

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1894	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Construction of cycle path link		
Site:	Land West Of Ockley Lane, Burgess Hill, West Sussex, , , , ,		
Validation Date	4 Aug 2025	Overall Expiry Date:	26 Aug 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	30 Jan 2026
Recommendation:	Permission	Recommendation Date:	30 Jan 2026
Target Date:	29 Sep 2025	Recommending Officer Signature:	<i>Andrew Watt</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	30 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1894

**Land West Of Ockley Lane, Burgess Hill, West Sussex, , , ,
Construction of cycle path link
Taylor Wimpey South Thames**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

MSDC Consultant Ecologist

No objection, subject to conditions.

MSDC Tree Officer

No objection, subject to condition.

TOWN / PARISH COUNCIL OBSERVATIONS

The Committee of 26th August would Recommend Approval.

INTRODUCTION

Full planning permission is sought for the construction of a cycle path link.

RELEVANT PLANNING HISTORY

In March 2020, planning permission was granted on this site for the construction of a bridleway link (DM/18/4980). This permission has lapsed.

That permission was linked to an outline planning application DM/18/4979, which was for up to 500 dwellings, land for a 2-form entry primary school and community building and land for a bridleway link between Hassocks and Burgess Hill. This was granted permission in March 2020 (followed by Reserved Matters approval DM/21/2841) and has been implemented, albeit the development is not yet complete.

An application to vary condition 33 of planning application DM18/4979 to amend the wording to read "No more than 350 dwellings shall be occupied until the bridleway link between the development and Burgess Hill, including the section consented under planning permission DM/18/4980, has been fully implemented and available for use" is awaiting determination (DM/25/0766).

An application to modify the Planning Obligation under Schedule 7 Clause 1.5 (completion of bridleway works), Clause 1.7 (cycle stands), Clause 1.9 (pedestrian improvement works) and Clause 1.10 (vehicle activated sign works) is awaiting determination (DM/25/0897).

An application to modify the Planning Obligation under mortgagee exclusion clause in Schedule 4 Affordable Housing is awaiting determination (DM/25/2784).

SITE AND SURROUNDINGS

The 0.71ha site forms the western edge of a field parcel, which is laid to pasture and forms part of the Green Circle around the periphery of Burgess Hill (known as Batchelors Farm Nature Reserve, which is owned by Burgess Hill Town Council). It is heavily used by local people for informal recreation.

The main London-Brighton railway line runs parallel to the site along a cutting beneath, separated by a belt of vegetation and a few trees. There is further vegetation cover to the south. Land levels drop noticeably from north to south from the elevated position at the north affording long views across to the South Downs. From this point, the red-lined site connects with an existing set of intersecting Public Rights of Way: footpath BUH/60B/1 runs in a straight line within the site along the far western boundary; bridleway BUH/19aBH/1 runs east-west towards London Road and crosses the railway line via a bridge; bridleway BUH/18BH/2 runs alongside the vegetation next to the railway line in a northerly direction towards the built-up area of Burgess Hill and connects with footpath BUH/17/BH/1 which runs all the way to Keymer Road next to the railway station, and with bridleway BUH/16BH/1 which runs through residential properties to Keymer Road just south of the junction with Folders Lane; and footpath BUH/20BH/1 runs across the fields and connects to Keymer Road past the Water Tower opposite Wellhouse Lane.

In policy terms, the site is located within the countryside and is designated as a Great Crested Newt - Impact Risk Zone (Amber).

APPLICATION DETAILS

Full planning permission is sought for the construction of a cycle path link, as part of an off-road strategic bridleway link to be constructed between Hassocks and Burgess Hill. It seeks to reinstate the planning permission granted under ref: DM/18/4980 to enable the cycle link to be delivered.

It will connect with the existing public rights of way to the north and run in a sinuous fashion towards the belt of vegetation to the south, where it will connect with the remaining footpath link to be constructed towards the new housing development in Hassocks to the south (Ockley Park). This is subject to a separate application, being in the ownership of the housebuilder.

In detail, the path will be 3m in width with 0.5m margin either side. The surfacing will be crushed stone with a finer material surface (to be agreed with West Sussex County Council), apart from a short section of tarmac at the entrance to Batchelors Farm. The existing gate will be relocated and two steel bollards will be installed, set 1.5m apart, to prevent access from unauthorised vehicles. In the southernmost part of the site will be proposed planting of additional fruit trees within the orchard, to deliver on-site Biodiversity Net Gain.

The developer has advised that the existing Public Right of Way (BUH/60B/1) will be diverted to the new cycle link.

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.

Using this as the starting point, the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan and Site Allocations Development Plan Document (DPD). There is no neighbourhood plan covering this particular area.

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP11: Strategic Allocation to the north of Clayton Mills, Hassocks
Policy DP12: Protection and Enhancement of Countryside
Policy DP21: Transport
Policy DP22: Rights of Way and other Recreational Routes
Policy DP26: Character and Design
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

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 the Stage 1 hearings were concluded on 31 October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, 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:

DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPB1: Character and Design
DPT1: Placemaking and Connectivity
DPT2: Rights of Way and Other Recreational Routes

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG8: Establish a clear movement network that connects with the surrounding area

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 39 (decision-making), 48 (determining applications), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 105 (public rights of way), 109 (promoting sustainable transport), 131 and 135 (design), 136 (trees), 187 (conserving and enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Principle

Policy DP12 of the Mid Sussex District Plan seeks to protect the countryside and states (in part):

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

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

In this instance, Policy DP11 (land north of Clayton Mills) states, inter alia, that development at the site will:

'provide safe pedestrian/cycling routes within the development and to connect with existing residential area, the services within Hassocks village centre, Hassocks railway station, and enhance that there is an agreed cycle route to Burgess Hill'.

Policy DP21 of the Mid Sussex District Plan states (in part):

'... decisions on development proposals will take account of whether:

- *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;'*

Policy DP22 of the Mid Sussex District Plan states (in part):

'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).'*

Having regard to the above, the principle of the proposed cycle link is acceptable and therefore consideration needs to be given to any other issues that may impact on the suitability of the proposal.

Design and impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;'*

Subject to condition requiring further detail of the surfacing material, the scheme would comply with this policy and with Design Principle DG8 of the Mid Sussex Design Guide.

Impact on trees

Policy DP37 of the Mid Sussex District Plan supports the protection and enhancement of trees, woodland and hedgerows, and encourages new planting.

The submitted information identifies a number of trees, both individual and groups, within the application; however, none of these will be affected by the proposals, as the route has been planned to avoid encroachment onto Category B trees. The only vegetation required to be removed to facilitate the proposal is a small section of hedgerow along the southern boundary (Hawthorn and Blackthorn) to link up with the remainder of the route contained in application DM/18/4979 and two small sections of bushes at the far north of the site (Hawthorn and Blackthorn) to allow working room for surface treatment. All other trees and vegetation are shown to be protected by barriers and/or ground protection.

The Council's Tree Officer has considered the application and has not raised an objection, subject to a condition securing adherence to the Arboricultural Impact Assessment and Tree Protection Plan. These views are agreed with, and accordingly it is considered that the proposal would accord with Policy DP37 of the Mid Sussex District Plan.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan seeks to ensure that developments protect and enhance biodiversity. Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by minimizing impacts on and providing net gains for biodiversity. Paragraph 193 advises that applications should be refused if significant harm to biodiversity or loss or deterioration of irreplaceable habitats will be caused.

A Preliminary Ecological Appraisal has been submitted as part of this application. Recommendations are made to ensure removal of any features supporting nesting birds is done outside of the breeding bird season (March-September inclusive) and to further enhance the site for wildlife, including provision of tree mounted Bat boxes, Bird boxes and Dormouse nest boxes, and log piles.

The Council's Ecological consultant has considered the proposal and raises no objection to the scheme, noting that a small section of suitable habitat for Hazel Dormouse needs to be removed, which can be secured by a licence extension previously granted by Natural England. Subject to compliance with suitably worded conditions, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Amber). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

Biodiversity Net Gain

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

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

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

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15).'*

The Council's Ecological consultant has considered the proposal and supports the submitted Biodiversity Net Gain Feasibility Assessment. No significant on-site enhancements are present, so the proposed 15 trees do not require a Habitat Management and Monitoring Plan (HMMP) or legal agreement for the delivery and monitoring of enhancements for a 30 year period from the completion of development. Overall, it is recommended that finalised details of reasonable BNG enhancement measures are outlined within a separate Biodiversity Compensation and Enhancement Strategy, as well as compensation measures for Hazel Dormouse. These can be secured through condition, so would comply with the above policies, guidance and legislation.

Other matters

It is noted that the process of dedication to form a public bridleway will need to be undertaken through a separate process with West Sussex County Council, under the Highways Act 1980, and that the final details of the proposals, including surfacing and any structures, will also need to be agreed with WSCC PRow under a separate process. A suitable condition is proposed to cover this latter point.

PLANNING BALANCE AND CONCLUSION

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

In this case the proposed provision of part of a new bridleway route, that in tandem with the remainder proposed under application DM/18/4979, would enable a connection between Hassocks and Burgess Hill to be formed (which would also utilise existing routes), accords with Policies DP11, DP12, DP21 and DP22 of the District Plan. The proposal not only encourages sustainable transport links between Hassocks and Burgess Hill but would also enable people to access additional leisure and recreational routes between the two settlements.

The route can be provided without impacting on any existing trees and proposed enhancements will enable some genuine biodiversity gains to be achieved. In this regard the proposal accords with Policies DP37 and DP38 of the District Plan.

The proposal clearly accords with the Development Plan and there are no material considerations that indicate an alternative conclusion should be reached in this instance. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Watt

