

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0109	Case Officer:	Joseph Swift
Application Type:	Reserved Matters Application		
Proposal:	Reserved Matters relating to application DM/21/3279 (Outline application DM/18/5114) for WBLR Phase 3 (A2300 pedestrian/cycle improvement), comprising the construction of a segregated 2 metre footway and 3 metre cycle track (Green Superhighway) and 2.75 metre verge along the northern side of the A2300, construction of a 3-metre shared use route with up to up to 1 metre verge along the southern side of the A2300, construction of a 3 metre shared use route along the western side of the A273 Jane Murray Way with up to 2.75 metre verge drainage works, fencing, lighting, landscaping and associated works.		
Site:	Burgess Hill Northern Arc, Land North And North West Of Burgess Hill, Between Bedelands NatureReserve In The East And, Goddard's Green Waste Water Treatment Works In The West, , , , , ,		
Validation Date	17 Jan 2025	Overall Expiry Date:	6 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Jul 2025
Target Date:	18 Apr 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	3 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0109

Burgess Hill Northern Arc, Land North And North West Of Burgess Hill, Between Bedelands Nature Reserve In The East And, Goddard's Green Waste Water Treatment Works In The West, , , ,

Reserved Matters relating to application DM/21/3279 (Outline application DM/18/5114) for WBLR Phase 3 (A2300 pedestrian/cycle improvement), comprising the construction of a segregated 2 metre footway and 3 metre cycle track (Green Superhighway) and 2.75 metre verge along the northern side of the A2300, construction of a 3-metre shared use route with up to up to 1 metre verge along the southern side of the A2300, construction of a 3 metre shared use route along the western side of the A273 Jane Murray Way with up to 2.75 metre verge drainage works, fencing, lighting, landscaping and associated works.

Mr Rob Morley

SUMMARY OF REPRESENTATIONS

One objection letters have been received to the application, making the following comments:

- Put onus on the school to complete works to facilitate entry by foot or cycle
- Don't have funding for the works
- Putting routes up to wall would be unwise and potentially dangerous

SUMMARY OF CONSULTEES

MSDC Trees: Detailed landscaping scheme is required prior to commencement.

MSDC Ecological Consultant: No objection

WSCC Highways: No objection subject to Construction Management Plan for the full element of the scheme.

WSCC PROW: I am aware the FP has been diverted and is shown on the plans but it seems this is recognised and not blocked or obstructed by the proposals so we have no objection. All I would say is that if there are any resurfacing works proposed for the PROW then we would require consultation to make sure that we approve of any surface finish.

WSCC LLFA: No objection subject to discharge of associated conditions with respect to surface water

MSDC Street Naming and Numbering: Informative 29

BURGESS HILL TOWN COUNCIL COMMENTS

Recommend approval

HURSTPIERPOINT PARISH COUNCIL COMMENTS

Support the cycle routes and look forward to them all joining up

INTRODUCTION

This application seeks Reserved Matters approval relating to application DM/21/3279 (Outline application DM/18/5114) for WBLR Phase 3 (A2300 pedestrian/cycle improvement), comprising the construction of a segregated 2 metre footway and 3 metre cycle track (Green Superhighway) and 2.75 metre verge along the northern side of the A2300, construction of a 3-metre shared use route with up to

up to 1 metre verge along the southern side of the A2300, construction of a 3 metre shared use route along the western side of the A273 Jane Murray Way with up to 2.75 metre verge drainage works, fencing, lighting, landscaping and associated works.

RELEVANT PLANNING HISTORY

Due to the scale of the wider Brookleigh development it has a complex history of associated planning applications, as such the following history has been limited to those more directly related to the current application.

Brookleigh

Outline

DM/18/5114 - Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works. Approved 04/10/2019

DM/21/3279 - Application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 5 (approved parameter plans), 6 (accordance with Design Guide), 7 (requirement for a Design Principles Statement), 11 (archaeological investigation), 22 (sustainable drainage) and 35 (restriction of development within 15m of ancient woodland) on planning permission DM/18/5114 to allow amendments to parameters of road layout, proposed land uses, right of way improvements & drainage outfalls, require general accordance with the Street Design and Adoption Manual and allow phased submission details for archaeology and drainage details. Approved 08/12/2022

DM/23/0747 - Planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 4 (approved plans) and 5 (approved parameter plans) of planning permission DM/21/3279 (itself a section 73 approval that permitted a variation of the conditions attached to planning permission DM/18/5114), to allow amendments to the planning application site boundary and the Access and Movement Parameter Plan (004) to clarify the approach to the Green Superhighway link over and in the vicinity of the western bridge on the Northern Arc Avenue. Currently under consideration.

WBLR

DM/20/0254 - Reserved Matters application for DM/18/5114 - the first phase of the Western Link Road, comprising the construction of a new all-movements roundabout on the A273 Jane Murray Way, a single-carriageway 7.3-metre wide highway link with two 3-metre shared footways/cycleways and two 2.75-metre verges, connecting to the A2300 via a new all-movements roundabout, junction to the UKPN electricity substation, junction to future employment uses, zones for two minor junctions, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting, and landscaping. Amended plans and updated supported documents received 17th March 2020 detailing amendments including the extension of the southern boundary of the site to accommodate increased drainage basins and inclusion of bridleway on north side of A2300. (Transport note received 30th April, Amended plans received 12th May showing minor increase in width of application site area either side of the proposed link road corridor and amended biodiversity report, planning statement and additional sections received 29th May). Approved 10/07/2020.

DM/25/1128- Second phase of the Western Bridge and Link Road, comprising the construction of a two-lane single carriageway road, with 3m shared surface (cyclist/pedestrian) on the west side of the

highway, and a segregated 5m cycleway/footway on the east side. Connecting to the first phase of WBLR at the roundabout junction on the A2300. Provision of Western Bridge, spanning 71m, carrying the highway and cycleway/footway over the River Adur and floodplain, connecting with future phases at the eastern extent. Includes provision of access to future residential areas, signalised crossing points, earthworks, surface water and foul drainage infrastructure, utilities corridors, lighting and landscaping. Currently under consideration.

DM/25/0110 - Widening and extension of the existing footway for creation of a shared footway/cycleway along the western side of the A273 between Gatehouse Lane and A272 roundabout via the removal of the carriageway hard strip, relocation of existing bus stop bench, lighting, landscaping and associated works. Currently under consideration.

Central Section

DM/25/0446 - The construction of a single carriageway link road from the tie-in with the proposed Western Bridge and Link Road (WBLR), through to the proposed tie-in with Eastern Bridge and Link Road (EBLR) including tie-ins to the existing B2036 Cuckfield Road. The primary east-west route will typically comprise of a new 6.5m carriageway with one 3m shared footway/cycleway and one 2m wide footway and two 2.75m verges. While the 6.5m wide carriageway will be consistent throughout, some sections of the primary east-west route will diverge from this typical arrangement to complement area specific requirements. The northern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and single 2m footway. The southern link to the B2036 Cuckfield Road from the proposed east-west road will consist of a new 6.5m wide carriageway and a short extension of the Green Super Highway extending to the driveway entrance servicing the existing Oak Barn Bar & Restaurant carpark. The western end of the east-west road corridor and the southern link to the B2036 Cuckfield Road will both facilitate connections to the Green Superhighway. All will be constructed to an adoptable standard, together with associated crossing points, earthworks and vegetation removal, surface water and foul drainage infrastructure, utilities corridors and diversions, road lighting, soft landscaping, including tree-planting and temporary fencing, on-street parking and provision of in-line bus stops for bus services. Currently under consideration.

SITE AND SURROUNDINGS

The strategic allocation of Brookleigh is located on the north western side of Burgess Hill, the current proposal is seeking to develop an area to the northeastern and southwestern sides of the A2300 and a stretch along the northwestern side of the A273 (Jane Murray Way).

The site cover an area of approximately 2.8 hectares in area and largely comprises undeveloped agricultural land, vegetated field boundaries and roadside verges. The topography of the site falls broadly from the northwest to the southeast.

A Public Right of Way (PRoW) footpath (98CR and 14HU) runs parallel to the northeastern side of the A2300. Linking Burgess Hill into a wider PROW network.

There are residential streets of The Oaks, The Acorns, The Hornbeams, Bluebell Way and The Rowans located to the southern side of Jane Murray Way, in addition on the northern eastern side of the A2300 within St Pauls Catholic College is the caretakers house. St Pauls Catholic College is located to the east of the site, while the UKPN Goddards Green substation is located both to the north of Jane Murray Way and to the west of the A2300.

In terms of planning policy, the whole site is within the area of land allocated for strategic development to the north and west of Burgess Hill under Policy DP9 in the District Plan (DP) and is therefore within the defined built up area boundary.

The site also lies within the boundary of both the Burgess Hill and the Hurstpierpoint and Sayers Common Neighbourhood Plan areas.

APPLICATION DETAILS

This application seeks Reserved Matters for the approval of the access, appearance, landscaping, layout and scale of the site for the third phase of the Western Link Road which is seeking to provide pedestrian and cycle improvements of a segregated 2 metre footpath, 3 metre cycle track (green superhighway) and 2.75 metre verge to the northern side of the A2300, together with a 3 metre shared route to the southern side of the A2300 and a 3 metre shared route along the western side of the Jane Murray Was (A273) with up to 2.75 metre verge, drainage works, fencing, lighting and landscaping.

Within the planning statement it sets out that the proposed development will incorporate the following:

- *'A new segregated footway and cycle track on the north side of the A2300 between the new Link Road A2300 Roundabout and the Triangle Roundabout forming part of the 'Green Superhighway' proposed as part of the Brookleigh development;*
- *A new shared connection for non-motorised users ("NMU") on the south and west side of the A2300 and A273 respectively. This shared route connects the two roundabouts on the A2300 and A273 (WBLR Phase 1 works) via the Triangle Roundabout;*
- *An NMU connection to the future development area mid-way along the north side of the A2300;*
- *Installation of new surface water drainage infrastructure, realigned sections of existing ditch and a new section of ditch and adjustments to existing (culverts and headwalls);*
- *Proposed wildflower seeding and tree; and*
- *Installation of new street lighting.'*

The Green Superhighway (footway and cycleway) forms part of the access and movement parameter plans approved as part of the original outline permission as amended by the Section 73 application DM/21/3279.

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,
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), Burgess Hill Neighbourhood Plan, The Hurstpierpoint and Sayers Common Neighbourhood Plan the West Sussex Joint Minerals Local Plan and the West Sussex Waste Local Plan.

Mid Sussex District Plan 2014-2031 (2018) (District Plan)

The District Plan was adopted on 28th March 2018. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. The relevant Policies include:

- DP6 Settlement Hierarchy
- DP7 General Principles for Strategic Development at Burgess Hill
- DP9 Strategic allocation to the north and northwest of Burgess Hill
- DP21 Transport
- DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design
- DP28 Accessibility
- DP29 Noise, Air and Light Pollution
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage
- DP42 Water Infrastructure & the Water Environment

Hurstpierpoint and Sayers Common Neighbourhood Plan

The Hurstpierpoint & Sayers Common Neighbourhood Plan was made in February 2015. The relevant policies are considered to be consistent with the NPPF 2019 and should be afforded full weight. However, there are no policies considered relevant to this application.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan has been made and contains specific policies relevant to this Northern Arc application. Therefore the following policy of the Burgess Hill Neighbourhood Plan is considered to be a material planning consideration in the determination of this Northern Arc application:

- G6 Footpaths, Rights of Way and Cycle Links (relevant because it states that new development will be expected to provide links to the existing network where appropriate)

West Sussex Joint Minerals Local Plan (2014)

The West Sussex Joint Minerals Local Plan was adopted in July 2018 and subsequently reviewed in 2021. The relevant policy is considered to be consistent with the NPPF and should be afforded full weight. The relevant Policy is:

- o M9 Safeguarding Minerals

West Sussex Waste Local Plan (2018)

The West Sussex Joint Minerals Local Plan was adopted in April 2014. The relevant policies are considered to be consistent with the NPPF and should be afforded full weight. The relevant Policies are:

- o W23 Waste Management within Development

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

Relevant policies:

DSP2: Sustainable Design and Construction

DSP4: Flood Risk and Drainage

DNP2: Biodiversity Net Gain

DPN4: Trees, woodland and hedgerows

DPB1: Character and Design

DPT1: Placemaking and Connectivity

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

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

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (NPPG)

Mid Sussex Design Guide

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.

Northern Arc Masterplan (2018)

The Northern Arc Masterplan (Masterplan) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The Masterplan sets out a vision for the Northern Arc along with the following Strategic Development Principles that are relevant to this application:

- SDP1 Access and Strategic Movement
- SDP3 Strategic Green Connections
- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP10 Integration with Established Communities
- SDP14 Landscape and Green Infrastructure
- SDP16 Ancient Woodland and Veteran Trees
- SDP18 Topography
- SDP19 Visibility
- SDP21 Climate resilient development
- SDP23 Integrated Water Management
- SDP24 Construction and Material Use

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

The Northern Arc Infrastructure Delivery Plan (IDP) was approved at the Mid Sussex District Council Cabinet Meeting on 24th September 2018 as a material consideration for all forthcoming planning applications in relation to the Northern Arc. The IDP identifies the infrastructure necessary to facilitate and support the development of Burgess Hill Northern Arc.

This document identifies the provision of walking and cycling improvements along the A2300 with the delivery of a shared cycle/footway on the A2300 between the A2300 site access roundabout and the A273 roundabout.

Burgess Hill Town Wide Strategy (2011)

The Burgess Hill Town Wide Strategy comprises the Town Council's proposed strategy for Burgess Hill for a 20 year period. The Strategy states that the Town Council was keen to develop a new but realistic and deliverable strategy in order to prevent the town from standing still and potentially going into decline. The Strategy states that:

'A key part of the development of the strategy was to identify what local people wanted their town to be like. A number of consultation events, strategies and visions have been prepared over the last 6-7 years and each contained a common thread of Burgess Hill being:

- a fully sustainable 21st century town focussed around a high quality, vibrant and accessible town centre;*
- a town that's existing and future population is supported by the necessary community facilities, employment opportunities and access to green open space; and*
- a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*

To achieve the above vision, it was considered that the town needs:

- a better town centre with a greater range of shops and a more attractive pedestrian environment;*
- improved public transport, walking and cycling links as well as better roads;*

- *new and improved community and cultural facilities;*
- *additional high quality and suitably located business park development; and,*
- *new, improved and well-connected sports, recreation and open space in and around Burgess Hill.'*

To help meet this vision a number of projects are identified within the Strategy including:

- *'improvements to the town centre (to the main routes of Queen Elizabeth Avenue, Civic Way and Church Road/ Church Walk as well as improved buildings and a new public square);*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)*
- *new and improved community and green infrastructure (including a new Centre for Community Sport, management of Ditchling Common, new open space provision in the east of the town, a civic info centre and a new community/ arts centre); and,*
- *improved and new employment development.'*

The Strategy identifies that in order to deliver the desired projects, then additional housing developments would be required and subsequently identified the requirement of around 4000 homes, including 500 on land east of Kings Way and 3500 on land to the north and north west of the town.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

ASSESSMENT

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

- Principle of Development
- Design, Visual Impact and Landscape
- Trees
- Ecology & Biodiversity
- Transport, Highways and Movement
- Residential Amenity
- Water Resources, Flood Risk & Drainage
- Sustainability
- Minerals
- Other Issues
- EIA Regulations
- Planning Balance and Conclusion

Principle of Development

The principle of the development has been established by the granting of the outline planning application DM/18/5114 in October 2019 which permitted *'Comprehensive, phased, mixed-use development comprising approximately 3,040 dwellings including 60 units of extra care accommodation (Use Class C3) and 13 permanent gypsy and traveller pitches, including a Centre for Community Sport with ancillary facilities (Use Class D2), three local centres (comprising Use Classes A1-A5 and B1, and stand-alone community facilities within Use Class D1), healthcare facilities (Use Class D1), and employment development comprising a 4 hectare dedicated business park (Use Classes B1 and B2), two primary school campuses and a secondary school campus (Use Class D1), public open space, recreation areas, play areas, associated infrastructure including pedestrian and cycle routes, means of access, roads, car parking, bridges, landscaping, surface water attenuation, recycling centre and waste collection infrastructure with associated demolition of existing buildings and structures, earthworks, temporary and permanent utility infrastructure and associated works.'*

The parameter plans were approved as part of the outline permission and were amended by the subsequent Section 73 application (DM/21/3279). These plans identify the key principles and broad locations of elements of the development, within the Access and Movements parameter plans (004 Rev 03) it shows the principle of a cycle superhigh way along the northeastern side of the A2300. The

submitted reserved matters application for this part of the footpath/cycleway links is considered to be in broad accordance with the approved parameter plans as per the requirements of the outline permission.

In addition to the granting of the outline permission and the allocation policies, the site is located within the built up area as defined by the Mid Sussex District Plan with the boundary being formally extended upon the adoption of the District Plan in March 2018. Policy DP6 of the Mid Sussex District Plan states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

Furthermore, it should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill. Policy DP9 is the relevant policy in the District Plan which allocates the strategic development of which this application site forms a part of. Policy DP9 states:

'Strategic mixed-use development (which will need to conform to the general principles in Policy DP7: General Principles for Strategic Development at Burgess Hill), as shown on the inset map, is allocated to the north and north-west of Burgess Hill for the phased development of:

- *Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*
- *25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;*
- *Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;*
- *A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;*
- *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurate with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and*
- *A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive.'*

DP9 also goes on to set out the following sustainable transport measures and other infrastructure requirements:

'This will include (i) the new Northern Link Road through the Strategic Allocation Area helping to alleviate additional traffic to the town and offering an alternative route around Burgess Hill; the road will be designed as a central boulevard offering a highly attractive and functional route through the Strategic Allocation Area; (ii) improved links across the A2300 and A273 Sussex Way/Jane Murray Way to improve integration with the remainder of Burgess Hill; (iii) improved east-west connections across the strategic site; (iv) provision of new bus routes or diversion of existing routes to connect with key hubs including railway and bus stations and Burgess Hill and Haywards Heath town centre; (v) a legible and permeable network and hierarchy of safe streets and public rights of way including pedestrian cycleways and appropriate high quality street furniture; (vi) streets and spaces that are attractive and pedestrian

friendly; and (vii) appropriate of-street car parking and secure cycle parking in accordance with relevant standards.'

Policy DP7 of the District Plan sets out general principles for strategic development at Burgess Hill. The Policy states:

'Strategic development will:

- Be designed in a way that integrates it into the existing town providing connectivity with all relevant services and facilities;*
- Provide additional, high quality employment opportunities including suitably located Business Park developments accessible by public transport;*
- Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;*
- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;*
- Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;*
- Provide new and improved community, retail, cultural, educational, health, recreation, play and other facilities to create services and places that help to form strong local communities and encourage healthy lifestyles;*
- Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;*
- Provide a Centre for Community Sport in the vicinity of the Triangle Leisure Centre;*
- Provide a range of housing including affordable housing, in accordance with policy DP31: Affordable Housing and housing for older people;*
- Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity; Provide an effective telecommunications infrastructure, including provision for broadband; and*
- Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability.'*

Of particular relevance is the third bullet point of Policy DP7 and sustainable transport measures and infrastructure requirements of Policy DP9, this application seeks planning consent for the green superhighway and shared pedestrian and cycleway which will help integrate the development into the town while also ensuring appropriate walking and cycling for new residents in accordance with these policies.

In addition Policy DP9 further states:

'Strategic mixed-use development in this location will:

- Progress in accordance with an allocation-wide masterplan, Infrastructure Delivery Strategy, Phasing Strategy and Financial Appraisal which will have been submitted to and approved by the local planning authority. Each planning application to be determined should accord with such approved documents unless otherwise agreed by the local planning authority.'*

An allocation wide Masterplan and Infrastructure Delivery Plan and Phasing Strategy were approved on the 24th September 2018 by Cabinet. These documents are therefore material considerations and accordance with these documents will be assessed in the relevant sections of this report.

An allocation wide Masterplan and an Infrastructure Delivery Plan and Phasing Strategy (IDP) was approved on the 24th September 2018 by Cabinet.

SDP3 of the Masterplan states that *'The Northern Arc provides two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway...'*

SDP7 of the Masterplan sets out the place-making objectives and this refers to supporting health and well-being through opportunities for active lifestyles and living in close contact with nature. This principle also states that the place-making objectives will include setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links.

The provision of the Green Superhighway is a key element on the delivery of this principle in the Masterplan.

The IDP sets out the requirement for facilities for sustainable travel and walking and cycling. The principle of the Green Superhighway has been established in this document and the proposal would be in accordance with that principle.

Notwithstanding the fact that the principle of the Green Superhighway is established through the grant of the outline planning permission and is contained with the Masterplan and IDP, policies DP21 (Transport) and DP22 (Right of Way and other Recreation Routes) of the District Plan are relevant in the determination of this application.

Policy DP21 deals with general transport matters and sets out a number of criteria against which development proposals will be considered against, these include

'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'.

While DP22 goes on to state:

'Access to the countryside will be encouraged by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;*
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;*
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders').'*

In the context of the above, the proposed Green Superhighway and shared pedestrian and cycleway supports alternative means of transport to the private car and provides a convenient and safe link between the approved residential developments while also helping facilitate further onward travel onto the wider ProW network. It is therefore considered that the application complies with policies DP21 and DP22 of the District Plan.

In addition, at local level Policy G3 of the Burgess Hill Neighbourhood Plan expects developers and landowners to work with the Town and District Council to ensure improvements, additions and the continuation of the Green Circle Network, which this proposal is doing.

On the basis of the above, the principle of the development is considered to be acceptable subject to the detailed considerations discussed below.

Design, Visual Impact and Landscape

Policy DP7 of the District Plan requires strategic development at Burgess Hill to identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan.

DP9 requires land uses and infrastructure delivery to identify and take account of environmental, landscape and ecological constraints appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible.

Policy DP26 states that:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

The Masterplan sets out the following place-making objectives at SDP7:

- 'Creating walkable neighbourhoods with vibrant centres that are accessible to all;*
- Co-locating schools, community centres and open spaces with the neighbourhood centres to support vitality and community identity;*
- Designing streets as places that encourage social interaction as well as walking, cycling and public transport;*
- Ensuring that streets, public realm and open spaces are well overlooked and designed to feel safe and secure;*
- Creating a place that is easy to find your way around with a clear hierarchy of streets and spaces, landmark features and views;*
- Setting development within an interconnected, easily accessible network of attractive streets, green infrastructure, green corridors and open spaces to act as wildlife corridors and sustainable transport links;*
- Incorporating trees, gardens and green spaces throughout the development to provide shade and cooling during extreme heat events and to increase its ability to adapt to climate change;*
- Supporting health and well-being through opportunities for active lifestyles and living in close contact with nature;*
- Providing a variety of different character areas which reflect variations in landscape and topography, as well as the role and function of different parts of the community;*
- Integrating business and employment uses to diversify day time activities;*
- Accommodating car parking and servicing in ways that are convenient and safe but also unobtrusive.'*

The introduction of the footpath and cycleway will change the character of the area, as the area to the sides of the A2300 and to the north of Jane Murray Way are mainly undeveloped verges/agricultural land. However, owing to the fact that footpaths and cycleways are typically located adjacent to roads, it

is a common sight and will not be considered to be out of character, on context of the associated infrastructure.

Furthermore, while at present the land parcels to either side of the A2300 are open agricultural land, as part of the outline permission these parcels have been designated for development. In addition to be viewed in context of the existing road, as such, the proposed footpaths and cycleways would be viewed in context of the wider strategic development of Brookleigh and would not appear as an isolated form of development.

The footpath/cycleway to the south/southwest has been set back from the highway in order to allow for a number of the existing trees and hedgerow to be retained and also to respond to the topography of the application site. There would be some loss of trees and vegetation (as discussed in more detail within the tree section of the report), but it is recognised that this is unavoidable in order to provide the pedestrian and cycleways broadly within these locations and in accordance with the Northern Arc Master Plan and the outline planning consent. Additional landscape details to mitigate for the loss will be secured via a planning condition which will ensure that the proposal would have an acceptable impact on landscape character.

To conclude this section, the design of this key piece of infrastructure is satisfactory and the subsequent landscape and visual effects are considered acceptable. The application complies with Policies DP7, DP9 and DP26 of the District Plan, the Principles of the Northern Arc Masterplan, the NPPF and the Northern Arc Design Guide.

Trees

Policy DP37 of the District Plan states:

'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.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1

basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

SDP14 of the Masterplan relates to 'landscape and green infrastructure and states that:

'The development of the Northern Arc will preserve and enhance the established framework of woodlands, trees and hedgerows as part of the commitment to creating a high quality and distinctive place.'

SDP21 of the Masterplan sets out that green infrastructure will be designed with species that are tolerant to the prevailing climatic conditions.

The applicant's submissions state the following in respect of the arboricultural impact:

"A total of 7No. individual trees, 2No. tree groups and 6No. partial tree groups will be removed to facilitate the Development. Of these, 3No. groups were awarded a moderate B grade and 12No. individuals and groups were awarded a low C grade.'

The Council's Tree Officer has been consulted on the application and have confirmed that they are generally content with the proposal. However, they do have concerns that there is not sufficient replacement planting and have some concerns over the meadow planting.

As such within their comments they have recommended a detailed landscaping scheme is provided prior to commencement. Subject to the recommended condition and no objection from the Tree Officer, the application therefore accords with Policy DP37 of the District Plan and principles SDP14 and SDP21 of the Masterplan.

Ecology & Biodiversity

Policy DP7 states in part that strategic development will: *'Identify and respond to environmental, landscape and ecological constraints and deliver opportunities to enhance local biodiversity and contribute to the delivery of green infrastructure in and around the town in accordance with policies elsewhere in the Plan including DP38: Biodiversity;...'*

DP9 also makes clear that *'the relevant land uses and infrastructure delivery for each phase: Identify and take account of environmental, landscape and ecological constraints including where possible avoiding or minimising harm to sensitive receptors and appropriately responding to the landscape setting including retention of woodland, hedgerows and other important natural features wherever possible and appropriate landscaping and safe design of balancing ponds and water/drainage features; and deliver opportunities and requirements as set out in Policy DP7: General Principles for Strategic Development at Burgess Hill and DP38: Biodiversity...'*

Policy DP38 of the 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.'

SDP14 (Landscape and Green Infrastructure) of the Masterplan states that: *'The Masterplan will preserve landscape features and wherever possible respect the landscape setting of nearby listed buildings and non-designated heritage assets. It will also deliver a net gain in biodiversity. This will be achieved by delivering ecological enhancements within the green infrastructure areas, such as ecologically valuable SuDS systems, private and shared garden and amenity space, and passive measures elsewhere such as green and brown roofs and the creation of new habitats through measures to support wildlife such as, for example, bat boxes. The development provides an opportunity to increase the diversity and resilience of tree cover, particularly in relation to climate change, pests and disease, as well as delivering a range of amenity benefits.'*

It is important to highlight that the proposal does not result in the loss of any ancient woodland.

In support of the application, the applicant has submitted a Biodiversity Net Gain Report, this report sets out that there would be an 8.67% gain in habitat units, a loss of 11.4% in hedgerow units and a 7.93% gain in watercourse units.

The Councils Ecology Consultant has commented on the reserved matters application, overall they have raised no ecological harm/no objection to the proposal, however, they note that as part of the outline permission (as amended by the Section 73 application), the applicant is required to submit a Construction Environmental Management Plan (CEMP) (Condition 8), ecological impact assessment report, supported by up to date ecological survey data (Condition 20) and an ecological design strategy addressing the mitigation, restoration and compensation of Ancient Woodland and 15m buffer zones.

It should also be highlighted that the legal agreement as part of the outline permission secures a biodiversity net gain across the whole of the outline application site area.

Part of the application site is located within an area that has a high likelihood of newts, nonetheless, the principle of the works in relation to protected species has already been considered as part of the outline consent and as highlighted by the Ecology Consultant within their comments, the applicant is required to submit additional ecological information including mitigation methods within the CEMP and up to date ecological survey data, details of this is required prior to commencement, and if any of the works would require a licence it would be on the onus of the applicant to arrange this.

The reserved matters submission is therefore considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan, Principle SDP14 of the Masterplan and the NPPF.

Transport, Highways and Movement

Policy DP21 of the District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;
- Access to services, employment and housing; and
- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- The scheme protects the safety of road users and pedestrians; and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'

Policy DP22 of the District Plan states:

'Rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes.

Access to the countryside will be encouraged by:

- Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes;
- Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible;
- Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'

Policy DP7 states that strategic development will, inter alia

- Improve public transport, walking and cycling infrastructure and access to Burgess Hill and Wivelsfield railway stations and Burgess Hill Town Centre, including the provision of, or contributions to enhancing transport interchanges;
- Provide necessary transport improvements that take account of the wider impact of the development on the surrounding area;

- *Provide highway improvements in and around Burgess Hill including addressing the limitations of the A2300 link road and its junction with the A23 and east-west traffic movements across Burgess Hill and, where necessary, improvements across the highway authority boundary in East Sussex;..*
- *Provide new and/or improved and well connected sports, recreation and open space in and around Burgess Hill, including the continuation of the existing 'Green Circle' of linked areas of informal open space around the town along with its associated network of multi-functional paths, the Green Circle network, and links into the town centre;*
- *Support the delivery of a multi-functional route between Burgess Hill and Haywards Heath;...'*

Policy DP28 of the District Plan states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.'

The Masterplan sets out the following at SDP1:-

- *'Permeable layout that integrates with the surrounding highway network*
- *Maximise sustainable patterns of movement*
- *Highway design will direct traffic to the A2300 via the A273 and the Northern Arc avenue and minimise movement through the villages to the north of the site*
- *Northern Arc avenue to provide a new through connection between A273 Jane Murray Way and A2300 in the west and A273 and Maple Drive in the east*
- *Priority junctions and traffic signals favoured over roundabouts to support permeability for pedestrians and cyclists*
- *Two strategic pedestrian and cycle links: enhancing the existing Green Circle; and a new Green Super Highway*
- *Network of secondary pedestrian and cycle links will be provided throughout the Northern Arc linking the area to the wider town to provide attractive, convenient and safe routes to facilitate sustainable movement*
- *Three neighbourhood centres, connected to each other by the Northern Arc avenue, located so people can walk to local facilities and services within 5 to 10 minutes of their home, as well as being accessible by cycle, public transport and car.'*

SDP3 of the Masterplan states that the Northern Arc will provide two strategic pedestrian and cycle links
- an enhancement of the Green Circle and a Green Super Highway.

SDP4 of the Masterplan requires that, alongside the strategic links of SDP3, a network of pedestrian and cycle links will be provided throughout the Northern Arc linking into the existing town.

SDP10 of the Masterplan states that the Northern Arc will seek to maximise integration with the existing communities of Burgess Hill and the established facilities and services of the town and wider district.

The approved IDP also sets out the intent of the applicant to deliver appropriate infrastructure within the Northern Arc that would include the following:

- On Site Road Network
- Road and Footbridges
- Highway Access Point Works
- Public Transport Projects
- Sustainable Travel Projects
- Walking and Cycling Projects
- Active Mode Main Access Point Works
- Off-site Highway Works

Policy G6 of the Burgess Hill Neighbourhood Plan refers to footpath and cycle links and states that new development will be expected to provide links to the existing network where appropriate.

The Burgess Hill Town Wide Strategy sets out a number of requirements including :

- *'a town that functions efficiently and is underpinned by a state of the art transport network and modern supporting infrastructure.*
- *improved public transport, walking and cycling links as well as better roads.*
- *improvements to transport (including enhancements to the key transport interchanges, Green Circle Network and road links)'*

The NPPF states that:

'115. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code48; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition Para 116 states:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The application as submitted provides a shared surfaces on the western side of the A2300 and northern side of Jane Murray Way together with a segregated footpath and cycleway to the north eastern side of the A2300. These routes would improve accessibility and provide a connection for pedestrians and cyclists through the site between the A273 and A2300. These connect to the existing public footpath network at the north of the site where a new bridleway will also be created, as well as connections into Burgess Hill itself. These elements are in accordance with the access and movement parameter plans and the Northern Arc Design Guide, both submitted and approved at the outline stage. It is acknowledged however that further connections will be dependent on adjoining land parcels also being developed in accordance with the parameter plans and design guide.

West Sussex County Council (WSCC) in their capacity as the local highways authority (LHA) has provided comments on the proposal, where they have raised no objections.

It is noted that a third party representation has been received about safety issues of providing a footpath to the outside of St Pauls Catholic College with no link into the school itself, the plans however do show the potential for a future connection and as part of the permission, a condition will be attached requiring details to be submitted prior to the connection of this link.

Furthermore, we don't have any applications for the surrounding development parcels at present and it will be some time before the housing will be built and occupied with potential students/parents using the footpath to access the school. At which point additional funding could have come available to allow for the connection into the school. Nonetheless, it would also provide for a safe walking route for the development parcels round to the existing access point of the school, albeit a slightly longer route.

The WSCC PRow has also commented on the proposal and they note that the footpath has been diverted and the proposal does not block or obstruct the footpath, and as such they have no objections. They have requested that if any resurfacing works are required to the PRow then they would need to be consulted to approve any surface finish, details of which will be attached as an informative.

In the absence of any technical objections from WSCC, and the requirement to submit a Construction Management Plan as part of the outline permission, there are no sustainable reasons to object to the proposal on technical highways grounds.

The application therefore complies with Policies DP7, DP9, DP21, DP22 and DP28 of the District Plan, Principles SDP3, SDP4 and SDP10 of the Masterplan, the Northern Arc Design Guide, the IDP, Policy G6 of the Burgess Hill Neighbourhood Plan, the Burgess Hill Town Wide Strategy and the NPPF.

Residential Amenity

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...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.'

Policy DP29 of the District Plan states in part that:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution'

The closest residential dwellings are located on the southern (opposite side) of Jane Murray Way, as well as the caretakers house to the north east of the A2300. Owing to the nature of the works in terms of construction footways and cycleways and the relationship to the dwellings it can be reasonably concluded that the proposal would not cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

The construction works will generate some noise, however, this is only for a temporary period and would be controlled by the Environmental Protection Act 1990, details of which have been attached as an informative.

While the intended use of the footway and cycleways are not considered to give rise to significant harm in terms of noise and disturbance.

Taking the above into account, it is reasonable to conclude that the proposal will not cause significant harm to neighbouring residential amenity so the application is therefore considered to be in accordance with Policies DP26 and DP29 of the District Plan.

Water Resources, Flood Risk & Drainage

Policy DP9 requires the relevant land uses and infrastructure delivery for each phase, to, in part:

- *'Take account of on-site flood plains and avoid areas of current and future flood risk through a sequential approach to site layout to comply with Policy DP41: Flood Risk and recommendations in the Strategic Flood Risk Assessment;*
- *Identify, avoid, mitigate and manage the risks posed to water quality associated with the historic land uses and support the delivery of 'Good' ecological status of the River Adur and Copyhold Stream in accordance with DP42: Water Infrastructure and the Water Environment;...*

Policy DP41 of the District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.'

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Policy DP42 of the District Plan states:

'New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations - Part G applies to all new residential development in the district. Development must meet the following water consumption standards:

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.*

Planning conditions will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.'

SDP20 of the Masterplan states that green infrastructure will help to reduce flood risk and manage storm water through an extensive network of SuDS.

The IDP identifies that the Northern Arc will deliver potable water, surface water and foul water projects to the development.

A sequential test has already been carried out as part of the site allocation process for the District Plan.

The proposal has been supported by a Drainage Strategy, which has set out how the proposed surface water strategy seeks to retain and mimic the existing flow paths of the site. It confirms that a filter drain will connect part of the site drainage to the WBLR Phase 1 attenuation tanks, before a controlled discharge at Qbar rate into the tributary of the Pook Bourne, while the rest of the site will incorporate SuDs features where practicable.

WSCC Lead Local Flood Authority have been consulted on the proposal where they have raised no objections to the proposal. It is noted that there are conditions on the outline permission related to drainage and surface water that will need to be formally discharged.

In light of the above comments, the proposal is considered to be in accordance with Policies DP9, DP41 and DP42 of the District Plan, Principle SDP20 of the Masterplan, the IDP and the NPPF.

Sustainability

Policy DP39 of the District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The IDP also sets out a number of Sustainable Travel Projects including walking and cycling projects and travel plans which have been referenced in the highways and access section of this report.

Given this application is for one element of the infrastructure serving the Northern Arc there is limited scope for this part of the wider development to deliver on sustainability in isolation. However, as part of the wider infrastructure of the Northern Arc it will play a key part in helping to deliver the sustainable objectives of the development as set by the policies and masterplan outlined above.

The application has been supported by a Sustainability Statement, this will need to be formally discharged as part of the condition attached to the outline permission, nonetheless it sets out the proposal will meet the sustainability policy requirements owing to the following measures:

- Providing an integrated network of SuDS taking into account the surface water drainage of the Proposed Scheme;
- Providing shared surfaces which will provide pedestrians and cyclists with connectivity and will promote the use of alternative means of transport;
- Providing strategic green connections which include pedestrian and cycle links, such as the Green Super Highway;
- Ensuring that earthworks are reduced by working with the Application Site's topography and to ensure that the environmental control and mitigation measures detailed within the CEMP with regards to construction waste are followed.
- Enhancing green and blue infrastructure through the provision of landscaping which will include tree planting.

In light of the above it is reasonable to conclude that the proposal will not result in significant environmental effects in relation to sustainability and is therefore considered to be in accordance with Policy DP39 of the District Plan, the IDP and relevant paragraphs of the NPPF.

Minerals

Policy M9 of the West Sussex Joint Minerals Local Plan states:

'Soft sand (including potential silica sand), sharp sand and gravel, brick-making clay, building stone resources and chalk reserves are safeguarded against sterilisation. Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:

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

The site includes areas identified as a brick clay Mineral Safeguarding Areas.

The site comprises of the highway verges running alongside the A2300 and Jane Murray Way, due the surrounding constraints it is unlikely to be suitable or practicable to extract the minerals prior to development. Furthermore, the overall development has already been agreed by the outline permission.

The proposal is therefore considered to be in accordance with Policy M9 of the West Sussex Joint Minerals Local Plan.

Other Issues

This application has no impact on any local heritage assets (either designated or non-designated) with the nearest designated heritage assets located some distance from the application site boundary.

This application should not prejudice the adjoining development parcels as the access arrangements.

It is important to highlight that other matters not specifically addressed through this reserved matters assessment are those where there are existing pre-development conditions attached to the DM/18/5114 consent (as amended). These include matters such as land contamination, archaeology and the requirement for hard surface details where additional information will need to be submitted to and approved by the local planning authority.

It is noted that informative 29 (Street Naming) has been requested, however as this proposal does not include any dwellings and only infrastructure it is not considered relevant to be included with this application.

EIA Regulations

The outline planning permission, DM/18/5114, was EIA development and was therefore subject to an Environmental Statement. Paragraph 9 of Part 3 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 refers to the procedures for determining subsequent applications where environmental information has previously been provided. In this case the local planning authority considers that the environmental information already before the Council is adequate to assess the significant effects of the development of the environment. It is considered that the development is in broad accordance with the outline planning permission and as such the conclusions of the Environmental Statement submitted under that application remain relevant.

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 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, the Burgess Hill Neighbourhood Plan and the Hurstpierpoint and Sayers Common 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.

In terms of the principle of the development this has therefore been established through the granting of the outline planning permission DM/18/5114 (As amended by DM/21/3279) which permitted the broad location of the Green Superhighway. It should be noted that the site is also part of a strategic allocation in the District Plan to the north and north west of Burgess Hill and the formation of the footway and cycleways are supported by policies within the District Plan.

The details of the reserved matters of the access, layout, scale, appearance and landscaping of the site need to be assessed against the relevant policies in the development plan.

The proposal is considered acceptable in respect of the visual impact with the scheme being in accordance with the requirements of the Northern Arc Design Guide. The impact of the scheme on the surrounding landscape including trees and vegetation is also deemed acceptable with it acknowledged that the strategic development will inevitably have some impact on features of the local landscape. Additional information on the proposed landscaping to be secured via condition will be necessary to mitigate against this impact.

No objections are raised to the proposal by the local highway authority and in the absence of any technical objections there are not deemed to be any reasonable grounds to refuse the application on highways related matters.

The proposal will not result in demonstrable significant harm to neighbouring residential amenity and no specific mitigation is required to minimise the impact of the development post-construction. The impact of the building works will be mitigated through working hours restrictions and the Construction Environmental Management Plan that will control various matters related to the construction.

There are no technical reasons to object to the scheme in respect of water resources, flood risk and drainage although some further details on these issues will be required under the conditions attached to the outline planning consent.

The proposal also accords with the Council's sustainability policy requirements and in respect of the ecological and biodiversity effects of the development.

The application is deemed to comply with policies DP6, DP7, DP9, DP21, DP22, DP26, DP28, DP29, DP37, DP38, DP39, DP41 and DP42 of the Mid Sussex District Plan, Policy G6 of the Burgess Hill Neighbourhood Plan, the Northern Arc Masterplan (2018), the Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018), the Burgess Hill Town Wide Strategy (2011), the NPPF and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The application should therefore be approved subject to the conditions listed within the decision notice.

Decision: Permission

Case Officer: Joseph Swift