

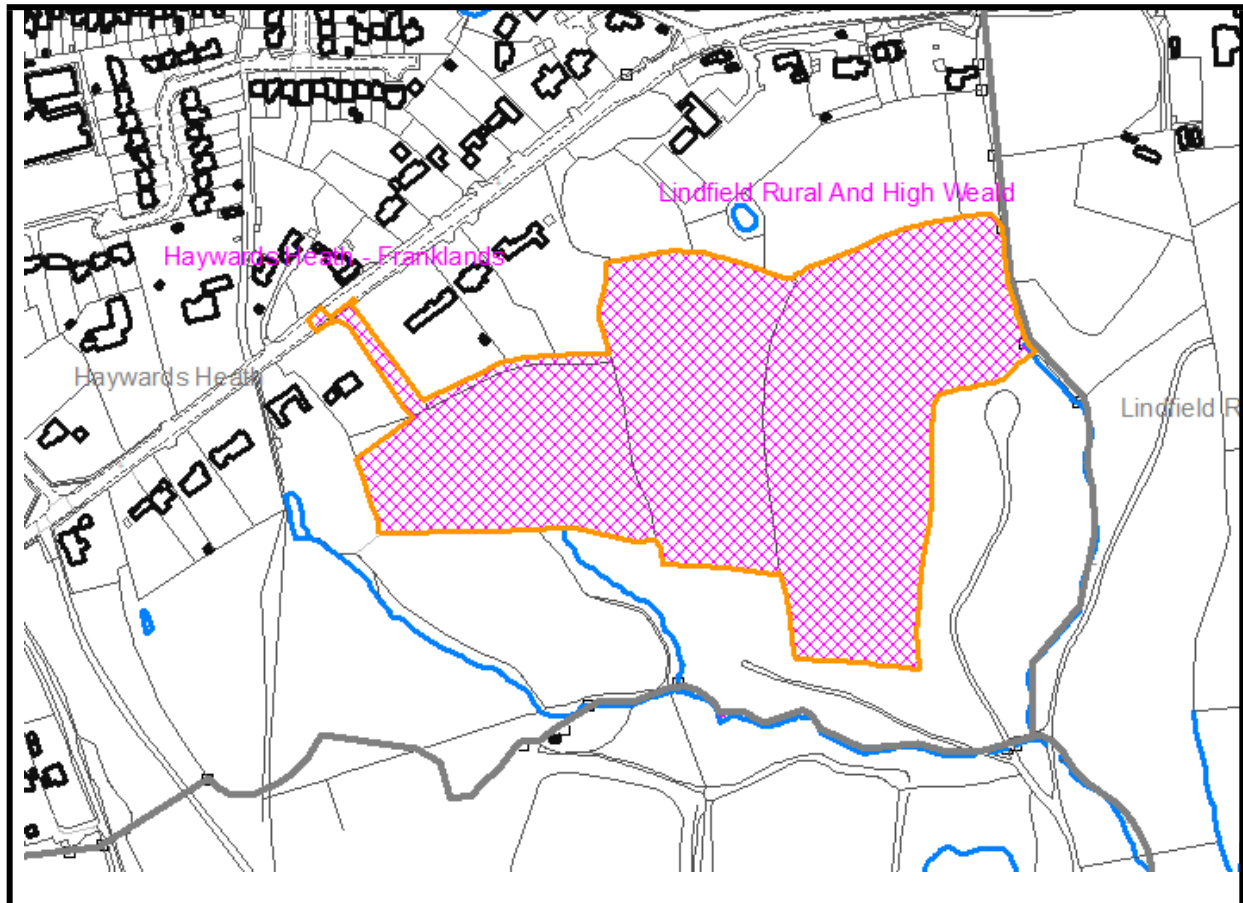
District Planning Committee



Recommended for Permission

21st August 2025

DM/25/0445



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Site:	Land At Colwell Farm Lewes Road Haywards Heath West Sussex
Proposal:	Outline application with all matters reserved except for access, for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.
Applicant:	Miller Homes Ltd
Category:	Smallscale Major Dwellings
Target Date:	1st September 2025
Parish:	Haywards Heath
Ward Members:	Cllr Rod Clarke / Cllr Paul Kenny /

Case Officer:	Joanne Fisher
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Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SRXW1LKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks outline planning permission for up to 80 dwellings with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses on land at Colwell Farm, Lewes Road, Haywards Heath.
- 2.2 It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.
- 2.3 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 2.4 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 within the Development Plan.
- 2.5 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Haywards Heath as defined by the District Plan. As such the site is located within the defined countryside.
- 2.6 Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.

- 2.7 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.8 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 2.9 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy E5 of the HHNP seeks to designate land outside the built-up area of Haywards Heath as a local gap to create a landscape buffer and prevent coalescence. It is considered that moderate weight that can be afforded to policy E5.
- 2.10 The proposal would provide up to 80 dwellings, including 30% affordable housing, locally equipped area for play (LEAP) and public open space. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 2.11 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. However, the site is well enclosed and would not be visible in wider viewpoints. To meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 2.12 The proposal would provide up to 80 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 2.13 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.

- 2.14 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.15 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain both on site and off site through purchasing credits. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case meeting the mandatory 10%), should be given positive weight in the planning balance.
- 2.16 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.17 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.19 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.20 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 2.21 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm would fall into the less than substantial category, as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable.
- 2.22 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, 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.

- 2.23 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.24 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. The proposal also conflicts with policies DP34 and DP35 of the MSDP.
- 2.25 In relation to the HHNP it is considered the application complies with policies E6, E7, E8, E9, E11, T1 and T3. The application complies with some, but not all the criteria within policy E5.
- 2.26 Taking all of this into account, it is your Planning Officers view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the development plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'*.
- 2.27 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.28 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.29 The proposal would provide up to 80 new dwellings, 30% which would be affordable, at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.30 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular

movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.

- 2.31 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change. There would also be a loss in a number of mature trees within the site, however, this could be mitigated through replacement planting.
- 2.32 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, Travel Plan, Traffic Regulation Order (TRO) and TRO highway works, the biodiversity net gain requirements and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 21st November 2025 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing, the infrastructure contributions, off site highway works and the biodiversity net gain requirements. The application therefore conflicts with Policies DP20, DP21, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

A total number of 150 representations across the three consultation periods. The representations have raised the following issues which can be summarised as follows:

Principle

- Site is not allocated for housing;
- Site has previously been dismissed by the Council as being unsuitable for development due to the negative impact on the Lewes Road Conservation Area;
- Building on greenfields is not sustainable and result in a loss of landscape and countryside;
- Inappropriate size and scale;
- Overdevelopment;
- Designated as a 'green corridor' in the Haywards Heath Local Plan which policy E5 applies;
- Result in further pressure to continue high density infill development up to and along Slugwash Lane;
- Outside development boundary;
- Proposal contrary to National, District Plan and Neighbourhood Plan policies;
- Reduces strategic gap to Scaynes Hill;

Highways

- Due to location of site be car dependant isolated from local services and facilities;
- Additional pressure on local roads with increase in traffic movements;
- No plans to make Lewes Road safe for pedestrians through suitable crossings and a reduction in the speed limit;
- Limited scope for sustainable travel;
- Extension to the 30mph speed limit would be welcome;
- Increase in traffic results in serious problem of disrepair of roads and situation will worsen;
- Consider traffic volumes and speeds have increased significantly since 2022 data from WSCC;
- Developer has underestimated transport speeds by the site entrance;
- Consider more detailed highway investigation should be carried out by WSCC to consider if there will be an unacceptable safety hazard if an uncontrolled pedestrian crossing is created;
- Reduction in speed limit unlikely to be effective as drivers exceed speed limit east of Birch Close and would need to enforce speed limit;
- Inaccessible routes and narrow footway along Lewes Road;
- Suggested use of PROW 29CU unsuitable as muddy;

Infrastructure

- Infrastructure at breaking point with schools, medical facilities and roads unable to cope with further development on this scale;
- Local bus services are inefficient;
- Current water utility provider unable to cope with current development and more building would increase problem;

- No communal services or facilities proposed;
- Few opportunities for local employment within walking distance of the site; increase strain on emergency services;

Drainage

- Site is in a flood risk area;
- Area suffers from drainage issues and flooding and development would add to problem;
- Southern Water consultation response raised that additional flows may lead to an increased risk of foul flooding from the sewer network;
- Development requires a pumped foul drainage system proving site is not naturally suited to housing;

Heritage

- Impact on setting of Grade II Listed Colwell House, surrounding curtilage and low-density neighbourhood;
- Result in obstruction of views from and towards Colwell House;
- Development will cause harm to the Lewes Road Conservation Area;
- Loss of character to Lewes Road with some houses of heritage value;
- Site forms part of land which has been used since Neolithic times for the production of charcoal;

Residential amenity

- Cars turning out of access road at night cause light pollution to house directly opposite;
- Affect mental health of local residents over loss of space;

Ecology

- Incursion to the current vista over ancient woodland and countryside;
- Site is a rich haven where wildlife does not generally thrive;
- Loss of three fields would represent a significant loss of wildlife habitat causing considerable ecological damage;
- Loss of at least 20 mature trees including those within the Conservation Area;
- Site has multiple species of rare bats and other mammals;
- Conflict with NPPF in relation to ecology;
- Net gain in biodiversity has not been demonstrably addressed;
- Unsuitable for ancient woodland
- Not considered impact of deer which graze on fields and the impact on road safety as site would be opened up on to road;
- Will require a licence from Natural England and not yet done so;
- Impact on Dormice which are a European Protected Species;
- Dormouse activity found 30m from the proposed access and was not included within submitted Ecological Impact Assessment;
- Ecological Impact Assessment and Lighting Strategy does not consider the trees that need to be removed for roads that will be crossing hedge/tree lines between the fields nor included information of additional light sources on impacts on bats;

- Translocation of reptiles to narrow strip of grass and habitat is not a sufficient habitat;
- BNG assessment is incorrect;
- Omitted information on Badgers;
- Site contains important hedgerows as defined within the Hedgerow Regulations which are continuous and provide ecological role in enhancing biodiversity;
- Evidence of Hedgehogs occur on site which are a priority species and would not accord with para's 187d and 192b of NPPF which seek to protect and enhance biodiversity and support threatened species;
- Minimal mitigation plan for Hedgehogs and no consideration on impact of the site roads

General comments

- Development is excessive and unnecessary as new development been approved close to site of 375 homes with no ecological impact and with infrastructure;
- Area cannot sustain the intended growth with multiple applications coming through;
- Errors and omissions in submitted documents in respect of ecology and transport assessments;
- Contrary to DP21, DP32, DP34, DP35 and DP37 of the District Plan and E5 and E9 of the Neighbourhood Plan;
- Developer needs to work with local bus operators to bring back into use bus stop along Lewes Road;
- Land marked as public space and allocated for playground should be turned into a local Nature Reserve;
- Inadequate street lighting along Lewes Road with no additional lighting proposed;
- Statement of Community Involvement has no value as sample size was 6 individuals;
- No local need with recent developments at Fox Hill, Wivelsfield, Sandrocks, Walstead, and Scaynes Hill and with approved development at Scamps Hill;
- Disruption during construction.

5.0 Summary of Consultees

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions in relation to education, libraries and Total Access Demand.

WSCC Local Lead Flood Authority

No objection subject to conditions.

WSCC Highway Authority

No objection subject to conditions and a legal agreement.

WSSC Fire and Rescue Service

Request conditions regarding fire hydrants.

WSSC Minerals and Waste

No objection subject to the LPA being satisfied that the value of the resource has been duly assessed, in conjunction with comments from their Conservation Officer, to demonstrate that the prior extraction of the mineral resource is economically unpracticable or environmentally unfeasible.

Sussex Police Crime Prevention

Makes recommendations regarding the layout and design of the scheme.

Sussex Police Infrastructure

Require an infrastructure contribution.

West Sussex Clinical Commissioning Group

Require an infrastructure contribution.

Southern Water

This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Ecological Consultant

No ecological objection subject to attached conditions.

Nature Space (Great Crested Newts)

No objection subject to condition regarding a method statement.

Landscape Consultant

Concerns regarding the impacts of the development on the local character. However, if minded for approval, have a number of recommendations.

Archaeological Consultant

No objection subject to conditions.

MSDC Planning Policy

Whilst the Council has performed excellently against other Government measures of delivery (Housing Delivery Test) the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

MSDC Contaminated Land Officer

No objection subject to conditions.

MSDC Environmental Health Officer

No objection subject to conditions.

MSDC Housing Enabling Team

The proposal generates a requirement for 24 affordable units.

MSDC Tree Officer

Objection. Concerns on loss of mature trees which could not be compensated by replanting.

MSDC Leisure Officer

Requires infrastructure contributions in relation to formal sport and community buildings. Full details of a children's play space in the form of a LEAP would need to be secured by condition.

MSDC Conservation Officer

Although we have only an illustrative masterplan before us rather than a fully worked up scheme, it is clear that the development would have a fundamental impact on the character of the site, which would become suburbanised. This will remove and reverse the positive contribution which it currently makes to the settings of the heritage assets.

MSDC Street Name and Numbering

Informative

6.0 Haywards Heath Town Council Observations

The Town Council notes the new highways information provided, but this does not change their position of strong OBJECTION to this proposal.

The Town Council wishes to reiterate their previous comments submitted on 14/05/2025 and 20/03/2025 which state:

'The Town Council OBJECTS to this proposal and wishes to reiterate their comments of 20/03/2025 which are below;

'The Town Council is extremely disappointed by the submission of this application and considers it to be opportunistic and speculative.

The Town Council OBJECTS to the proposal on the following grounds:

1. it is not an allocated site in the Haywards Heath Neighbourhood Plan and is contrary to Policies E5 and E9; 2. it is not an allocated site in the Mid Sussex District Plan 2014- 2031 and is considered contrary to elements of Policies DP26, DP34 and DP35;
3. the site falls outside of the built-up area line of the town;
4. the proposal constitutes development within the green belt;
5. the proposal would be detrimental to the neighbouring Lewes Road Conservation Area;
6. the proposed highway access to the development at this point on Lewes Road (which is part of the busy A272) would generate an unacceptable increase in vehicular traffic entering and leaving the highway to the detriment of highway safety;
7. the proposed highway access - between two existing/established properties in Lewes Road - would be detrimental to the amenities of residents living there;
8. as well as being partially comprised of ancient woodland, the site is home to numerous species of endangered, vulnerable and protected wildlife including: Hazel dormice, adders, multiple species of bats, hedgehogs, Great Crested newts (this is in fact listed as a red area site for this species), deer and badgers. Disturbance of Hazel dormice, protected bats and badgers is a criminal offence. The development would destroy vital habitat, feeding, nesting and hunting grounds for these species and the Town Council believes the proposals do not go far enough to ensure the protection of these, particularly in regard to the large badger set found on site. The development would also result in the loss of a vital wildlife corridor.

In the event that the application is approved despite these objections, the Town Council requests that developer Section 106 contributions for local community infrastructure be allocated towards the proposed allotments, cemetery and Country Park on land off of Hurstwood Lane.

Furthermore, any consent must be conditional on a significant improvement in what is being offered in terms of the proposal's accessibility, connectivity, and sustainability, such as: the creation of controlled crossings/a pedestrian bridge across Lewes Road, improved footpaths, wildlife tunnels and cycle paths.'

Additionally, the Town Council seeks clarification on the TAD scheme mentioned in the WSCC document dated 06/05/2025 as access to the site is a major concern.

7.0 Introduction

- 7.1 This application seeks outline planning permission for the erection of up to 80 dwellings, with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses, on land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex. It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.

8.0 Relevant Planning History

- 8.1 There are no previous planning applications of direct relevance to the determination of this application.

9.0 Site and Surroundings

- 9.1 The site of the planning application lies to the south of North Colwell Farmhouse and comprises of three irregular open greenfield parcels, which are separated by belts of mixed hedges and trees.
- 9.2 The proposed access lies within the built-up area of Haywards Heath, with the wider application site for the dwellings within the countryside as defined in the District and Neighbourhood Plan.
- 9.3 The site benefits from extensive vegetation around the boundaries with trees and hedges also within the site. Beyond the southern boundary is Ancient Woodland. To the north of the site are residential properties and their gardens which form linear ribbon development along Lewes Road. These are comprised of large, detached dwellings. To the northern boundary is the Lewes Road Conservation Area. In addition, there is a Grade II listed property of Colwell House
- 9.4 The site is allocated as a local gap within the Haywards Heath Neighbourhood Plan (HHNP).
- 9.5 Further to the west is a public right of way (HAH/29CU/2) which runs north to south. This is separated from the site by the neighbouring garden and other land outside of the application site. This footpath is well screened and there is no intervisibility.

10.0 Application Details

- 10.1 This application seeks outline planning permission for the erection of up to 80 dwellings, with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses, on land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex. It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.

- 10.2 The application is supported by parameter plans, an illustrative masterplan and an indicative open space proposal. These show how the internal layout of the site could be configured to accommodate the development that has been applied for. The plans show a new vehicular point of access onto the Lewes Road, which is to be fixed and determined at the outline stage.
- 10.3 The plans show a new access point onto Lewes Road that would serve the whole development. This access would be located within the eastern side garden of North Colwell Farmhouse between this property and no. 90 Lewes Road. Further highway plans have been submitted which show that there would be the provision of a dropped kerb crossing with tactile paving to the south-west of the proposed access and that the existing telegraph pole would be re-sited. This would allow pedestrians to cross Lewes Road to access the existing footway on the northern side of the highway. These works are included within the red line of the application site.
- 10.4 Plans have been provided to show off-site highway works to include a further uncontrolled pedestrian crossing with dropped kerbs and tactile paving and the existing northern footpath widened at the eastern side of the entrance to Birch Close to allow pedestrians to cross the highway to access the footpath which then moves to the southern side of Lewes Road.
- 10.5 The supporting information of the parameter plan (which forms part of the consideration of the application) and the masterplan (which is an indicative plan) shows that there would be a single spine road within the site serving the development with housing provided within the three parcels of land separated by the retained planting on the internal boundaries of the site. This plan also provides an indicative play area location to the west of the site and the creation of a pond to the south of the site. There would also be public open space provided across the site to the boundaries and pathways around the site. Details of this would however come forward at any subsequent reserved matters stage.
- 10.6 The illustrative masterplan plan shows a centrally located access road, with houses arranged in perimeter blocks off this access road. Houses are shown as facing outwards towards the landscaping and open areas as well as the access roads.
- 10.7 The application has been accompanied by a number of supporting statements for consideration consisting of:
- Design and Access Statement;
 - Planning Statement;
 - Statutory Biodiversity Metric;
 - Ecological Impact Assessment;
 - BNG Habitat Management and Monitoring Plan;
 - Landscape and Visual Impact Assessment;
 - Lighting Strategy;

- Arboricultural Reports
- Heritage Statement;
- Flood Risk Assessment and Drainage Strategy;
- Phase II Site Appraisal;
- Air Quality Assessment;
- Acoustic Assessment;
- Transport Assessment;
- Transport Note;
- Travel Plan;
- Statement of Community Involvement; and
- Planning Obligation Form.

11.0 Legal Framework and List of Policies

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

11.2 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,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

11.3 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.'

11.4 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.

- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan but is an important material consideration.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.

11.10 The following list of policies are relevant in the determination of this application;

11.11 **Mid Sussex District Plan (MSDP) 2014-2031**

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

Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP13 - Preventing Coalescence

DP15 – New Homes in the Countryside

DP20 - Securing Infrastructure

DP21 - Transport

DP23 - Communication Infrastructure

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP34 - Listed Buildings and other Heritage Assets

DP35 – Conservation Areas

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

11.12 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

The following policy is considered to be relevant:

SA38 – Air Quality

11.13 Haywards Heath Neighbourhood Plan (HHNP)

The Neighbourhood Plan for Haywards Heath was 'made' in 2016. It forms part of the development plan with full weight.

Relevant policies for consideration:

Policy E5 – Local Gap

Policy E6 – Promoting Green Infrastructure within the site

Policy E7 – Incorporation of sustainable drainage systems

Policy E8 – Sustainable development

Policy E9 – Protecting and reinforcing the local character

Policy E11 – Major development of the edge of Haywards Heath

Policy E13 – Private outdoor amenity space

Policy T1 – Provision of pedestrian and cycle connections

Policy T2 – Cycle route contributions

Policy T3 – car parking

11.14 **Other Legislation**

Countryside and Rights of Way Act (CROW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.15 **Other Material Considerations**

11.16 **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 the 31st 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPS6 - Health and Wellbeing

DPN2 – Biodiversity Net Gain

DPN4 – Trees, Woodland and Hedgerows

DPN9 – Air Quality

DPC1 – Protection and Enhancement of the Countryside

DPC2 – Preventing Coalescence

DPC3 – New Homes in the Countryside

DPB1 – Character and Design

DPB2 – Listed Buildings and Other Heritage Assets

DPB3 – Conservation Areas

DPT1 – Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPH1 – Housing

DPH2 – Sustainable Development – Outside the Built-Up Area

DPH7 – Housing Mix

DPH8 – Affordable Housing

DPH9 – First Homes

DPH11 – Dwelling Space Standards

DPH12 – Accessibility

DPI1 – Infrastructure Provision

DP12 – Planning Obligations

11.17 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.

SDP Development Infrastructure and Contributions (2018)

Affordable Housing Supplementary Planning Document (SPD)

WSCC: Guidance on Parking at New Developments (Sept 2020)

11.18 National Planning Policy Framework (NPPF) (December 2024)

11.19 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.

11.20 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.'*

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

11.22 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.'

11.23 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.'

11.24 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.

National Planning Policy Guidance (PPG)

12.0 Assessment

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

- The principle of development
- Transport matters
- Landscape Impacts
- Heritage Assets
- Design/layout/accessibility and sustainability
- Affordable housing and mix
- Residential amenity
- Contaminated land
- Trees and Ecology
- Drainage
- Infrastructure

- Ashdown Forest
- Other Matters
- Planning Balance and Conclusion

12.2 Principle of Development

- 12.3 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.
- 12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Haywards Heath as defined by the adopted District Plan. As such the site is located within the defined countryside.
- 12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.6 Policy DP6 of the MSDP states in part that:
- 'Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built-up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*
- 12.7 The proposed residential development does not meet all of these criteria.
- 12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include:
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.9 The proposed residential development does not meet any of these special justifications.
- 12.10 Policy E5 of the HHNP identifies the site as a local gap and requires land outside of the built-up area to create a landscape buffer that will support and enhance

ecological connectivity and maintain the landscape character. It states that new development outside the built-up area will only be permitted if it:

- *'would not unduly erode the landscape character of the area or its ecology*
- *would not harm the setting of the town and*
- *would retain and enhance the separate identity of communities.'*

12.11 As set out further within this report, it is considered that the proposal would not unduly erode the landscape character of the area, would not harm the setting of the town and would retain the separate identity of communities. As such it is considered that the proposal would comply with this policy.

12.12 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site.

12.13 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. As per planning legislation, a decision must be made in accordance with the Development Plan unless there are any material planning considerations which indicate otherwise. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

12.14 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

12.15 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

12.16 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states:

'For decision-taking this means;

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*
 - i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework*

taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.17 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.18 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.19 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.20 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.21 As part of this process, the weight to be given to Development Plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.22 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.23 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

- 12.24 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.25 Policy E5 of the HHNP requires development within the local gap to maintain the landscape character of the area and identifies 3 requirements for where new development would be permitted in relation to not unduly eroding the landscape character, not harm the setting of the town and retain the identity of communities. Whilst this policy does not specifically relate to the provision of housing, the aims are considered to be consistent with paras 82 – 84 and 187 of the NPPF. As such this policy can be given moderate weight.
- 12.26 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

12.27 Transport matters

- 12.28 Policy DP21 in the MSDP 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.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.29 Policy T1 of the Neighbourhood Plan states:

'Planning applications for new major development proposals will be required to provide good pedestrian and cycle connections with safe crossing points to the existing pedestrian and cycle network linking to the town centre and local services. Proposals for residential or commercial developments will be required to deliver good pedestrian and cycle connections as part of a comprehensive approach to movement that aims to encourage walking and cycling and reduce reliance on vehicles.'

12.30 Policy T3 requires sufficient on-site car parking and states:

'Planning applications which result in the loss of existing off-street parking provision will be resisted unless it can be demonstrated that the development will enhance the vitality and viability of the town centre and, where possible, such schemes should aim to improve parking provision in the town centre. Development outside the defined town centre boundary should provide on-site parking in accordance with the standards adopted by MSDC.'

12.31 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals'. These are set out below;

'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.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

12.32 The application has been supported by a Transport Assessment (TA) which includes a Stage 1 Road Safety Audit, a Framework Travel Plan, and two Transport responses following comments from the Highways Authority. All these documents have been carefully considered by the Local Highway Authority (LHA), and their comments can be found in full in appendix B to this report, and on the planning file.

12.33 There are several differing highway elements that need to be considered when determining this application; access arrangements; impact on highway network; sustainable transport; and parking. All these elements will be considered separately in the following paragraphs.

12.34 Access arrangements and off-site works

12.35 A single vehicular access point into the site would be created between North Colwell Farmhouse and 90 Lewes Road, using the side garden area of North Colwell Farmhouse. This would form a simple priority junction with a 5.5-metre-wide access road with a 2-metre-wide pedestrian footway on the western side of the proposed access road leading onto the southern side of Lewes Road. To the west of the access would be the provision of a dropped kerb and tactile paving to provide a pedestrian crossing onto Lewes Road to access the pedestrian footway opposite.

12.36 In respect of the proposed access the LHA acknowledge that the site access and visibility splays are based on existing observed speeds and therefore the proposed access is not dependent on a speed limit change. Visibility splays for the access into the site have been revised during the course of the application as shown on drawing

ITL-19597-GA-004H. These take into account the WSCC Automatic Traffic Count (ATC) data following third party representations regarding traffic data. The revised splays of 2.4m x 118m for westbound traffic and 2.4m x 109m for eastbound traffic can still be achieved within the highway boundary.

- 12.37 Regarding the off-site highway works the LHA consider that the package of off-site measures which are inclusive for all will help support walking and wheeling, in the local vicinity. These off-site works would be included within a S106 agreement and be delivered by the applicant.
- 12.38 The LHA have no objection to this access point or the associated offsite works. Your Planning Officer has no reason to disagree with the views of the LHA in respect of these matters. It is considered that a satisfactory access point can be provided to serve the development and that the proposed off-site works are reasonable.
- 12.39 Impact on highway network
- 12.40 An Automatic Traffic Counter (ATC) was placed on the A272 Lewes Road close to the proposed site access for a seven-day period during December 2023. The average daily flows were 587 vehicles eastbound and 628 vehicles westbound.
- 12.41 Lewes Road adjacent to the site is subject to a 40mph speed limit. The 85th percentile speed taken from the ATC show that vehicle speeds are slightly higher than the speed limit of 41 mph in the eastbound direction and 42.5 mph in the westbound direction.
- 12.42 The Transport Assessment and Transport Note response (March 2025) notes that the applicant would be willing to progress a Traffic Regulation Order (TRO) to reduce the speed limit from 40mph to 30mph outside of the site.
- 12.43 The trip generation for the proposed development has been calculated using trip rates derived from the industry standard TRICS trip rate data base. Based on 80 dwellings the expected trips in the AM peak hour (8am – 9am) would generate 73 two-way trips (15 IN, 58 OUT) and in the PM peak hour (5pm – 6pm) would generate 64 two- way trips (44 IN, 20 OUT). In the AM peak this would equate to 1 trip leaving the site every minute, and 1 trip entering the site every 4 minutes. In the PM peak this would equate to 1 trip leaving the site every 3 minutes, and 1 trip returning into the site every 1 minute.
- 12.44 The LHA advise that they *'are satisfied the trips associated with this development would not generate a level of trips which would be considered high enough to require any further junction design. The travel to work census data has also been used to determine the direction of travel most likely to be taken and suggests that journeys to work made by car are most likely to travel from the site in a westerly direction with the remaining spread out in lots of different directions. This information has been shown on network flow diagrams and show the majority of traffic movements will be making left turns out of the site and right hand turns in.'*
- 12.45 The LHA requested for the site access and the Birch Hotel roundabout to be modelled to ensure no additional highway improvements were required. The applicant used junctions software. In summary the results show the highway network can operate within capacity in both baseline and future year scenarios. Queue lengths were also investigated, and the results show no queues would be created as a result of the development at both the site access and the Birch Hotel roundabout.

12.46 The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.

12.47 Sustainable Transport

12.48 In line with guidance in the NPPF, the applicants have provided a section in relation to opportunities to promote sustainable travel modes for the site in their Transport Assessment (TA). The TA refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite highways improvements.

12.49 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Framework Travel Plan, which has been assessed by the LHA. The Framework Travel Plan will aim to achieve at least a 10% reduction in vehicular trips during a 12-hour weekday period of 7am - 7pm in line with WSCC guidance. The Framework Travel Plan includes the provision of vouchers for discounted travel by bus or rail tickets or cycle / cycling equipment purchase; a residents information pack and information about car sharing through the West Sussex car share area of the Lift Share website. In addition off-site highway works are proposed to encourage walking from the site. These would include improvements to the existing footways along Lewes Road and Snowdrop Lane

12.50 The proposal includes several off-site improvement works to pavements around the site. The plans show the provision of a dropped kerb and tactile paving to provide six uncontrolled crossing surrounding the site to improve pedestrian access into the Haywards Heath and local services. This would include outside the site to provide access onto the footpath opposite and by the access of Birch Close to provide a crossing back over Lewes Road. There would also be the removal of an existing layby along Lewes Road A272 (near junction of Snowdrop Lane) with a 2-metre footway and a layby provided within this footway for Royal Mail due to existing post boxes. In addition an uncontrolled crossing across Orchid Park with dropped kerbs and tactile paving is proposed. These off-site highway works would seek to encourage residents to walk from the site to the wider area to access the bus stops and local services including Northlands Wood Primary School.

12.51 The submitted Framework Travel Plan proposes an incentive of a travel voucher for either cycling equipment, towards a bicycle or towards bus/rail tickets. This type of voucher would allow a flexible approach to encourage different travel modes. The Travel Plan would be secured through the legal agreement.

12.52 It is considered that the above measures are reasonable mitigation in relation to promoting sustainable transport options to access the site.

12.53 Car and Cycle Parking

12.54 As this is an outline planning application, future reserved matters applications will deal with the provision of car and cycle parking. The Transport Assessment sets out

that the car parking provision on the site would be provided having regard to West Sussex County Council guidance in parking at new developments for Parking Behaviour Zone 3. Car parking on the residential site will include both active and passive provision for charging electric vehicles. There are no reasons to think that a satisfactory level of cycle and vehicle parking could not be provided at the reserved matters stage.

- 12.55 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging points will be detailed as part of the reserved matters application.

12.56 Construction stage

- 12.57 It is normal practice on major developments such as this, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.

- 12.58 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed. Such a CMP can be dealt with by condition.

12.59 Other matters

- 12.60 Comments have been received in respect of a reduction in speed limits and an extension to the 30 m.ph speed limit to include the access for the site. This is not a matter which would be dealt with as part of this planning application and would be a separate matter for West Sussex County Council. However, the applicant has confirmed they are willing to progress a TRO to reduce the speed limit from 40mph to 30mph.

- 12.61 Concerns have been raised in respect of the pedestrian crossing points from the site. The LHA consider that the location of the informal crossing points is considered to be in the best possible locations for both crossing points, these are based on desire lines. Whilst a formal pedestrian crossing was considered at pre-application planning stage investigations revealed there is not enough space in the highway to accommodate a crossing, and all the infrastructure required. Importantly the number of dwellings associated with this development would not ordinarily trigger the need for a permanent crossing. In addition, a refuge island was considered, but the carriageway is not wide enough.

12.62 Transport Conclusions

- 12.63 To summarise on transport matters, it is considered that the applicants have demonstrated that a satisfactory vehicular access point can be formed onto Lewes Road. The level of vehicular movements that would be generated by the proposed development would not result in a severe impact on the highway network, which is the relevant test.
- 12.64 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. With planning conditions to secure the details

of the access and highways works, and a legal agreement to secure the Travel Plan and the TRO and TRO highway works scheme, it is considered that there are no sustainable reasons to resist the application on highways grounds.

12.65 Landscape Impacts

- 12.66 One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).
- 12.67 The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to *'maintains or where possible enhances the quality of the rural and landscape character of the District'*.
- 12.68 Policy E5 of the HHNP relates to land outside of the built-up area and in part and requires new development will only be permitted if it *'would not unduly erode the landscape character of the area or its ecology'*.
- 12.69 Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*. It's important to note that the site and the surrounding landscape do not fall within any national designation.
- 12.70 The application has been supported by a Landscape and Visual Impact Appraisal (LVIA) and a letter response provided in respect of the Council's Landscape Consultants comments.
- 12.71 The Councils Landscape Consultant advises that the site is located within the HW4 High Weald Fringes Landscape Character Area (LCA) of the West Sussex Landscape Character Assessment. Key Characteristics of this LCA which are relevant to the site include the wooded, confined rural landscape of intimacy and complexity, long views over the Low Weald to the Downs, significant woodland cover, dense network of hedgerows and trees, pattern of small, irregular shaped assart fields.
- 12.72 The site comprises three fields, located adjacent to an Ancient Woodland which defines the southern site boundary. The extent of intervening hedgerows and trees and the shapes of the three fields indicates that site comprises assart fields which are very characteristic of the LCA.
- 12.73 The Councils Landscape Consultant considers that based *'on the other characteristics of the LCA, we judge that the site is characteristic of the local area and contains a number of features which positively contribute to the character. It also contains features which are notably sensitive to change, including the assart fields.'*
- 12.74 In reviewing the location of the site, the Councils' Landscape Consultant reasons that the *'proposed development site is unlikely to experience the visual effect of the countryside transition of users on the A272. However, the character effects of the countryside transition to the south and into the wider countryside will be impacted by the development.'*
- 12.75 In terms of landscape character, the Councils Landscape Consultant considers that *'Whilst we recognise that the extent of screening and sense of enclosure within the*

site will lower the susceptibility, the assessment has neglected to appreciate that this also visually and perceptually separates the site from the surrounding residential extension to Haywards Heath and provides a strong sense of place within an undeveloped area of the countryside.’ They go on to consider ‘this development would constitute a major change to the key character of this site resulting in a permanent alteration where the baseline situation will be substantially changed.’

- 12.76 In relation to visual amenity and the nearby public right of way to the west of the site, the Council's Landscape Consultant states *‘In winter months, views may be obtained of the residential development which would impact the sense of entering the countryside from the built-up edge of Haywards Heath.’* In addition, they consider that *‘the site is very enclosed and visual effects are limited. Other than from residential properties, the development is unlikely to notably impact upon other public viewpoint receptors. Our only concern, which has been highlighted within the LVIA, is the visual impacts of the access on the A272 which requires extensive tree removals.’*
- 12.77 With regards to the overall impact of the proposal, the Council's Landscape Consultant has concerns regarding the impact of the development on local character.
- 12.78 However, the Consultant goes on to make recommendations regarding design and layout, planting and an integrated SuDS strategy.
- 12.79 The submitted LVIA sets out a number of mitigation measures to reduce the potential impacts of the development. These include:
- Ensuring a 15 metre wide buffer is enforced around the boundary of the ancient woodland without incursions by roads, buildings or gardens.
 - Retaining the western part of the site as open space to protect the setting of the Conservation Area.
 - Retaining the existing site boundary vegetation (other than to form the site entrance and visibility splays) and including additional native species which are prevalent in the local area to provide dense vegetative features along all the site boundaries
 - Strengthening the “field boundaries” within the site by removing ash affected by ash die-back disease and planting additional native hedging species to fill gaps.
 - Setting the residential properties away from all the site boundaries to provide enough space for mitigation planting to establish and be maintained.
 - Introducing additional buffer planting to the northern and eastern site boundaries to reduce intervisibility with existing properties along the south side of Lewes Road.
- 12.80 In respect of the letter response from the applicants provided following the consultation response, the Council's Landscape Consultants maintain that they *‘would have judged the effects on the site and immediate context as higher than medium. We judge that this development would constitute a major change to the key character of this site resulting in a permanent alteration where the baseline situation will be substantially changed.’*
- 12.81 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its

own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

- 12.82 As set out above, the applicant's supporting information has been assessed by the Councils Landscape Consultant, and their comments are summarised at the start of the report and set out in full in the appendix. Your Planning Officer agrees with the comments of the Councils Landscape Consultant. It is considered that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP.
- 12.83 Notwithstanding this general conflict with policy DP12, the illustrative layout plan shows the development set away from the boundaries of the site with landscaping retained and areas of open space within the site. The development would be set away from the western boundary of the site and the nearby public right of way, with sufficient space for landscaping. The plans also show a large area of open space on the western side and southern end of the site.
- 12.84 For the reasons set out in paras 12.23 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12.

12.85 Coalescence

- 12.86 Policy DP13 in the MSDP seeks to retain the separate identity of settlements and to prevent coalescence between towns and villages. Whilst not a housing supply policy in itself, policy DP13 does impact on the delivery of housing. As such, in light of the Council not being able to demonstrate a five- year housing land supply, it is considered that this policy attracts moderate weight at present.
- 12.87 Policy E5 in the HHNP has similar aims and relates to local gaps. It seeks to retain and enhance the separate identity of communities. As this is not a housing policy in itself, but it does impact on the delivery of housing. For the same reasons as set out above, it is considered that this policy attracts moderate weight at present.
- 12.88 The proposed development would be located in between the current gap between Haywards Heath and Scaynes Hill. The site is well enclosed and there would still be a clear impression of leaving one settlement and then arriving in the next. There would be a gap of some 0.9km as the crow flies between the edge of the site and the built-up area of Scaynes Hill. It is your Planning Officer's view that the development would not result in coalescence between these settlements.

12.89 Heritage Assets

- 12.90 The Local Planning Authority (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’.

12.91 Policy DP34 of the District Plan states:

‘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;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.’

12.92 The Lewes Road Conservation Area lies to the north of the site with the proposed access running through it. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *‘In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.’*

12.93 Policy DP35 of the District Plan is also relevant. This states:

‘Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

12.94 Paragraphs 207, 208, 210, 212, 213, 214, 215 and 216 of the NPPF are also relevant and state:

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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 on a 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 exceptional⁷⁵*

Footnote 75 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

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.

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

12.95 There are a number of designated heritage assets within the vicinity of the site of the Lewes Road Conservation Area, and Colwell House and its ancillary buildings which is Grade II Listed. In addition there is a non-designated heritage asset within the vicinity of North Colwell Barn.

12.96 Designated Heritage Assets (DHA)

12.97 The proposed site access lies within the boundary of the Lewes Road Conservation Area, as a narrow strip along its northern edge. The remainder of the site, including

the majority of the field areas, is outside of the Conservation Area but within its immediate setting. The Council's document 'Conservation Areas in Mid Sussex' contains a brief high-level analysis of its key features:

'Lewes Road (A272) is situated on the east side of Haywards Heath and is the main approach for westerly travelling traffic. The area is characterised by low density development and represents the gradual transition from the countryside to the urban area. The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;*
- presence of trees and hedges around and between the buildings;*
- the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and*
- the low density of development which creates a gradual transition from the countryside to the urban area.'*

12.98 The Council's Conservation Officer states *'The surviving open rural setting to the south of the Conservation Area is considered to make a strong positive contribution to its significance, in particular contributing to its transitional character, sitting at the boundary between the town and the surrounding countryside. This would include the application site, which although screened to an extent by planting along the northern edge of the fields, will be visible, and potentially prominent, from the properties within the Area, in particular from the upper floors, and in winter. The proposed site access lies within the Conservation Area and is created from the undeveloped eastern strip of garden to North Colwell Farmhouse. The site frontage onto Lewes Road is of trees and hedgerow, which would be lost by the creation of the access, which will also allow views into the site from Lewes Road.'*

12.99 The Conservation Officer goes on to consider that *'In terms of the Lewes Road Conservation Area, as well as the likely impact on views from properties to the south of Lewes Road, there will also be an increase in noise, activity and light levels within the immediate setting of the Area, where there are now fields. These impacts will adversely affect the semi-rural character of this part of the Conservation Area, and the sense that it represents a transition from town to countryside. The new access from Lewes Road will also have a direct urbanising impact on this part of the Conservation Area. In terms of the street scene of Lewes Road there will loss of trees and hedging along this part of the road, to the detriment of its transitional, semi-rural character. There may also be channelled views along the access road from within the Conservation Area in which the residential development beyond is visible.'* She states that *'...on the basis of the information in front of us I would consider that the impact on the Conservation Area is likely to be one of less than substantial harm, at around the mid-high range of that scale.'*

12.100 In relation to the impact of the proposal on the Grade II listed building and its setting of Colwell House, the Conservation Officer states *'Colwell House would be considered to possess architectural interest based on its design, construction and craftsmanship, as well as historical illustrative value as a good example of an early 19th century villa of a moderate level of pretension, and aesthetic value. It also has*

group value with the surviving ancillary buildings around it. When constructed, the villa would have been within a rural setting, reflecting the aspirations of the then owners to a bucolic, but comfortable and stylish lifestyle, close to but outside of the then much smaller town of Haywards Heath.

As such, the surviving rural setting to the south of the listed building would be considered to make a strong positive contribution to its special interest, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The application site constitutes a large part of the wider rural setting of Colwell House, and is in close proximity to it, separated from the listed building and its ground by only a narrow strip of open paddock. Although there is planting along the northern boundary of the site, having visited Colwell House and its gardens it is my opinion that residential development of the scale and position proposed is likely to be visible if not visually prominent in views from the house and its gardens, particularly in winter.'

12.101 In terms of the impact of the development to this DHA, the Conservation Officer considers that '*...the level of harm caused to be around the mid-level, to an asset of a mid-level of interest in the local context. Again, this will not be purely through visual impact, but also in terms of noise, activity and light levels. In the case of the Barn, the level of impact is also affected by the likely historical relationship between the former farm building and the farmlands which were part of the farmstead.*'

12.102 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of these heritage assets. It is considered that the proposal would result in less than substantial harm to the setting of these heritage assets. In accordance with case law, it is necessary to give this 'less than substantial harm' significant weight in the planning balance to properly reflect the fact as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard should be given to the desirability of preserving listed buildings and their settings.

12.103 Where a finding of less than substantial harm is found, paragraph 215 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:

- provision of new housing (including a policy compliant level of affordable housing);
- the provision of an area of public open space; and
- economic benefits arising from both the construction period (construction jobs) and additional spending in the locality post construction from new residents.

12.104 It is your Planning Officer's view that these are important benefits and should attract significant weight in the planning balance. Taken together, your Planning Officer considers the public benefits outlined above do outweigh the less than substantial harm to the setting of the heritage assets outlined above, notwithstanding the fact that this harm should be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. Therefore, whilst there is a conflict with policies DP34 and DP35 of the MSDP because there will be harm (classified as 'less than substantial under the NPPF) and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the less

than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.

12.105 Non Designated Heritage Assets (NDHA)

12.106 North Colwell Barn, lies just to the northwest of the site. It is a 'U' shaped 19th century or earlier stone, brick and weatherboarded former farm building, part of Colwell Farm, the farmhouse to which (now replaced with a modern dwelling) was located just to the north east. The Conservation Officer advises that *'Based on the limited information in front of us, I would consider it likely that the Barn would be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of an agricultural building of its type and period, and aesthetic value based in part on the use of vernacular materials viewed against the landscape from which they were drawn. As such, the surviving rural setting to the south and south east of the barn will make a strong positive contribution to its significance, in particular those parts of that significance which are drawn from its historical illustrative and aesthetic values.'*

12.107 The Conservation Officer considers that *'The proposed development site is directly to the south east of the barn and forms a large part of its close setting. It is also likely to constitute part of the former farmlands of the Lowlands Farm farmstead, and as such has a historical functional relationship with the NDHA, which strengthens its contribution to its significance. Although there is existing planting on the boundary between the site and the grounds of Lowlands Barn, there is likely to be some intervisibility between the two, particularly in winter. Given the proximity of the site to the NDHA, the proposal has the potential to have a marked impact on the character of its setting.'*

12.108 In respect of the impact on this NDHA, the Conservation Officer states *'I would place the level of harm caused to be around the mid-level, to an asset of a mid-level of interest in the local context. Again, this will not be purely through visual impact, but also in terms of noise, activity and light levels. In the case of the Barn, the level of impact is also affected by the likely historical relationship between the former farm building and the farmlands which were part of the farmstead.'*

In making this assessment of the impact on North Colwell Barn I am mindful that the area at the far western end of the site, adjacent to the eastern side of the land associated with the Barn, is shown as open space. This landscape buffer is however of limited depth and includes a play area and therefore will not retain a rural character. The residential development to the east is open onto this space.'

12.109 Your Planning Officer agrees with this assessment. It is considered that in the balanced judgement required by paragraph 216 of the NPPF, the benefits of the scheme, as outlined in paragraph 12.98 above, outweighs the harm to the NDHA and subsequent conflict with policy DP34 in the MSDP.

12.110 Archaeological matters

12.111 As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area where very little archaeological investigation has taken place. The Council's Historic Environment Consultant has assessed the desk-based report submitted by the applicants and states *'Although the extent of archaeological remains within the site is currently unclear, any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the*

proposed development. Accordingly, I recommend that a programme of archaeological trial trenching, secured by a condition, is undertaken on the proposed development site in advance of any development works to assess the presence and extent of any archaeological remains. The results of this trenching should then be used to inform on any archaeological mitigation works (if required).

I therefore recommend that the following conditions are placed on any consent, in accordance with the National Planning Policy Framework, paragraph 218 and Mid Sussex District Plan policy D34'

12.112 Your Planning Officer agrees with this approach. It is considered that with a suitable condition in place, potential archaeological remains will be properly dealt with in accordance with policy DP34 in the MSDP.

12.113 Design/layout/accessibility and sustainability

12.114 Design/layout

12.115 Policy DP26 of MSDP deals with 'Character and Design' and 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:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.116 Paragraph 131 of the NPPF states in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

12.117 Policy E9 of the HHNP relates to design and states

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- *height, scale, spacing, layout, orientation, design and materials of buildings,*
- *the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- *respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- *creates safe, accessible and well-connected environments that meet the needs of users,*
- *Will not result in unacceptable levels of light, noise, air or water pollution,*
- *Makes best use of the site to accommodate development,*
- *Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

12.118 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings. It is at this point that the merits of the layout that will be put forward in the reserved matters application will be determined.

12.119 The application is accompanied by a Parameter Plan and an Illustrative Masterplan. The illustrative masterplan shows the three fields being developed with a central access road with dwellings set in 5 perimeter blocks. This illustrative plan shows a locally equipped area for play (LEAP) at the western end opposite the access into the site, with paths linking through the development. The illustrative plans also show a pumping station on the southern point with an attenuation pond.

12.120 The existing trees and vegetation on the boundaries and between the parcels of land are to be retained with a landscaped area to the eastern and western ends of the development.

12.121 It is considered that the overall principles shown in the submitted plans are acceptable. Perimeter block layouts are a well-established way of organising residential development that allows dwellings to face onto the streets and provide traditional back-to-back gardens. This way of organising the layout also allows dwellings to face outwards towards the attractive boundary planting around the site.

12.122 An indicative site cross section has been provided to show how the development would be set in the site due to the sloping nature of the land. This shows that the development would follow the contours of the site and be two storeys in height. Due to the levels, the dwellings would be set lower than the properties on Lewes Road which would minimise their prominence from outside of the site.

12.123 It is also important to note that the description of this outline planning application seeks consent for up to 80 dwellings. Therefore, it is open to the applicants at a future reserved matters application to bring forward an application with fewer dwellings if they consider that this is the most appropriate design approach. The issue for the LPA to determine at this stage is whether in principle, the applicants have demonstrated that this quantum of development could be delivered on the site. It is your Planning Officer's view that the applicants have demonstrated that this quantum of development could be delivered on the site.

12.124 It is therefore considered that in terms of design and layout, the parameter plans, and the accompanying illustrative masterplan and cross sections show that the application complies with the relevant points in policy DP26 of the MSDP and policy E9 of the HHNP that relate to these matters.

12.125 Standard of Accommodation

12.126 Policy DP27 of the MSDP deals with dwelling spaces standards, and states;

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.127 This is an outline application with only the principle of the development and the means of access to be determined at this stage. It will be at the subsequent reserved matters stage that the applicants would need to demonstrate compliance with the dwelling space standards. There are no reasons to think that this could not be done.

12.128 Accessibility

12.129 Policy DP28 of the MSDP 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.

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair use dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.130 As this is an outline application, the internal layout of the scheme and the design of the buildings within it are not being determined at this stage. It will be at the subsequent reserved matters stage that the applicants will need to demonstrate compliance with this policy. There are no reasons why this policy could not be met at the reserved matters stage, and a planning condition is proposed to require this to come forward in the reserved matters application.

12.131 Sustainable Design

12.132 Policy DP39 of the MSDP relates to 'Sustainable Design and Construction, and 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.'*

12.133 Paragraph 164 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.134 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.135 The applicants advise within their Sustainability Statement set out in the Planning Statement that they would utilise a fabric first approach in the design and layout of the site. In addition, it identifies a range of measures which would be embedded into the design and function of each new home to improve the energy efficiency and carbon footprint of the development as a whole. These measures would include air source heat pumps, EV Charging points to each plot, Photovoltaic Panels (PV), thicker wall cavity and water saving devices such as low flow taps and showers to reduce water use.

12.136 As this is an outline planning application, the final details of exactly what sustainable features will be incorporated into the development would need to be identified in the subsequent reserved matters application/s. It is considered that the applicants have sufficiently addressed this issue at the outline stage in accordance with policy DP39 of the MSDP.

12.137 Affordable housing and housing mix

12.138 Housing Mix

12.139 Policy DP30 of the DP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

12.140 The illustrative mix of housing is set out below:

Unit Type	% Market Housing	% Affordable Housing
1 bed	0%	26%
2 bed	26%	43%
3 bed	42%	26%
4+ bed	32%	4%

12.141 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDP.

12.142 Affordable Housing

12.143 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this.

12.144 The Planning Statement includes an Affordable Housing Statement which confirms that the proposal would provide 30% affordable dwellings.

12.145 The scheme provides a policy compliant level of affordable housing, and this should be afforded significant positive weight in the determination of this application. The comments of the Councils Housing Enabling Team are set out in full in the appendix, and they raise no objection to the application. The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitably distributed (pepper potted) within the site to accord with the Councils policies. The scheme thereby complies with policy DP31 in the MSDP.

12.146 Residential amenity

12.147 Policy DP26 seeks to ensure that new 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. There is no policy which relates to residential amenity for new housing outside of the development boundary within the Neighbourhood Plan.

12.148 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.

12.149 Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information including the indicative cross sections that has been submitted.

- 12.150 North Colwell Barn and North Colwell Farmhouse are some 33 metres and some 26 metres respectively from the boundary of the site. The illustrative masterplan shows that there would be a landscaped area within the site separating the development from the boundaries of these properties. At these distances, it is not considered that the development would cause a significant loss of residential amenity to the occupiers of these dwellings in respect of being overly obtrusive or an impact on privacy.
- 12.151 The access road is to be sited to the east of North Colwell Farmhouse and to the west of 90 Lewes Road. This is to be set some 16 metres from the side elevation of North Colwell Farmhouse with a side garden area between and some 20 metres from the side elevation of 90 Lewes Road. The detailed landscaping of this would need to come forward at the reserved matters stage to mitigate the visual impact of this. Whilst there would be the introduction of vehicular movements to the side of the dwelling, vehicle speeds would be low as they would be entering and exiting the development. Whilst there would be some noise disturbance from vehicles, these properties already face onto Lewes Road where there is noise and disturbance from traffic. Due to the distances between and planting to minimise the impact, which would be brought forward at a reserved matters stage, it is considered that access road would not result in a significant loss of residential amenity to the occupiers of these two dwellings in respect of noise, being overly obtrusive or an impact on privacy.
- 12.152 Numbers 90, 92 and 94 Lewes Road have long rear gardens which back onto the application site. These measure some 36 to 56 metres in depth with vegetation screening on the boundaries with the site. Beyond this the illustrative masterplan shows that the access road and dwellings would be located. At this distance, it is not considered that the access road would cause a significant loss of residential amenity to the occupiers of no's 90, 92 and 94 Lewes Road in respect of noise or being overly obtrusive.
- 12.153 Colwell House is some 71 metres from the boundary of the site with a field between the garden of this property and the application site. Due to this distance with the intervening field and the boundary vegetation, it is not considered that it would cause a significant loss of residential amenity in respect of noise or being overly obtrusive.
- 12.154 Concerns have been raised in respect of cars turning out of the access road at night causing light pollution to the house opposite. No. 41 Lewes Road lies opposite the proposed access road and is sited close to the highway with a number of ground and first floor windows facing onto the highway. Whilst these concerns are noted, the access is set slightly to the west of this house where lights from vehicles turning right towards Scaynes Hill at night may cause some impact. The submitted Transport Assessment sets out that trip generation out of the site during peak hours of 5 – 6 pm would be 12 vehicles. Whilst it does not provide later evening hours, it is considered that vehicles leaving the site in hours of darkness would be lower than 12. As such it is considered that there would not be significant detriment to the amenities of occupiers of this property through light pollution.
- 12.155 Concerns have been raised that the development would affect the mental health of local residents. It is acknowledged that there would be noise and disturbance during the construction period, however, this would be in the short term and a construction management plan could be conditioned to reduce the impact on neighbouring amenity.
- 12.156 **Conclusion on housing matters**

12.157 To summarise, the submitted masterplan is illustrative to demonstrate that this quantum of development can be provided on site. It is considered that the application has demonstrated that this level of development can be provided and that it would be possible to deliver a high-quality development at the reserved matters stage.

12.158 The proposal would provide up to 80 dwellings, 30% of which would be affordable. The proposal complies with policies DP26, DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.

12.159 Air quality

12.160 Policy SA38 in the SADPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

12.161 The application is supported by an Air Quality Assessment Report that considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, it identifies sources of dust emissions from earthworks, construction and construction vehicles. The report identifies construction vehicles will result in emissions to atmosphere of exhaust gases. The report identifies that mitigation measures through site management such emissions are unlikely to be significant. In respect of vehicular movement from the operational phase, the applicants report advises that *'Road traffic impacts associated*

with the operation of the Proposed Development can be considered as having an 'insignificant' effect on local air quality.'

12.162 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (January 2023), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'. The calculated central damage cost value over a five-year period is £25,696, which can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.

12.163 The application has been reviewed by the Councils Environmental Health Officer (EHO) who states, *'The calculated figure of £25,696 submitted in the SLR Air Quality Assessment (SLR Project No: 433.000082.00001) is accepted and agreed.'* They recommend conditions to require a scheme of mitigation in line with the above report and a condition regarding a Construction Management Plan.

12.164 Your Planning Officer agrees with the comments of the EHO and is content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

12.165 Contaminated land

12.166 Paragraph 196 of the NPPF states *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

12.167 The application is supported by a Phase II Site Appraisal, which has been reviewed by the Councils Contaminated Land Officer. The report has not identified any contaminants above the screening levels adopted for residential use without homegrown produce. The report identifies that further works may be required in respect of the completion of the gas and ground water monitoring programme and validation testing of site topsoil for re-use in private gardens and soft landscaping.

12.168 The Contaminated Land Officer recommends a phased contaminated land condition, and a discovery strategy condition should be attached to the application. With such conditions in place, it is considered that the application would comply with the guidance in paragraph 196 of the NPPF.

12.169 Trees

12.170 Policy DP37 in the District Plan states:

'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.'

12.171 Paragraph 136 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.'

- 12.172 The application is supported by an Arboricultural Report which includes an Arboricultural Impact Assessment, proposed Tree Retention and Removal, a Tree Protection Plan and an Arboricultural Method Statement. This identifies that in total 43 category B, 96 category C and 37 category U trees would be lost throughout the site to facilitate the development. In addition, the eastern half of the mixed species hedge in the vicinity of the site access would also be removed. As part of the tree removal, some 15 trees would be removed in order to facilitate the site access. These are required either for arboricultural reasons or to facilitate the development. The trees to be removed within the proposed access area comprise of category B (moderate), C (low) and U (unretainable) trees.
- 12.173 However, all 36 category A trees (high quality) are to be retained as part of the development. Whilst there are some loss of category B and C trees as set out above, it is noted that 281 category B and 292 category C trees would still be retained as part of the development.
- 12.174 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP does not include an absolute bar to tree removal. Given the fact that the majority of the trees in and around the site would be retained, the characteristics of the site in respect of being enclosed field parcels would remain, although the character within the site would clearly change from being an undeveloped field to a major housing development.
- 12.175 The Council's Tree Officer object to the proposal due to the loss of the felling of mature trees. She states *'I have reviewed the Arboriculture Report for this proposal and have concerns about the loss of Category B trees, which would be a constraint to development. I note that 43 Category B trees will be lost to facilitate the proposal and that some of these are not only to facilitate the access to the site. I feel that the loss of these mature trees (some of which are oak trees) could not be compensated by replanting, as the ecological value of mature oak trees would take years to develop from newly planted specimens. The loss of these trees would be contrary to DP37 of the Mid Sussex District Plan.*
- I note a further 92 Category C trees will be lost to facilitate the proposal.'*
- 12.176 Following on from the concerns of the Tree Officer, the applicant provided a response confirming that only 3 mature Oak trees are identified for removal to facilitate the site access. These are category B trees which are trees of a moderate quality and an estimated remaining life expectancy of at least 20 years.
- 12.177 Whilst the concerns of the Council's Tree Officer are noted, and the loss of the category B trees to the front of the site are regrettable, it is acknowledged that there

is no other location that the site can be accessed. The proposal would however provide the opportunity for new tree planting at the reserved matters stage, comprising additional trees on the boundaries of the site and within the site which would mitigate the trees which are to be removed.

12.178 The site is bounded by pockets of Ancient Woodland to the east and south of the site. The Ancient Woodland is not within the site; however, the 15-metre buffer zone does fall within. The submitted Planning Statement sets out the at the proposal would incorporate a 20-metre buffer to the Ancient Woodland clear of roads and buildings. Such details would be considered at the reserved matters stage to ensure that there is no incursion.

12.179 In light of the above, whilst the removal of some trees is regrettable, replacement planting could come forward to mitigate such loss. As such the proposal is thereby considered to comply with Policy DP37 of the MSDP.

12.180 Biodiversity

12.181 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 Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, 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).

12.182 Policy DP38 in the MSDP 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.'

12.183 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 70), and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'

12.184 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.185 The application is supported by an Ecological Impact Appraisal, Statutory Biodiversity Metric, BNG Habitat Management & Monitoring Plan and two response notes to the

Councils Ecological Consultant in respect of Bats, Reptiles and BNG as well as Dormice.

12.186 Site baseline

12.187 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

12.188 Habitats

12.189 The habitats and ecological features present within the survey area are described in the applicants Ecological Impact Appraisal. This sets out that most of the habitat present on site consists of other neutral grassland. The grassland structure and species composition are similar across the three parcels. Around all boundaries of the site there are mature line of trees present some with connectivity into further woodland. These are classified as lowland mixed deciduous woodland. There are also two small ditches present with these treelines. The final habitat present on site is garden located to the rear of North Colwell Farmhouse which comprises of a managed lawn.

12.190 Species

12.191 Bats

12.192 There are no buildings within the application site. There are four trees identified to support potential for roosting bats. These trees are located within the treeline adjacent to the proposed access location, to the northwest of the site and are indicated to be removed. In addition, the trees within the site do support bats with Common Pipistrelle being the most frequently recorded species within the area with Barbastelle Bats also recorded.

12.193 Badger

12.194 The applicants survey indicates that there are two badger setts entrances within the site with evidence that Badgers use the site.

12.195 Dormouse

12.196 During the survey visits, evidence of Dormouse was recorded within the nest tubes, and one individual observed.

12.197 Water Vole

12.198 Water Vole are considered to be absent and do not form a constraint under the proposals.

12.199 Other Mammals

12.200 The site is confirmed to support Fallow Deer and also considered to support a high potential for Hedgehogs.

12.201 Reptiles

12.202 'Low' populations of Slow Worms, Common Lizards and single Grass Snake were recorded around the boundaries and within the site.

12.203 Great Crested Newt (GCN)

12.204 Ponds 1, 2 and 4 were ruled out for Great Crested Newt presence due to their limited suitability and/or negative eDNA result. Despite this, ponds 3, 5 and 6 could not be surveyed so Great Crested Newt presence could not be ruled out. With the site being situated within the 'amber' risk zone it is recognised that there is potential for Great Crested Newts to be onsite.

12.205 Breeding Birds

12.206 Based on the survey results, the survey area supports a reasonably diverse assemblage of breeding birds.

12.207 Avoidance, Mitigation and Enhancement Measures

12.208 In terms of mitigation, to safeguard bats during removal of trees, a further inspection will be undertaken by a suitably qualified ecologist immediately prior to felling. If any evidence for the presence of bats is recorded, works on that tree will be suspended and further survey work required. If bats are found to be present, roost characterisation surveys will be carried out to inform a European Protected Species Licence and a full mitigation strategy will be required. New hedgerows providing further connectivity around the site are proposed as well as a SUDs in the southeast planted with wetland species. Furthermore, a 15m buffer is to be implemented along the southern boundary of the site in order to safeguard the foraging and commuting habitat provided by the neighbouring ancient woodland. In addition, lighting will be kept low to limit the disturbance to foraging and commuting bats.

12.209 The Council's Ecology Consultant supports the implementation of dark corridors as embedded mitigation to avoid impacts to bats.

12.210 With regards to badgers, during the construction phase, any open excavations left overnight should either be covered to prevent commuting Badgers falling in and a 20-metre buffer would be retained around the Badger Sett.

12.211 In respect of reptiles, translocated reptiles will be retained on site within an area which will be temporarily excluded with fencing to prevent reptiles entering the construction area. The area allocated for reptiles will be on the eastern parcel, from the south of the field to the northeast corner. Additionally, 2 new hibernacula will be created and retained in perpetuity. This will provide shelter and hibernation opportunities as well as providing a significant habitat resource for invertebrates (a food resource for reptiles). The Council's Ecology Consultant supports the implementation of two reptile hibernacula in the area and the creation of a SUDs feature in the southeast of the site

12.212 In respect of Dormice, the proposed plans will require removal of sections of hedgerow / mature trees and bramble scrub on-site. A European Protected Species Licence (EPSL) will be required for any works impacting the hedgerows / mature trees and bramble scrub and such works must be carried out under this licence. Habitat compensation will be achieved through the provision of a new native tree planting or scrub of equivalent area or more to provide a greater level of connectivity. Prior to the commencement of vegetation removal, at least 6 No Dormouse boxes will be installed by a suitably qualified ecologist in suitable habitat to be retained to enhance the site for Dormice.

12.213 The Council's Ecology Consultant acknowledged that a licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. In addition, they support the outline mitigation measures for Dormice set out in the Ecological Impact Assessment.

12.214 With regards to breeding and nesting Birds, in order to avoid disturbance of nesting birds or damage to their nests, all demolition and habitat removal works will be undertaken outside of the bird nesting season (typically March – August dependent on weather).

12.215 The Ecological Impact Assessment sets out a number of enhancement measures which would be implemented into the development. This includes:

- at least 50% of the proposed dwellings should include one bat brick or suitable alternative;
- to enhance the site for roosting bats, 4 Schwegler 2F (general purpose), 2 Schwegler 1FF and 2 large multi-chamber bat boxes (or suitable alternative) will be erected on suitable retained trees around the site;
- planting a mixture of flowering plants, trees (including fruit trees) and shrubs encourages a diversity of insects to sustain bats;
- 50% of the new dwellings will incorporate two Swift bricks;
- erection of bird nest boxes in trees that will provide compensation for the loss of trees, scrub and grassland on site;
- any garden fences on site will ensure at least 2 gaps are present within the gravel boards / bases of each fence line to allow for movement of Hedgehogs between gardens and into the wider area;
- to increase opportunities for invertebrates within the site, bee bricks will be included within 50% of the new units on the site.

12.216 The Council's Ecology Consultant has considered the proposal and raises no objection. They support the recommendations outlined in the Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact Assessment (Ecosupport Ltd., January 2025). As a result, finalised mitigation measures should be set out within a Construction Environmental Management Plan and be secured as a pre-commencement condition of any consent. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

12.217 With regards to GCN, the report recommends following precautionary working methods, this is deemed suitable for the proposed development. A methods statement written by a suitably qualified Ecologist should be secured via condition and NatureSpace support this approach.

12.218 Hedgerows

12.219 Third party representations have been received in respect of hedgerows surrounding and within the development site which are considered to be classed as 'important' hedgerows under the Hedgerows Regulations 1997. Parts of these hedgerows within the site would be removed to provide an access road. It has been submitted that some of the hedgerows have been cut through by the developer without applying to remove parts of the hedgerows.

12.220 This is noted and the removal of hedgerows without carrying out the correct process is a separate matter which cannot be considered as part of this application. Notwithstanding this, the illustrative masterplan shows that there would be breaks created in the hedgerows which are within the three fields in order to accommodate

an access road through the site. However, the rest of the hedgerows would be retained. The removal of the hedges to facilitate the development has been kept to a minimum and whilst some loss is regrettable, it is considered that there would be mitigation provided through additional planting which can be controlled by condition.

12.221 Biodiversity Net Gain

12.222 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.

12.223 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)’.

12.224 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.225 The applicants have provided a BNG Habitat Management and Monitoring Plan as part of the application. This concludes that at *‘this stage the assessment identified that based on plans currently available, the proposals will result in a net loss of -0.72% in habitats (or +0.35 habitat units) and a net gain of +441.54% in hedgerows (or +1.34 hedgerow units) and the trading rules are not satisfied. Habitat creation on site includes woodland, species-rich grassland and individual trees in addition to a number of native hedgerows around the site. As the 10% requirement for habitat units and trading summary has not been met on site, compensation will be provided through the purchase of BNG units from a credit provider.’*

12.226 The Councils Ecology Consultant supports the submitted BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025). They are satisfied that the submitted details provide sufficient information at the application stage and that the post-intervention values are realistic and deliverable.

12.227 Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case the mandatory 10% both on and off site), should be given positive weight in the planning balance.

12.228 Drainage

12.229 Policy DP41 in the MSDP 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 development²² 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.’

12.230 Policy E7 of the HHNP states:

‘New development proposals will be required to incorporate Sustainable Drainage Systems, where practical, as part of the design of new housing and commercial development and indicate how such schemes will be managed and maintained.’

12.231 Paragraph 181 of the NPPF states:

‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this

assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

12.232 The application is accompanied by a Flood Risk Assessment and Drainage Strategy. This information has been assessed by WSCC Lead Local Flood Authority (LLFA) whose comments are summarised at the start of the report and set out in full in the appendix.

12.233 Flood Risk

12.234 Flood zones are classified in the PPG as follows:

Zone 1 Low probability : Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)

Zone 2 Medium probability: Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High probability: Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain: This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- *land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or*

- *land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)*

12.235 In terms of Fluvial/Tidal flood risk, the site is located in Flood Zone 1. The submitted Flood Risk Assessment also advises that the majority of the site is located at a very low to low risk of surface water flooding; however, a section along the eastern boundary and a relatively small area in the southern section of the site is located at a high and medium risk of surface water flooding.

12.236 WSCC LLFA have raised no objection to the application in relation to flood risk. They have recommended a condition to require the development to be constructed in accordance with the submitted Flood Risk Assessment. With such a condition in place, it is considered that the development will be acceptable in relation to flood risk.

12.237 Surface Water

12.238 The site is a greenfield and has no formal drainage system. The Flood Risk Assessment identifies that rainfall runs through the ground to the drainage ditches to Pellingford Brook.

12.239 Part H of the Building Regulations establishes a hierarchy for surface water disposal, which encourages a SuDS approach. The hierarchy is that surface runoff must be discharged to one or more of the following in the following order of priority:

1. *To ground via an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable,*
2. *To a watercourse; or where that is not reasonably practicable,*
3. *To a sewer.*

12.240 The applicants supporting information advises that *'the infiltration rates do not achieve the required half drain down time of 24hrs, it is proposed to adopt a hybrid system with partial infiltration and an overland flow outfall to the surrounding ditch network restricted to greenfield run-off rates.'* It goes on to state that the *'proposed SuDS features will reduce the rate of discharge by providing storage during heavy rainfall events, reducing the risk of flooding.'* This basin is proposed to the south of the site and would allow the excess of surface water to discharge overland to the surrounding ditch network at greenfield runoff rates via a flow control.

12.241 In relation surface water drainage, WSCC LLFA have no objection subject to conditions to control the details of the drainage. It is considered that the applicants have demonstrated that the principles of the surface water drainage for the development, which include SUDS, are acceptable, in accordance with policy DP41 of the MSDP and policy E7 of the HHNP.

12.242 Foul Drainage

12.243 The intended foul strategy for the site proposes to discharge foul effluent from the development into the existing Southern Water foul sewer that runs in Lewes Road on the northern edge of the site. The submitted Flood Risk Assessment and Drainage Strategy identifies that based on a review of the Southern Water sewer records and the topographic survey that it is likely that a pumped station will be required to discharge foul effluent into the public sewer. The illustrative masterplan shows that this would be located to the south of the site.

12.244 The submitted drainage strategy identifies that a capacity check will be submitted to Southern Water to confirm there is sufficient capacity within their network to accept the pumped foul flows from the development; and that a section 106 application to connect will be made to Southern Water at the detailed design stage in order to gain permission to connect to the public sewer.

12.245 In terms of adoption and maintenance of the foul network, the drainage strategy identifies that this would remain in private ownership and be maintained by a management company organised by the developer.

12.246 As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewerage system proposal to be approved in consultation with the sewerage company before the development commences and for those approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the water Industry Act 1991).

12.247 Southern Water identifies that there is inadequate capacity in relation to the additional foul sewerage flows on the existing public sewer network. They state that any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water and will endeavour to provide reinforcement within 24 months of planning consent being granted. As such they request a condition in order to phase the occupation of the development to allow the delivery of the sewerage network reinforcement. Therefore, subject to such a condition it is considered that the foul drainage from the site will be satisfactory.

12.248 Water Supply

12.249 Policy DP42 states in part that proposals that increase the demand for offsite service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development.

12.250 As the application is at outline stage for up to 80 dwellings where the precise number and mix has not been confirmed, the applicants have not yet entered into an agreement with the water supply provider, South East Water.

12.251 However, an informative could be placed on an approval to ensure that the applicant enters into such an agreement ahead of any development commencing and submits this information as part of the reserved matters application where the final numbers and layout is known. This would be to ensure that sufficient time is incorporated within the applicants build programme, to enable any works required to be undertaken.

12.252 In light of this, it is considered that policy DP42 in the MSDP is addressed.

12.253 Infrastructure

12.254 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three

Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

12.255 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests (25):

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'

12.256 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the NPPF, the infrastructure set out below is to be secured via a planning obligation. Copies of all relevant consultation responses including the housing and leisure officer of the Council, West Sussex County Council, NHS Sussex and the Sussex Police & Crime Commissioner are available in appendix B of the report.

12.257 Whilst there are figures provided for some infrastructure contributions, the final figure will not be known at this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.

12.258 West Sussex County Council Infrastructure Requirements:

12.259 Primary and secondary school contributions calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required. In addition, transport (TAD) contributions would be calculated by a formula.

- 12.260 The primary education contributions generated by this proposal shall be spent on additional facilities at Northlands Wood Primary Academy, or another primary school in the planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.
- 12.261 The secondary education contributions generated by this proposal shall be spent on additional facilities at Oathall Community College, or another secondary school in the planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.
- 12.262 The library contribution generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.
- 12.263 The transport (TAD) contributions generated by this proposal shall be spent on Scaynes Hill to Lindfield Cycle/pedestrian improvements and/or the South Road, Haywards Heath pedestrian improvement scheme.
- 12.264 The legal agreement would also secure a Travel Plan Monitoring fee and undertaking a two-stage process for the Traffic Regulation Order (TRO) and TRO highway works scheme for the speed limit reduction the access works which would be paid for a delivered by the developer.
- 12.265 Mid Sussex District Council Infrastructure Requirements (including police and health requirements)
- 12.266 A formal sport contribution, calculated by a formula as the housing mix is not known, will be required for formal sport. Using average occupancy, the figure is £57,229. This would be spent on formal sport facilities at Hanbury Stadium and / or Tim Farmer Recreation Ground and / or Victoria Park.
- 12.267 A contribution towards community buildings, calculated by a formula as the housing mix is not known, will be required. Using average occupancy, the figure is £32,822. This would be spent to make improvements to community buildings in Franklands Village, Barn Cottage Recreation Ground, Ashenground Community Centre and / or the Woodside.
- 12.268 In terms of children's playing space, the indicative open space proposal outlines the provision of a LEAP on site which would be necessary in this location. Full details regarding the layout, equipment and on-going maintenance would need to be agreed by condition.
- 12.269 A local community infrastructure contribution (LCI) would be required and calculated by a formula as the housing mix is not known. This would be spent towards the provision of a new Cemetery for Haywards Heath located of Hurstwood Lane and/or cycle routes to Haywards Heath Railway Station and the Town Centre.
- 12.270 NHS Sussex
- 12.271 The contribution is to be calculated by a formula as the housing mix is not known. Using average occupancy, the figure is £116,942 to go towards NHS GP services.
- 12.272 Sussex Police
- 12.273 A contribution of £18,918.91 is required to go towards the costs of a police officer, equipment and training and a support staff.

12.274 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

12.275 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

12.276 Ashdown Forest

12.277 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

12.278 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

12.279 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

12.280 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

12.281 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

12.282 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

12.283 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

12.284 The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall

results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

12.285 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

12.286 No mitigation is required in relation to the Ashdown Forest SPA or SAC.

12.287 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

12.288 Other Matters

12.289 Waste and Minerals

12.290 The site is partially located within the identified Mineral Safeguarding Area (MSA) for Building Stone (Cuckfield Formation). The WSCC Waste and Minerals Officer raise no objection to the proposal in terms of mineral safeguarding subject to the LPA being satisfied that the value of the resource has been duly assessed, in conjunction with comments from their Conservation Officer, to demonstrate that the prior extraction of the mineral resource is economically unpracticable or environmentally unfeasible. They advise that consideration should be given to the potential usefulness of this resource within the local built landscape or the proposed development itself.

12.291 The submitted Planning Statement provides a section on mineral safeguarding which considers that, whilst there is a underlying mineral resource of building stone beneath the site, the prior extraction of this resource would not be economically practicable or environmentally feasible as a result of: the relatively small site area (6.2ha), the overriding need for the non-mineral development, lack of accessibility to the site and unsuitability for HGVs and amenity impacts relating to noise, air quality and traffic as a result of the mineral extraction process.

12.292 It is your Officers view that due to the size of the site, its location and the relationship with a number of designated heritage assets as well as residential properties, that the site would not be a suitable location for mineral extraction.

12.293 Statement of Community Involvement (SCI)

12.294 Concerns have been raised that the sample size in the Statement of Community Involvement was not sufficient. The submitted Statement of Community Involvement (SCI) sets out that an online public consultation for a proposed residential development at North Colwell Farm between 11th and 30th November 2024. This sets out that the consultation process included several engagement channels to ensure accessibility for all stakeholders of online consultation website with integrated feedback mechanism; direct communication options via dedicated 0800 information line, email and post and the hand-delivery of 60 flyer/leaflets to nearby residential households. As part of the community involvement, the developer also presented to the Town Council's planning committee.

- 12.295 The SCI sets out that the consultation process generated six responses through the website, with an additional two submissions received through a telephone call, and an in-person meeting with the developer.
- 12.296 It is considered that the developer undertook sufficient public consultation on the proposal prior to the submission of the planning application in line with the Council's Statement of Community Involvement document (March 2019) through various methods to provide early engagement with residents on the proposal.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Haywards Heath Neighbourhood Plan (HHNP).
- 13.2 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 within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Haywards Heath as defined by the District Plan. As such the site is located within the defined countryside.
- 13.4 Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy E5 of the HHNP seeks to designate land outside the built-up area of Haywards Heath as a local gap to create a landscape buffer and prevent coalescence. It is considered that moderate weight that can be afforded to policy E5.
- 13.8 The proposal would provide up to 80 dwellings, including 30% affordable housing, locally equipped area for play (LEAP) and public open space. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.9 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. However, the site is well enclosed and would not be visible in wider viewpoints. To meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.10 The proposal would provide up to 80 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 13.11 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.12 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.13 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain through both on site and also off site through purchasing credits. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case meeting the mandatory 10%), should be given positive weight in the planning balance.
- 13.14 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.15 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.

- 13.16 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.17 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.18 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policies DP34 and DP35 of the MSDP. This harm would fall into the less than substantial category, as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable.
- 13.19 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), outweigh the less than substantial harm to the setting of the heritage assets in this instance.
- 13.20 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.21 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. The proposal also conflicts with policies DP34 and DP35 of the MSDP.
- 13.22 In relation to the HHNP it is considered the application complies with policies E6, E7, E8, E9, E11, T1 and T3. The application complies with some, but not all the criteria within policy E5.
- 13.23 Taking all of this into account, it is your Planning Officers view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.24 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

- 13.25 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.26 The proposal would provide up to 80 new dwellings, 30% which would be affordable, at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.27 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.28 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change. There would also be a loss in a number of mature trees within the site, however, this could be mitigated through replacement planting.
- 13.29 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Pre commencement**

Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the Response to Ecology Comments (Ecosupport, April 2025).

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - o a timetable for the commencement, construction, occupation and completion of the development;
 - o the anticipated number, frequency and types of vehicles used during construction;
 - o the method of access and routing of vehicles during construction;
 - o the siting and layout of site compounds and welfare facilities for construction workers;
 - o the parking of vehicles by site operatives and visitors;

- o the loading and unloading of plant, materials and waste;
- o the storage of plant and materials used in construction of the development;
- o the erection and maintenance of security hoarding;
- o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- o details of public engagement both prior to and during construction works;
- o measures to control noise or vibration affecting nearby residents;
- o artificial illumination;
- o dust control measures;
- o pollution incident control;
- measures to deal with surface water run-off from the site during construction; and
- o site contact details in case of complaints.

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

Reason: In the interests of highway safety and to protect the amenity of local residents and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy SL/MHHAYWARDSHEATH.23 by Mayer Brown, February 2025, 3rd Issue detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Additional detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed attenuation basin. If infiltration is proven to be unfavourable then greenfield runoff rates will be attenuated and discharged at Q_{bar} (10 l/s) as stated within section 5.20 of the FRA and Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations using up to date parameters and plans of the of the drainage conveyance network in the:

3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.

1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses,

SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 173 and 175 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

6. Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

7. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment (Ecosupport Ltd., January 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Any works which will impact the breeding / resting place of bats, shall not in any circumstances commence unless the local planning authority has been provided with either:
- c) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and to conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

8. (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.

(iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

(v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is potentially of archaeological interest and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

9. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

10. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site each be submitted to and approved, in writing, by the Local Planning Authority:

a) a further site investigation, based on the phase 2 site investigation undertaken by Patrick Parsons, dated July 2024, reference: CHH-PPC-00-XX-RP-G-0002., to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

11. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by

the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

12. No development above slab level shall be carried out unless and until the details of a scheme of mitigation measures to improve air quality relating to the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. The calculated figure of £25,696 submitted in the SLR Air Quality Assessment (SLR Project No: 433.000082.00001) is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy SA38 of the Site Allocations DPD.

13. No development above slab level shall be carried out unless and until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) outlined below shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS):

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise
- v. Using the layout of the scheme to reduce noise propagation across the site
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms
- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise
- viii. Using the building envelope to mitigate noise to acceptable levels

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

In addition, unless otherwise agreed in writing by the Local Planning Authority, where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy below shall be applied to the scheme:

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Reason: To protect the amenity of future residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

14. Prior to the commencement of any development, a precautionary working methods statement written by a suitably qualified Ecologist in respect of great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and to conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

15. No development shall commence unless and until details of the landscaping proposals in proximity of public apparatus has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water). Works shall be carried out in accordance with the approved details.

Reason: In order to protect Southern Water public apparatus in accordance with Southern Water's guidance and to comply with Policy DP41 of the Mid Sussex District Plan 2014-2031.

16. **Construction stage**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter

confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

17. Works of construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031

18. Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sunday & Public/Bank holidays: None permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

19. Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected and to accord with Policy DP41 of the Mid Sussex District Plan 2014-2031.

20. **Pre Occupation**

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory

undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 of the Mid Sussex District Plan 2014-2031.

21. Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 of the Mid Sussex District Plan 2014-2031.

22. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development. Details of such phasing shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) prior to the occupation of any part of the development and no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: To comply with policy DP41 of the Mid Sussex District Plan 2014-2031. Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary to ensure that adequate wastewater network capacity is available to adequately drain the development.

23. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and to allow the LPA to discharge its duties under the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

24. Prior to the first occupation of any dwelling or unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

25. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

26. No dwellings shall be occupied until details of the play area(s) have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play area(s) shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031.

27. No dwelling shall be first occupied until such time as the vehicular access and informal crossing point serving the development has been constructed in accordance with the details shown on the drawing titled Proposed Site Access Arrangement from Lewes Road (A272) and numbered ITL19597-GA-004 Rev H.

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T1 of the Haywards Heath Neighbourhood Plan 2016.

28. No dwelling shall be first occupied until the dropped kerbs and tactile paving works as shown on drawing ITL19597 Figure 6.2 have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T1 of the Haywards Heath Neighbourhood Plan 2016.

29. No dwelling shall be first occupied until the highway improvements shown in plan titled 'Proposed footway improvements at Snowdrop Lane' and numbered ITL19597-GA-021 Rev A, have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T1 of the Haywards Heath Neighbourhood Plan 2016.

30. No dwelling shall be first occupied until the highway improvements shown in plan titled 'Potential Lewes Road footway improvements at existing Lay-by' and numbered ITL19597-GA-018 have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T1 of the Haywards Heath Neighbourhood Plan 2016.

31. No dwelling shall be first occupied until the highway improvements shown in plan titled 'Proposed uncontrolled crossing across Lewes Road' and numbered ITB19597-GA-011 Rev B have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031 and Policy T1 of the Haywards Heath Neighbourhood Plan 2016.

32. Unless otherwise agreed, any air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_Ar,Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (L_A90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

33. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

34. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.
- Accordingly, you are requested that:
- No burning of construction waste materials shall take place on site.
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed speed limit reduction on Haywards Heath Road from 40mph to 30mph. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
4. In respect of condition 12 in order to ensure approval of this condition, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
5. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals.
6. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk> and please read our New Connections Charging Arrangements documents which are available on our website via the

following link: <https://www.southernwater.co.uk/developing-building/connection-charging-arrangements> .

7. Prior to the submission of any reserved matters application, the developer shall enter into an agreement with the water provider South East Water in respect of the supply of water to serve the development to ensure that sufficient time is incorporated within the applicants build programme, to enable any works required to be undertaken.
8. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
9. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £298 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made, and you will be liable to enforcement action.
10. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
11. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	02.38(01)00		21.02.2025
Other	02.38(01)01		19.02.2025
Planning Layout	02.38(01)02		19.02.2025
Other	MILL24496_21		19.02.2025
Other	(04)01		19.02.2025
Topographical Survey	62713BWLS-01		19.02.2025
Topographical Survey	62713BWLS-02		19.02.2025
Topographical Survey	62713BWLS-03		19.02.2025

Topographical Survey	62713BWLS-04		19.02.2025
Topographical Survey	62713BWLS-05		19.02.2025
Topographical Survey	62713BWLS-06		19.02.2025
Highways Plans	ITL19597-GA-004	H	17.06.2025
Highways Plans	ITB19597-GA-011	B	17.06.2025
Highways Plans	ITL19597-GA-018		18.06.2025
Highways Plans	ITL19597-GA-021	A	17.06.2025
Highways Plans	ITL19597-GA-015	A	19.02.2025
Highways Plans	ITL19597-GA-016	A	19.02.2025

APPENDIX B – CONSULTATIONS

WSCC Planning (Infrastructure) **S106 Contributions Sought**

Education
Libraries
Total Access Demand

Without prejudice to the informal representations of the County Council in respect of the above planning proposal, I am writing to advise you as to the likely requirements for contributions towards the provision of additional County Council service infrastructure, other than highways and public transport that would arise in relation to the proposed development.

The CIL Regulations 2010 (as amended by the CIL amendment Regulations 2019) came into force on 1st September 2019 and clarify that an authority collecting contributions through the use of S106 agreements may now lawfully charge a fee for monitoring the planning obligations they contain. From 1st April 2024 West Sussex County Council will increase the S106 monitoring fee to £260 per trigger, per year of monitoring. Financial triggers are monitored for an average of three years and will therefore produce a fee of £780 per trigger, with non-financial triggers taking around six years to fulfil and therefore costing £1560.

The proposal falls within the Mid Sussex District and the contributions comply with the provisions of Mid Sussex District Local Development Framework Supplementary Planning Document- Development Infrastructure and Contributions July 2018.

The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined in the *National Planning Policy Framework, 2019*.

The advice is as follows:

1. School Infrastructure Contribution

1.1 The Director for Children and Young People's Services advises that it appears that at present primary/secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested. However, the situation will be monitored and further advice on all of the main education sectors, (i.e. Primary/Secondary/Further Secondary) should be sought if this planning application is to be progressed.

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the School Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

(DfE figure (Primary) x ACP = Primary Education Contribution) + (DfE figure (Secondary) x ACP = Secondary Education Contribution) + (DfE figure (Further Secondary) x ACP = Further Secondary Education Contribution) = Education Contribution where:

Note: x = multiplied by.

ACP (Additional Child Product) = The estimated additional number of school age children likely to be generated by the development calculated by reference to the total number of Housing Units, less any allowance for Affordable Housing Units, as approved by a subsequent reserved matters planning application. The current occupancy rates are as follows:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

Using the latest published occupancy rates from the census statistics published by the Office for National Statistics to determine an overall population increase the following factors are applied. According to 2001 census data, there are 14 persons per 1000 population in each school year group for houses and 5 persons per 1000 population in each school year group for flats. There are 7 year groups for primary (years R to 6) and 5 for secondary (years 7 to 11). For Sixth Form, a factor of 0.54 is applied to the Child Product figure as this is the average percentage of year 11 school leavers who continue into Sixth Form colleges in West Sussex.

DfE Figure = Department for Education (DfE) Secondary/Further Secondary school building costs per pupil place) as adjusted for the West Sussex area applicable at the date when the School Infrastructure Contribution is paid (which currently for the financial year 2024/2025 is £22,032 – Primary, £33,196 – Secondary; £36,002 for Further Secondary, updated as necessary by the Royal Institute of Chartered Surveyors Building Cost Information Service All-In Tender Price Index.

1.3 The primary education contributions generated by this proposal shall be spent on additional facilities at Northlands Wood Primary Academy, or another primary school in the

planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.

1.4 The secondary education contributions generated by this proposal shall be spent on additional facilities at Oathall Community College, or another secondary school in the planning area of Haywards Heath, should this be more suitable at the time that the contribution is made.

2. Library Infrastructure Contribution

2.1 The County Librarian advises that the proposed development would be within the area served by Haywards Heath Library and that the library would not currently be able to adequately serve the additional needs that the development would generate.

However, a scheme is approved to provide additional floorspace at the library. In the circumstances, a financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

2.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development; the County Council's adopted floorspace standard for library provision; and the estimated costs of providing additional library floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the library contribution may be calculated at a later date. The formula should read as follows:

The Owner and the Developer covenant with the County Council that upon Commencement of Development the Owner and/or the Developer shall pay to the County Council the Libraries Infrastructure Contribution as calculated by the County Council in accordance with the following formula:-

$L \times AP$ = Libraries Infrastructure Contribution where:

Note: x = multiplied by.

AP (Additional Persons) = The estimated number of additional persons generated by the Development calculated by reference to the total number of Housing Units/Dwellings, as approved by a subsequent reserve matters planning application. Using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

L = Extra library space in sqm. per 1,000 population x the library cost multiplier (which currently for the financial year 2024/2025 are [30/35 sq.m] and £6,456 per sqm respectively).

2.3 The contribution generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.

3. Transport (TAD) Contribution

3.1 The Total Access Demand Contribution will be calculated by the County Council in accordance with the following formula:

Total Access Demand Contribution = Sustainable Access Contribution + Infrastructure Contribution, where:

Sustainable Access Contribution = (C – D) x E, where:

C (Total Access) = (A (number of dwellings) x B (Occupancy per dwelling)) using the latest published occupancy rates from census statistics published by the Office for National Statistics with the current occupancy rates given as a guideline:

Dwelling Size		Occupancy	
		House	Flat
1 bed	=	1.5	1.3
2 bed	=	1.9	1.9
3 bed	=	2.5	2.4
4+ bed	=	3.0	2.8

D = Parking Spaces provided by the residential development element of the Proposed Development

E = Standard multiplier of £842

Infrastructure Contribution = D x F, where:

D = Parking Spaces provided by the residential development element of the Proposed Development

F = Standard multiplier of £1,687

3.2 The contribution generated by this proposal shall be spent on Scaynes Hill to Lindfield Cycle/pedestrian improvements and/or the South Road, Haywards Heath pedestrian improvement scheme.

General points

Please ensure that the applicants and their agents are advised that any alteration to the housing mix, either size, nature or tenure, may generate a different population and require re-assessment of contributions. Such re-assessment should be sought as soon as the housing mix is known and not be left until signing of the section 106 Agreement is imminent.

It should be noted that the figures quoted in this letter are based on current information and will be adhered to for 3 months. Thereafter, if they are not consolidated in a signed S106 agreement they will be subject to revision as necessary to reflect the latest information as to cost and need.

Review of the contribution towards the provision of additional County Council services should be by reference to an appropriate index, preferably RICS BCIS All-In TPI. This figure is subject to annual review.

All contributions will be index linked from the date of this consultation response to the date the contributions become due.

Appropriate occupancy rates using the latest available Census data will be used.

Should you require further general information or assistance in relation to the requirements for contributions towards the provision of County Council service infrastructure please contact, in the first instance, the Planning Applications Team officer, named above.

Where the developer intends to keep some of the estate roads private we will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

Any payment required for a Traffic Regulation Order (TRO) in respect of the proposed development is due either on the commencement of development or receipt of a TRO application to the County Council, whichever is the earlier.

Where land is to be transferred to the County Council as part of the development (e.g. a school site) that we will require the developer to provide CAD drawings of the site to aid design/layout and to ensure that there is no accidental encroachment by either the developer or WSCC.

WSCC Local Lead Flood Authority

The applicant has provided a Flood Risk Assessment and Surface Water Drainage Strategy to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF and Mid Sussex local planning policy.

We have **no objection subject to conditions being attached to any consent** if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and local planning and we would object until such time that the details below are submitted for review.

Condition 1

Prior to commencement of development, in accordance with the submitted Flood Risk Assessment and Drainage Strategy **SL/MHHAYWARDSHEATH.23** by Mayer Brown, February 2025, 3rd Issue detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Additional detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) along the length and proposed depth of the proposed attenuation basin.

If infiltration is proven to be unfavourable then greenfield runoff rates will be attenuated and discharged at Qbar (10 l/s) as stated within section 5.20 of the FRA and Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations using up to date parameters and plans of the of the drainage conveyance network in the:

3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.

1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

Reason:

To prevent flooding in accordance with National Planning Policy Framework paragraph 173 and 175 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Condition 2

Construction shall not begin until a detailed construction phase surface water management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be carried out in accordance with the approved details.

Reason:

To ensure that the construction of the site does not result in any flooding both on and off site and that all surface water drainage features are adequately protected.

Condition 3

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,

IV. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

Condition 4

Prior to first use a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented

in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy within the Mid Sussex Local Plan.

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals. Please note if the LPA decide to grant planning permission, we wish to be notified for our records should there be any subsequent surface water flooding that we may be required to investigate as a result of the new development.

WSSC Highway Authority

Final comments:

West Sussex County Council as the County Highway Authority (CHA) has made final highway comments in relation to this application. Please read this in conjunction with WSSC highways response dated 19th March 2025.

No Objection is raised to the proposal subject to any conditions attached at the end of this response.

Transport Note: 2nd June 2005 (ref MG/BC/ITL19597-009A TN)

Snowdrop Lane improvements & Lewes Road lay-by works

Drawing ITL19597-GA-021 and ITL19597-GA-018 will provide some minor highway improvements to the highway to encourage a safe and level alternative walking route to access local amenities.

These can be secured by a suitably worded condition and delivered as part of the s278 access works.

TRO Scheme of supporting works

The applicant is supportive of the speed limit reduction, and this will be included in the s106 agreement as an obligation. It is important to acknowledge the access works are not dependant on this TRO and as such the access works and speed limit reduction and associated works will be handled as two separate processes.

WSSC are satisfied that should the TRO process be successful a clause in the S106 agreement will trigger the applicant to design and submit a scheme for approval and all works associated with the TRO scheme of works to be paid for and delivered by the applicant.

Revised Visibility Splays at Site Access

WSSC are satisfied with the revised visibility splays as shown on drawing ITL-19597-GA-004H which now take into account the WSSC ATC data. The revised splays of 2.4m x 118m for westbound traffic and 2.4m x 109m for eastbound traffic can still be achieved within the highway boundary.

Pedestrian visibility at crossing point adjacent to Birch Close

Drawing ITL-19597-GA-011B shows all visibility splay distances are possible except the full DMRB desirable minimum on the eastbound approach of 105m however; the absolute minimum of 82m is exceeded. WSCC are satisfied this meets the DMRB absolute minimum.

WSCC are also aware that if the TRO is successful and the speed limit is reduced to a 30mph then the visibility at this location will be more than acceptable for the speed of the road.

S106

The applicant has agreed to enter into a S106 agreement where the following items need to be secured:-

1. Travel Plan Monitoring fee of £3,950 which does not include VAT and Framework Travel Plan, i-transport ref: MG/BC/MS/ITL19597-006A R (09/01/2025) to be annexed.
2. The applicant commits to undertaking a two-stage process for the TRO and TRO highway works scheme. The applicant will be obliged to commence the TRO process (see informative below) which as of 1ST April 2025 is £10,205.

If the TRO is successful the applicant will commit to designing a TRO scheme of highway works to the satisfaction of WSCC Highways and to deliver this under a s278 agreement covering all costs associated with the design and delivery of the TRO scheme of works.

Off-site highway works to be secured via condition

1. To deliver a package of off- site highway improvements to include dropped kerbs and tactile paving in the wider highway network to improve pedestrian walking or wheeling experiences from the site to local amenities. This is proposed in Transport Assessment i-transport ref: MG/BC/AT/AH/ITL19597-001A R , **Plan ITL19597 Figure 6.2**.
2. To provide improvements to Snowdrop Lane footway and dropped kerb and pedestrians in road signs. As shown in plan titled 'Proposed footway improvements at Snowdrop Lane' and numbered **ITL19597-GA-021 Rev A**
3. To re-instate some of the lay-by on Lewes Road to footway. As shown in plan titled 'Potential Lewes Road footway improvements at existing Lay-by' and numbered **ITL19597-GA-018**.
4. To provide some footway widening on the eastern side of Birch Close and an informal crossing with dropped kerbs and tactile paving across Lewes Road. As shown in plan titled 'Proposed uncontrolled crossing across Lewes Road' and numbered **ITB19597-GA-011 Rev B**.

CONDITIONS

Access (Access to be provided prior to first occupation)

No development shall commence until such time as the vehicular access and informal crossing point serving the development has been constructed in accordance with the details shown on the drawing titled **Proposed Site Access Arrangement from Lewes Road (A272)** and numbered **ITL19597-GA-004 Rev H**

Reason: In the interests of road safety

Dropped Kerbs and Tactile Paving

No dwelling shall be first occupied until the dropped kerbs and tactile paving works as shown on drawing **ITL19597 Figure 6.2** have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel

Footway Improvements on Snowdrop Lane

No dwelling shall be first occupied until the highway improvements shown in plan titled 'Proposed footway improvements at Snowdrop Lane' and numbered **ITL19597-GA-021 Rev A**, have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel

Footway Improvements to lay-by on Lewes Road

No dwelling shall be first occupied until the highway improvements shown in plan titled 'Potential Lewes Road footway improvements at existing Lay-by' and numbered **ITL19597-GA-018** have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel

Informal Crossing across Lewes Road (East of Birch Close)

No dwelling shall be first occupied until the highway improvements shown in plan titled 'Proposed uncontrolled crossing across Lewes Road' and numbered **ITB19597-GA-011 Rev B** have been undertaken.

Reason: In the interests of pedestrian safety and promoting active travel

CONSTRUCTION

Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

INFORMATIVE

Works within the Highway – Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

Traffic Regulation Order

The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed speed limit reduction on Haywards Heath Road from 40mph to 30mph. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

Updated following further information (2nd May 2025)

The applicant has responded to the request for more information in WSCC response dated 19th March 2025. A transport note and lay-by plan has been submitted for approval.

Lay-by works on Lewes Road

1. Plan ITL19597-GA-018 is provided to show the new footway construction over the current lay-by to link the footway as the alternative surfaced and level route to the school and local amenities. (if not using the public right of way). WSCC are satisfied these improvements to the footway help to encourage a safe and level walking route via Snowdrop Lane.
2. Local residents have highlighted the need for a level surface route to the local amenities for visibly and mobility impaired. WSCC is aware the route via Snowdrop Lane is the nearest route but there is no footway on a short stretch of Snowdrop Lane to connect Lewes Road and Marlow Drive. Is there any mitigation the developer could provide here to alert drivers to pedestrians walking in the road.

TRO Scheme of Supporting Works

The applicant states in the transport note that they are willing to provide a financial contribution towards the development of a TRO to reduce the speed limit from 40mph to 30mph, and a scheme of supporting measures.

WSCC preference would be for the applicant to include the TRO and supporting scheme of measures within the s278 works, secured thorough the s106 process and delivered via the s278 agreement at the same time as delivering the access works. Would the applicant be willing to provide a scheme in this way?

Original (19th March 2025)

WSCC acting as the County Highway Authority (CHA) has considered the above application for outline planning consent. Pre-application advice was also given by WSCC under reference PRE-48-24 which has been useful to determine the offsite highway works that are feasible.

WSCC raise *no objection in principle* to this outline application, subject to a S106 agreement. However, **'MORE INFORMATION'** is required surrounding the:

- TRO scheme of supporting works
- **and a plan showing the removal of existing layby along Lewes Road A272 (near junction of Snowdrop Lane) with footway construction.**

Plans should be submitted to the LPA for approval.

Access

The site is currently used for agricultural purposes and the proposal for a housing development of up to 80 dwellings will require a new vehicular and pedestrian access onto the A272 Lewes Road.

Lewes Road has a 40mph speed limit at the proposed location of the new access. The proposed site access arrangement drawing ITL19597-GA-004 Rev G shows the new access to provide the following:

- Simple priority junction with 5.5m access road, 2m footway on one side, and 1m service margin on the other.

- Bell mouth junction onto Lewes Road with 6m kerb radii to the east and 9m radius to the west
- Visibility splays are based on the 85th percentile speeds of the road which were 42.5mph to the east and 41.1mph to the west.
- Therefore, splays of 2.4m x 112m to the east (offset 0.3m from the edge of the carriageway) has been provided in accordance with DMRB.
- And 2.4m x 108m to the west (offset 0.3m from the edge of the carriageway) has been provided in accordance with DMRB.
- The provision of an informal crossing point with dropped kerbs and tactile paving has been provided to the west of the junction to link into the existing footway on Lewes Road.

Trip Impact

A Transport Assessment has been undertaken to review the sites transport impact. ATC counters were used to determine the existing level of traffic on Lewes Road. This was undertaken in December 2023 and the results showed the average daily flows were 587 vehicles eastbound and 628 westbound, with 85th percentile speeds of 41mph eastbound and 42.5 mph westbound.

A TRICS assessment was also undertaken. Based on 80 dwellings the expected trips in the AM peak hour would be 73 two-way trips (15 IN, 58 OUT) and in the PM peak hour would generate 64 two- way trips (44 IN, 20 OUT).

In the AM peak this would equate to 1 trip leaving the site every minute, and 1 trip entering the site every 4 minutes.

In the PM peak this would equate to 1 trip leaving the site every 3 minutes, and 1 trip returning into the site every 1 minute.

WSCC are satisfied the trips associated with this development would not generate a level of trips which would be considered high enough to require any further junction design. The travel to work census data has also been used to determine the direction of travel most likely to be taken and suggests that journeys to work made by car are most likely to travel from the site in a westerly direction with the remaining spread out in lots of different directions.

This information has been shown on network flow diagrams and show the majority of traffic movements will be making left turns out of the site and right hand turns in.

Junction Modelling

For robustness WSCC asked for the site access and the Birch Hotel roundabout to be modelled to ensure no additional highway improvements were required. The applicant used Junctions software and in summary the results show the highway network can operate within capacity in both baseline and future year scenarios.

Queue lengths were also investigated, and the results show no queues would be created as a result of the development at both the site access and the Birch Grove roundabout.

Stage 1 Road Safety Audit with Designers' Response

A Stage 1 Road Safety Audit of the site access has been undertaken following the principles of GG119 and includes a designer's response which WSCC (as the overseeing organisation has responded to - see below). 3 problems were raised including two related to the access and 1 regarding an existing gully.

RSA Problem	RSA Recommendation	Design Organisation Response	Overseeing Organisation Response	Agreed RSA Action
3.3.1	It is recommended that a Picady, or similar, programme should be checked to	Agree. A junctions 10 capacity model of the proposed site access has been	Agree. WSCC as the OO can confirm the junction's software has not raised any issues with	Agreed. No further action. Progress the S278 agreement.
	ensure that there is no excessive queuing at the access and supplied for assessment.	undertaken and included within the Transport Assessment. The capacity model was assessed for the AM and PM peak hours for a future year 2030 with traffic growth and the proposed development. The results show there is no expected queuing along Lewes Road as a result of the proposed site access.	queuing at his junction. The RFC values in the AM and PM peak hours are very low at 0.0 and 0.1 which indicates no queuing is likely to occur.	
3.3.2	It is recommended that the junction radii should be eased to provide sufficient carriageway space to prevent incursion into the opposing carriageway	Agree. The site access design has been revised this includes a compound curve radius to avoid a refuse vehicle from the overhanging the centre line of Lewes Road when turning left out of the site access.	Agree.	Agreed. Updated plans showing the compound curve to be submitted to the LPA and agreed as part of s278 at detail design.
3.4.1	It is recommended that the gully should have a pedestrian friendly cover installed or be relocated	Agree. Either a pedestrian friendly gully cover is provided, or the gully is re-located this will be assessed and agreed at the detail design stage.	Agree. The gully should have a pedestrian friendly cover or be re-located.	Agree. Plans and details of the proposed action to be submitted and agreed as part of the s278 at detail design stage.

Off-site highway improvements

The applicant has considered how sustainable the site can be in terms of linking into existing footways and cycle links and connecting into the preferred LCWIP network. As part of the

pre-application advice work the applicant undertook their own survey of the existing walking and cycling routes in the local area.

Numerous options were considered such as a pedestrian crossing on Lewes Road, a shared use cycle path on Lewes Road, and the upgrading of the existing public right of way to a permissive cycle path linking into Walnut Park and local amenities.

Unfortunately, most of these options were not feasible due to lack of space in the highway or landownership issues. However, the applicant has been able to propose some improvements focusing on walking routes to most of the local amenities such as the shops and schools.

They have provided a package of off-site measures which are inclusive for all and will help support walking and wheeling, in the local vicinity.

A number of off-site highway improvements are proposed shown indicatively in Fig 6.2-ITL19597 these are:

- An uncontrolled crossing across Lewes Road with dropped kerbs and tactile paving at the Birch Close junction, to improve the access and connection between the north side and south side footway. (ITB19597-GA-011)
- Removal of existing layby along Lewes Road A272 (near junction of Snowdrop Lane) with footway construction.
- An uncontrolled crossing across Orchid Park with dropped kerbs and tactile paving linking existing Footpath CU29.
- An uncontrolled crossing across Orchid Park with dropped kerbs and tactile paving for pedestrians onto Charlesworth Park.
- Adding tactile paving to the existing crossing at the Marlow Drive/Charlesworth Park junction.
- Adding tactile paving to the existing crossing at the Beech Hill/Marlow Drive junction.
- An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians routing between Marlow Drive and Catkin Way.
- An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians routing between Marlow Drive and Views Path.
- Adding tactile paving to the existing crossing at the Northlands Avenue/Larch Way junction.
- Adding tactile paving to the existing crossing at the Beech Hill/Aspen Close junction.
- An uncontrolled crossing with dropped kerbs and tactile paving for pedestrians across Rowan Close for pedestrians routing between Aspen Walk and Northlands Avenue.

All of the above are to be included in the s106 agreement and delivered by the applicant.

Potential Relocation of the existing 30mph / 40mph speed limit change on Lewes Road to the east of the proposed site access road

The applicant has confirmed they are willing to progress a TRO to reduce the speed limit from 40mph to 30mph. It is acknowledged the site access and visibility splays are based on existing observed speeds and therefore the proposed access is not dependent on a speed limit change.

Advice from our road safety team (as part of the advice given at pre-app stage) is that given the nature of the road and current vehicle speeds; some form of supporting measures would be required on the long straight section of Lewes Road. This would be required to ensure the 30mph limit is respected by most drivers.

The applicant was also made aware that lighting issues will inform the TRO. The lighting present is not owned by WSCC (likely owned by the Town Council) and we have no details. Without knowing what the design criteria is for this lighting WSCC is unable to ascertain

whether this would be considered a system of street lighting. Therefore, lighting design would need to be factored into any speed limit or highway improvement.

Please can the applicant provide a plan to the LPA of the 'supporting measures' that will be included in the TRO scheme of works as part of the S106 agreement to ensure the applicant covers the cost of the TRO and an obligation is in place to deliver the TRO scheme of works if it is accepted.

Framework Travel Plan

A Framework Travel Plan is submitted and approved.

West Sussex County Council (WSSC) require a Travel Plan to be submitted as part of this planning application to support and encourage sustainable and active travel. The fee of £3,950 plus VAT is a requirement of any submitted travel plan to cover the additional resource implications and costs of assessing and auditing the TP through the lifetime of the plan and its 5-year monitoring period.

WSSC would expect to see this included in a S106 agreement, to ensure the plan is obligated.

Internal Layout

Whilst this is only an outline application WSSC would offer some general comments here regarding the layout at this stage.

consideration should be given to guidance in the DFT document 'inclusive mobility' and the governments Active Travel England guidance on layouts.

Permeable layouts are encouraged, and pedestrians and cyclists take precedence over the car.

Navigation from different spaces in the development needs to be shown to work for all people. Inclusive design is encouraged. Crossing from one side of the development to the other needs to be thought about so all users of the development can be included in accessing all areas and play spaces.

Summary

WSSC are satisfied the proposal meets paragraph 116 of the NPPF:

"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."

WSSC Fire and Rescue Service

This application has been dealt with in accordance with the statutory obligation placed upon Fire and Rescue Service by the following act;

***Fire and Rescue Services Act 2004
Part 5, 38: Duty to secure water supply etc.***

- 1) *A fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.*

This proposal has been considered by means of desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC mapping and Fire and Rescue Service information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments:

- 1) Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.
- 2) Prior to the first occupation of any dwelling or units forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

If a requirement for additional water supply is identified by the Fire and Rescue Service and is subsequently not supplied, there is an increased risk for the Service to control a potential fire. It is therefore recommended that the hydrant condition is implemented.

Reason: In the interests of amenity and in accordance with Mid Sussex District Plan (2014 – 2031) Key Policies DP18 and DP19 and in accordance with The Fire & Rescue Service Act 2004.

WSSC Minerals and Waste

No objection subject to:

WSSC Joint Minerals Local Plan (March 2021)

The application relates to the delivery up to 80 dwellings to the land to the south of Lewes Road, Haywards Heath, and is partially located within the identified Mineral Safeguarding Area (MSA) for Building Stone (Cuckfield Formation). Accordingly, it is necessary to assess the proposal against Policy M9 (b) of the JMLP, which reads as follows:

Policy M9 (b)

(b) Soft sand (including potential silica sand), sharp sand and gravel, brick making clay, building stone resources, and chalk reserves are safeguarded against sterilisation.

Proposals for non-mineral development within the MSAs (as shown on maps in Appendix E) will not be permitted unless:

- (i) mineral sterilisation will not occur; or*
- (ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or*
- (iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.*

The applicant has provided a brief assessment of the potential safeguarded resource within their submitted Planning Statement. The assessment concludes that, while it is understood that there is a underlying mineral resource of building stone beneath the site, the prior extraction of this resource would not be economically practicable or environmentally feasible as a result of: the relatively small site area (6.2ha), the overriding need for the non-mineral development, lack of accessibility to the site and unsuitability for HGVs and amenity impacts relating to noise, air quality and traffic as a result of the mineral extraction process. The assessment makes no reference to the potential quality or quantity of the underlying mineral resource and, as a result, the extent of mineral sterilisation that would occur as a result of the non-mineral development is currently unknown, although it is inevitable that mineral sterilisation will occur should the proposal be approved at this stage.

While it is disappointing that the extent of sterilisation is currently unknown, and no effort has been made to secure any of the underlying resource as part of the development (either in part or as incidental extraction the enabling works of the development) for use within the development or export to local operators, the MWPA would note that the site is only partially underlain by the resource within the eastern and southern application site boundaries. As a result, it is not expected that the development of the 6.2ha in its entirety would result in the same area of mineral resource being sterilised.

Regardless, should the LPA deem necessary, consideration should be given to the potential usefulness of this resource within the local built landscape or the proposed development itself, and the MWPA would recommend that the LPA contact their Conservation Officer to fully assess the level of weight to afford the safeguarding of this resource (see 2.5 of the MWS Guidance). If necessary, the applicant should provide a full Mineral Resource Assessment, including an assessment of the quality/quantity of the underlying building stone, and identify any potential outcrops that may be suitable for prior extraction either within the site or to export to local operators.

Therefore, the MWPA would offer no objection to the proposal, subject to the LPA being satisfied that the value of the resource has been duly assessed, in conjunction with comments from their Conservation Officer, to demonstrate that the prior extraction of the mineral resource is economically unpracticable or environmentally unfeasible. Should the comments from the CO inform a requirement to deliver the mineral resource, either in part or in full, then the MWPA would request that we are reconsulted, with the extent of the resource and its potential for prior/partial extraction assessed within a full Mineral Resource Assessment.

Sussex Police Crime Prevention

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings), that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and

cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex, as indicated within Police.uk. I have no major concerns with the proposals at the location, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I would like to direct the applicant or their agent to the SBD website at www.securedbydesign.com where the residential SBD Residential 2025 edition 1 document can be found. This document became effective from 1st March 2025. This edition of the SBD guidance for residential properties has been designed to cater for the security of all new and refurbished homes including those for disabled and older people. The guide incorporates the latest security standards, developed to address emerging criminal methods of attack, and includes references to the Building Regulations and other statutory requirements across the United Kingdom.

It is important that proposed developments and public realm spaces and community provision are fully inclusive, created for the benefit of all, with safety and security at its core. For example, this Guide reflects upon the Home Office 'Violence Against Women and Girls' (VAWG) agenda, so that consideration is given to environmental design. This ensures such environments promote equality and are safe, inclusive, accessible, pro-social, and of high-quality, meaning that users will want to interact with the space and receive the health benefits that they have potential to offer.

The proposed site entrance is proposed to be perpendicular to the A272 and would follow the boundary between North Colwell Farmhouse and its immediately neighbour to the north east, no. 90 Lewes Road. The built form includes a mix of terraces, semi-detached, detached and apartment buildings up to two and half storeys in height. It is being proposed that in all cases properties have a separate access to their rear gardens to allow bins to be stored to the rear of properties.

Parking is being provided within on-curtilage, rear parking bays and a number of on-street bays. Where communal parking areas are necessary, bays shall be sited in small groups, close and adjacent to homes, be within view of active rooms and clearly marked, so that it is obvious which parking spaces belong to which dwellings. The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms.

Rear parking courtyards are discouraged for the following reasons:

- They introduce access to rear elevations, which may leave dwellings vulnerable to burglary.
- In private developments, such areas are often left unlit and therefore increase the fear of Crime.
- Ungated courtyards provide areas of concealment which can encourage anti-social behaviour.

In order to create a safe and secure environment for the vehicles and their users, I recommended that communal parking facilities are lit to the relevant levels as recommended by BS 5489-1:2020 (design of road lighting and public amenity areas).

It is recommended that the dwellings face out onto the street and road layout. This will create a good active frontage and provide good levels of natural surveillance over the street and manoeuvring areas.

For the residential dwellings, it is recommended that all external door-sets and any easily accessible windows are 3rd party certificated. Details on recommended specifications can be found within SBD residential Guide 2025 edition 1.

For communal entrance door-sets for the apartments, where door-sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets. Where there is a requirement for a door-set to be security, fire and smoke rated, e.g. flat or apartment entrance door-sets, interconnecting garage door-sets, some door-sets aiding security compartmentation and/or meet a building regulation requirement, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party certification from a single UKAS accredited certification body satisfying all the performance elements. This is in order to minimise the likelihood of a door-set being presented in varying configurations for separate security, fire and smoke tests and then later being misrepresented as one product meeting all requirements. It is recognised that there are occasions where a door-set may only be required to be fire and security rated (not smoke).

Defensible space has the simple aim of designing the physical environment in a way which enables the resident to control the areas around their home. This is achieved by organising all space in such a way that residents may exercise a degree of control over the activities that take place there.

Therefore, it is important that the boundary between public and private areas is clearly indicated. For the majority of housing developments, it will be desirable for dwelling frontages to be open to view so walls, fences and hedges will need to be kept low or alternatively feature a combination of wall (maximum height 1m) and railings or timber picket fence.

Front garden planting of feature shrubs and suitable trees (e.g. open branched or light foliage, etc.) will also be acceptable provided they are set back from paths and placed to avoid obstructing visibility of doors, windows and access gates to the rear of the property. Similarly, planting which allows a clear line of sight to the pavement and road is preferable.

Whereas vulnerable areas such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. There may be circumstances where more open fencing is required to allow for greater surveillance. Trellis topped fencing can be useful in such circumstances, to increase the height of the boundary and make it more difficult to climb over as well as supplying surveillance through the trellis. However, if the overall height of the boundary exceeds 2m, the national planning guidelines state that planning permission will be required.

Gates to the side of dwellings that provide access to rear gardens or yards must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible

Whilst it is accepted that through routes will be included within development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths (Note 8.4). Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have both been proven to deter criminal behaviour.

Note 8.4: The Design Council's/CABE's Case Study 6 of 2012 states that: "Permeability can be achieved in a scheme without creating separate movement routes" and notes that "paths and pavements that run as part of the street to the front of dwellings reinforce movement in the right places to keep streets animated and do not open up rear access to properties."

Where isolated footpaths are unavoidable, and where space permits, it is recommended that they shall be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, bicycles and mobility vehicles). If footpaths are designated as an emergency access route they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers.

With respect to the green open spaces and the landscaping requirements across the development. Planting should not impede the opportunity for natural surveillance and wayfinding and must avoid the creation of potential hiding places. As a general recommendation, where good visibility is needed, shrubs shall be selected to have a mature growth height no higher than 1m, and trees shall have no foliage, epicormic growth or lower branches below 2m, thereby allowing a 1 metre clear field of vision. Trees on appropriate root stock can provide a more reliable means of reducing the likelihood of impeding natural surveillance, by modifying the natural growth habits. As a general rule, building frontages shall be open to view except, for example, houses standing in their own private grounds. Attention shall be given to the location of walls and hedges so that they do not obscure doors or windows, and the position of trees that may become climbing aids into property or obscure lights or Video Surveillance Systems (VSS) cameras.

Following the above arrangements provides a window of observation throughout the area. This will allow for the interaction of capable guardians across the site to observe and report any incidents and occurrences. A capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a crime. However, a capable guardian could also be VSS, providing that someone is monitoring it at the other end of the camera at all times.

Due to the development having a potential for play area and green spaces. Poorly designed and specified public realm and communal areas, such as playgrounds, roof gardens, communal gardens, community dining rooms, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. The design and layout of play spaces will vary depending on the age requirements.

The various types of play spaces are referred to as:

- Local Areas of Play (LAP) – primarily for the under 6-year-olds
- Local Equipped Area for Play (LEAP) – primarily for children who are starting to play independently
- Neighbourhood Equipped Area of Play (NEAP) – primarily for older children
- Multi-Use Games Areas (MUGA) – primarily for older children

Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space shall be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

Where cycle security is being offered within the development. SBD offers specific advice to shed construction and cycle containers in order to provide an adequate and fit for purpose secure environment for the cycles. Where sheds are provided for bicycle parking, SBD recommend that they are certified to Sold Secure SS301 Bronze, or above and securely

fixed to a suitable substrate foundation in accordance with the manufacturers' recommendations.

It is the developer or developer's agent's responsibility to inform the Responsible Person(s), Fire and Rescue Service and Building Control of any bicycle storage facilities and/or other areas that may require the charging and storage of Lithium-ion powered vehicles or devices, within the building or the wider site footprint, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion powered vehicles have been considered and specified.

- The National Fire Chiefs' Council have produced fire safety guidance for e-bikes and e-scooters, which is available at: <https://www.nfcc.org.uk/our-services/campaigns/e-bikes-and-e-scooters-firesafety-guidance>. - SBD residential Guide 2025 edition 1 section 57.10
- The Bicycle Association and Cycle Rail Working Group, including Secured by Design, have published a UK quality and security standard for public cycle parking which is available at: <https://www.securedbydesign.com/images/05132-Cycle-Parking-and-Security-Standards-June2021-REV-6.pdf> - SBD residential Guide 2025 edition 1 section 57.11

Lighting provides reassurance and enables people to see at night that they are safe or, to assess a developing threat and if necessary, to identify a route they could take to avoid such a potential. How much light should be provided and what times these levels should be applied is a critical one for the success of a lighting strategy as it will, if correctly calculated, enhance the public's experience of an area whilst simultaneously increasing their safety in it.

SBD recommends that all street lighting for adopted highways and footpaths, private estate roads, unadopted roads and car parks is to comply with BS 5489-1:2020. It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to very low levels of illumination. If this is the case, it is acceptable. However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored. Some are currently experimenting with switching off street lamps in low crime areas between certain hours of the night in order to save energy costs and reduce CO2 emissions.

Secured by Design supports the Institution of Lighting Professionals (ILP) in discouraging 'switch off' unless a full risk assessment has been carried out, and the ILP also recommends that 'switch off' never be implemented purely for cost saving. A variable controlled lighting level is always the preferred option in addition to one which does not disadvantage disabled and older people who may have a sensory impairment and require well-lit routes to enable easy wayfinding and to make other users more easily visible. Attention to position and location of lighting to improve illuminance at ground level can avoid users casting shadows onto the surface whilst minimising light pollution.

Unfortunately, there are many crimes which occur during the construction phase of a development the most significant include theft of plant equipment, materials, tools and diesel fuel. 6.2 Secured by Design recommend that security should be considered throughout the life cycle of the development and in place prior and during the construction phase (inclusive of pre-enablement works). For example, this should include robust perimeter fencing of the site and (where appropriate) a monitored alarm system (by a company or individual who can provide a response) for site cabins and those structures facilitating the storage of materials and fuel.

The developer is advised that signage should be displayed across the development (i.e. on the perimeter fencing) and should contain the emergency contact details and point of

contact. This will allow both the public and staff members to report suspicious behaviour and circumstances. Mobile or part time video surveillance systems (VSS) can be used as an effective aid to the security of a site and can act as a deterrent to criminal activity.

Further advice on construction site security can be obtained from the Secured by Design website at

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

I would also ask you to note that Sussex Police is now exploring the impact of growth on the provision of policing infrastructure over the coming years and further comment on this application may be made by our Joint Commercial Planning Manager.

Sussex Police would have no objection to the proposed application as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations having been given due consideration.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Sussex Police Infrastructure

Sussex & Surrey Police are an active member of the National Police Estates Group (NPEG) and now act as one on all infrastructure and town planning related matters across their combined geographical area. Our approach to Section 106 requests is in accordance with national best practice recommended by the National Police Chief's Council (NPCC). The approach now adopted has been tested at public inquiries nationally and found to be in accordance with the statutory CIL tests.

The large numbers of housing being developed across Sussex and more specifically within Haywards Heath (Mid Sussex District) will place a significant additional demand upon our police service. These impacts will be demonstrated in this submission and the necessity of investment in additional policing services is a key planning consideration in determination of this planning application.

This development will place permanent, on-going demands on Sussex Police which cannot be fully shouldered by direct taxation. Like many other public services, policing is not fully funded via public taxation. This request outlines a number of the capital costs that will be incurred by Sussex Police to enable safe policing of this development.

All of the infrastructure outlined in this funding request has been found compliant with regulation 122 of the Community Infrastructure Levy (CIL) and are considered directly related to the development in scale and kind and necessary to make the development acceptable in planning terms.

The application site is a greenfield site (agricultural land) that has a negligible impact on policing. Once developed this site will create an additional demand upon the Police Service that does not currently exist.

The Police will need to recruit additional staff and officers and equip them. Investment into Automatic Number-Plate Recognition (ANPR) cameras and speed control measures will also be required. The development will also require the services of a police vehicle. Staff and

officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

Police forces nationally, are not in a position to support major development of the scale now being proposed for many of the nation's towns and cities without the support from the planning system. If we are obliged to do so using our own resources only, then it is reasonable to conclude that there will be a serious risk of service degradation as existing coverage is stretched to encompass the new development and associated population growth. This is already evident across Sussex due to the significant numbers of housing being developed and clearly shown by the increasing numbers of recorded crimes in Sussex over the last year. Our force must ensure that development growth is supported by the infrastructure necessary to guarantee the safety and security of the new communities.

It is the responsibility of the PCC to ensure our Chief Constable has sufficient financial support to deliver a high level of policing to the residents of Sussex. Our Office continues to actively seek financial contributions via Section 106 agreements and CIL funds to support our capital program. This will enable Sussex Police to deliver the highest possible service to ensure the protection of the communities that we serve. In line with many other police forces Sussex & Surrey Police have updated our methodology for infrastructure requests to ensure our representations are transparent and provide an up to date, accurate reflection of our current capacity in the district.

Our new methodology has been developed through a joint partnership with Leicestershire, Thames Valley, West Mercia, Warwickshire and other active members of the National Police Estates Group (NPEG). This methodology was considered Community Infrastructure Levy REG122 compliant by Mr Justice Green in the case of *Jelson v SoSCLG and Hinckley and Bosworth Council* [2016] CO/2673/2016 (**Appendix 1**). In addition, there are a significant number of recent appeal decisions and High Court judgments supporting both the principle of Police contributions and our methodology (see attached appendices). The principle of developer contributions towards Sussex and Surrey Police has recently (May 2024) been upheld by the Secretary of State in the allowed appeal relating to new 1,730 dwellings at Land at the former Wisley Airfield, Hatch Lane, Ockham, Surrey (Appeal ref: APP/Y3615/W/23/3320175 – **Appendix 2**).

I will go into further detail on the various items of infrastructure and provide evidence of their compliance with Regulation 122 tests.

1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/25/0445 makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore, there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However, in a service where most of the budget is staffing related, the Sussex Police capital programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it

is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the CIL. This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

The reality of this financial situation is a major factor in our Forces planning and alignment with plans for growth in that whilst Sussex Police can plan using their revenue resources to meet their on-going, and to a limited extent, additional revenue costs these do not stretch to fund necessary additional investment in their infrastructures.

Sussex Police will continue to engage with Local Planning Authorities to ensure crime prevention is referenced within new local plan documents and provide crime prevention design advice to minimise the opportunities for crime within new development. Ensuring new development takes full consideration of crime prevention and the provision of adequate infrastructure to support policing is clearly outlined within the National Planning Policy Framework (NPPF, December 2024), relevant sections of the Planning Practice Guidance (PPG) and Section 17 of the Crime and Disorder Act 1998 (as amended).

Paragraph 20 [‘Plan-Making’] of the NPPF states ‘*Strategic Policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for: infrastructure for transport, telecommunications, security...*’. In addition, paragraph 96 of the NPPF [‘Promoting healthy and Safe Communities’] states that ‘*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...*’.

Furthermore, paragraph 101 of the NPPF states ‘*To ensure faster delivery of other public service infrastructure such as...blue light...local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.*’

Paragraph 102 states ‘*Planning Policies and decisions should promote public safety and take into account wider security and defence requirements by, anticipating and addressing possible malicious threats and other hazards (whether natural or man-made, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature and potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development.*’

In the support of this request the following information is provided by Sajaki Rai, Accountant at Sussex Police and is a detailed commentary on Sussex Police’s budget, which underpins the above statements:

National funding

Sussex Police receives 58% of its funding from central government and 42% from local taxation. Central government funding comprises of the Home Office Core Funding

Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as Central Government Grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

The distribution of CGG is calculated by the Police Relative Needs Formula. This Police Funding Formula divides up how much money each police force receives from the overall central government funds. It takes into account a number of factors to assess demand in each area.

The first stage of the formula is to divide funds between the different activities that the police undertake. These activities, or workloads, can be broken down into five key areas (Crime, Incidents, Traffic, Fear of Crime, and Special Events).

A portion of total funding is also distributed according to population sparsity, to address the specific pressure created by the need to police rural areas.

The second stage is to divide funding for each of these workloads between the 43 local policing bodies of England and Wales. In order to do this, 'workload indicators' are calculated to estimate how much work each Police Force is expected to have in each of the key area compared to other forces. These estimates are calculated by socio-economic and demographic indicators that are correlated with each workload. Indicators of workload are used rather than data recorded crime levels to account for known variations in recording practices, and the funding model has been designed to avoid creating any incentives for forces to manipulate figures.

The formula consists of a basic amount per resident and a basic amount for special events, and top ups for the five key areas, sparsity and area costs (which takes account for regional differences in costs).

The top-ups etc. are weighted and use specific categories of population, rather than a straightforward population figure, to determine grant allocations, for examples specific categories includes the population of various benefits, long-term unemployed, overcrowded households, hard pressed households, residents in terraced accommodation etc.

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in CGG Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed into the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

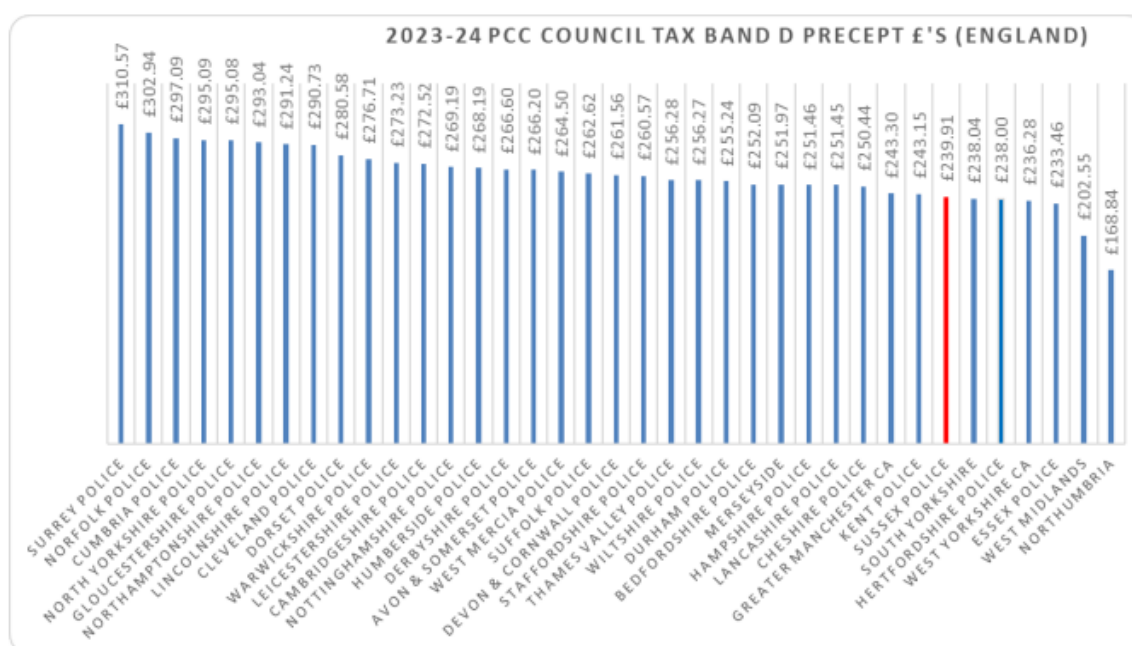
For the 2023/2024 year there was an increase in the CGG despite the ongoing recruitment scheme known as 'Operation Uplift' across the UK. This funding was ring fenced for revenue expenditure on employing new police officers. However, it can be stated with certainty that even if there were further increases in central funding because of development growth, this funding would be fully utilised in contributing to additional salary, revenue and maintenance costs (i.e. not capital items and not what is claimed here). This funding, therefore, would not be available to fund the infrastructure costs that are essential to support the proposed development growth.

The time horizon of the financial planning is not determined by the time horizon of financial support available from central Government. This is currently only known for the 2024/25 financial year, which is the last year of the Comprehensive Spending Review 2021. The change of Government following the General Election on 4 July 2024 adds uncertainty and raises further questions about future funding levels, policy changes, employment rights, sustainability, tax and levies, and how each of these may result in changes to current and future plans. The greater the uncertainty about future central Government policy, the greater the need to demonstrate the PCC entity's long-term financial resilience, given the risks attached to its core funding.

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently (2024/2025) £13 per Band D property to maintain real terms funding, and £14 for 2025/2026.

During 2023/24 Sussex Police had the 12th lowest net expenditure per head of population nationally at £195.23 and the 7th lowest precept of any PCC in England and Wales at £239.91 per Band D equivalent household.



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There remains potential for the council tax yield to increase simply through a growth in the CTB. However, it should be noted that the CTB is reduced for discounts and exemptions provided under the Local Council Tax Benefit Scheme (LCTBS) and may also be affected by collection rates. Therefore, a growth in households might not lead to a growth in council tax yield where those households benefit under the LCTBS.

The additional funding generated by council tax in 2023/2024 will reduce the severity of the Forces previous savings target. However, even with a £14 increase in the precept and use of other resources, including earmarked reserves and underspend from 2023/24, it will not be enough to balance the budget and offset the large cost increases that are anticipated, leaving the requirement to make £8.2m of savings to balance the budget for 2024/25.

Most importantly, the higher council tax precept will allow our PCC to retain and invest in our workforce and continue supporting our Local Policing Program (LPP). Key considerations driving the precept increase decision included:

- Public demand on police services is increasing exponentially;
- Criminal investigations are becoming increasingly complicated, with huge amounts of digital material to identify, secure and analyse, against an exacting threshold for prosecution;
- The public want to see investment in more visible, local policing, focusing on crimes like burglary and anti-social behaviour and they rightly want to feel safe on the roads, in public spaces and at night-time;
- The public also want to see improvements in the force's approach to public contact and more support to the 101 service;
- HMICFRS (Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services) has recently acknowledged the public's concerns about changes to neighbourhood policing, and stressed the importance of community intelligence;
- And the PCC's consultations and correspondence with the public show that a majority of Sussex residents are prepared to support their police service through increased precept contributions.

Savings

Since 2010/11 we have seen reductions to the grant funding provided by the Government to Policing Bodies in England and Wales. Sussex Police have worked hard to deliver savings and have made £109m of reductions and efficiencies to head towards balancing its books (source: Her Majesty's Inspectorate of Constabulary's (HMIC) Police Effectiveness, Efficiency and Legitimacy (PEEL) assessment and 2017/18 revenue budget).

Despite increases in the Council tax yield the Sussex Police Medium Term Financial Strategy (MTFS) 2024-2028 identifies that there remains a requirement to make £0.9m of savings to balance the budget for 2023/2024 and £18m in the following three years. This is the 'budget gap' i.e. the difference between funding and the cost of policing which will need to be met by savings.

Capital Funding

The Government stopped providing an annual grant to support the capital and investment programme from 2022/23. However, specific capital grants may be issued for specific capital investment, for example, the Emergency Services Network.

For many years Sussex PCC has benefitted from substantial capital reserves, supported by capital receipts from the sale of operational buildings and assets or from revenue reserves assigned to capital investment. Most of these resources have now been utilised and as we move forward through the next 4 years and beyond, there is the necessity to fund through either Direct Revenue Funding (DRF) and external borrowing for specific projects. The capital financing approach remains to maximise the use of Capital Receipts to support the capital programme whilst maximising the overall benefit in underpinning the Revenue budget.

Local Authorities, including the PCC, can set their own borrowing levels based on their capital needs and their ability to pay for the borrowing. The levels will be set by using the indicators and factors set out in the Prudential Code. The borrowing costs are not supported by the Government so Sussex Police need to ensure they can fund the repayment costs. The Minimum Revenue Provision Statement sets out a prudent approach to the amount set aside for the repayment of debt. Borrowing is to be used to cover long life assets only.

Since there is no support from Government with Capital Grant, low reserve and as the pool of assets available for sale declines the financial support from these receipts diminishes, any local capital investment creates an additional financial burden on Sussex Police which will need to be funded through borrowing. With diminishing reserves and the implications of borrowing such as high interest rate, both alternative funding mechanisms are inadvisable.

Conclusions on funding

Like many other public sector organisations, Sussex Police have seen a real terms reduction in grant funding in recent years, which has necessitated changes to the policing model. At the same time the demands placed on the police service increase, whilst the service must deal with the changing nature of crime at both the national and local level, for example, cybercrime, child sexual exploitation and terrorism are areas of particular concern. Additional funding granted towards policing will support and sustain local policing services to Sussex residents.

In conclusion it remains necessary to secure Section 106 contributions or direct CIL funding for policing infrastructure, due to the direct link between the demand for policing services and the changes in the operational environment beyond Sussex Polices control i.e. housing growth and the subsequent and permanent impact it has upon policing.

Securing modest contributions means that the same level of service can be provided to residents of new development as it is to existing residents and without compromising frontline services. The consequence of no funding is that existing infrastructure will eventually become stretch to breaking point, and none of the communities we serve will received adequate policing.

Whilst national and local funding must continue to cover salary and maintenance costs, there would be insufficient funding to provide the infrastructure required for officers to carry out their jobs effectively, Sussex Police consider that these infrastructure costs arising directly as a result of the development proposed and that funding for the police under S106 or CIL is both necessary and justified.

2. Assessment and Request

Our Office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of this district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the district. In the absence of developer contributions towards the provision of essential policing infrastructure, Sussex Police would raise **objection**, as the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an

incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

Nationally, the Police Force ensure that we take regular legal advice and guidance from industry professionals on the applicability of NPPF tests relating to the application of Regulation 122 on our funding requests for S106 agreements and Infrastructure Development Plans. This included advice as to what is infrastructure which can be summarised as follows:

- The first point to note is that '*infrastructure*' is not a narrowly defined term. Section 216 of the Planning Act 2008 provides a list of "*infrastructure*" but is clear that that list is non-exhaustive. That fact is demonstrated by the use of the word "*includes*" prior to the list being set out.
- There is no difficulty in the proposition that contributions towards Police infrastructure can be within the definition of infrastructure for the purposes of the 2008 Act. In policy terms this is reinforced by the reference to security infrastructure in paragraph 20 of the National Planning Policy Framework (December 2023).
- Infrastructure is not limited to buildings and could include equipment such as vehicles, communications technology, and surveillance infrastructure such as CCTV and ANPR. Infrastructure could also include speed cameras/metres or Speed Indication Devices (SIDs) which are a mobile education tool for deployment by Neighbourhood Policing Teams at the roadside, displaying warning messages or speed to drivers.

The submission set out below is based on the same methodology previously found sound by Planning Inspectors, the Secretary of State and the High Court and has been found sound. The costs included in this submission are sites specific costs which are envisaged to be secured via a Section 106 agreement. The significant costs relating to revenue will be met by local and national taxation.

3. Current Policing requirements in the District of Mid Sussex

Sussex Police's existing estate

At present, Neighbourhood policing in Mid Sussex is delivered from Burgess Hill, Haywards Heath and East Grinstead Police stations. Burgess Hill and Haywards Heath are the main operational bases for Neighbourhood Policing Teams (NPT) and Neighbourhood Response Teams (NRT) in the District. East Grinstead police station is our new drop-in office within the Chequer Meads arts centre.

Our office has undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Sussex Police's current policing requirements and projections

For the last year (2024) Sussex Police recorded 28,503 (an additional 726 incidents from 2023) incidents in the District of Mid Sussex.

To determine the current policing requirements per household or individual person an approximate estimation of the number of households and population in the district is required. The 2021 census listed 63,300 households and 152,600 persons living in Mid Sussex with an average household size of 2.41 persons. Taking into account the number of recorded incidents and current number of households this results in 0.45 incidents per household (28,503/63,300) and 0.187 incidents per person (28,503 / 152,600) that require police attendance in the Mid Sussex district each year.

Sussex Police have a duty to respond to all incidents and many of these incidents are not recorded as crimes. We deliver crime prevention and presence, attendance and service lead at emergencies e.g. RTA's or flooding, counter terrorism and community reassurance. We must also attend all incidents involving deaths, attend crowd and events policing, attend and input to community safety and crime partnerships, and provide referral responses when there are expressed concerns about the safety of children, the elderly and those with special needs.

4. Breakdown of predicted incidents as a result of population increase in Mid Sussex

The proposed development of up to 80 residential units would have a population of 193 persons (taking average household size of 2.41 persons in Mid Sussex). Applying the current ratio of 'incidents' to households then the development would generate an additional 36 incidents per year for Sussex Police to attend (0.45 x 80).

These incidents are likely to result in 11 additional recorded crimes per year attributed to this neighbourhood.

4. Current breakdown of policing delivered in Mid Sussex

Current statistics show that Sussex Police employ **3124** officers in active duty delivering policing to the residents of Sussex. These roles can be categorized into dedicated policing teams delivering neighbourhood and response policing; divisional policing delivering specialist services such as investigations; and Force wide policing teams delivering specialist policing services across the county such as Firearms, Major crime and counter terrorism. Only departments of over 5 officers have been included within Force wide staff and officers which removes specialist officer roles which are not clearly directly tied to population growth (ex: Chief Inspectors, specialist management functions).

In total the Local Authority of Mid Sussex is served by; (all figures = FTE)

Police officers

- **87** dedicated uniformed Officers

Neighbourhood Policing Team officers (NPT), Local Support Team, Response Policing Teams, Police Community Support Officers.

- **19** divisional officers

The West Sussex division has 151 officers not including the dedicated officers listed as dedicated uniformed officers. These roles include Investigation teams, Special Investigations Unit (SUI), CIT (Crisis Intervention Team, Operational support teams. Recorded incidents in Mid Sussex account for 12.5% of the recorded incidents in West Sussex over the last year therefore it is reasonable to allocate 19 divisional officers to the Mid Sussex district.

- **56 Force wide officers**

A large number of our officers deliver force wide policing in a variety of roles including Operations, Firearms, Major crime, Public protection, Specialist crime, Custody, Communications, Professional standards and Training roles. There are 930 officers Force wide officers which deliver policing to the whole of Sussex and are vital to the operation of all types of policing including the functioning of neighbourhood policing. Taking into account into account that 6% of all incidents managed by Sussex Police occur in Mid Sussex, 56 officers are required for the policing of this district.

Police staff

Sussex Police currently employs **2509** support staff delivering policing to the residents of Sussex. These roles can be categorized into dedicated support staff such as police enquiry officers and facilities assistants; Divisional staff teams (i.e.: East Sussex, West Sussex, and Brighton & Hove) delivering services such as crime prevention, operations, investigations, strategic support, corners office and other essential roles. Force wide support staff roles such as public protection, joint transport services, crime justice & custody, communications departments and specialist crime command. Some specialist department roles have not been included, however all the above force-wide departments consist of 10 employees or larger. This precludes specialist support staff roles such as the office of the Police and Crime Commissioner which are not directly linked to population growth.

- **14 dedicated support staff**

Police Enquiry officers, Facilities officers, Facilities Assistants

- **24 divisional support Staff**

As with police officers roles divisional support staff is essential to support front line policing and drawn upon when required. Divisional support staff roles include Investigations teams, Crime Prevention, Licensing, Prosecution case workers, Coroner's Office and other essential roles.

- **120 Force-wide support staff**

The majority of our support staff functions are delivered in a force-wide capacity. Only departments with over 10 or more support staff members have been included within this field which removes specialist roles within Sussex Police which capacity is not directly related to population increase. There are 2509 support staff within these various major support staff departments including Specialist crime command, Public protection, Operations, Human Resources, Communications departments and Joint Transport Service. Taking into account into account that 6.5% of all incidents managed by Sussex Police occur in Mid Sussex, 120 support staff are currently required to support policing in Mid Sussex.

Dedicated officers	87
Divisional officers	19
Force wide officers	56
Total number of officers	162
Dedicated support Staff	14
Divisional support staff	24
Force wide support Staff	120
Total number of staff	158

Currently 28,503 incidents are attended by 162 officers per year in Mid Sussex which is a ratio of 176 incidents per officer, per year. To retain this current ratio of 176 incidents per officer per year, an additional 36 incidents per year would require 0.20 additional officers (20% of a current officer's workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 158 police staff are required to support policing to the 63,300 households in Mid Sussex. This is a ratio of 401 households per staff member. Therefore, an additional 80 households would require 0.20 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 80 additional homes

Total Additional Officers Required	0.20	36 (expected No. incidents arising from development) / 176 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.20	(80 / 401) (no. of new households / Existing no of support staff per household)

6. Costs

In order to mitigate against the impact of growth our office have calculated that the capital 'cost' of policing new growth as a result of this major planning application equates to **£18,918.91**.

These funds would be used for the future purchase of infrastructure to serve the proposed development. This cost will now be broken down clearly to show the capital infrastructure required to support these new officers.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

Officer and Staff Set-Up

OFFICER			
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33	0.20	£861.47
Start-up recruitment and training cost	£5,460	0.20	£1,092
TOTAL COST	£9,767.33	0.20	£1,953.47

SUPPORT STAFF			
Start-up equipment (workstation, IT equipment)	£2,086	0.20	£417.20
Start-up recruitment cost	£1,060	0.20	£212
TOTAL COST	£3,146	0.20	£629.20

Sussex Police would utilise the contribution in the following manner;

- **£1,953.47** toward the cost of one additional dedicated officer in the Lindfield, Ardingly And High Weald NPT to deliver policing to the site and surrounding area to be based at Haywards Heath Police Station.
- **£629.20** as the full cost of one additional support staff to be based at Haywards Heath Police Station.

We could not have officers attending this development with less than adequate equipment with unnecessary risk to themselves and occupiers served.

Premises

At present, Neighbourhood Policing in Haywards Heath is delivered principally from Haywards Heath Police Station. Haywards Heath is outlined to be retained in the existing estates strategy and capacity improvements will be made to the existing Police Station.

Our office has undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that Haywards Heath Police Station has very limited capacity and could not support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Any additional officers deployed within this area of the district will need to be based at Haywards Heath Police Station and additional floor space will need to be created through alteration / adaption of the existing building. These improvement works are likely to be carried out in various sections between the next three financial years depending on budgets and the availability of additional funding.

Sussex Police have investigated the possibility of extending or adapting the existing premises to provide much needed floor space for new officers to manage growth in Mid Sussex. A financial contribution equivalent to the scale of the development is therefore sought from this development.

Sussex Police are required to maintain a high capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floor space. Taking an average of the floor space provision over our sites in Sussex which deliver neighbourhood policing we have determined that each new officer/member of staff should be allocated approximately 7.93sqm of office floor space. We are also required to provide a minimum of 1sqm for officers/staff for storage (locker room etc). This brings the total space requirement to 8.93sqm.

The additional officers/staff required to police this development would be based at Haywards Heath Police Station and therefore a financial contribution equivalent to the scale of the development is therefore sought from this development. There will be an increased number of officers/staff that need to be based on this new site as a result of policing needs arising from this development.

The 05/10/2024 issue of the RICS BCIS costs (**Appendix 5**) which lists the median cost for adaptations/conversion of police stations at £1,820 (Median) which would be considered the minimum cost appropriate to support the additional officers/staff at Haywards Heath Police Station.

The cost of accommodating a minimum of 0.4 additional officers/staff (which are required to police this development) would therefore be $8.93 \times £1,820 \times 0.4 = \textbf{£6,501.04}$.

Vehicles

A vital part of providing effective policing to the residents of Mid Sussex is maintaining the large fleet of vehicles. These vehicles range from General Response Vehicle (GRVs or patrol cars), unmarked general support vehicles, Public Service Unit vans and minibuses, scientific (e.g. Scene of Crime Officers) vehicles, pursuit vehicles – 4 x 4 and high speed, motorcycles. Current fleet deployment in Mid Sussex administrative area (serving 63,300 households) currently consists of 27 active dedicated vehicles and 39 force-wide vehicles. Maintaining our force Wide fleet is essential to the success of Sussex Police and important to enable the force to efficiently combat cross border crime. There is currently no capacity to provide additional vehicles in line with development growth at present and our budget is required to replace and maintain vehicles at their end of life.

Contributions towards additional police vehicles have commonly been sought via developer contributions to meet the increased demands on our service as a result of development growth.

In total there are 27 dedicated vehicles and 39 force-wide vehicles delivering policing to the district.

The average capital cost of a new vehicle is £17,000 (not including fuel and maintenance). Our guideline for the majority of marked vehicles is to replace every four years or 125,000 miles. The condition of vehicles at the end of their police life varies however Sussex Police forecast that they will redeem, on average 5% of a vehicles value on disposal.

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there

is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

	Department	Number of vehicles
Divisional	Crime management, Local command, Local investigations, Neighbourhood Policing Teams, Neighbourhood Response Teams, Response investigations	27
Force wide	Crime support command, Dogs section, Firearms, Intel, Licensing, Major investigations, Public protection, Traffic, Training.	39

66 vehicles at net value of £1,122,000

Existing number of households in Mid Sussex (63,300) = £17.72 per Household (1,122,000 / 63,300) x 80 Households x 2 = **£2,835.20** to give 8-year life of provision.

Sussex Police would utilise the contribution in the following manner;

- **£2,835.20** as payment towards one additional vehicle in the Lindfield, Ardingly and High Weald NPT to deliver policing to the site and surrounding area. Additional secured contributions in the Lindfield, Ardingly and High Weald NPT would be put towards the replacement of this vehicle after 4 years at a cost of £17,000 per vehicle.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the recent appeal decision concerned contributions towards policing (**Appendices 2 and 6** - APP/R1845/W/17/3173741) issued on the 14th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

Automatic Number Plate Recognition (ANPR) Cameras and Closed-Circuit Television (CCTV)

Sussex Police are currently promoting a roll out of Automatic Number Plate Recognition (ANPR) Cameras throughout Sussex. The number and location of cameras is driven by the scale and location of new development and the road network in the area. Cross border crime is a growing issue in Sussex with criminals travelling from London and the surrounding Home Counties into Sussex to commit offences.

An assessment based on the development of 'Land at Colwell Farm' has been undertaken and recommends a replacement camera site to be installed in the surrounding area of the site. Our ANPR Manager actively monitors new development and existing ANPR camera coverage to mitigate against the impacts of development growth. Each camera is costed below, and requirements are assessed on the basis of the scale, location and proximity to the road network of the housing growth proposed over the development plan period. Sussex Police have identified approximate locations which require additional ANPR coverage which can be confidently shared with the Local Authority in due course.

ANPR cameras are used in three keyways by police forces: 1) to identify vehicles known to be used by criminals and disrupt their activity; 2) to gather intelligence and 3) to investigate crime. There are many benefits of ANPR cameras which can be used overtly or covertly and are regulated by the Regulation of Investigatory Powers Act 2000 (RIPA). Using cameras at

either fixed locations or portable locations, images are captured and recorded along with the vehicle registration mark (VRM) or number plate, time and location of the vehicle, which can then be instantly checked against database recorded of vehicle of interest. The instant search of database records of vehicles of interest can confirm whether a vehicle associates with a known criminal has been in the area at the time of a crime. Importantly, ANPR can be used in real time. This means that police officers can intercept and stop the vehicle, check it for evidence and make arrests if necessary. The use of ANPR in this way has proved important in the detection and prosecution of many cases of major crime.

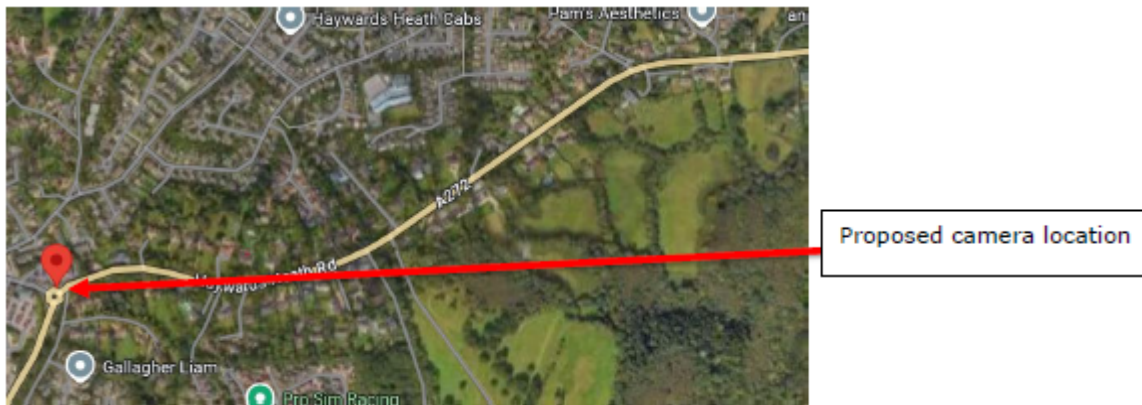
Three principal benefits of using ANPR are: 1) Increase the information and intelligence available to identify criminals; 2) Enable the police to deploy resources to respond to criminals of interest in real time; 3) Improve investigations after crimes have been committed.

Currently there is a significant lack of ANPR coverage in this area. The existing conditions in the locality are challenging, due to a lack of space for poles and the lamps being sited on wooden electricity poles. However, the A272 runs close to the site (see map below), and as such the ANPR Operations Manager suggests that an ANPR camera is sited on one of the existing lamp posts at a nearby roundabout (approximately 600m to the west of the development site).

It should be noted that with regard to the provision of CCTV on site, all CCTV systems are owned and maintained by the local district councils (within Sussex). The Police only review live data when required or demanded by incidents through portals. Officers can also access this information, post incident for evidential purposes. As such, Sussex Police will not be requesting contributions for on-site CCTV in this instance.

The cost of a fixed ANPR camera is shown below:

1) The Birch Hotel Roundabout – 1no. additional camera = **£7,000**



7. Compliance with National Policy and CIL Regulations

Following the abolition of CIL regulation 123, the funding of infrastructure is no longer restricted to 5 separate developer contributions. Within Mid Sussex the majority of policing is carried out by the NRT/NPT teams, therefore our office would recommend funds received from Section 106 agreements should be spent directly on supporting these teams. Therefore, when contributions from new housing development are pooled it is sensible to do this based on NRT areas which in the case of this development is the Lindfield, Ardingly and High Weald NRT/NPT.

The assessment for these infrastructure contributions is outlined in CIL Regulation 122, which requires each item to meet the following three tests. From the numerous appeal / Secretary of State decisions and High Court judgements there is significant evidence that all the items listed in this request comply with CIL Regulation 122.

The costs of training officers have been included in this request and have been found sound (and compliant with Regulation 122) in numerous appeal decisions included as **Appendix 2**. In the respect of training in particular, the Sketcheley house decision (page 19 of Appendix 2) makes specific reference to 'protective clothing, uniforms and bespoke training' and were endorsed by the Inspector in his report at paragraph 11.57 and by the Secretary of State at paragraph DL22.

It is therefore plain that the Secretary of State and numerous Planning Inspectors consider that National Planning Policy and legislation is capable of encompassing these types of infrastructures.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the National Planning Policy Framework (NPPF, December 2024).

The Mid Sussex District Plan (2014-2031) lists one of the major challenges facing the District as the need to achieve sustainable, attractive and inclusive communities to ensure that the District continues to benefit from low crime levels, good health and an attractive natural and built environment.

One of the priority themes of the emerging plan is 'Ensuring cohesive and safe communities'. Crime prevention and crime management is essential to ensure strategic objective 12 is met which aims 'To support sustainable communities which are safe, healthy and inclusive'.

With regard to the Mid Sussex District Plan 2014-2031 Appendix D (Glossary) of the adopted Plan includes a non-exhaustive list of key infrastructure requirements, including the Emergency Services – Police. The fact that it does not cite police contributions specifically does not preclude the need for these contribution. The list is expressed with sufficient width that it encompasses any necessary infrastructure, which could and should lawfully include police contributions. Such contributions are, in principle, within the lawful ambit of the policy remit which requires financial contributions from developments to help defray the external costs of proposal which would otherwise fall on general taxation.

The adopted Mid Sussex District Council Development Infrastructure and Contributions SPD (July 2018) includes detailed calculations of Sussex Police's infrastructure requirements. Certain statistics have been updated for this representation however the majority of data is in accordance with the adopted SPD.

The Secretary of State has recognised that it is not a rigid requirement to have express reference to policing within local planning policy because the overarching principle of ensuring safe communities is recognised in the NPPF. The Planning Inspector in the case of North-west Leicester District Council vs Money Hill Consortium (**Appendix 4**) stated:

'62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the

development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.

63. The contributions of £219,029 towards Police infrastructure is not related to requirement of development plan policies. The figure has been arrived at following a close and careful analysis of the current levels of policing demand and deployment in Ashby. The proposed development, in terms of population increase, would have a quantifiable and demonstrable effect on the ability of the Police to carry out their statutory duties in the town. LP has not sought any contribution to some aspects of policing, such as firearms and forensics, but only for those where there is no additional capacity. The contribution is necessary because the new housing that would be created would place a demonstrable additional demand on Police resources in Ashby. The financial contributions to Police operations thus satisfies Regulation 122 of the Community Infrastructure Levy Regulations 2010 and a provision of the Undertaking would ensure that the contribution also satisfies Regulation 123 of the Community Infrastructure levy Regulations 2010.'

The importance of policing contributions is importantly recognised in recent court judgments and considered an essential core principle of the NPPF. The judgment of Mr Justice Green 01/11/2016 (**Appendix 1**) with regard to the High Court challenge of Jelson Limited vs Secretary of State for Community and Local Government (1) Hinkley and Bosworth District Council stated:

'The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on equipment and services which arose "...Directly from the new households occupying the proposed development". Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions.'

'Mr Lambert cited empirical data based upon existing crime patterns and policing demand and deployment from nearby residential areas which established the direct and additional impacts of the development upon local policing. That data established that there would be an incremental demand in relation to such matters as calls and responses per year via the police control centre; an increase in annual emergency events within the proposed development; additional local non-emergency events which trigger follow-up with the public; additional recorded crimes in the locality based upon beat crime and household data and a proportionate increase in anti-social behaviour incidents an increase in demand of patrol cover; and, an increase in the use of vehicles equating to 12% of an additional vehicle over a six year period.'

Moreover, the wider principles of sustainable development within the NPPF also require consideration of all necessary infrastructure requirements, as observed by Foskett J in *R. (Police and Crime Commissioner for Leicestershire) v Blaby DC and others* (**Appendix 3**). This judgment stated:

'11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be

in the public interest and would not be consistent with a policy that encourages “sustainable development”: see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters.’

As shown in section 1, there is no dedicated Government funding to comprehensively cover the capital costs associated with policing new housing development. Unless contributions from new developments are secured then Sussex Police would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area. Sussex Police strive to reduce the level of crime in the County however due to the significant numbers of new housing being brought forward the need for more front-line staff and associated infrastructure has never been more relevant as a fundamental planning policy consideration.

Appeal decision APP/C3240/W/16/3144445 (**Appendix 2**) issued on the 21st March 2017 provides further support for developer contributions towards the capital costs of additional policing infrastructure arising from new development. The Planning Inspector stated:

‘165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.’

We would also bring to attention dicta from the High Court judgment by Mr Justice Foskett in *Police and Crime Commissioner for Leicestershire vs Blaby Council* (**Appendix 3**). Paragraph 61 and 62 of the judgment state:

‘61. I do not, with respect, agree that the challenge mounted by the Claimant in this case can be characterised as a quibble of a minor factor. Those who, in due course, purchase properties on this development, who bring up children there and who wish to go about their daily life in a safe environment, will want to know that the police service can operate efficiently and effectively in the area. That would want to know that the police service can operate efficiently and effectively in the area. That would plainly be “consumer view” of the issue. The providers of the service (namely, the Claimant) have statutory responsibilities to carry out and, as the witness statement of the Chief Constable makes clear, that itself can be a difficult objective to achieve in these financially difficult times. Although the sums at stake for the police contributions will be small in comparison to the huge sums that will be required to complete the development, the sums are large from the point of view of the police.

62. I am inclined to the view that if a survey of local opinion was taken, concerns would be expressed if it were thought that the developers were not going to provide police with sufficient contribution to its funding requirements to meet the demands of policing the new area: lawlessness in one area can have effects in another nearby area. Miss Wigley, in my judgment, makes some entirely fair points about the actual terms of the section 106 Agreement so far as they affect the Claimant.’

Appeal decision APP/K2420/W/15/3004910 (**Appendix 2**) provides further evidence for developer contributions towards necessary policing infrastructure required to enable effective policing of new housing development. The Planning Inspector supported the methodology used for this calculation and compliance with the specific capital infrastructure items detailed in our request.

'44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs.' In respect of the methodology used for this request the same Planning Inspector stated *'47 – I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP'.*

A financial contribution towards essential policing infrastructure is clearly essential to make new housing development acceptable in planning terms. The policing infrastructure items outlined in this request are essential to help support new officers required due to population growth and most importantly keep existing and future residents of Haywards Heath safe.

2. Directly related to the proposed development

There is a functional link between new development and the contributions requested. Put simply without new development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response. The infrastructure outlined in this request has been specifically identified by the NPT/NRT teams policing the areas of Mid Sussex as necessary to deal with the likely form, scale and intensity of incidents this new housing development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

Securing proportionate developer contributions towards necessary capital expenditure is essential to help meet a proportionate increase in police infrastructure costs and to enable Sussex Police to maintain its current level of service in the district. This infrastructure has been identified by Sussex Police as necessary to provide an appropriate level of policing to serve the proposed development and maintain the existing high level of community safety.

A clear numerical, evidence-based approach has been demonstrated which is supported by case law and recent appeal decisions by the Planning Inspectorate. The various items of capital expenditure and infrastructure requested are considered CIL compliant and are necessary to enable new officers to undertake their role to meet the policing needs of the development and mitigate impacts to existing resources. A reasonable and proportionate approach has been adopted.

We would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/2179844 & APP/X2410/A12/2173673, **Appendix 2**). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at **para 29** of decision 2179844;

'The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of

life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.'

Furthermore, with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.' [Para 292]

These appeal decisions confirm that the approach of Sussex Police in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions as the provision of adequate policing is fundamental to the provision of sustainable development.

Furthermore, the requirement to ensure that crime and the fear of crime is addressed through the planning process runs through the revised NPPF (December 2024);

Paragraph 20(b) retains reference to 'security' infrastructure and advises that strategic policies should set out an overall strategy for the pattern, scale, design and quality of development, and make sufficient provision for:

b) Infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat).

Paragraph 96(b) advises that planning policies should aim to achieve healthy, inclusive and safe places which:

'are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian routes and cycle routes, and high quality public space, which encourage the active and continual use of public areas.'

Paragraph 101 states that:

'To ensure faster delivery of other public infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development.'

Paragraph 102 outlines the importance of engaging with the security services to inform planning policy decision and promote public safety and defence requirements. This will be achieved by:

Anticipating and addressing possible malicious threats and natural hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks),

and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development; and Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

The Glossary to the current NPPF (December 2024) includes an entry entitled ‘Essential Local Worker’. It states ‘these are public sector employees who provide frontline services in areas including health, education and community safety – such as NHS Staff, teachers, police, firefighters and military personnel, social care and childcare workers’. This recognises the emergency services as essential for the public, alongside education and health.

I trust this sets out sufficiently our Office’s request for infrastructure contributions relating to this development at Land at Colwell Farm, Lewes Road, Haywards Heath, West Sussex. In the absence of developer contributions towards the provision of essential policing infrastructure, Sussex Police would raise **objection**, as the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

Part A

‘What’, ‘where’ and ‘when’ of infrastructure requirements relevant to application reference to DM/25/0445

TOPIC	INFRASTRUCTURE REQUIREMENT	AREA	COST PER ITEM	QTY	TOTAL COST	TIMING OF DELIVERY (Occupations)
Policing	Officer start-up equipment cost	Lindfield, Ardingly and High Weald NPT/NRT	£4,307.33	0.20	£861.47	TBC
Policing	Officer start-up recruitment and training	Lindfield, Ardingly and High Weald NPT/NRT	£5,480	0.20	£1,092	TBC
Policing	Staff start-up equipment cost	Haywards Heath	£2,086	0.20	£417.20	TBC
Policing	Staff start-up recruitment and training	Haywards Heath	£1,060	0.20	£212	TBC
Policing	Premises	Haywards Heath	£6,501.04	1	£6,501.04	TBC
Policing	Fleet	Lindfield, Ardingly and High Weald NPT/NRT	£2,835.20	1	£2,835.20	TBC
Policing	ANPR		£7,000	1	£7,000	TBC
Total					£18,918.91	

NHS Sussex

Overview

Current Estate is at capacity in Haywards Heath & Burgess Hill. Housing developments in this area of Mid Sussex are rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors. For Haywards Heath GP’s, there are circa 65,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

For Burgess Hill, the housing impact is even higher. This development sits just below Haywards Heath.

This housing proposal is proportionately considered (aligned to all housing in Mid Sussex), with capacity premises in delivery and work up.

Development proposal

NHS Sussex predicts that new residents will register at one of 2 practices (though residents have choice) - **The Vale, The Brow or new/other NHS facility**. The new homes are in the catchment area of 2+ GP practices. Residents may be supported by other sites, dependent upon choice – but all are at capacity. Thus, NHS Sussex requests a contribution to enable support of the growing new housing population – work is under way for expanding capacity at the GP practices, subject to the s106 funding.

Additional population generated by this development will place an increased demand on existing primary healthcare services to the area. The application did not include any provision for health infrastructure on site (as this is not a strategic site) and so a contribution towards health infrastructure off-site via financial obligation is being sought.

The planning permission should not be granted Without an appropriate contribution to local health infrastructure to manage the additional load on services directly incurred as a consequence of this proposed development. **Without associated infrastructure, NHS Sussex would be unable to sustain sufficient and safe services provided in the area and would therefore have to OBJECT to the development proposal.**

NHS Sussex requests a contribution from the applicant of **£116,942** as quantifiably in the tariff section, which will be used for patient capacity increases at one or all of the GP practices which will serve the catchment population of this proposed development. **Funding requests for build costs will not be duplicated.** NHS Sussex will consider the proportional use of these funds coupled with the other Haywards Heath and area developments so as to give best benefit to patient care.

Working with Mid Sussex DC, the funds will be accessed as the projects planning phase is in place.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

NHS Sussex has undertaken an assessment of the implications of growth and the delivery of housing upon the health need of the District serving this proposed development, and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of healthcare services, developer contributions towards the provision of capital infrastructure will be required. This information is disclosed to secure essential developer contributions and acknowledge as a fundamental requirement to the sound planning of the District.

The additional population generated by the development will inevitably place additional demand upon the existing level of health provision in the area. In the absence of developer contributions towards the provision of additional health infrastructure the additional strain placed on health resources would have a significant detrimental impact on District wide health provision.

Health utilises the legal advice outcomes and industry professional inputs from other public funded area, such as the Police service. With the direct impact of new housing and house growth plans on registered patients, the submission that follows captures the necessary, directly related and fair/reasonable contributions required that relate to the associated house build volumes.

The tried and tested formula used has been in use for many years and is annually reviewed.

Current Primary Healthcare Provision in Haywards Heath and area.

Primary Care services in Haywards Heath and the area are provided by a number of GP practices, funded from NHS funds for providing Primary health care.

Some sites are purpose built in prior decades and some are re-worked sites. However, all sites were set to a size (estate area) for a population that has gone above optimal or possible working remits.

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development at the most local GP service site(s) and encompass all the necessary components of patient need, whether at the GP practice or neighbouring service area.

This current development response relates to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care **provision** in Haywards Heath and area is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure. Workforce additions have already been actioned to support the growing population and the expectancy of s106 funds coming forward – as this is required to deliver NHS care.

Contribution Sought and Methodology

The funding will be a contribution of **£116,942 (estimate – based on housing mix on the tariff)** for the infrastructure needs of **NHS GP service site(s)** and with a possible use at a NHS service central site if patient registration is, by patient choice, occurring at that site / other site. With recent Covid impacts, the NHS is reviewing how population need can be best supported premises wise. **Funds will only be asked for on a proportionate level for the directly related services.**

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand. This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). The model has been used by commissioners in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor* (there are now many other specialist care providers/roles at GP practices).

Build-cost data has been **verified by the District Valuer Service** (last update Apr 2024) and assumes £6,400/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 160 new residents (weighted) with a consequential additional GP surgery area requirement of 18.27m². This equates to a direct cost of **£116,942** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked (housebuild index preferred) within the S106 agreement at a basis that meets house build cost growth.

Health Tariff

S106 Contribution to NHS/GP Community/ Provision			(Formula agreed by The District Valuer)			11/04/2025	
D&B Ref: DM/25/0445							
Location: Colwell Farm, Lewes Rd							
Location: Haywards Heath (just N. of B Hill)							
Font in red can be adjusted							
							
Housing Development							
House Numbers (Inc Social Housing)	House Type	New Occupanc (Persons)	Surgery Area Requirement (sqm)		Infrastructure Development cost(psm)	Capital Contribution (£)	Approx Contribution per dwelling(£)
10	1 Bed	15	2	@	£6,400	£10,963	£1,097
50	2 Beds	95	11	@	£6,400	£69,434	£1,389
20	3 Beds	50	6	@	£6,400	£36,544	£1,828
0	4 Beds	0	0	@	£6,400	£0	
	5 Beds						
	Care Home						
		equivalent					
80	House Total	160	18.27	@	"	£116,942	
Ave Occupancy		2.00	Contribution Per Dwelling		per dwelling		
					per person		
Occupancy Assumptions (confirmed by WSCC JUL 2015)				Care home contributions are at up to 100% of 1 bed dwelling			
PER CENSUS 2011 - WSCC							
Infrastructure costs	£6,400.0	psm					
Average Sqm Per Patient	0.1142	sqm					
Average Occupancy Assumptions							
	1 Bed	1.5	Persons				
	2 Bed	1.9	Persons				
	3 Bed	2.5	Persons				
	4 Bed	3	Persons				
	5 Bed	3	Persons				
Explanation							
1.Build costs include basic build cost,finance,professional fees.To be amended annually.							
2.The occupancy assumptions can be amended as per the requirements of the Local Authority.							
3.The average sq metre per patient has been derived from SFA 2003/04 as below, including additional space.This can be amended to reflect the flexibility of the NHS Directions and the requirement of the CCG to provide addition clinical or service development space within a new development							
1600 patients per GP							
1500	sqm GIA	7	GP Practice	AVG Patient List	####	0.1339	sq m per patient
836	sqm GIA	6	GP Practice	AVG Patient List	9600	0.0871	sq m per patient
718	sqm GIA	5	GP Practice	AVG Patient List	8000	0.0898	sq m per patient
646	sqm GIA	4	GP Practice	AVG Patient List	6400	0.1009	sq m per patient
487	sqm GIA	3	GP Practice	AVG Patient List	4800	0.1015	sq m per patient
374	sqm GIA	2	GP Practice	AVG Patient List	3200	0.1169	sq m per patient
271	sqm GIA	1	GP Practice	AVG Patient List	1600	0.1694	sq m per patient
Average				0.1142 sq m per patient			

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial

contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: “A *planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

i. Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 5,000 homes in this area over the current planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise: clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need for Haywards Heath and area.

ii. Directly related

It is indisputable that the increase in population of approximately 160 people living in the new development (with associated health needs) at GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. **Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.**

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.

Southern Water

Inadequate Capacity

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required.

Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted (Full or Outline) however for more complex applications our assessment of the timescales needed will require an allowance for the following which may result in an extension of the 24 month period:

Initial feasibility, detail modelling and preliminary estimates.

Flow monitoring (If required)

Detailed design, including land negotiations.

Construction.

Condition: Southern Water hence requests the following condition to be applied:

Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service:

<https://developerservices.southernwater.co.uk> and please read our New Connections

Charging Arrangements documents which are available on our website via the following link:
<https://www.southernwater.co.uk/developing-building/connection-charging-arrangements>

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Soakaway

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

Existing Watercourse

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>
<https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Tree Planting

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting.

Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (https://www.southernwater.co.uk/media/pddob0vn/ds-tree-planting-guide-1_nwm.pdf) and the Sewerage Sector Guidance (<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Condition: In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Ecological Consultant

Final comments – 28th July 2025

Summary

We have reviewed the Further information regarding Dormice (Ecosupport Ltd, July 2025), Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact Assessment (Ecosupport Ltd., January 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains, including the revised BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025).

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As per our previous response, we support the recommendations outlined in the Response to Ecology Comments (Ecosupport, April 2025) and the Ecological Impact Assessment (Ecosupport Ltd., January 2025). As a result, finalised mitigation measures should be set out within a Construction Environmental Management Plan should be secured as a pre-commencement condition of any consent. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

As Hazel Dormouse have been identified within the red line boundary and the proposals will include the removal of hedgerow / mature trees and bramble scrub, it is indicated that a European Protected Species Mitigation Licence for Hazel Dormouse will be required prior to commencement and a copy of the licence should be submitted to the LPA. We welcome the submission of the Further information regarding Dormice (Ecosupport Ltd, July 2025) which sets further clarification on the survey methodology, mitigation and compensation to be secured under licence.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted BNG Assessment and HMMP (Ecosupport, June 2025) and the Statutory Biodiversity Metric Rev 03 (April 2025) and are satisfied that the calculations now match. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- A 10% biodiversity net gain will need to be demonstrated, as well as trading rules met, when submitting information relating to the biodiversity gain condition.
- The Temporal multiplier will need to be completed for the finalised Statutory Biodiversity Metric – Calculation Tool.

In addition, a finalised Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: 'Other neutral grassland' and 'urban tree' creation. However, the decision on whether significant on-site enhancements are present is up to the LPA.

The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure this as a planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended 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.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the Response to Ecology Comments (Ecosupport, April 2025).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of “biodiversity protection zones”.*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

2. PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT THE BREEDING / RESTING PLACE OF HAZEL DORMOUSE: SUBMISSION OF A COPY OF EPS MITIGATION LICENCE

“Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (Ecological Impact Assessment (Ecosupport Ltd., January 2025), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;*

- b) detailed designs or product descriptions to achieve stated objectives;
- c) *locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- d) persons responsible for implementing the enhancement measures; and
- e) *details of initial aftercare and long-term maintenance (where relevant).*

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

"Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- a) Biodiversity Gain Plan has been submitted to the planning authority, and*
- b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

Amended comments 30th May 2025

Summary

We have reviewed the Response to Ecology Comments (Ecosupport, April 2025), Ecological Impact Assessment (Ecosupport Ltd., January 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures and Biodiversity Net Gain.

In addition, we have reviewed the BNG Assessment and HMMP (Ecosupport, April 2025), BNG Assessment and HMMP (Ecosupport, January 2025), Statutory Biodiversity Metric Rev 03 (April 2025) and Statutory Biodiversity Metric (April 2024), relating to securing mandatory biodiversity net gains.

We note the concerns of a local resident concerning bats, reptiles and biodiversity net gain with regard to bracken. We have addressed these concerns in this response.

We provide ecological advice to Mid Sussex District Council with the aim of ensuring that all developments meet legal requirements to protect wildlife and habitats, as specified in Policy DP38 of the Mid Sussex District Plan 2014-2031. The information requested in this temporary holding objection will ensure that appropriate mitigation measures are in place for protected species and habitats prior to determination to enable the LPA to make a lawful decision.

With regard to mandatory biodiversity net gains, we have reviewed the BNG Assessment and HMMP (Ecosupport, April 2025) and Statutory Biodiversity Metric Rev 03 (April 2025) and are still not satisfied that appropriate information has been provided prior to determination. This is because of the reason set out below:

- The BNG Assessment and HMMP (Ecosupport, April 2025) states that there will be a net loss of -12.07% in habitat units, but the submitted Statutory Biodiversity Metric Rev 03 (April 2025) indicates a gain in habitat units of 0.72%.

(Please note that the gain of 441.54% in hedgerow units is the same in the two documents). We note that our previous concerns have been addressed as follows:

- Lowland mixed deciduous woodland has now been included in the assessment.
- We accept that the ditch on the eastern boundary is outside the red line boundary of the site and that the ditch between the west and central grassland parcels does not meet the criteria for a 'ditch' as it is dry and lacks vegetation. We welcome the clarification of the location of the ditch on the baseline habitats map.
- We also welcome the clarification that the cover of bracken is less than 20% and that the cover of scrub is less than 5%. We therefore agree with the inclusion of these habitats in the neutral grassland classification.

Additional comments

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that there are no buildings on site and therefore agree that no surveys for roosting bats in buildings are required.

We note that the rare Barbastelle bat has been recorded on site and therefore we support the implementation of dark corridors as embedded mitigation to avoid impacts to this species (Section 6.2.4 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025)).

We welcome the clarification in the Response to Ecology Comments (Ecosupport, April 2025) that all trees proposed for removal have been subject to a Ground Level Tree Assessment (GLTA). We understand that the only trees to be removed are the four trees in the northeast of the site which have Potential Roost Features for Individual bats (PRF-Is) (2 x Sycamore, 1 x Ash and 1 x Oak). We therefore highlight that appropriate compensation 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). We support the non-licensed Precautionary Working Method Statement in the Response to Ecology Comments (Ecosupport, April 2025), which includes inspection of any affected trees by endoscope on the day and felling under the supervision of a licensed bat ecologist, as required in Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023).

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that a licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because Hazel Dormouse nests were found on site during survey and the proposed plans will require removal of hedgerow / mature trees and bramble scrub, although we understand that the plans for vegetation clearance have not been finalised at this stage. We support the outline mitigation measures in Section 6.6.2 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025). Please note that the numbering of the paragraphs is incorrect and the clearance methodology which follows Section 6.6.2 is specified in sections which are numbered 6.5.3 to 6.5.6.2.

We agree that sufficient survey effort has been undertaken for reptiles as seven surveys were undertaken in April and May 2024 (Ecological Impact Assessment (Ecosupport Ltd., January 2025)). This is the minimum number of surveys recommended for reptiles in the Survey Protocols for the British Herpetofauna Version 1.0 (Sewell, Griffiths, Beebee, Foster and Wilkinson, March 2013). The surveys concluded that there are low populations of Slow Worm, Common Lizard and Grass Snake on site and we therefore support the Reptile Mitigation Strategy in Section 6.4 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025). We also support the identified receptor site in the eastern area of the site, which comprises 1.117ha grassland with woodland edge and the five-year management plan for the receptor site in the Response to Ecology Comments (Ecosupport, April 2025). We welcome the implementation of two reptile hibernacula in the area and the creation of a SUDs feature in the southeast of the site (Response to Ecology Comments (Ecosupport, April 2025)).

We recommend the implementation of a Precautionary Working Method Statement to protect mobile protected species (including Hedgehog, which is a Priority and threatened species). This needs to be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Ecosupport Ltd., January 2025) to avoid impacts from light disturbance. This should be secured by a condition of any

consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely

We also support the recommendation that a buffer of 15m between any works and the ancient woodland (irreplaceable habitat) is required (Ecological Impact Assessment (Ecosupport Ltd., January 2025) in accordance with Government Standing Advice.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended 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 Layout and should be secured by a condition of any consent.

Please note we do not provide comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

We look forward to working with the LPA and the applicant to receive the additional information required to overcome our holding objection.

Original comments 21st March 2025

Summary

We have reviewed the Ecological Impact Assessment (Ecosupport Ltd., January 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats with identification of appropriate mitigation measures and Biodiversity Net Gain.

In addition, we have reviewed the BNG Assessment and HMMP (Ecosupport, January 2025) and Statutory Biodiversity Metric, relating to securing mandatory biodiversity net gains.

We note the concerns of a local resident that this application does not meet the requirements of the NPPF (December 2024), S41 of the NERC Act (Priority species and habitats), the Habitats Regulations, the Badger's Act (1992) and the Wildlife & Countryside

Act 1981. We agree that, without mitigation, this development would have impacts on protected species and habitats.

We provide ecological advice to Mid Sussex District Council with the aim of ensuring that all developments meet legal requirements to protect wildlife and habitats, as specified in Policy DP38 of the Mid Sussex District Plan 2014-2031. The information requested in this temporary holding objection will ensure that appropriate mitigation measures are in place for protected species and habitats prior to determination to enable the LPA to make a lawful decision.

European Protected Species - Bats

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that a 'non-exhaustive Ground Level Tree Assessment of trees to be removed' was undertaken and Section 6.1 states that 'the full suite of phase II surveys have not yet been completed'. It is not clear from Section 6.2.1 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025) whether any additional trees other than those already assessed are to be removed.. Therefore we request clarification as to which trees will be removed and highlight that Ground level Tree Assessment for roosting bats needs to be undertaken in accordance with the 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)) and the results submitted to the LPA prior to determination. This is in accordance with Government Standing Advice.

We also note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that four trees have Potential Roost Features for Individual bats (PRF-Is), although these have not been identified. Therefore appropriate compensation 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, any tree affected 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)). This non-licensed Precautionary Working Method Statement for bats should be submitted to the LPA prior to determination to provide certainty of likely impacts on these European Protected Species.

Protected Species - Reptiles

In addition, the seven reptile surveys in April and May 2024 concluded that there are low populations of Slow Worm, Common Lizard and Grass Snake on site and therefore off-site habitat will need to be provided for reptile translocation (Ecological Impact Assessment (Ecosupport Ltd., January 2025). We generally support the Reptile Mitigation Strategy in Section 6.4, but we highlight that as a translocation receptor site has not yet been identified, Government Standing Advice says: *If translocating reptiles, the proposal needs a receptor site:*

- *close to the development site, and within the same LPA if possible*
- *that is at least the same size as the habitat that will be lost, and larger if the lost habitat is of high quality*
- *that will serve the same function as the habitat to be lost, for example it has hibernation features*
- *with similar habitat to the area that will be lost, including water bodies*
- *that does not currently support the same species, but can be improved to make it suitable*
- *that will be safe from future development and managed in the long term*

This means that the reptile receptor site must be identified and assessed to ensure it meets these requirements and it has sufficient carrying capacity for the translocated reptile populations. We recommend that this information is submitted to the LPA prior to determination.

The clarification of trees to be removed, the outline measures for the Precautionary Working Method Statement for bats and identification of the reptile translocation receptor site are required prior to determination because paragraph 99 of ODPM Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*

This information is required to provide the LPA with certainty of impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

Mandatory Biodiversity Net Gain

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the BNG Assessment and HMMP (Ecosupport, January 2025) and Statutory Biodiversity Metric and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The following habitats are shown in Appendix 1 – Baseline Habitats Map of the BNG Assessment and HMMP (Ecosupport, January 2025), but have not been included in the Statutory Biodiversity Metric and there are no habitat condition assessments:
 - Lowland mixed deciduous woodland
 - A ditch is shown in Figure 4 as ‘one of the ditches present on site’ and the locations of two ditches are shown on the Baseline Habitats Map.
 - ‘Bracken’ cover on the boundaries of the site (Section 3.4.2 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025) and the report also refers to the removal of bramble scrub in Section 6.6.1.

Additional Information

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that there are no buildings on site and therefore agree that no surveys for roosting bats in buildings are required.

We note that the rare Barbastelle bat has been recorded on site and therefore we support the implementation of dark corridors as embedded mitigation to avoid impacts to this species (Section 6.2.4 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025)).

We note from the Ecological Impact Assessment (Ecosupport Ltd., January 2025) that a licence for Hazel Dormouse will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. This is because Hazel Dormouse nests were found on site during survey and the proposed plans will require removal of hedgerow / mature trees and bramble scrubs, although we understand that the plans for vegetation clearance have not been finalised at this stage. We support the outline mitigation measures in Section 6.6.2 of the Ecological Impact Assessment (Ecosupport Ltd., January 2025).

We recommend the implementation of a Precautionary Working Method Statement to protect mobile protected species (including Hedgehog, which is a Priority and threatened species). This should be secured by a condition of any consent and implemented in full.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Ecosupport Ltd., January 2025) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We also support the recommendation that a buffer of 15m between any works and the ancient woodland (irreplaceable habitat) is required (Ecological Impact Assessment (Ecosupport Ltd., January 2025) in accordance with Government Standing Advice.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended 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 Layout and should be secured by a condition of any consent.

Please note we do not provide comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

Nature Space (Great Crested Newts)

The applicant has provided an updated Ecological Appraisal containing an eDNA report (Ecosupport, July 2025). The report recommends following precautionary working methods, this is deemed suitable for the proposed development. A methods statement written by a suitably qualified Ecologist should be submitted prior to determination and be secured via condition if you are minded to approve the application.

Landscape Consultant

Final comments:

We note the applicant's clarification regarding Paragraph 8.27. We acknowledge that the characteristics within the relevant LCAs have been considered within the submitted assessment under 'Effects on the Wider Landscape within the Study Area'. Whilst our preferred approach is to break down landscape receptors by individual LCAs we acknowledge this approach within the applicant's methodology.

We appreciate the applicant sending over the formatted LVIA which includes all the winter viewpoint photography for Appendix D. This is welcomed and demonstrates the limited visual effects year-round.

We have no further comments based on the final comment made within the letter from ACD Environmental dated 29 May 2025.

Updated LVIA:

We welcome the submission of an updated LVIA (April 2025) and clarification letter from ADC Environmental dated 17th April 2025. We have the following comments based on the submission.

- a) The revised LVIA provides more information on the named LCAs which we referred to in our previous response.
- b) Whilst additional information is provided, we note that Paragraph 8.3 does not then include these LCAs as potential landscape receptors. The LVIA makes some reference to Area 42 within the assessment of 'site and immediate surrounding context' and makes no reference to HW4. Although these are partly referenced, these should have been individual landscape receptors included within the list provided under Para 8.3, where the sensitivity, magnitude of change and overall effects were provided for this particular LCA.
- c) We welcome the inclusion of winter photography which provides a more accurate assessment of anticipated views, including the revisitation of the previous viewpoint receptors. We do however note that the revised site photographs taken in February 2025 have not been formatted correctly in the revised LVIA (April 2025). Large sections of Appendix D including the text and edges of photographs have been cut off from the pages.
- d) We can surmise which of the included photographs is the newly added Viewpoint 10, despite this not being labelled owed to incorrect formatting. We concur that the effects from this viewpoint receptor would be minimal.
- e) Noted.
- f) We welcome the inclusion of further detail regarding the Local Gap Policy. We question the relevance of the policy information within Para 8.18 which is in reference to landscape character effects of the site and immediate context and would judge this is policy concern as opposed to a landscape character effects concern.

We maintain that we would have judged the effects on the site and immediate context as higher than medium. We judge that this development would constitute a major change to the key character of this site resulting in a permanent alteration where the baseline situation will be substantially changed.

No further information or amendments have been proposed regarding the design of the scheme, and therefore we advise that our previous recommendations (March 2025) are still considered.

Original:

Summary

We have concerns regarding the assessed effects on landscape character within the LVIA and the conflicts with the gap policy. On this basis, we would currently not be supportive of this application. We advise that additional information is included within the LVIA demonstrating effects on the relevant LCAs and should also provide an overall judgement on the level of effect to the relevant landscape receptors. Recommendations regarding the design of the scheme have also been included.

Site Context

The application site is located to the south of the A272 Haywards Heath Road on the southeast edge of Haywards Heath, sited to the rear of properties on the adjacent road. The site comprises three pastoral fields located between woodlands to the south and east, and rear gardens to the north.

Planning Context

Mid Sussex District Plan (MSDP) (Adopted March 2018)

Policies of considered relevance include [inter alia]:

- Policy DP12 Protection and Enhancement of Countryside
- Policy DP13 Preventing Coalescence
- Policy DP16 High Weald Area of Outstanding Natural Beauty
- Policy DP22 Rights of Way and other Recreational Routes
- Policy DP26 Character and Design
- Policy DP37 Trees, Woodland and Hedgerows
- Policy DP38 Biodiversity

Haywards Heath Neighbourhood Plan (January 2016)

The following policies are considered relevant to this application:

- Policy E5 Local Gap
- Policy E6 Green Infrastructure
- Policy E7 SuDS
- Policy E8 Major Development
- Policy E9 Local Character
- Policy E11 Views
- Policy E13 Outdoor Space

Mid Sussex Landscape Capacity Study (2007/2014)

The site is located within 42 Haywards Heath South-Eastern Fringe. The Landscape Sensitivity of this area is assessed as **Substantial**, owed to its contribution to the separation between Haywards Heath and Scaynes Hill, the open and exposed southeast slopes and some intervisibility with the wider landscape. The area is also assessed as having Moderate Value, owed to the surrounding designations and perceptual quality. This is assessed overall as having Low Capacity for development.

Para 5.2.2 describes areas with Low Capacity as “*development would have a significant and detrimental effect on the character of the landscape as a whole and, or, on the setting to existing settlement or outstanding assets within the District. Development in these character areas should only be small scale and proposals would need to demonstrate no adverse impacts on the setting to settlement or wider landscape*”.

Review of Location

The Site is located within the HW4 High Weald Fringes Landscape Character Area (LCA) of the West Sussex Landscape Character Assessment. Key Characteristics of this LCA which are relevant to the site include the wooded, confined rural landscape of intimacy and complexity, long views over the Low Weald to the Downs, significant woodland cover, dense network of hedgerows and trees, pattern of small, irregular shaped assart fields.

The site comprises three fields, located adjacent to an Ancient Woodland which defines the southern site boundary. The extent of intervening hedgerows and trees and the shapes of the three fields indicates that site comprises assarted fields which are very characteristic of the LCA. Landscape and Visual Sensitivities for this LCA include “*Older, small assart pastures contribute to the intimacy of the landscape*”, and Key Issues include “*New development on the southern edges of Haywards Heath*”.

Based on the other characteristics of the LCA, we judge that the site is characteristic of the local area and contains a number of features which positively contribute to the character. It also contains features which are notably sensitive to change, including the assarted fields. Lewes Road Conservation Area is also located along the northern boundary of the site, and the application site access point crosses through the Conservation Area. Development to the rear of this Conservation Area would reduce the function of “*the low density of development which creates a gradual transition from the countryside to the urban area*”. The proposed development site is unlikely to experience the visual effect of the countryside transition of users on the A272, however the character effects of the countryside transition to the south and into the wider countryside will be impacted by the development.

Policy DP13 Preventing Coalescence states that development must not “*result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements*”, and refers to Local Gaps in neighbourhood plans.

The site is located within the Gap Policy area of Haywards Heath Town Council Neighbourhood Plan. Policy E5 of states that “*The land outside the proposed built up area is designated as a local gap between Haywards Heath and neighbouring Town/Parishes, see figure 4, to create a landscape buffer that will support and enhance ecological connectivity, maintain the landscape character of the areas and individual settlements. New development outside the built up area will only be permitted if it:*

- *would not unduly erode the landscape character of the area or its ecology*
- *would not harm the setting of the town and*
- *would retain and enhance the separate identity of communities.*”

Review of Submitted Information

The application has been supported by the submission of a Landscape and Visual Impact Assessment (LVIA) undertaken by ACD Environmental. The methodology included within Appendix A broadly follows GLVIA3 guidelines and the associated Technical Guidance Notes, including 02/21 and 06/19.

Whilst we would have preferred the assessment photography to be undertaken in winter months, the assessment (Para 9.27) acknowledges that photography is undertaken in April with an increased leaf cover, which acts as a constraint within the visual assessment.

Landscape Character

The assessment of Landscape Character refers only to effects on the site and immediate surroundings. We do not disagree with the judged **high value**, however we have concerns with the assessed **low susceptibility** (Appendix C). The low susceptibility judgement is based on the residential expansion to Haywards Heath and the nearby presence of the A272 which produced road noise and reduces the tranquillity on site.

We judge that this justification neglects other contributing factors to a site's susceptibility to development and uses the Haywards Heath extension as precedence for developing further into the undeveloped countryside. Whilst we recognise that the extent of screening and sense of enclosure within the site will lower the susceptibility, the assessment has neglected to appreciate that this also visually and perceptually separates the site from the surrounding residential extension to Haywards Heath and provides a strong sense of place within an undeveloped area of the countryside.

We note that the Capacity Assessment makes specific reference to the areas contribution to separating Haywards Heath and Scaynes Hill, giving this landscape a substantial sensitivity rating. Also assessed as low capacity, development in this landscape is likely to have "*significant and detrimental*" effects on the landscape character. The Capacity Assessment directly refers to area 42 contributing to the separation between Haywards Heath and Scaynes Hill, therefore making this site more susceptible to development.

The LVIA also judges a **medium magnitude of change** on the site and immediate surroundings. We judge that this development would constitute a major change to the key character of this site resulting in a permanent alteration where the baseline situation will be substantially changed.

The LVIA is also not clear on its overall assessed impacts on the landscape character (Para 8.11).

Whilst we welcome that the LVIA assesses the site and immediate surroundings, this does not replace an assessment of effects on the LCAs. We also advise the following landscape receptors are included:

- LCA HW4 High Weald Fringes
- Landscape characteristics of the Capacity Area 42 Haywards Heath South-Eastern Fringe

Visual Amenity

The visual effects are based on 9no. viewpoint receptors. We would have expected an additional viewpoint receptor from the PRoW to the west of the site, located just to the south of the residential rear gardens. In winter months, views may be obtained of the residential development which would impact the sense of entering the countryside from the built-up edge of Haywards Heath. Page 69 (VP2) states that this section of the PRoW is visibly restricted, with reference to a photograph on Page 31. No photograph has been identified on Page 31 of the submitted LVIA, however this would have been beneficial for representing the views observed along the extent of the PRoW.

We would have preferred this section of the PRoW to be included within the LVIA as an individual viewpoint receptor.

Major-moderate effects are judged from Viewpoint 4 which is located at the new entrance to the development site. We agree with this judgement, and that no other viewpoint receptors included within the current LVIA will experience more than negligible effects. Overall, the site is very enclosed and visual effects are limited. Other than from residential properties, the development is unlikely to notably impact upon other public viewpoint

receptors. Our only concern, which has been highlighted within the LVIA, is the visual impacts of the access on the A272 which requires extensive tree removals.

Recommendations

We have concerns regarding the impacts of the development on the local character. Notwithstanding the above, if minded for approval, we have the following recommendations:

Design and Layout

- Height and scale of the proposed dwellings should be a strong consideration to reduce the potential visual impact of the rooflines.
- Hedgehog highway gaps should be provided within any other garden fences and barriers to link up the gardens within the scheme. We would recommend the dimensions are proposed at 100mm x 100mm.
- Play-on-the-way would be a beneficial addition to the proposals, following any pedestrian routes around the outside of the scheme.
- An integrated SuDS strategy should be seamlessly incorporated into the proposed layout.

Green Infrastructure

- A large number of trees are proposed for removal particularly to facilitate the access. Across the site, 13% of Category B trees and 24% of Category C trees are proposed for removal. We note there are proposed trees across the scheme which compensate for some of the losses, however we would prefer the scheme to be more sympathetic to tree removals.
- It would be recommended that hedgerows are planted in double staggered rows, preferably 5 plants per linear metre. There should also not be equal numbers of each species. Instead, it is recommended that it is specified in percentages, as shown below:
 - 60% Hawthorn (*Crataegus monogyna*)
 - 20% Field maple (*Acer campestre*)
 - 10% Hazel (*Corylus Avellana*)
 - 5% Trees (wild cherry, oak or hornbeam)
 - 5% made of holly, spindle, crab apple, dogwood, blackthorn and guelder rose (only a few % each IF they are present in the locality).
- Development should avoid the root protection areas (RPAs) of all trees within or surrounding the Site. Any hard landscaping proposed within the RPA of existing trees must use no-dig surface solutions. Tree protection measures for all trees must be used during construction and should be submitted in an AIA/AMS.
- Integrate the guidelines for the HW4 High Weald Fringes LCA into the design.
- We would expect details of tree pit design to be provided and where trees are proposed in close proximity to hard landscaped / surfaced areas or equipment, details of root barrier systems should also be provided.
- A predominance of one species or variety should be avoided in order to minimise the risk of widespread biotic threats to the urban forest and to increase species diversity. Preference should be given to native trees and shrubs, but in certain urban and residential situations, better results might be achieved by the use of naturalised trees and shrubs, which are not necessarily native but are the correct tree for site conditions and would add landscape and arboricultural value.

- Amenity grass should not be proposed on all soft landscaped areas. There are opportunities to incorporate a wildflower and/or pollinating seed mix to some areas to improve visual amenity and enhance biodiversity opportunities.

SuDS

- A multifunctional approach is to be adopted to offer maximum value for space utilised. For example, incorporating natural play through these areas whilst also providing a biodiverse planting strategy. Fencing of SuDS should be avoided as it reduces the amenity benefits provided by these areas whilst increasing maintenance. Multifunctionality is completely compatible with creating safe and easily managed ponds. For example, a series of 'benches' on the approach to a pond provides a safe vantage point and opportunity to stop and consider safety. Gently sloping edge or edges allows for safe entry and exist of shallow pool and other wetlands. Health and safety risks can also be managed through education and raising awareness – interpretation boards can be provided to inform the public of the function of the pond and also to provide information on the flora and fauna the system supports.

Submission Documents

We advise any forthcoming application is supported by the following submission documents and plans:

- Landscape Management and Maintenance Plan
- Hard landscaping – The surface treatment to footpaths, public realm and highways should be aligned with the character of the development.
- SUDs strategy (including existing watercourses) – Ditches, rain gardens, swales, ditches, rills, ponds, etc.
- Planting strategy – High quality planting along access roads, boundaries and within public spaces should be proposed.
- Ecological enhancements, bird / bat boxes and habitat hibernacula proposals.

Archaeological Consultant

As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area where very little archaeological investigation has taken place.

Some prehistoric remains have been uncovered in the general vicinity, including Iron Age pits, gullies and postholes found during archaeological investigation some 850m to the north (HER MWS11668), and a Neolithic flint axe found 800m east of the proposed development site (HER MWS789), but little else in the way of archaeological work has been undertaken in the surrounding area.

Given this, accurately assessing the precise archaeological potential of the proposed development site is a difficult prospect. Based on the available evidence, and as suggested by the desk-based assessment, there is potential for archaeological remains to be present on the site, but the exact extent and nature of any remains is currently uncertain.

Although the extent of archaeological remains within the site is currently unclear, any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development.

Accordingly, I recommend that a programme of archaeological trial trenching, secured by a condition, is undertaken on the proposed development site in advance of any development works to assess the presence and extent of any archaeological remains. The results of this trenching should then be used to inform on any archaeological mitigation works (if required).

I therefore recommend that the following conditions are placed on any consent, in accordance with the National Planning Policy Framework, paragraph 218 and Mid Sussex District Plan policy D34:

RECOMMENDATION: Archaeological Trial-Trenching and Excavation

- (i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.
- (iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/ preservation strategy for approval by the Local Planning Authority.
- (iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.
- (v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

The work should be undertaken by an accredited and qualified archaeological contractor and will comprise a programme of archaeological trial trenching on the proposed development site, carried out in advance of the commencement of the development works. Based on the results of this trenching a subsequent phase of archaeological mitigation work may then be required.

A brief will be supplied from this office detailing the work required on request and should be acquired prior to the submission of a Written Scheme of Investigation.

MSDC Planning Policy

Mid Sussex Development Plan

The Development Plan comprises of the adopted 2018 Mid Sussex District Plan 2014-2031, currently under review, and the Site Allocations Development Plan Document (Site Allocations DPD) adopted June 2022. The site falls within the Haywards Heath Neighbourhood Plan (HHNP) area which was 'made' in 2016.

The review of the District Plan commenced in 2021. The Mid Sussex District Plan (2021-2039) Submission Draft was submitted to the Planning Inspectorate on 8th July 2024. The Stage 1 Examination Hearings took place in October 2024. At this stage, minimal weight can be given to the policies within the draft District Plan.

Principle of development

The application site is located to the southeast of Haywards Heath, south of Lewes Road (A272). The site lies to the rear of the existing properties that front Lewes Road. Access to the site is proposed to be between 90 Lewes Road and North Colwell Farmhouse, as indicated on the illustrative masterplan (02.38(01)02).

The site is located outside of the built-up area boundary as shown on the Policies Maps, Policies DP6: Settlement Hierarchy and Policy DP12: Protection and Enhancement of Countryside are relevant.

The site is also not allocated within the adopted or emerging development plan.

Housing Land Supply

Paragraph 78 of the National Planning Policy Framework (NPPF) requires local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

The adopted District Plan is now more than five years old. Therefore, the housing land supply is measured against Government’s standard method. The standard method is currently 1,334 dwellings per annum (dpa), compared to the 1,090dpa if the adopted Plan figure were applied. Whilst the Council has performed excellently against other Government measures of delivery (Housing Delivery Test) the Council is currently unable to demonstrate a five-year supply of deliverable housing sites.

Other relevant matters

The site’s western and part of its northern boundary is adjacent to the Lewes Road Conservation Area. North of the site are two listed buildings: Colwell House (Grade II) and Oldfield (Grade II). As such, policies DP34: Listed Buildings and Other Heritage Assets and DP35: Conservation Areas are relevant. Comments from other relevant consultees such as the Council’s Conservation Officer should be sought in determining any potential harm on these heritage assets.

The site’s southern boundary is adjacent to designated ancient woodland (Cains Wood). There is also a designated Tree Protection Order close to the site’s northeast corner. Policy DP37: Trees, Woodland and Hedgerows is therefore relevant. Comments from other relevant consultees such as the Council’s Tree Officer should be sought in determining any potential harm on the protected trees.

Other Policies

Other key policies considered relevant to this application proposal include but not limited to: DP15: New Homes in the Countryside; DP30: Housing Mix; DP31: Affordable Housing and DP41: Flood Risk and Drainage.

Haywards Heath Neighbourhood Plan

The site is located within the local gap, as identified by the Haywards Heath Neighbourhood Plan (HHNP); Policy E5. The policy states that land outside the built-up area boundary is designated as a local gap between Haywards Heath and neighbouring towns/parishes in order to create a landscape buffer that will support and enhance ecological connectivity, maintain the landscape character of the area and individual settlements. New development outside the built-up area will only be permitted if it would not unduly erode the landscape

character of the area or its ecology, would not harm the setting of the town and would retain and enhance the separate identity of the communities.

Other HHNP policies considered relevant are:

- Policy E6 – promoting Green Infrastructure within the site;
- Policy E7 – incorporation of sustainable drainage systems;
- Policy E8 – sustainable development;
- Policy E9 – protecting and reinforcing the local character;
- Policy E11 – Major development of the edge of Haywards Heath;
- Policy E13 – private outdoor amenity space;
- Policy T1 – provision of pedestrian and cycle connections;
- Policy T2 – cycle route contributions; and
- Policy T3 – car parking.

MSDC Contaminated Land Officer

As part of the application, a phase 2 site investigation was undertaken by Patrick Parsons, dated July 2024, reference: CHH-PPC-00-XX-RP-G-0002.

The report has not identified any contaminants above the screening levels adopted for residential use without homegrown produce. Preliminary gas monitoring on site from three monitoring wells suggests that soil gas protection may be required. The report notes that the previous gas testing on site only included one visit, whereas guidance would require six. As such, they recommend that a soil gas monitoring program should be completed, with five additional rounds being undertaken.

As such, a phased contaminated land condition should be attached to the application. Further intrusive investigation, in the form of gas testing will be part of a phased approach, whereby, if contamination is found above the assessment criteria, a remediation option appraisal, remediation plan, and verification report will be required. If no unacceptable risk is found during the intrusive investigation, the entire phased condition can be discharged at that stage.

Additionally, a discovery strategy should also be attached, so that in the event contamination not already identified through the desktop study or site investigation is found, works will cease until further assessment has been carried out and additional remediation methods are implemented, if necessary.

Recommendation: Approve with conditions.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site each be submitted to and approved, in writing, by the local planning authority:

a) a further site investigation, based on the phase 2 site investigation undertaken by Patrick Parsons, dated July 2024, reference: CHH-PPC-00-XX-RP-G-0002., to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

2) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Environmental Health Officer

The proposed development is for residential properties on a site close to a busy A road. The proximity of this noise source means that with the proposed design/layout, to avoid adverse noise impacts, some windows to properties in the development will need to be kept closed. Closed window solutions should be considered only as a last resort and should be accompanied by a satisfactory Acoustic Design Statement as per ProPG, and I have recommended a condition be applied to this effect.

Given the proximity of existing residential dwellings to the proposed development, I also recommend conditions to protect existing residents from noise and dust during the construction phase.

If air source heat pumps are to be considered for this development, then a condition to control noise from these units to protect the amenity of future residents may be appropriate.

Conditions:

Construction hours: Works of construction, including the use of plant and machinery necessary for implementation of this consent shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

Reason: to protect the amenity of local residents.

Deliveries: Deliveries or collection of plant, equipment or materials for use during the construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sunday & Public/Bank holidays: None permitted

Reason: to protect the amenity of local residents.

Construction Environmental Management Plan:

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents

Heat Pumps: Unless otherwise agreed, any air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (L_A,T_r) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (L_A90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Reason: to protect the amenity of local residents.

ProPG:

No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) outlined below shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS):

- i. Maximising the spatial separation of noise source(s) and receptor(s).
- ii. Investigating the necessity and feasibility of reducing existing noise levels and relocating existing noise sources
- iii. Using existing topography and existing structures (that are likely to last the expected life of the noise-sensitive scheme) to screen the proposed development site from significant sources of noise
- iv. Incorporating noise barriers as part of the scheme to screen the proposed development site from significant sources of noise
- v. Using the layout of the scheme to reduce noise propagation across the site
- vi. Using the orientation of buildings to reduce the noise exposure of noise sensitive rooms
- vii. Using façade design eg façade barriers, balconies and winter gardens to minimise exposure to noise

viii. Using the building envelope to mitigate noise to acceptable levels

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

In addition, unless otherwise agreed in writing by the Local Planning Authority, where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy below shall be applied to the scheme:

1. Minimise internal heat generation through energy efficient design
2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls
3. Design the properties to enable passive ventilation (e.g. cross ventilation)
4. Provide mechanical ventilation
5. Provide active cooling (ensuring they are the lowest carbon options).

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Reason: to protect the amenity of future residents.

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. The calculated figure of £25,696 submitted in the SLR Air Quality Assessment (SLR Project No: 433.000082.00001) is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

Informative:

Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- No burning of construction waste materials shall take place on site.

MSDC Housing Enabling Team

The applicant is proposing a development of 80 units at Colwell Farm, which gives rise to a minimum on-site affordable housing requirement of 30% in accordance with District Plan Policy DP31. (It is noted that 35% (up to 28%) affordable was erroneously stated in the Proposal on Page 13 of the Statement of Community Involvement). This equates to 24 affordable housing units. It should be noted however that if the number of units changes and the resultant number of affordable housing units is not a whole number, it must be rounded up to the next whole number as stated in the Affordable Housing SPD.

As explained at pre-app stage in our pre -app comments, the affordable housing units to be provided will need to be split 25% First Homes (6 units) and 75% Social Rented or Affordable Rented housing (18 units including the wheelchair accessible dwelling referred to below), ie no shared ownership units will be required. Also due to the fact that the First Homes price cap after a minimum 30% discount is £250K, it is likely that the First Homes will need to comprise 2 bed flats, Coach Houses/FOGS or Maisonettes, unless a greater discount is provided in order to allow some 2 bed houses to be delivered as First Homes.

All units for both First Homes and Social Rent or Affordable Rent will need to meet the Council's occupancy and minimum floor area requirements which are stated in Figure 5 of the Affordable Housing SPD and, as advised in our comments at pre-app stage, in order to meet a range of housing need the overall affordable housing size mix will need to comprise approximately:

- o 26% (6) x 1B/2P flats, Coach Houses /FOGS, maisonettes, or bungalows @ a minimum of 50m² (excluding the staircase and entrance hall in the case of any Coach Houses/FOGS or maisonettes or 58m² including them). Maisonettes should each have their own private garden area
- o 45% (11) x 2B/4P houses and flats (the rented units should all be houses) @ a minimum of 79m² in the case of houses (2 storey) and 70m² in the case of flats (excluding the staircase and entrance hall in the case of any Coach Houses /FOGS or maisonettes or 79m² including them). Maisonettes should each have their own private garden area
- o 20% (5) x 3B/5P houses @ a minimum of 93m² (2 storey) or 99m² (3 storey)
- o 5% (1) x 4B/6P house @ a minimum of 106m² (2 storey) or 112m² (3 storey)
- o 4% (1) x 2B/4P wheelchair accessible house for rent @ a minimum of 103m² which complies with all of the requirements contained in Part M(4)(3)(1)(a) and (b) and Part M(4)(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 – wheelchair user dwellings of schedule 1 of the Building Regulations 2010 as amended

It is understood that the development is to be delivered as one phase, but if this changes 30% affordable housing split 25% First Homes / 75% social rented or affordable rented housing will be required in each and every phase and the phases will need to be clearly identified on a Phasing Plan.

As far as the layout is concerned, at reserved matters stage a tenure blind approach will be required with the affordable housing units distributed throughout the site and, in accordance with the Affordable Housing SPD, the location of the affordable housing units will need to meet our clustering requirement. This requires that no more than 10 affordable housing units are located in one cluster, with open market units in between each cluster, in order to assist social integration and the creation of a balanced community.

The rented flats will need to be located in a separate block, accessed via a separate core/entrance or located on a separate floor(s) to the First Homes flats and any open market flats, with individual accesses provided for any ground floor rented flats. No more than 6 x 1B/2P flats for social rent or affordable rent are to be included. Car parking spaces will need to comprise a minimum of 1 space per 1 and 2 bed unit, 2 spaces per 3 bed unit and 3 spaces per 4 bed unit.

As part of a subsequent reserved matters application three x A1 sized hard copies of 1:50 annotated plans showing the various room dimensions, floor areas, turning circles, manoeuvring zones and layouts for individual rooms (including all of the appropriately sized furniture and white goods required) and the measurements and floor area of the dwelling as a whole, will also be required for the wheelchair accessible unit. Three plans showing the access from the wheelchair accessible car parking space to the wheelchair accessible dwelling's front door will also be required.

These plans will be forwarded to our OT for checking against the M(4)(3)(2)(b) requirements and any changes required will need to be made, and updated plans which are compliant will then need to be submitted, prior to reserved matters approval being granted, with the approval of any minor final details covered by a planning condition.

The affordable housing units at reserved matters stage will also need to be separately identified on an Affordable Housing Plan which includes plot numbers. The proposed First Homes will need to be shown in blue and the proposed rented units in red, together with their allocated and numbered car parking spaces. The location of the wheelchair accessible dwelling and wheelchair accessible parking space will also need to be clearly identified on this plan by green hatching.

Finally, an Affordable Housing Schedule will also be required at reserved matters stage detailing for each affordable housing unit the plot/flat number, type of unit, number of storeys, floor level in the case of flats/maisonettes, floor area in m², number of bedrooms, number of persons, proposed tenure and whether or not it is a wheelchair accessible dwelling, in order to clearly demonstrate that all requirements are being met.

MSDC Tree Officer

I have reviewed the Arboriculture Report for this proposal and have concerns about the loss of Category B trees, which would be a constraint to development. I note that 43 Category B trees will be lost to facilitate the proposal and that some of these are not only to facilitate the access to the site. I feel that the loss of these mature trees (some of which are oak trees) could not be compensated by replanting, as the ecological value of mature oak trees would take years to develop from newly planted specimens. The loss of these trees would be contrary to DP37 of the Mid Sussex District Plan.

I note a further 92 Category C trees will be lost to facilitate the proposal.

Would it not be possible to retain more of the category B trees from within the development or access from another location to prevent the felling of these mature trees?

I can't support the felling of mature trees and for the reasons stated above, I object to this proposal.

MSDC Leisure Officer

The following leisure contributions are required to enhance capacity and provision due to increased demand for facilities in accordance with the District Plan policy and SPD which require contributions for developments of over 5 units.

CHILDRENS PLAYING SPACE

The indicative open space proposal outlines the provision of a LEAP on site which would be necessary in this location. Full details regarding the layout, equipment and on-going maintenance will need to be agreed by condition. The suggested location of the play area will need to be reviewed to ensure it provides adequate natural surveillance.

FORMAL SPORT

In the case of this development, a financial contribution of £57,229 is required toward formal sport facilities at Hanbury Stadium and / or Tim Farmer Recreation Ground and / or Victoria Park.

COMMUNITY BUILDINGS

The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. In the case of this development, a financial contribution of £32,822 is required to make improvements to community buildings in Franklands Village, Barn Cottage Recreation Ground, Ashenground Community Centre and / or the Woodside.

In terms of the scale of contribution required, these figures are calculated on a per head formulae based upon the total number of units proposed and an average occupancy of 2.5 persons per unit (as laid out in the Council's Development and Infrastructure SPD) and therefore is commensurate in scale to the development. The Council maintains that the contributions sought as set out are in full accordance with the requirements set out in Circular 05/2005 and in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

MSDC Conservation Officer

The proposed development site is a series of open fields fringed with hedgerow and trees to the south of Lewes Road, on the south eastern edge of Haywards Heath. The proposed site access from the road is between North Colwell Farmhouse and 90 Lewes Road. A public right of way runs south from Lewes Road between the Farmhouse and North Colwell Barn, just to the west of the site.

There are a number of heritage assets which would be affected directly or indirectly by the proposed works on the site:

Lewes Road Conservation Area:

The proposed site access is within the boundary of the Lewes Road Conservation Area, as is a narrow strip along its northern edge. The remainder of the site, including the majority of the field areas, is outside of the Conservation Area but within its immediate setting. Although there is not an adopted character appraisal for the Area, the Council's document 'Conservation Areas in Mid Sussex' contains a brief high level analysis of its key features:

'Lewes Road (A272) is situated on the east side of Haywards Heath, and is the main approach for westerly travelling traffic. The area is characterised by low density

development, and represents the gradual transition from the countryside to the urban area. The following features make a particular contribution to the character of the Conservation Area:

- the variety of age and style of the buildings, most of which are large properties set well back from the road within spacious grounds;*
- presence of trees and hedges around and between the buildings;*
- the presence of grass verges, hedges and 'fingers' of agricultural land between dwellings which contribute to the rural character of the Area; and*
- the low density of development which creates a gradual transition from the countryside to the urban area.'*

The surviving open rural setting to the south of the Conservation Area is considered to make a strong positive contribution to its significance, in particular contributing to its transitional character, sitting at the boundary between the town and the surrounding countryside. This would include the application site, which although screened to an extent by planting along the northern edge of the fields, will be visible, and potentially prominent, from the properties within the Area, in particular from the upper floors, and in winter. The proposed site access lies within the Conservation Area and is created from the undeveloped eastern strip of garden to North Colwell Farmhouse. The site frontage onto Lewes Road is of trees and hedgerow, which would be lost by the creation of the access, which will also allow views into the site from Lewes Road.

Other than the view towards the access from Lewes Road (view 4), the submitted viewpoints within the LVIA do not consider the impact on views from within the Lewes Road Conservation Area.

Colwell House and ancillary buildings

Colwell House, which is at 108 Lewes Road, is located just to the north of the site. This is a Grade II listed early 19th century house, which is set in fairly extensive gardens. There are a small number of surviving ancillary buildings which may be regarded as curtilage listed or as NDHAs, including in particular the former stables to the north east of the house, and a former lodge house to the north adjacent to Lewes Road.

Colwell House would be considered to possess architectural interest based on its design, construction and craftsmanship, as well as historical illustrative value as a good example of an early 19th century villa of a moderate level of pretension, and aesthetic value. It also has group value with the surviving ancillary buildings around it. When constructed, the villa would have been within a rural setting, reflecting the aspirations of the then owners to a bucolic, but comfortable and stylish lifestyle, close to but outside of the then much smaller town of Haywards Heath.

As such, the surviving rural setting to the south of the listed building would be considered to make a strong positive contribution to its special interest, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

The application site constitutes a large part of the wider rural setting of Colwell House, and is in close proximity to it, separated from the listed building and its ground by only a narrow strip of open paddock. Although there is planting along the northern boundary of the site, having visited Colwell House and its gardens it is my opinion that residential development of the scale and position proposed is likely to be visible if not visually prominent in views from the house and its gardens, particularly in winter.

The submitted LVIA does not include a viewpoint from Colwell House or its gardens.

North Colwell Barn

North Colwell Barn, which is just to the north west of the site is regarded by the Council as a non-designated heritage asset (NDHA). This is a U shaped 19th century or earlier stone, brick and weatherboarded former farm building, part of Colwell Farm, the farmhouse to which (now replaced with a modern dwelling) was located just to the north east. Colwell Farm is listed in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead dating from the 19th century. The former barn appears from the available map evidence to be one of the earliest surviving buildings in the Conservation Area, and with its former agricultural use has evidential value as to the history and development of this part of Haywards Heath. On this basis I would consider it to be of a mid level of interest within the local context.

Based on the limited information in front of us, I would consider it likely that the Barn would be considered to possess architectural value based on its construction and craftsmanship, as well as historical illustrative value as a good example of an agricultural building of its type and period, and aesthetic value based in part on the use of vernacular materials viewed against the landscape from which they were drawn. As such, the surviving rural setting to the south and south east of the barn will make a strong positive contribution to its significance, in particular those parts of that significance which are drawn from its historical illustrative and aesthetic values.

The proposed development site is directly to the south east of the barn and forms a large part of its close setting. It is also likely to constitute part of the former farmlands of the Lowlands Farm farmstead, and as such has a historical functional relationship with the NDHA, which strengthens its contribution to its significance. Although there is existing planting on the boundary between the site and the grounds of Lowlands Barn, there is likely to be some intervisibility between the two, particularly in winter. Given the proximity of the site to the NDHA, the proposal has the potential to have a marked impact on the character of its setting.

Again, the submitted LVIA contains no viewpoint from North Colwell Barn or its immediate setting.

The current proposal is an outline application with all matters reserved except for access, for up to 80 houses with associated landscaping, open space, infrastructure and vehicular and pedestrian accesses.

Although we have only an illustrative masterplan before us rather than a fully worked up scheme, it is clear that the development would have a fundamental impact on the character of the site, which would become suburbanised. This will remove and reverse the positive contribution which it currently makes to the settings of the above mentioned heritage assets.

In terms of the Lewes Road Conservation Area, as well as the likely impact on views from properties to the south of Lewes Road, there will also be an increase in noise, activity and light levels within the immediate setting of the Area, where there are now fields. These impacts will adversely affect the semi-rural character of this part of the Conservation Area, and the sense that it represents a transition from town to countryside. The new access from Lewes Road will also have a direct urbanising impact on this part of the Conservation Area. In terms of the street scene of Lewes Road there will loss of trees and hedging along this part of the road, to the detriment of its transitional, semi-rural character. There may also be channelled views along the access road from within the Conservation Area in which the residential development beyond is visible.

As I noted in my preapplication comments, verified views would be useful in identifying the level of harm caused by the proposal to all of the identified assets, and it is regrettable that

with one exception (the view of the access from Lewes Road) these have not been supplied. However, on the basis of the information in front of us I would consider that the impact on the Conservation Area is likely to be one of less than substantial harm, at around the mid-high range of that scale.

With respect to Colwell House, again the impact of the development on the existing wider rural setting of the listed building will be not only visual, but also in terms of increased noise, activity and light levels within close proximity to the house and its immediate garden setting, all of which will detract from the surviving historic rural setting of this country house. This will be detrimental to its special interest as identified above, and how this appreciated. I would place the level of harm at less than substantial, at around the mid-level of that scale.

In terms of the NDHA at North Colwell Barn, I would place the level of harm caused to be around the mid-level, to an asset of a mid-level of interest in the local context. Again this will not be purely through visual impact, but also in terms of noise, activity and light levels. In the case of the Barn, the level of impact is also affected by the likely historical relationship between the former farm building and the farmlands which were part of the farmstead.

In making this assessment of the impact on North Colwell Barn I am mindful that the area at the far western end of the site, adjacent to the eastern side of the land associated with the Barn, is shown as open space. This landscape buffer is however of limited depth and includes a play area, and therefore will not retain a rural character. The residential development to the east is open onto this space.

In weight which can be given to the retained or additional planted screening which is noted in several locations around the site will be limited, given that as is noted in the relevant Historic England guidance GPA Note 3 *'The Setting of Heritage Assets'*:

'As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design. This should take account of local landscape character and seasonal and diurnal effects, such as changes to foliage and lighting. The permanence or longevity of screening in relation to the effect on the setting also requires consideration. Ephemeral features, such as hoardings, may be removed or changed during the duration of the development, as may woodland or hedgerows, unless they enjoy statutory protection.'

In this context, the fact that screening will be of seasonally variable and potentially ephemeral planting is significant. Furthermore, the screening in itself may be harmful, to the extent which it succeeds in divorcing the affected assets from their wider rural setting.

In making the above assessment of the proposal I have read and considered the submitted Heritage Statement, however I disagree with the conclusions within this document regarding the nature and in some cases the level of the significance of the various affected heritage assets, the contribution made by the site to these significances, and consequently the resulting impact of the proposed development.

MSDC Street Name and Numbering

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.