

APPLICATION NUMBER: WSCC/012/26
REGULATION 3

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

To: Matthew Brockhurst
Philips Surveyors LLP
78 Lower Street
Pulborough
United Kingdom
RH20 2AA

In pursuance of their powers under the above mentioned Act and Orders, West Sussex County Council hereby notify you that they **PERMIT** the following development:

**Installation of cricket nets at Oathall Community College, Appledore
Gardens, Haywards Heath, RH16 2AQ**

to be carried out in accordance with your application and plans (as modified by the under-mentioned conditions) submitted to this Council on 05/02/2026 and subject to the conditions specified hereunder:

Conditions

Commencement

1. The development to which this permission relates shall be begun not later than the expiration of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Approved Documents

2. The development shall not take place other than in accordance with the approved plans:
 - Block Plan – Dated 20/01/2026;
 - Cross Section (Base System) – Received 05/02/2026;
 - Elevation Plan (Proposed) – Drawing No. ELL-828-3383, dated 16/12/2025;
 - Location Plan – Dated 17/03/2026;
 - Noise Assessment – Ref. 2741/25/NAS, received 26/03/2026;
 - School Travel Plan – Amended February 2026, received 26/03/2026, and;
 - Surface Water Statement – Ref. 2741/25/SWS, received 26/03/2026.

Date: 05/06/2026

Signed: **Michael Elkington**, Head of Planning Services

IT IS IMPORTANT THAT YOU READ THE NOTES IN APPENDIX A

CONTINUATION SHEET

along with information submitted with the application including the Planning Statement (ref. 2741/25/PLS, Rev 1, received 26/03/2026) save as varied by the conditions hereafter.

Reason: to secure a satisfactory development.

Construction Environment Management Plan

3. 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 County 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, including any required maintenance to trees etc,
 - 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),
 - the prevention of deliveries at the site during school drop-off and pick-up time (generally 0800-0900 and 1430-1530),
 - Access arrangements from the public highway, including temporary accesses and alterations to existing accesses.
 - details of public engagement both prior to and during construction works.

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

Landscaping and Maintenance

4. No development shall take place, including any works of demolition, until a detailed landscaping, maintenance and management scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall identify any on-site habitat specified within a Biodiversity Gain Plan (as required by the statutory 'biodiversity gain condition') and include full details of the types, size and species of all trees and shrubs to be planted, details of soil preparation, measures for biosecurity, a maintenance schedule, and timetable for implementation at the earliest possible opportunity following commencement of the development.

Thereafter the approved scheme shall be implemented in full in accordance with the approved timetable. Any trees or shrubs that die, are removed, or become seriously damaged or diseased throughout the life of the development shall be replaced in the next planting season with others of similar size and species, or any variation that may be agreed in writing by the County Planning Authority.

CONTINUATION SHEET

Reason: In the interests of the visual amenities of the site, to provide suitable compensation for grassland area to be lost, to ensure the planting of trees and deliver biodiversity net gain.

Noise Management Plan

5. Prior to the first use of the development, a suitable Noise Management Plan (NMP) shall be submitted to and approved by the County Planning Authority. The NMP shall include details relating to, but not limited to, the agreed hours of use of the pitch and noise mitigation measures, including operational noise control measures requiring hirers to supervise their players and the prohibiting of music being played in this area, to be imposed during communal use of the facility. Once approved, the measures set out in the approved plan shall be complied with in full, with effect from commencement of use of the facility.

Reason: to protect neighbouring amenity.

Community Use Agreement

6. Prior to the first use of the development hereby permitted, an updated Community Use Agreement, prepared in consultation with Sport England, shall be submitted to and approved in writing by the County Planning Authority. The updated agreement shall include, but not be limited to, the revised Hours of Use for the Cricket Facility, the pricing policy, access by non-school users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: to secure well-managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport.

Hours of Use

7. The development hereby approved shall only be used between the hours of:
- 08:50 – 21:00 Monday to Friday;
 - 09:00 – 18:00 Saturdays, and;
 - 09:00 – 16:00 Sundays

The facility will not be used on Bank or Public Holidays.

Reason: to protect the amenities of neighbouring residential occupiers and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

Protection of Retained Trees

8. No retained tree shall be cut down, uprooted or destroyed without the prior written approval of the County Planning Authority. Any pruning work approved shall be carried out in accordance with British Standard 3998:2010 Tree Work – Recommendations, or any subsequent revision.

Reason: to protect existing trees in the interests of amenity and of the environment of the development.

CONTINUATION SHEET

Informatives

- A. The County Planning Authority has acted positively and proactively in determining the planning application by identifying issues of concern and considering whether planning conditions could be used to satisfactorily address them. As a result, the County Planning Authority has been able to grant planning permission, in accordance with the presumption in favour of sustainable development as set out within the National Planning Policy Framework.
- B. The applicants attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to their duty of care not to cause the neighbours of the site a nuisance. Having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the department receive a complaint once the site is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence. MSDC Environmental Protection can be contacted on 01444 477292 for further information on these issues.
- C. The applicant is reminded that it is an offence to disturb, damage or destroy protected species or their resting site under separate legislation. Planning consent for a development does not provide a defence against prosecution under UK and European retained wildlife law. You are advised that where likelihood of protected species exists, or mobile species may be present, it may be necessary for the applicant to commission an ecological survey from a suitably qualified and licenced ecologist to determine the presence or otherwise and impact upon protected species. If protected species are found, a suitably qualified and licenced ecologist and/or Natural England should be consulted.
- D. **Biodiversity Net Gain:** Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the 'biodiversity gain condition', which means development granted by this notice must not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.

Based on the information provided, this permission is considered to be one that 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.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the County Planning Authority prior to the commencement of the consented development, please see the link:

<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>.

Commencing development that is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action as a breach of planning control.

CONTINUATION SHEET

APPENDIX A: TOWN AND COUNTRY PLANNING ACT 1990

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES.

THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT IS RECOMMENDED THAT YOU CONSULT A SOLICITOR IF YOU ARE IN ANY DOUBT.

1 Appeals to the Secretary of State

- (a) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- (b) If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get online at <https://www.gov.uk/appeal-planning-decision> or by writing to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- (c) The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (d) The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- (e) In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

2 Purchase Notices

- (a) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- (b) In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town and Country Planning Act 1990.

3 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) 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 West Sussex County Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates¹ was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - (i) the application for planning permission was made before 2 April 2024;
 - (ii) planning permission is granted which has effect before 2 April 2024; or
 - (iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - (i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - (ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

¹ "Original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

4.5 Self and Custom Build Development, meaning development which:

- (i) consists of no more than 9 dwellings;
- (ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- (iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high-speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High-Speed Rail (Preparation) Act 2013.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- (i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- (ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

The effect of Paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).