

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2376	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Relocation of childrens play area fence and construction of path on edge of village green. Construction of eighteen public car parking spaces within public highway boundary to replace existing footpath and verge.		
Site:	Land To The West Of 1 - 29 Bowers Place, Crawley Down Green, Station Road, Crawley Down , RH10 4HY, , ,		
Validation Date	23 Sep 2025	Overall Expiry Date:	14 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Dec 2025
Target Date:	18 Nov 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	8
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Signed and Agreed By:	Steven King	Date:	12 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2376

**Land To The West Of 1 - 29 Bowers Place, Crawley Down Green, Station Road, Crawley Down , RH10 4HY, ,
Relocation of childrens play area fence and construction of path on edge of village green.
Construction of eighteen public car parking spaces within public highway boundary to replace existing footpath and verge.
Mrs Leanne Bannister**

SUMMARY OF REPRESENTATIONS

1 letter of comment:

- Removing public space on the field should only be done to benefit the community at large and not provide additional parking solely for nearby residents.
- Any additional parking generated should be suitably signed to allow for use by those visiting local residents, or the park.

6 letters of support:

- The play area needs to be improved, so any improvement to the existing play area should be supported.
- A sensible solution to provide better parking for the frequently blocked Bowers Place.
- Would make the centre of the village much safer for everyone, especially for children trying to access the play park
- Should enable easier movement of vehicles and ensure easy access to the Health Centre for emergency vehicles.
- Request use of splayed profile kerb stones to save damage caused to vehicles using these spaces, especially those with low ground clearance.

SUMMARY OF CONSULTEES

MSDC Consultant Ecologist

No objection, subject to condition.

MSDC Tree Officer

I have reviewed the Arboricultural Impact Assessment for this proposal and provided that the methods set out in the AMS section of the report, I find that the trees will be adequately protected.

Please condition adherence to the AIA.

WSCC Highways

No transport grounds to resist the proposal. Informative requested.

NatureSpace Partnership - West Sussex Newt Officer

Informative requested.

Southern Water

Informative requested.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment received [as the Parish Council is the applicant].

INTRODUCTION

Full planning permission is sought for the relocation of a childrens' play area fence and construction of a path on the edge of the Village Green, together with the construction of 18 public car parking spaces within the public highway boundary to replace the existing footpath and verge.

RELEVANT PLANNING HISTORY

In July 2013, planning permission was granted for additional village car parking on land between Auckinleck Court and Grange Road to provide 19 car parking spaces, 2 motor cycle spaces and 6 cycle spaces, together with modifications of the existing Burleigh Way car park adjacent to The Royal Oak PH to provide 2 disabled parking spaces (13/01024/COU). This permission has been implemented.

In July 2022, planning permission was granted for a change of use from Village Green to Public Highway footpath and verge to allow the construction of 19 Public Parking Spaces (DM/22/0269). This permission was not implemented and has lapsed.

SITE AND SURROUNDINGS

The red-lined application site relates to a strip of land, 431 sq m in size, located on the eastern side of the Village Green to the west of Bowers Place. It consists of an area of verge, footpath and section of the Village Green, with several established trees overhanging. The wider blue-lined application site, all owned by Worth Parish Council, consists of an area of grassland and play area to the south.

The site is located within the built-up area of Crawley Down. To the north is 4-7 Greenside, a terrace of 4 dwellings, and to the east are residential terraced properties along Bowers Place, with land rising from south to north. Bowers Place connects with Station Road to the south and there are residential properties further west, enclosing the village green in all directions.

The site is designated as a Great Crested Newt - Impact Risk Zone (Red). There are Tree Preservation Orders to the north of the village green adjacent to the red-lined site (WP/01/TPO/98). Bowers Place is a Public Right of Way (PROW) connecting Station Road with Hophurst Drive to the north.

APPLICATION DETAILS

Full planning permission is sought for the relocation of a childrens' play area fence and construction of a path on the edge of the Village Green, together with the construction of 18 public car parking spaces within the public highway boundary to replace the existing footpath and verge.

The Planning Statement explains that the scheme is in two parts:

1. The parking areas will be constructed by removing the existing kerbs and infilling the existing verge between the highway and existing path with a highways approved construction with the asphalt wearing surface jointed to the highway and path. This will enable vehicles to park off the highway and will provide a clear carriageway path through to the Health Centre. It has been agreed with the Regional Highways Engineer, that the existing path construction is adequate for vehicle parking.
2. A new pedestrian path will be constructed on WPC land to WSCC Highways standards, alongside the eastern side of the playground to provide access to the south east corner of the Green.

Unlike the previously approved scheme, there is no longer a need for a path across the entire eastern edge of the Village Green running parallel to Bowers Place. To facilitate access between the existing footway on the eastern side of Bowers Place, a new drop kerb blister pavement crossing will be provided to the north (within the dog-legged part of the red-lined site area). In addition, the new parking spaces

will be unrestricted and available for public village parking, rather than for the exclusive use of residents of Bowers Place.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

Mid Sussex District Plan (Mar 2018)

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

Relevant policies:

Policy DP21: Transport
Policy DP24: Leisure and Cultural Facilities and Activities
Policy DP25: Community Facilities and Local Services
Policy DP26: Character and Design
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Crawley Down Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Crawley Down Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Crawley Down as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Crawley Down Neighbourhood Plan area.

Relevant policies:

Policy CDNP02: Retention and Enhancement of Recreational and Local Green/Open Spaces
Policy CDNP05: Control of New Developments
Policy CDNP10: Promoting Sustainable Transport

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021-2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the Stage 1

hearings were concluded on 31 October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change
DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPB1: Character and Design
DPT2: Rights of Way and Other Recreational Routes
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPI5: Open Space, Sport and Recreational Facilities
DPI6: Community and Cultural Facilities and Local Services

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4 November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

Relevant design principles include:

Principle DG18: Integrate parking to support attractive streets and spaces

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 39 (decision-making), 48 (determining applications), 85 (building a strong, competitive economy), 96 (achieving healthy, inclusive and safe places and beautiful buildings), 98 (social, recreational and cultural facilities and services), 104 (open space and recreation), 105 (public rights of way), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 131 and 135 (design), 136 (trees), 187 (conserving and enhancing the natural environment) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Principle

Policy DP24 of the Mid Sussex District Plan supports the protection of existing facilities, such as grass playing pitches, open spaces and play areas. It states (in part):

'Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

o an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or
o the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
o the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'

Policy DP25 of the Mid Sussex District Plan refers specifically to car parks and states (in part):

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

Policy CDNP02 of the Neighbourhood Plan states:

'The following areas, and as shown in Figure 6, are designated as local green/open spaces:

- 1. Allotments*
- 2. King Georges Field*
- 3. Cricket Ground*
- 4. Haven and Sports Fields*
- 5. Village Green*
- 6. The Pond and associated meadowland*
- 7. Burleigh Meadow*
- 8. Hawarden*
- 9. Worth Way West*
- 10. Worth Way East*

Proposals for built development on these Local Green/Open Space, or on land registered as an ACV, will not be permitted unless:

- a. the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space; or*
- b. the proposal would result in the development of local community infrastructure ;or*
- c. the proposal relates to essential water or wastewater infrastructure which cannot be reasonably located elsewhere.'*

There are no formal sports pitches located on this site and, as such, this area of land is not considered to be a playing field. Furthermore the area to which the development is to be situated relates to a strip of land that has mature trees located along the eastern boundary, forming an informal barrier with the bulk of the Village Green. As such the application site could not be used for sport on its own and, as such, there would not be a loss of a playing field facility.

A Planning Statement has been submitted as part of the submitted application which sets out a detailed justification for the new parking spaces to serve the village. The Statement can be viewed on file but in summary, it states that the current parking system in the village is busy or overwhelmed all the time, causing illegal or inconsiderate parking, the latter causing significant damage to verges and pavements throughout the village. Parking difficulties can limit passing trade and cause difficulties for deliveries, and capacity will only worsen due to new housing developments in the village.

Overall, whilst the proposal would result in a reduction of facilities available, the existing play equipment would not be affected, there would not be a total loss of open space and the impact would not significantly affect the use of this land. Furthermore Policy CDNP02 allows for development on open space where it would result in the creation of local community infrastructure. The proposal would create further parking that would be available for the whole community.

It is therefore considered that, on balance, the proposal would be acceptable in terms of the impact to local facilities, and so the proposal would comply with the above policies.

Design and visual impact on the character and appearance of the area

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

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*

- *protects open spaces, trees and gardens that contribute to the character of the area;*

Policy CDNP05 of the Neighbourhood Plan states in part:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- k) The development does not impact unacceptably on the local highway network.'*

Design Principle DG18 of the Mid Sussex Design Guide relates to parking and, in part, states:

'The quality of the street environment should be a paramount consideration in designing parking spaces into the street. Parking should be attractively integrated so that it does not dominate the streetscape, is softened by landscaping and accords with the other layout principles in the Guide'.

The application relates to an area of land to the east of the Village Green that also includes a footpath and area of verge. The proposal would create linear parking spaces, a footpath adjacent to the play area and an area of verge. The application form states that the vehicle access and hardstanding is to be finished in bitumen macadam [tarmac], which is consistent with the existing materials. In terms of the layout, it would reflect the current arrangement, with parking adjacent to the highway. With regards to the wider visual impact, the loss of open space, whilst regrettable, is considered to be relatively small and, given the similarities in layout and materials, the design is considered to be acceptable. As informal car parking currently takes place on the raised kerb at the eastern edge of the Village Green, this arrangement will be more formalised and thus a visual improvement to the appearance of the area.

Overall, it is considered that the proposal would comply with the above policies and guidance.

Impact on neighbouring amenity

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

'All applicants will be required to demonstrate that development:

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

It is acknowledged that there are a number of residential properties surrounding the application site. However, due to the nature of the proposed development it is concluded that there would not be a harmful impact in terms of loss of light, outlook or privacy. Given that the development is to relate to an existing issue where parking already takes place in this location, it is considered that there would not be a significant increase in terms of noise, air or light pollution.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways

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

'... 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.'

Policy CDNP10 of the Neighbourhood Plan states:

'Development that does not conflict with other Policies will be permitted provided that it promotes sustainable transport within the Neighbourhood Area by:

- a) Providing safely located vehicular and pedestrian access with adequate visibility.
- b) Demonstrating that adequate sustainable transport links to the principal village facilities including the village centre, the primary school, Health Centre and recreation open space already exist or will be provided.
- c) Identifying and undertaking appropriate measures, such as highway improvements, to address any transport infrastructure inadequacies.
- d) Where development would add to traffic congestion in the village or inappropriate traffic on rural lanes, proposals should be brought forward to mitigate any traffic impact or contribute funding towards local transport schemes.
- e) Development proposals for new developments should include secure cycle storage and ideally storage for children's buggies and mobility scooters where appropriate.
- f) Development proposals would maintain or enhance the existing public footpaths, rights of way, bridle paths and twittens.
- g) A full transport assessment is provided using current data and identified issues addressed developments of more than 50 houses.'

The Local Highway Authority has raised no objection to the application, noting that no problems have been raised within the road safety audit and so the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the road network so would not be contrary to paragraph 116 of the NPPF.

Accordingly, the scheme would comply with Policy DP21 of the Mid Sussex District Plan and the NPPF.

Impact on trees

Policy DP37 of the Mid Sussex District Plan states (in part):

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

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.'

The council's Tree Officer has raised no objection to the proposal and hence, subject to a condition to ensure the works are carried out in accordance with the recommendations in the submitted tree report, it is considered that the proposal would comply with Policy DP37 of the Mid Sussex District Plan.

Ecology

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

Policy DP38 of the Mid Sussex District Plan 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.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 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 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.'*

A Preliminary Ecological Assessment has been submitted as part of this application. It concludes that the modification of the current footpath and verge is highly unlikely to affect any surrounding flora and fauna of ecological significance. The main area of interest for wildlife being birds within the trees that run along the footpath and potentially any bat roosts being disturbed by construction. No signs of bats were found, thus the site has a low potential as a bat roost. No nests or evidence of nest building was found. Due to the grass being frequently mown, there is a low to negative change for any ground nesting species to be present. The site is one of negative value and negative probability for Great Crested Newts. There is a negative probability of Badgers digging setts here. There is also negative value for Reptiles such as grass snakes and common lizards. No further surveys are required.

The Council's Ecological consultant has considered the proposal and raises no objection to the scheme, subject to conditions. The agent subsequently queried the reasonableness of such conditions given that the PEA did not recommend any mitigation measures for protected and Priority species. The Council's Ecological consultant therefore agreed that the impacts upon protected and Priority species are not likely to occur and it is considered not reasonable to include the originally recommended compliance condition.

Therefore it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above, without the need for any conditions.

Biodiversity Net Gain

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

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

*'The condition is that the development may not be begun unless—
(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
(b) the planning authority has approved the plan (see paragraph 15).'*

The Council's Ecological consultant originally recommended a Biodiversity Enhancement Strategy but again, the agent subsequently queried the reasonableness of such a condition. The Council's Ecological consultant agreed that the condition could not reference the previous PEA if no reasonable biodiversity enhancement measures were proposed. It was further stated that:

'The purpose of the condition is to provide bespoke species enhancements for protected, Priority and threatened species, in line with paragraph 187d of the NPPF. Therefore, this matter is complete separate to mandatory biodiversity net gains and could include the provision of bird or bat boxes to meet the requirements. Nevertheless, it is up to the LPA decide where it would be reasonable to request bespoke species enhancements based on the application proposals.

As a result, if the LPA considers it reasonable to request bespoke enhancements, it is suggest that the following amended condition could be secured instead:

1. **WITHIN THREE MONTHS OF CONSENT: BIODIVERSITY ENHANCEMENT STRATEGY**
"Within three months of consent, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, 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).'

It is not considered reasonable to request bespoke enhancements, given that none were recommended in the PEA and therefore the proposal is considered acceptable subject to the biodiversity net gain condition.

Other matters

Representations made by neighbouring residents are generally supportive. It is confirmed that the spaces will be unrestricted and for public use, rather than exclusively for use by residents of Bowers Place. The plans show existing granite setts to be removed and retained but the precise specification of the kerb line and site levels will be undertaken with approval from the Local Highway Authority.

Southern Water has provided a consultation response advising of approximate positions of existing sewer and main water assets, which must be determined on site before development is finalised. The applicant's attention is drawn to these comments by way of an informative.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). Accordingly the West Sussex Newt Officer has made comments recommending that this matter can be dealt with by way of an informative on any permission. This would advise the applicant of their duty in respect of Great Crested Newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The proposed development is, on balance, considered to be acceptable in terms of highways safety, parking, impact to facilities, design, biodiversity, trees and amenity impact. The proposal therefore will comply with Policies DP21, DP24, DP25, DP26, DP37 and DP38 of the Mid Sussex District Plan and Policies CDNP02, CDNP05 and CDNP10 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide and the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Andrew Watt