

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0590	Case Officer:	Andrew Clarke
Application Type:	Full Application		
Proposal:	Engineering works: 5m high earth noise bund with associated landscaping		
Site:	Little Reeds Farm, London Road, Hickstead, Haywards Heath, West Sussex, RH17 5LY, ,		
Validation Date	26 Mar 2025	Overall Expiry Date:	30 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	14 Aug 2026
Target Date:	21 May 2025	Recommending Officer Signature:	<i>Andrew Clarke</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	20 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0590

**Little Reeds Farm, London Road, Hickstead, Haywards Heath, West Sussex, RH17 5LY,
Engineering works: 5m high earth noise bund with associated landscaping
Mr Mick Cave**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEEES

☐SDC Trees

I have reviewed the Arboricultural Report for this proposal and have no objection.

The landscaping plan more than mitigates the loss of the cypress group lost to facilitate the proposal, Further, this consists of native species and is preferable to cypresses.

☐SDC Drainage

Flood Risk

The application is supported by a Flood Risk and Drainage Strategy dated 30/08/2024. Surface water modelling has been undertaken as part of the application.

Since the 2024 report was produced the Environment Agency released updated flood risk mapping following the new National Flood Risk Assessment (NaFRA2) in early 2025.

The updated mapping uses new and improved methods to assess flood risk. Given the sites proximity to the River Adur we would expect the Environment Agency's fluvial flood data to be included within the report to demonstrate no land raising is to occur below the 1:100+CC flood level.

The submitted surface water modelling is not acceptable, as it fails to demonstrate that the proposed development will not increase flood risk both on-site and off-site, in particular:

The LiDAR used from 2014 is outdated. The applicant should use the EA LiDAR 1m DTM from 2022.

The climate change allowance used for the modelling has not been specified (we would expect increasing rainfall amounts by the proportion associated with the Upper End allowance for the Adur and Ouse Management Catchment for the 2070s epoch (development with a lifetime between 2061 and 2125): 3.3% AEP - rainfall increased by 40% and 1% AEP - rainfall increased by 45%.)

The catchment area used for the TuFLOW model has not been sufficiently justified. The catchment extent should be defined based on the LiDAR, and be sufficient to demonstrate that surface water flows both upstream and downstream of the site are not affected by the development.

The surface water modelling results have only been presented at discrete points. The modelled flood depths should be presented for both the whole site and the wider area, for the existing scenario (baseline), the proposed scenario, and a comparison / difference of flood depths pre-post development to demonstrate the impact of both the land raising and the proposed swale.

The boundary conditions of the model are not discussed, we would expect a water level versus flow boundary (HQ) to be applied at the downstream extent of the model domain at the River Adur, with a

gradient derived from the EA LiDAR DTM. HQ boundaries with general slope values should be applied to the rest of 2D domain to prevent glass-walling.

Results of sensitivity testing have not been presented (for example Sensitivity testing of Manning's 'n' roughness values, critical storm duration, 1D representations)

Modelled flood hazard mapping has not been provided for the 1:100 year +CC event to demonstrate that safe escape routes for the residents will not be affected by the proposed works.

It has not been demonstrated that there will be no land raising within the surface water 1:100 year plus climate change extent.

The applicant needs to provide evidence that the proposed development will not increase flood risk on site or elsewhere.

At this time, we will require the following further information:

Revised surface water modelling for the 1:100 year + climate change event to demonstrate that the development design ensures;

Site users are safe in the event of a flood

There is no loss of floodplain storage

There is no impedance of overland flows

There is no increase in flood risk

Surface Water Drainage

We would advise the applicant that at this stage of planning the following additional information in relation to the provided surface water drainage strategy will be needed to be provided.

Pre- and post-development discharge rates

Cross-section drawings do not show the existing ditch, National Highways (NH) boundary and site boundary.

Evidence that the western boundary ditch exists.

Evidence that the receiving ditch has capacity, a wider connection to the drainage / watercourse network in the area and it's inverts support the proposed drainage system.

Evidence that WSCC Highways would accept the principle of surface water drainage connecting to their system.

The team do not consider the 2024 Flood Risk and Drainage Strategy sufficient to address the flood risk and drainage requirements at this stage of planning.

Receipt of the requested additional information does not mean further information will not be requested, nor does it guarantee that the Flood Risk and Drainage Team will not object to the development. Neither does it prevent the team from recommending a flood risk or drainage condition.

☐ SDC Ecology

Further information required/Temporary holding objection: Mandatory Biodiversity Net Gains

We have reviewed the documents supplied by the applicant, including the Ecological Impact Assessment (The Ecology Co-op Ltd, January 2023) and the Advice Note (The Ecology Co-op Ltd, May 2024) relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation.

We have also reviewed the information available regarding biodiversity net gains for this application, which includes Biodiversity Impact Calculation (The Ecology Co-op Ltd, March 2025).

We have also reviewed the further information relating to bespoke biodiversity enhancements for species, which includes the Ecological Enhancement Measures (Weller Designs Ltd, November 2025).

We are still not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

Mandatory Biodiversity Net Gains:

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 are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

Place Services have requested the submission of a Statutory Biodiversity Metric - Calculation Tool from the Council on the 11/06/25 and 02/10/25. The further Biodiversity Impact Calculation (The Ecology Co-op Ltd, March 2025) provides an overview summary of the calculations and the associated condition assessment. However, the Statutory Biodiversity Metric - Calculation Tool (Excel spreadsheet) still needs to be submitted to ensure that an appropriate baseline consideration have been provided for this application.

Where mandatory biodiversity net gains apply, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. 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 and should be included as an informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan prior to commencement, which includes the following:

- a) Biodiversity Gain Plan form (Ideally using the Government's template:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. The decision on whether significant on-site enhancements are present is ultimately up to the Council. Where present, the maintenance and monitoring of significant on-site enhancements should be secured via planning obligation for a period of up to 30 years from the completion of development. This will be required to be submitted concurrent with the discharge of the biodiversity gain condition.

Additional comments - Bespoke biodiversity enhancements:

We welcome the provision of the Ecological Enhancement Measures (Weller Designs Ltd, November 2025). This provides appropriate technical specification of the bird and bat boxes and hibernacula, as well as suitable locations for the proposed reasonable biodiversity enhancements. As a result, we are satisfied that a Biodiversity Enhancement Strategy does not need to be secured as a condition of any consent, subject to the measures contained within the Ecological Enhancement Measures (Weller Designs Ltd, November 2025) being secured and implemented in full.

☐SDC Archaeologists

The West Sussex Historic Environment Record shows that the proposed development is located within an area with limited archaeological evidence. No archaeological works have been undertaken within the immediate vicinity, and the archaeological potential of the site is best characterised as uncertain.

However, the proposals comprise the construction of a bund and landscaping, with the ground being largely built up and little (if any) in the way of below-ground excavation proposed. Although absence of archaeological evidence does not equate to evidence of archaeological absence, the lack of known remains combined with the apparent limited below ground impact suggests that it is unlikely that significant archaeological deposits will be impacted by the proposals.

Accordingly, I have no recommendations relating to the application.

☐SDC Landscapes

Site Context:

The application Site is a linear shaped piece of land located adjacent to the A23. The site boundaries of the long triangular shaped fields are largely well vegetated. Within the site there are two grassland fields, a dwellinghouse and various non-commercial buildings. Employment development is located on the opposite side of the A23, which is accessed by the A2300. The wider countryside comprises grassland and arable fields. The northern edge of the site abuts Flood Zone 3.

Planning Policy Context:

Mid Sussex District Plan (MSDP) (Adopted March 2018)

Policies of considered relevance include [inter alia]:

Policy DP12 Protection and Enhancement of Countryside
Policy DP37 Trees, Woodland and Hedgerows
Policy DP38 Biodiversity

Mid Sussex Landscape Capacity Study (2007/2014)

The Site is located within 59 Cobb's Mill Low Weald area. Whilst the Capacity study is focused on strategic development, it can be used to identify features of importance to the area. The capacity study identifies the area as being fairly rural with moderate scenic beauty, tempered by settlement and roads including the A23. It has a moderate to poor hedgerow network with moderate boundary loss. Overall, the area has a low capacity for development.

Review of the proposal/submitted information:

The application has been supported by the submission of a Landscape and Visual Impact Appraisal (LVA) undertaken by Weller Designs Ltd. The methodology included broadly follows GLVIA3 guidelines and TGN 06/19.

The judgement methodology is outlined in Para 2.2 and 2.3 of the submitted LVA. We would have preferred the sensitivity for both landscape and visual to be broken down by susceptibility and value, since it cannot be assumed that a receptor would be assessed similarly for these criteria. Nonetheless, we recognise the scale of the proposed development and have reviewed the LVA accordingly.

Landscape Character

The site is located within:

NCA 121: Low Weald of the National Character Areas

LCA LW10: Eastern Low Weald of the West Sussex Landscape Character Assessment

LCA 4: Hickstead Low Weald of the Mid Sussex Landscape Character Assessment

Key characteristics of the LW10: Eastern Low Weald LCA and LCA 4: Hickstead Low Weald include; gently undulating low ridges and vales, arable and pastoral rural landscape, hedgerows with hedgerow trees, crossed by north-south roads.

Appendix A judges a high sensitivity to LCA 4 Hickstead Low Weald, with 'no change' magnitude of change. We would not consider that 5m mounding is in-keeping with the local character and is an unnatural landform. Although the site is small in scale, we judge that the LVA has underassessed the effects on the local character owed to the extent of land which has been raised by 5m and therefore disagree that there is no change to the character.

We would also have appreciated the inclusion of the Site and Immediate Context as a separate landscape receptor, which would have highlighted that the proposals adversely impact upon the local landscape character.

Visual Amenity

Figure 4 (ZVI) of the LVA includes the Zone of Visual Influence from the proposed development site. Considering that the ZVI shows a broad area of 'limited visibility', we would have expected some additional viewpoint receptors which reflect some longer distance views. For example, the elevated views from Hickstead Lane to the southwest should have been included within the assessment.

Notwithstanding this, we have reviewed the included 12 viewpoint receptors and Appendix A 'Impact Schedules'. We do not disagree that the site is well screened from surrounding viewpoint receptors.

We appreciate the inclusion of Type 4 VVMs to support the application, from Viewpoints 1, 4 and 5. We note the limited visibility on the day that the photography was undertaken which inhibits clear views of the proposed development. We note from the submitted VVMs that the proposed 5m bunding extends above the hedgerow line and is therefore visible from Stairbridge Lane.

We therefore question the 'no change' visual magnitude of change, where the VVMs demonstrate the landform raising above the hedgerow line in views from Stairbridge Lane.

We therefore judge that the LVA has underassessed the effects from the east of the site, also demonstrated by the VVMs. Notwithstanding this, our own judgements will not be significantly different from that shown within the assessment, however we would have acknowledged the adverse effects arising a visibly unnatural change in landform.

Other Matters

The proposed mounding is justified within the Planning Statement by its purpose as an acoustic bund from the neighbouring A23. Whilst we recognise that a 5m mound will reduce the noise disturbance from the adjacent road, we question the scale of the proposed mounding which extends across the entirety of the adjacent paddocks and extends far beyond the existing house. We therefore judge that the extent of the site proposed for ground level changes is excessive.

The proposed tree protection barrier (TPB) is located very close to the RPA of the protected west boundary and is also located inside the RPA in some instances. To ensure that the soil importation does not impact upon the retained hedgerow and tree belt to the A23, which is integral to the visual impact of the scheme, we advise that the mounding is moved away from this west edge to reduce construction impacts on this boundary.

We also question if it is necessary for the southern arm of G16 trees to be removed to facilitate the scheme. The proposed mounding could be located adjacent to the G16 mounding, whilst still removing the southern arm of G16.

No information is provided on what imported material is to be used to form the bunding. Clarification is therefore required on the materials used to form the bunding. We also question whether the topsoil from on site will be taken and reused on top of the proposed bunding.

An OHP cable runs across the southern extent of the site. Confirmation will be needed with the power to ensure that raising the land underneath the cables is acceptable. Following completion of the bunding construction, the land must be restored back to grassland as soon as possible to reduce the visual impact. We advise that a timescale for operational works is also submitted for review.

Summary:

Overall, we judge that the LVA has underassessed both the visual and landscape character impacts, and that the assessed 'no change' for a number of receptors is not representative of the impacts. Notwithstanding this, we recognise the well-screened nature of the application site where some mounding could be integrated with minimal impacts on the surrounding landscape. However, the current extent of mounding across the site is considered excessive, and we advise that the area of mounding is reduced. This will ensure that the landscape and visual effects are reduced, and the mounding appears more natural in shape and gradients. We also advise that our recommendations regarding planting are considered.

Recommendations:

If minded for approval, we advise the following recommendations are considered:

We would also advise planting only on the lower banks of the mounding, to reduce the unnatural appearance of elevated tree planting.

Tree planting should also be proposed on the eastern site boundary, to reduce the visual impact of the unnatural 5m mounding from Stairbridge Lane.

Maintenance procedures should also be included alongside the submitted Landscape Plan. These should include management and maintenance for all proposed features on site for 5 years. Details of rabbit guards should be included, as well as their removal after 5 years or once vegetation has established.

Large areas of the bunding, notably to the north, will provide little noise reduction when located away from the house. We therefore question whether the bunding should be located closer to the house.

Two swales are proposed within the centre of the site, to "intercept Greenfield overland flows impounded by acoustic bund". We advise that some soft planting or grassland is proposed on the landscape plan within these swales.

We note the presence of the Flood Zone 3 on the northern site boundary. We therefore question whether any additional drainage should be proposed on the northern edge of the bunding.

□dditional

This review is based on a desktop study without a site visit, of the above-referenced application and its submitted documents. Our Landscape comments are as follows:

Review of the proposal/submitted information:

An Addendum to the Landscape and Visual Impact Appraisal (LVA) has been submitted by Weller Designs Ltd in November 2025. We welcome the submission of this Addendum to address the comments raised in our previous response dated 7th May 2025.

Para 1.12 Impact Methodology

We welcome the submission of additional viewpoint photography from Hickstead Lane, as represented by Viewpoints A and B on Figure 1 (November 2025). This is a useful inclusion for representing further views to the west.

The LVIA still does not include an assessment on the landscape character effects to the site and immediate context, which would have resulted in much higher landscape character effects than that represented by the two receptors currently assessed.

Para 1.13 Assessment Conclusions

The assessed effects for both Landscape Character and Visual Impact have been amended. We judge that the revised judgements better reflect the effects associated with the proposed 5m bund.

We recognise that the existing surrounding vegetation, currently reaching approximately 4-5m in height, provides a degree of seasonal screening, particularly during the summer months. However, it is also important to note that the proposed use of the bund for horse grazing, where the use is likely to accentuate the artificial nature of this landform, thereby increasing its visual prominence within the landscape.

The steeper contours on the western site boundary are less of a concern, given their containment adjacent to the vegetation alongside the A23. The additional proposed vegetation included within the Landscape Plan (Dwg no. 1234.04s Rev. D) will contribute to reducing the visual effect of this steep landform.

Para 1.1.2 Other Matters

The introduction of planting on the eastern site boundary and the northern face, demonstrated on the Landscape Plan, is positive. This will contribute to screening and softening the proposals in the landscape. The proposed landscape planting is now proposed to be located on the lower slopes, which will contribute to de-emphasising the unnatural landform.

The Tree Protection Fencing has been moved outside of the root protection area (RPA) for vegetation along the western site boundary, which is welcomed.

Summary

The amendments to the submitted LVA are welcomed, where we have arrived at similar broad conclusions regarding the landscape and visual impacts associated with the proposals. This is based only on the receptors included within the assessment.

The inclusion of the site and immediate context as a landscape receptor would still have been welcomed. Effects on this receptor would be higher than any other included landscape receptors within the assessment, given the unnatural level changes and therefore magnitude of change.

A number of changes have been made to the submitted Landscape Plans, to address our previous comments and reduce the effects of the proposals through mitigation. Many of these amendments have been welcomed and help to reduce the visual effects.

While we acknowledge that introducing a shallower gradient along the eastern edge would help to reduce the perception of an overly engineered landform, we maintain that the overall extent, and partly height, of the proposed ground levels still appears disproportionate in the context of the surrounding landscape character.

Overall, the proposed clarifications and amendments are positive and contribute to reducing the effects, however some concerns remain regarding the extent of the site proposed for level changes.

☐SDC Environmental Protection

I make these comments with reference to the Noise Assessments that have been submitted in support of this application.

1. The noise data that have been collected, on which the noise assessments are based, were made between 6 and 14 October 2021. This was around the time of the end of Covid-19 restrictions. The traffic levels at that time were lower than they are currently and therefore the noise levels are possibly different from those back in 2021. There has been no discussion in the reports about the uncertainty of the baseline noise levels in relation to these changes in traffic levels now compared to those in 2021.
2. There are 3 noise impact assessment reports in the submitted documents all written by Anderson Acoustics:
 - a. Noise Impact Assessment Reeds Farm, Hickstead September 2024 (reference 5549_001R_2-0_JE)
 - b. Noise Assessment Reeds Farm, Hickstead November 2021 (reference 5549_001R_1-0_RNM). This was appended to the March 2025 report (see below) as an options appraisal
 - c. Noise Impact Assessment Reeds Farm, Hickstead March 2025 (reference 5549_001R_3-0_JN)

The position of the proposed earth bund is different in these reports. The latest report dated March 2025 is the report I will be basing my comments on.

3. In the March 2025 report, there is no explicit bund size. In section 2.3, Figure 2.2, counting the 1m contours, it appears that the height of the bund is 5m. This would be in accordance with the description of the development. It is important to note, as the inputs in the noise modelling software CadnaA are critical in providing reliable outputs on which decisions are to be made.
4. The Institute of Environmental Management & Assessment have produced Guidelines for Environmental Noise Impact Assessment (version 1.2, November 2014). The results from the March report in Table 4.1 show that the benefit in noise terms with the earth bund and fence in place are "slight" to "none/not significant". There is some benefit to the noise environment at the property but it is small.
5. The noise environment around the property with the earth bund and fence in place will continue to be dominated by traffic noise. The noise levels in all but the east façade will remain above the upper guideline value for external residential amenity spaces, which is 55 dBLAeq in British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings.

☐SDC Contaminated Land

The development requires a substantial amount of imported material being brought to the site. This has the potential to bring contaminated material onto site and to degrade the quality of the land and at worst cause the site to become contaminated land in terms of Part 2A of the Environmental Protection Act 1990. In order to protect the land from falling within this definition, a materials management plan will be required to ensure the imported materials are of a suitable quality.

I recommend that a condition is applied to the approval document requiring that a materials management plan is submitted to the LPA, approved by the LPA, implemented and verified to the satisfaction of the LPA.

On the basis of the above, I do not object to this application.

☐District Licensing Officer

It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

'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.'

Environment Agency

We have no comments to make in respect of the proposed development. This consultation is inappropriate, and we did not need to be consulted because: National FRSA should have been applied

National Highways

Referring to the consultation on a planning application dated 11 April 2025 referenced above, in the vicinity of the A23 near Hickstead West Sussex that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we: recommend that planning permission not be granted for a specified period (see reasons at Annex A);

It is recommended that the application should not be granted permission for a period expiring on 1 August 2025; unless in the meantime all concerns and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to refuse the application or agree an extension of time beyond 1 August 2025.

Reasons

Background

We note the following from the submissions available online

1. The application is for the construction of a maximum 5m high acoustic bund with additional planting
2. The site is located immediately adjacent to and is accessed via the A23, that forms part of the SRN

Therefore, we will have an interest in the application from two perspectives

- a) The traffic attracted to, generated by or rerouted as a result of proposals and/or
- b) the construction, operation or maintenance of a site adjacent to or in close proximity to the SRN.

3. With regards (a) we note the contents of the Transport Assessment

4. With regards (b) we note the contents of various of the documents, including the planning statement, flood risk assessment & surface water drainage strategy and various illustrative drawings of the profile, cross sections and landscaping of the bund

Overall, we have no objection to the principle of the bund. However, as explained below, we require further details in order to assess the practical implications of the proposals for the SRN and how they can be implemented without causing unacceptable safety, reliability and/or operational impacts on the SRN.

Subject to those details, we believe we will be able to provide a future recommendation of no objection subject to the imposition of required conditions.

Detailed Assessment and Requirements

Intended Duration/ Retention of the Proposed Access Works

Pre-application engagement between the applicant and NH resulted in NH being amenable, in principle, to proposed works to the site access to facilitate the proposed bund but only for a temporary period.

We note the Planning Statement at para 1.8 confirms that there is no intention to permanently change the use of the land nor intensify the use of the vehicular access.

However, it appears that there is now an intention to seek the permanent retention of more sizeable access.

The location of the site access close to the layby to the north and slip road to the south impact on the longer-term safety, reliability and operation of the A23. Hence our position of being amenable only to a temporarily improved access to facilitate only the short-term construction of the bund.

Any permanent retention of the improved access could have implications for the use of the land/ access and would need to be either justified via evidence or conditioned to avoid any identified risks

ACTION: the applicant should clarify their intention with regards to the retention of the improved access. If the intention is the permanent retention then evidence to address any risks to the SRN should be provided or a means to avoid such risks, for example, by way of NPPF compliant conditions, suggested.

Departures from the Design Manual for Roads and Bridges

As required by NPPF (2024) and DfT C/22, all highway works must comply with the DMRB. Via pre-application engagement, the applicant and NH are agreed that the works proposed to the site access would require Departures from DMRB as they would not be automatically compliant.

The TS indicates that the necessary Departure applications would be made in parallel with the application. However, I can find no record of recent Departure applications having been made.

ACTION: the applicant should clarify their intentions with regards the departure process. Any consent would require the correct drawings to be conditioned. Therefore, it would seem sensible for the drawings to be those agreed via the Departures Process.

WCHAR & Road Safety Audit

I note that the TS suggests a WCHAR exemption has been sought but as far as I am aware has not been agreed. The A23 is not a special road that precludes particular classes. Therefore the likes of cyclists could be expected to use it and could be impacted by the proposed temporary intensification of the access.

ACTION: applicant to clarify WCHAR position.

I note that an RSA was progressed a pre-applic but, as the online version indicates, was not completed. National Highways were not able to agree to the Designer's Response, for example, in terms of the closure of the well use and in demand layby.

ACTION: the applicant should re-engage with NH to progress the RSA, while also mindful of the related Departures/ WCHAR/ Safety Risk Assessment processes.

Traffic Generation during construction

We are content with the calculations set out in the Transport Statement.

In order to ensure they are adhered to the applicant will need to submit Construction Traffic Management Plan.

The CTMP can either be submitted now and be subject to a strict accordance implementation condition, or to have a pre-commencement condition requiring the CTMP to be submitted and agreed in writing by the Council who shall consult NH.

The CTMP will need to cover, at minimum, the following additional matters, some of which are also mentioned in the TS:

The CTMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

ACTION: applicant to provide draft CTMP now or agree to imposition of a pre-commencement condition requiring a CTMP to be agreed

Boundary Matters

We continue to review the boundary implications of the proposed bund. For example, in terms of materials, slope profiles, Geotech, drainage and planting. We will provide our comments and requirements on these matters shortly.

In due course it will be likely we will be able to address all matters via recommended conditions.

Overall

Currently the application has not demonstrated compliance with national planning and transport policy as set out in the MHCLG NPPF (2024) and DfT C1/22.

Consequently, National Highways recommend that the application should not be granted permission for a period expiring 1 August 2025; unless in the meantime all queries and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to either refuse the application or agree an extension of time beyond 1 August 2025

☐ Additional

Recommendation: that planning permission not be granted for a specified period

It is recommended that the application should not be granted permission for a period expiring on 31 October 2025; unless in the meantime all concerns and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to refuse the application or agree an extension of time.

We note the intention to retain the improved access in perpetuity. We now have no objection to the retention of the access for the purpose of providing access to a single residential property. This will need to be conditioned.

I note that a WCHAR exemption has been submitted alongside the Departure. Notwithstanding this, the required Construction Traffic Management Plan (see below) should set out how the safety of non-motorised users will be maintained both in the vicinity of the site access and at the A23/A2300 junction that trucks exiting the site will be using to either turn around or continue to travel southbound (noting the presence of a shared footpath/cycleway at the junction and hence the expectation of cyclists and pedestrians being present).

The RSA is being progressed.

Given the outstanding RSA Problem 3.3.1, and the proposal to address it via a CTMP, we require the applicant to prepare a Construction Traffic Management Plan that can be agreed and made subject of an implementation condition to be attached to any consent.

NH continues to engage with the applicant to address all boundary matters.

☐ Additional

Recommendation: that planning permission not be granted for a specified period

It is recommended that the application should not be granted permission for a period expiring on 30 January 2026; unless in the meantime all concerns and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to refuse the application or agree an extension of time.

☐ Additional

Recommendation: that planning permission not be granted for a specified period

It is recommended that the application should not be granted permission for a period expiring on 30 July 2026; unless in the meantime all concerns and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to refuse the application or agree an extension of time.

☐ Additional

Recommendation: that planning permission not be granted for a specified period

It is recommended that the application should not be granted permission for a period expiring on 29th January 2027; unless in the meantime all concerns and requirements raised by National Highways are fully resolved and this Holding Recommendation is replaced. This does not fetter the Council's ability, if they so wish, to refuse the application or agree an extension of time.

PARISH COUNCIL OBSERVATIONS

Twineham Parish Council wishes to object to this application.

The access to this property is situated at a very dangerous point on the A23 and the anticipated number of HGVs to construct this bund will, potentially, cause a serious traffic hazard, as is stated in the Transport Statement the offset from the existing lay-by does not meet national standards. A number of accidents have been recorded at or near this access.

Twineham Parish Council notes the comments from one of the consultees, stating that the site, "will continue to be dominated by traffic noise". The Parish Council also agrees with the concerns regarding contamination.

Twineham Parish Council would like to draw Mid Sussex District Council's attention to two similar applications, namely an application for a bund at Old Highlands Lodge, Bolney (DM/22/2003), which was withdrawn. The officer wrote on 16th March 2023 that the bund would, "form a stark, obtrusive and unnatural engineered feature within the landscape". And an Appeal won by MSDC, AP/23/0042, Dan Tree Farm, Bolney, regarding waste. These set a precedent.

In the event that planning permission is granted, Twineham Parish Council wishes to see the following conditions:

1. A time limit condition of one year placed on construction on the site in line with the anticipated time frame in the applicant's Transport Statement of 12 months for construction.
2. The removal of all ancillary equipment, temporary cabins and hard standing ancillary to the operation should be removed within 6 months thereafter.
3. The Landscaping Plan must be implemented including the removal of temporary hard standing as anticipated in the application.

In conclusion, Twineham Parish Council wishes to object to this application.

INTRODUCTION

The application seeks permission for the construction of a earth bund measuring 600m in length and 5m in height on the mutual boundary between the residential property at Little Reeds and the A23 truck road for the purposes of mitigating the road noise.

RELEVANT PLANNING HISTORY

The following applications relevant to the determination of the current application.

DM/21/3622 - Demolition of structurally damaged dwelling and replace with new detached dwelling. - Approved 5th January 2022.

The planning permission was implemented and the development completed in 2024.

SITE AND SURROUNDINGS

The application site consists of the residential property and its immediate surrounding curtilage and additionally land to the north and south in the same ownership and which has a lawful agricultural use but does not form part of any current agricultural holding. The total site area is approximately 4 hectares with the residential curtilage making up approximately 0.8 hectares of the entire site.

The site lies in a rural area and benefits from direct access off the A23. The site lies within the countryside for the purposes of the policies of the development plan.

APPLICATION DETAILS

The application seeks permission to construct a 600m long earth bund to a height of 5m. Part of the bund (immediately north of the dwelling house) has already been constructed from waste material excavated as part of the construction of the dwellinghouse.

The bund is proposed to address issues for the occupiers of the residential property with respect to noise pollution from the adjacent A23.

The application is supported by a proposed scheme of landscaping to the bund and highway improvement works to enable the use of the access by HGV's for the importation of the material.

By virtue of the size of the application site the application is considered a major application for the purposes of its determination.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a

whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Twineham Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP12 - Countryside
DP17 - Ashdown Forest
DP21 - Transport
DP26 - Design, Character and Quality of Development
DP29 - Pollution
DP27 - Trees
DP38 - Biodiversity
DP39 - Sustainable Construction
DP41 - Flood Risk

Site Allocations DPD

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

There are no relevant policies.

Twineham Neighbourhood Plan

The Twineham Neighbourhood Plan has been made.. The following policies are considered relevant

TNP2 - Design
TNP4 - Landscape and Environment

Other Legislation

Other Material Considerations

None

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.'

Relevant policies:

DPS1 - Climate Change
DPS4 - Flood Risk
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net gain
DPN4 - Trees, Woodland and Hedgerows
DPN6 - Pollution
DPN7 - Noise Impacts
DPN10 - Land Stability and Contaminated Land
DPC1 - Protection and Enhancement of the Countryside
DPB1 - Character and Design
DPC6 - Ashdown Forest

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.

National Planning Policy Framework (NPPF) (August 2026)

ASSESSMENT

The primary considerations relating to the application relate to:

- Principle
- Landscape
- Highways
- Ecology
- Drainage
- Ashdown Forest
- Bio-diversity net gain
- Other material considerations

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls within the countryside as defined by the District Plan where policy DP12 is relevant and states:

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

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

As noted the countryside should be protected for its intrinsic character and beauty. Whilst the proximity to the main A23 trunk road is noted, as addressed elsewhere in this report, matters of landscape have not been adequately addressed and there is visual harm to the development. As such it does not comply with the aims of DP12.

DP12 also requires the development to be necessary for the purposes of agriculture or else benefits from policy support elsewhere in the development plan. Whilst much of the land has a lawful agricultural use, it does not form part of an agricultural holding and the application does not state the bund is necessary for the purposes of agriculture.

Rather the application seeks to justify the bund on the basis of the benefit to the amenity of occupiers of the residential property, as addressed in policy DP26 and DP29. However whilst there is some benefit to the amenity of the residential occupiers, it is noted that the proposed bund does not have significant benefit to the occupiers and the road noise from the A23 remains at a high level and the bund extends considerably north of the residential curtilage of the property where it would have no impact and is considered unnecessary for the stated aim. The bund does therefore not achieve what its stated aims are in respect of producing a high quality environment for occupiers and is as such not compliant with policy DP26 and DP29.

It is also noted that a residential property has historically been present on the land and the replacement dwelling was recently approved with no provision to address the noise from the A23. So whilst no doubt the impact from the A23 may be adverse upon the occupiers (to an degree), it does not justify the creation of a bund which undermines the visual quality and character of the rural environment such that the application is not compliant with policy DP12 and is not acceptable in principle.

Design and Landscape

A landscape visual impact assessment has been submitted with the application and the Council's Landscape Consultants have made comments on the application and state:

We therefore question the 'no change' visual magnitude of change, where the VVMs demonstrate the landform raising above the hedgerow line in views from Stairbridge Lane.

We therefore judge that the LVA has underassessed the effects from the east of the site, also demonstrated by the VVMs. Notwithstanding this, our own judgements will not be significantly different from that shown within the assessment, however we would have acknowledged the adverse effects arising a visibly unnatural change in landform.

We appreciate the inclusion of Type 4 VVMs to support the application, from Viewpoints 1, 4 and 5. We note the limited visibility on the day that the photography was undertaken which inhibits clear views of the proposed development. We note from the submitted VVMs that the proposed 5m bunding extends above the hedgerow line and is therefore visible from Stairbridge Lane.

Whilst we recognise that a 5m mound will reduce the noise disturbance from the adjacent road, we question the scale of the proposed mounding which extends across the entirety of the adjacent paddocks and extends far beyond the existing house. We therefore judge that the extent of the site proposed for ground level changes is excessive.'

As addressed in their consultation comments, the LVIA is considered to underestimate the visual impact of the bunds and that the assessment of 'no change' is unrealistic considering the bund will be visible above the hedgerows and more so when the tree planting is established. It is acknowledged that there are limited receptors, however, this is itself is not reason to grant planning permission.

As policy DP26 of the District Plan states:

All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and

villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

o is of high quality design and layout and includes appropriate landscaping and greenspace;
o 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);
o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;

A similar ethos is found in policy TNP2 and TNP4 of the Twineham Neighbourhood Plan.

The design, length and scale of the bund is considered excessive for its stated requirements of addressing road noise when it extends 200m north beyond the end of the residential curtilage and as noted elsewhere does not actually achieve much of its purported aim in reducing road noise.

The bund is therefore considered to represent an unnatural landform that is both unnecessary and causes harm to the visual amenity of the rural area contrary to policy DP12 and DP26 of the District Plan.

Highways

Policy DP21 of the District Plan requires that the development does not have an unacceptable impact upon highway safety. The creation of the bund will require the importation of 33,831m³ material over a 12-month period leading to a total of 3,383 HGV deliveries being required (6,766 two-way trips).

There is an existing access onto the A23 trunk road and a highways statement, Stage 1 Safety Audit and highway improvement plans have been submitted with the application. The Local Highways Authority for trunk roads is National Highways who have provided comments on the application and have maintained a holding objection on the application since the original submission.

In short their concerns relate to the insufficient nature of the Road Safety Audit and that whilst the applicants were engaging with the LHA, no further submissions have been made and that as such how the safety of non-motorised users will be maintained has not been adequately or fully addressed.

Furthermore whilst a Departure from Standards application has been submitted to the LHA with respect to the current status and specification of the existing access, this application has not been approved and has remained outstanding pending further information since January 2026. As such it has not been demonstrated that the access can be safely used for the level of HGV movements proposed and a highway objection has been retained.

Considering the scale of the development and potential highways implications, the LHA are also requiring the submission of a Construction Management Plan to address provision during the development prior to the grant of planning permission. Whilst this often a pre-development condition, noting the scale of the development the consideration of construction methods and safety provisions is considered necessary prior to the determination of the application and in the absence of one, the objection from National Highways remains.

Therefore whilst it is noted that issues relating to highway safety could be addressed, no dialogue between the applicant and the LHA has taken place since early 2026 such that a holding objection remains and it is not considered that it has been provided that the development would not give rise to harm to highway safety such as to be contrary to policy DP21 of the Mid Sussex District Plan.

Ecology

A series of Ecological Enhancement Measures has been submitted with the application which proposed additional bird and bat boxes and suitable locations for the proposed reasonable biodiversity enhancements. As such the Council's ecologists are content these can be secured and are compliant with policy DP38 with respect to protected species.

The site lies within a 'red zone' for the purposes of great crested newts. No survey or compensation measures are proposed and therefore were the development to obtain planning permission a licence though the District Licensing Scheme would need to be obtained prior to development commencing.

Matters related to Bio-Diversity Net Gain are addressed further in the report.

Drainage

Policy DP41 of the District Plan relates to flood risk and states the following:

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.

The application is supported by a Flood Risk and Drainage Strategy, however, as stated in the comments of the Council's drainage officers the information is considered insufficient and as such objections remain at the current time. In particular the submitted surface water modelling is not acceptable, as it fails to demonstrate that the proposed development will not increase flood risk both on-site and off-site, and uses out of date data. Furthermore it has not been demonstrated that there will be no land raising within the surface water 1:100 year plus climate change extent.

Details relating to surface water drainage are also considered insufficient and unacceptable such that it is not considered that the Flood Risk and Drainage Strategy sufficiently addresses flood risk and drainage requirements such as not to be compliant with policy DP41 of the District Plan.

Ashdown Forest

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).

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.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

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.

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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on 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

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.

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

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.

Bio-diversity net gain

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

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

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

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

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

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

The BNG can be delivered via a blend of the above measures, as appropriate. It is proposed that BNG is delivered on-site. However, with respect to the information submitted with the application and in particular the bio-diversity metric, the Council's ecologist have raised concerns as there has been no submission of Statutory Biodiversity Metric. Whilst the further Biodiversity Impact Calculation (The Ecology Co-op Ltd, March 2025) provides an overview summary of the calculations and the associated condition assessment, the Statutory Biodiversity Metric - Calculation Tool (Excel spreadsheet) still needs to be submitted to ensure that an appropriate baseline consideration have been provided for this application.

As such an objection has been raised to the application and in the absence of any additional information the application is not considered to be compliant with Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and cannot be supported.

Other material considerations

No objections have been raised in respect of archaeology, the loss of trees upon the site nor the potential for contamination of the land.

The application is predicated on the basis of the quality of the accommodation of the occupiers of the residential dwelling house, however, the current noise impacts or siting of the house do not make it

uninhabitable and the presence of a residential dwelling on the land is historic and has recently been granted redevelopment with no requirement for mitigation in relation to the noise either proposed by the applicant or required by the LPA.

There are therefore no other material considerations to weight in the balance of the consideration of the application.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the content of the application and the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Twineham Neighbourhood Plan.

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.

The site lies in a rural area and whilst the intention of the application (to address road noise from the adjacent A23 is noted) it is not considered that the proposed bund achieves that aim (any benefit is minimal) and as such the development is not supported by any policy of the development plan. The bund is considered to have an impact on the visual character of the rural location and being not necessary for the purposes of agriculture is not acceptable in principle.

The proposed bund is 600m long and 5m high and extends up to 200m beyond the residential curtilage of the dwelling it is supposed to protect. The length and height of the bund, whilst not visible from sensitive public receptors, is visible and does cause harmful change to the character of the area by virtue of its height and scale. It is therefore considered harmful to the character and appearance of the rural area.

Matters relating to highway safety, drainage and bio-diversity net gain are unresolved and therefore the application is currently not compliant with the policies of the development plan and Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. It has not been satisfactory demonstrated that the development, by virtue of the significant number of vehicle movements required, can be constructed without harm to highway safety, nor has flood risk been adequately addressed. The absence of a sufficient bio-diversity net gain metric means the development is not compliant with Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and no planning permission can be granted.

Matters related to trees, contaminated land, the Ashdown Forest SPA and SAC and archaeology are neutral.

There are no other material considerations to weigh in favour of the grant of planning permission.

The application is therefore considered not to comply with policies DP12, DP21, DP26, DP29, DP38 and DP41 of the Mid Sussex Plan, policies TNP2 and TNP4 of the Twineham Neighbourhood Plan and the contents of the NPPF and is refused.

Decision: Refusal

Case Officer: Andrew Clarke