceptable in respect of the impact on residential amenity is therefore down to whether significant harm is demonstrated or not.

Policy DP29 of the District Plan states in part that:

'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;*

Air Pollution:

- It does not cause unacceptable levels of air pollution;*
- Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;*
- Development proposals (where appropriate) are consistent with Air Quality Management Plans.'*

There are a number of commercial and residential dwellings adjacent to the site, The closest to the site are as follows:

- West Sussex Alternative Provision college to the north and east
- Bridge Hall Farm House and Bridge Harm House to the west
- Oak Lodge to the south
- Hook Place Lodge to the east
- Hook Place to the east
- Four trees to the west
- Bridge Farm Cottage to the west

Concerns have been raised in relation to impact on neighbouring amenity in respects of loss of outlook and noise and disturbance.

In relation to outlook, it is not considered that the construction of the road would have a significant impact on outlook, as it would not include any tall or vertical massing that would impact outlook, instead the road is considered to preserve the openness of the site. It is noted that future parcels could impact on outlook, but that will be dependent on the design and proximity, details of which will be considered as part of the associated reserved matters.

In relation to noise and disturbance, it is acknowledged that there could be some degree of disruption during construction work but this would not justify a refusal of the application as they will be temporary in nature and are necessary to facilitate the development. The building works will in any event be mitigated as much as possible through working hours restrictions and the Construction Environmental Management Plan that will control various matters such as construction traffic routes, dust control, noise control, site set up, contractor parking and other mitigation measures. These mitigation measures have already been secured through the conditions attached to the outline planning consent (condition 8 of DM/23/0747) and need to be agreed with the local planning authority prior to commencement of development.

It is important to note that outline planning permission has already been granted for this new section of link road broadly in this location by virtue of the granting of consent of application DM/18/5114 as amended. This outline planning application was accompanied by an Environmental Statement that considered the likely significant effects of the proposal. The planning application was assessed taking into account both the contents of the Environmental Statement and the views of the Council's Environmental Protection team. It was concluded that the proposal would not have a significant impact on neighbouring residential amenity in respect of air or noise pollution and appropriate conditions, including those related to construction, would ensure this.

Takin the above into account, it is reasonable to conclude that the proposal will not cause significant harm to neighbouring residential amenity so the application is therefore considered to be in accordance with Policies DP26 and DP29 of the District Plan.

Water Resources, Flood Risk & Drainage

Policy DP9 requires the relevant land uses and infrastructure delivery for each phase, to, in part:

- Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;
- Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;..."

Policy DP41 of the District Plan 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 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.'

Policy DP42 of the District Plan states:

'New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and
- that there is adequate water supply to serve the development.

Planning conditions will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.'

SDP20 of the Masterplan states that green infrastructure will help to reduce flood risk and manage storm water through an extensive network of SuDS.

The IDP identifies that the Northern Arc will deliver potable water, surface water and foul water projects to the development.

As part of the outline permission, a regional surface water masterplan was created, this split Brookleigh into a number of different drainage areas based on the existing site topography and estimated surface water runoff for development within each area. The central section would include 4 of these networks 4.3, 4.8, 5.6 and 9.7 and the runoff rates will be restricted to 7.9 l/c/ha for the impermeable areas.

The proposal is seeking to utilise bioretention areas, oversize pipes and hydro-brakes to control run off rates to ensure that they meet q-bar equivalent rates at the outfall, with the provision of SUDS ponds 12 and 13 combined with tree pits that will allow for run off to enter and filter through.

The Lead Local Flood Authority have been consulted on this application and have raised no objection to the proposal. It is also worth noting that there are a number of conditions attached to the outline permission that secures details of the proposed drainage, as such it is not necessary to repeat that condition on the Reserved Matters application.

In light of the above comments, the proposal is considered to be in accordance with Policies DP9, DP41 and DP42 of the District Plan, Principle SDP20 of the Masterplan, the IDP and the NPPF.

Sustainability

Policy DP39 of the District Plan 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'*

SDP21 (Climate Resilient Development) of the Masterplan states that:

'Development within the Northern Arc will seek to make best possible use of passive design approaches to optimise the internal comfort of buildings. Coupled with extensive green infrastructure, these will in turn help to manage external comfort by managing air flows, temperature and shade.'

Green infrastructure will also help to reduce flood risk and manage storm water through an extensive network of biodiverse SuDS. Evidence of response to future climate projections (i.e. UKCP18) will be required for all future development.

Green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions of the south east, in order to respond to the hotter, drier summers and the colder winters. Additionally, a wide palette of species will be used to enhance the existing species range on site in order to improve resilience to pests and diseases.'

SDP22 (Low Carbon Energy) of the Masterplan states that:

'Development at the Northern Arc will promote low carbon energy technologies, meeting criterion 1 of Part L of Building Regulations through passive design and embracing the transition to electric vehicles.'

Buildings will be oriented for solar gain, alongside fabric efficiency measures. The development will also incorporate low carbon energy generation/distribution to ensure that energy performance delivers a meaningful reduction in carbon emissions from the baseline. This could include the use of emerging technologies, such as waste heat networks and local electricity storage and aggregation.

All properties with off- street parking will include charging points. For properties with on-street parking, there will be sufficient charging points to be ahead of the emerging electric vehicle market. The development will also include rapid charging points for taxis and buses and will provide electric car clubs to help reduce congestion and overall vehicle movement.'

SDP23 (Integrated Water Management) of the Masterplan states that:

'Responding to the challenge of water stress across the South East, the Northern Arc will identify opportunities to reduce potable water demand to below the 110 litres per day required by Part G of the Building Regulations.'

To deliver this, a non-potable water network will be required, building on the existing commitment to an extensive network of natural SuDS which, as well as mitigating flood risk, will provide an alternative source of water and allow for the potential reuse of waste water.'

SDP24 (Construction and Material Use) of the Masterplan states that:

'The development will take into consideration the whole life cost and embodied carbon of all building materials to encourage innovated and sustainable use of natural resources. This will include the principles of 'Long life/loose fit' - buildings designed for adaptability with a simple floor plate, good daylighting, generous floor to ceiling heights and adequate space for servicing that enables easy reconfiguration of internal space as well as design for disassembly.'

Homes England has an ambition to deliver homes at the Northern Arc at an accelerated pace, including through the use of Modern Methods of Construction (MMC). These comprise use of volumetric systems, panelised systems and systems which use pre-manufactured components.'

The IDP also sets out a number of Sustainable Travel Projects including walking and cycling projects and travel plans.

Paragraph 150 of the NPPF seeks to ensure new development helps, 'to reduce greenhouse gas emissions, such as through its location, orientation and design.' Paragraphs 153 expects new development to, 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

Given that this application is only seeking to provide a section of road infrastructure, there is limited scope for this part of the wider Brookleigh development to deliver on sustainability in isolation. However, it will play a key role in supporting sustainability objectives, as well as directly delivering walking, cycling and equestrian provision, linking into existing and future routes and helping to provide the infrastructure for the bus route, which will also support sustainable transport options for future development parcels.

In light of the above it is reasonable to conclude that the proposal will not result in significant environmental effects in relation to sustainability and is therefore considered to be in accordance with Policy DP39 of the District Plan, Principles SDP21, SDP22, SDP23 and SDP24 of the Masterplan, the IDP and paragraphs 150 and 153 of the NPPF.

Listed Buildings

The red line of the application site does not contain any listed buildings, however to the north of the site is the grade II Listed Building Bridge Farm as well as the grade II listed building Firlands Court to the south. In the outline permission the Conservation concluded in part:

'The level of harmful impact on Hook House Farm, Firlands and Bridge Farm may be to an extent academic, as this is likely to always remain within the 'less than substantial' level of harm defined by the NPPF, so that the consideration set out in paragraph 196 will apply.'

The 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'.

Case law has stated that: *'As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

The Courts further stated on this point *'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

Policy DP34 of the District Plan states in relation to Listed Buildings:

'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;...*
- *Special regard is given to protecting the setting of a listed building;'*

The supporting text to principle SDP14 (Landscape and Green Infrastructure) in the Masterplan states that the Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets.

Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below;

'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 of 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 exceptional.'*

'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.'

Consideration was given to the impact of the proposal on heritage assets as part of the original outline permission (DM/18/5114), where the level of harm was also considered to be less than substantial. While closely related to the development parcel there is buildings and screening between, in addition the road, due to its level, horizontal nature would limit its impact.

In this case the decision maker needs to weigh up whether or not the identified less than substantial harm outweighs any public benefits brought about by the development. This balancing exercise is carried out in the final section of the report. The impact on the listed building has not changed since the outline application was last taken to committee and it was resolved to grant consent.

Other Issues

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission, are items that could be dealt with effectively by planning conditions or other legislation, have been addressed through the outline consent or are not material planning considerations.

Third party concerns have been raised in relation to the Town Centre, with it requiring improvements due to a number of units being vacant. However, this application is not for the town centre and whilst this application is for a road, it would unlock a number of development parcels, which in turn would increase the population and actually help support the town centre.

EIA Regulations

The outline planning permission, DM/18/5114 as amended, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. This application is considered to be a subsequent application as it is part of the same project.

Within the planning statement it contains a statement of conformity which concludes that *'the proposals result in no additional significant environmental effects and therefore the residual effects and conclusions of the 2018 ES and 2019 ES Addendum remain valid.'* In this case the local planning authority considers that the environmental information already before the Council is adequate to assess the significant effects of the development of the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement and addendum submitted under the outline permission and S73 applications remain relevant.

PLANNING BALANCE AND CONCLUSION

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, the Site Allocations Development Plan Document, the West Sussex Joint Minerals Local Plan 2018 Partial Review (2021) and the West Sussex Waste Local Plan (2014).

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, or every aspect of an individual policy, within the Development Plan.

In terms of the principle of the development, this has been established through the granting of the outline permission DM/18/5114 (as amended), which permitted the broad location of the spine road (Northern Arc avenue) which transverses east to west through the strategic allocation. The site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill, and a Masterplan and Infrastructure Delivery Plan have been approved as material planning considerations for the site.

Furthermore, the site is also considered to be located within the built up area as defined by the Mid Sussex District Plan. Therefore, taking into account all of the above the development is considered acceptable in principle.

The proposal is considered to be acceptable in respects of the visual impact, with the proposal being in broad accordance with the requirements of the Northern Arc Design Guide. The impact on the surrounding landscape, which is acknowledged for a strategic development of this scale would inevitably have some impacts on the existing landscape features is acceptable, with the detailed landscaping being secured by condition.

The proposal would result in less than substantial harm to the setting of Fairplace Bridge House and Bridge Farm (both Grade II listed) which carries *'considerable importance and weight'* in accordance with

s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990. This harm is in conflict with policy DP34 of the MSDP. The guidance in paragraph 215 of the NPPF is that the harm should be weighed against the proposal's public benefits. The harm must be given '*great weight*,' to properly reflect the fact that the preservation of listed buildings and their settings is desirable. It is considered that the public benefits of the scheme unlocking a number of parcels for housing, neighbourhood centre, school and associated open space on a site that has outline approval, together with the economic benefits (including construction jobs and additional spending in the locality) outweigh the less than substantial harm to the setting of the heritage assets in this instance.

In regards to highways access and safety, WSCC Highways have raised no technical objection to the proposal subject to the recommended conditions. In light of these comments and subject to the recommended conditions there are no reasonable grounds to refuse the application on highways related matters.

It is not considered that the proposal would result in significant harm to neighbouring residential amenity. It is noted that there will be some level of disruption during construction, however this is only temporary and the impact of the building works will be mitigated through conditions on hours of work and the requirement for the submission of a Construction Environmental Management Plan already attached to the outline consent.

No technical objection has been received from the Lead Local Flood Authority and as such it is considered that there are no technical reasons to object to the scheme in respects of water resources, flood risk and drainage noting that additional details on these matters are secured by conditions attached to the outline consent.

The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP6, DP7, DP9, DP20, DP21, DP22, DP26, DP28, DP29, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policy G6 of the Burgess Hill Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the Burgess Hill Town Wide Strategy (2011), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposal is therefore considered to be in accordance with the Development Plan and there are no other material considerations which indicate the planning application should be refused.

The application should therefore be approved subject to the conditions listed within the decision notice.

Decision: Permission

Case Officer: Joseph Swift