

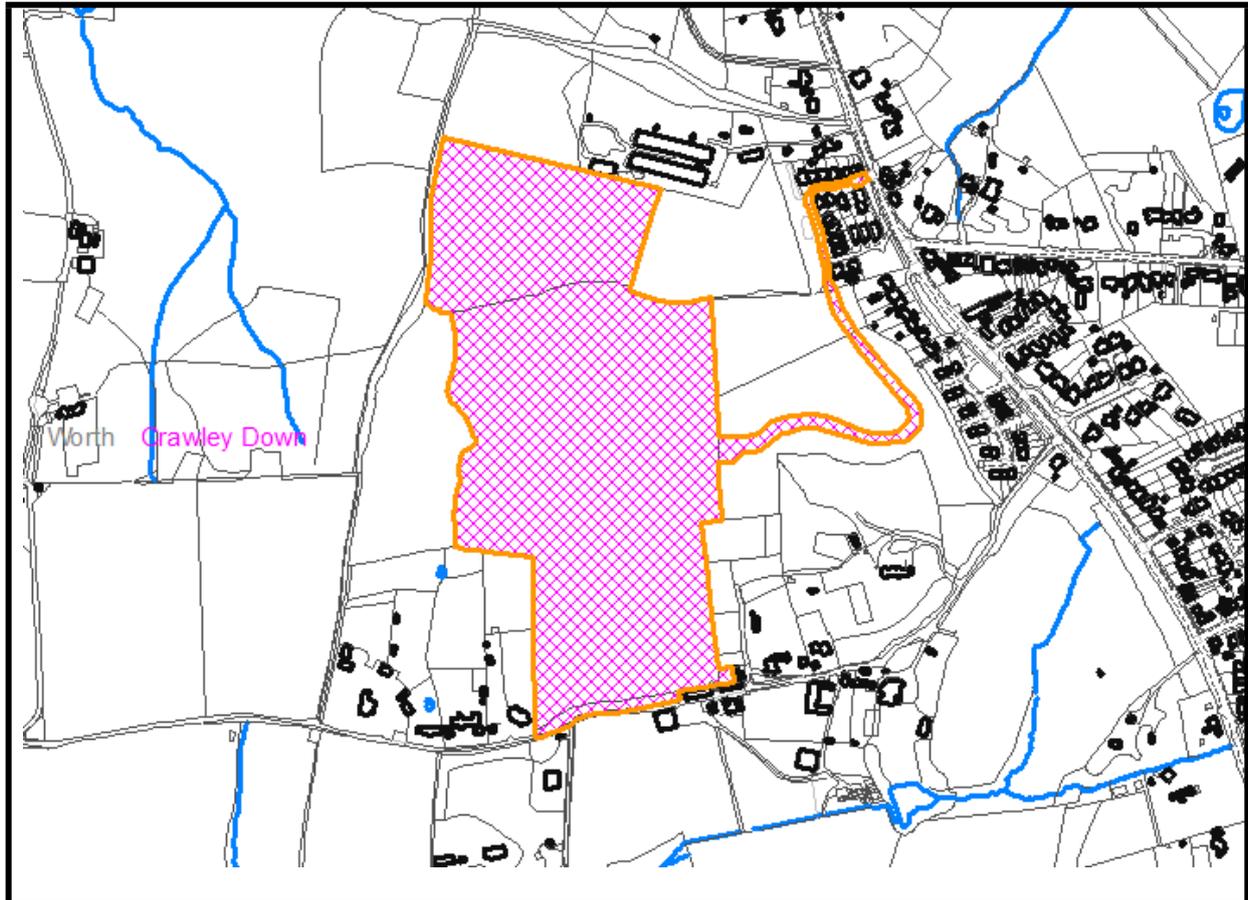
District Planning Committee



Recommended for Permission

17th July 2025

DM/25/0016



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Site:	Land West Of Turners Hill Road And North Of Huntsland Turners Hill Road Crawley Down West Sussex
Proposal:	Outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. 'Additional information received on 27/03/25 regarding Transport, Flood Risk, Landscapes, Heritage and an updated access and movement parameter plan, illustrative masterplan.' 'Additional ecology information received 03/04/2025 and change to description regarding the care home'.
Applicant:	Wates Developments Limited

Category:	Largescale Major Dwellings
Target Date:	24th April 2025
Parish:	Worth
Ward Members:	Cllr Ian Gibson / Cllr John Hitchcock /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SPGOIYKT0D200>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 This application seeks outline planning permission for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works on land west of Turners Hill Road and north of Huntsland Turners Hill Road Crawley Down. It is the means of access that is to be determined at the outline stage, with landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 2.2 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.

- 2.5 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.7 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to Development Plan policies will need to be assessed against the degree of conformity with the NPPF.
- 2.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy CDNP05 in the CDNP refers to a cap in the quantum of residential development of 30 dwellings and also refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 2.9 The proposal would provide up to 150 dwellings, including 30% affordable housing and a care home of up to 70 beds. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 2.10 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public rights of way that run around the site. It is accepted that many people would regard this as a

significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

- 2.11 The proposal would provide up to 150 dwellings, 30% of which would be affordable and a care home of up to 70 beds. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 2.12 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 2.13 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.14 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 2.15 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.17 The legal agreement will secure the required contribution towards the Strategic Access Management and Monitoring (SAMM) strategy for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). In addition, the legal agreement will secure an open space on site that will be designed with Suitable Alternative Natural Greenspace (SANG) characteristics so that it will perform the same function as a SANG. Natural England have no objections to the proposal, and it is therefore considered that policy DP17 in the MSDP is met in respect of preventing adverse effects on the Ashdown Forest SPA and SAC.
- 2.18 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.19 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 in the

CDNP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy CDNP05 is reduced because of its lack of conformity with the NPPF and the fact that it is a housing supply policy. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.

- 2.20 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policy DP34 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable.
- 2.21 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage asset in this instance.
- 2.22 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.23 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP23, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. The proposal also conflicts with policy DP34 in the MSDP.
- 2.24 In relation to the CDNP it is considered the application complies with policies CDNP01, CDNP06, CDNP08, CDNP09 and CDNP10. The application complies with some, but not all the criteria within policy CDNP05.
- 2.25 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the*

development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise’.

- 2.26 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.27 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.28 The proposal would provide up to 150 new dwellings, 30% which would be affordable, and a care home at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.29 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 2.30 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change.
- 2.31 It is your Planning Officer’s view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the development plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

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

Recommendation B

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

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

4.0 Summary of Representations

105 letters of objection

Principle

- Large scale development will adversely change the character of the village
- question whether this development is in line with the village Local Development Plan
- The proposal constitutes an unwelcome intrusion into the countryside, specifically protected in 'The Strategy for the South East, 1976 Review' which outlined a long-term strategy to save our countryside while providing infrastructure for development in the existing urban growth areas of Crawley-Gatwick and Horsham. This remains extant.

Transport

- Was a quiet estate. Development will add 300 cars to road resulting in highway safety concerns
- Road is not capable of accommodating this traffic
- No pavement on Wychwood Place
- Dukes Head roundabout already heavily congested
- Bottlenecks at main entrance, first corner next to 13 Wychwood Place, T junction between Wychwood Place and Woods View
- No pavement between old and new site. To access traffic lights have to walk over rights of way to 5 driveways

- Access is unacceptable. There are many parked cars on the road overnight. Width of the access road is insufficient. There are tight and blind corners
- Private road not designed for this level of activity
- Drainage underneath the road is not sunk very deep and each property has an access manhole
- Public transport options are limited
- Access could be provided through Hurst Farm
- It would surely be sensible to provide access to the Northern site from these access roads which could be made of adequate size to properly serve the numbers of new houses in the whole area (i.e. both sites)
- It is claimed that the site is within 20 minutes walking distance of the village services. As a regular walker around Crawley Down I would suggest that this is unrealistic particularly for the elderly and people with children.
- Although the report from i-Transport suggests that the Primary School in Crawley Down and the Health Centre are both with a 1.4km walking distance - these are not actually the sites that will be providing services for the new developments.
- My objection is of basic H&S issues that if not addressed will lead to damage to property and a risk of injury to person. It has been proposed to use the narrow residential road - Wychwood Place as one of the entrances to the proposed new building complexes. I live on the first left hand corner, and as it, I have tyre marks embedded in my grass kerb due to cars that meet each other, head on, on the blind narrow bend, verge mounted due to their subsequent emergency manoeuvre to avoid head on contact.
- Inaccurate Speed Calculations: Wates' sight line assessments are based on a monitored speed of 33.3 mph, whereas Speed Watch data shows an actual average speed of 36 mph, requiring extended sight lines.
- Should be a risk assessment for the access road and consultation with the disabled. I am a double amputee and use a wheelchair or prostheses for access and have already had a number of near misses
- Lighting is inadequate on the access

Infrastructure

- Schools and doctors already at capacity
- Inadequate infrastructure to serve such a large development
- Electricity supply poor already
- We are reliably informed that Crawley Down has not seen ONE PENNY of the S106 monies of around £3M paid to MSDC by developers that was supposed to have been used here in Crawley Down to improve the village

Drainage

- Properties already suffer from drainage problems
- drainage plans are inaccurate and the proposal will cause flooding

Residential amenity

- Noise and air pollution
- Won't accord with Council's responsibilities to protect privacy and enjoyment of existing residents
- private road currently used by residents will become a public thoroughfare, affecting our privacy and security
- The increase in traffic will lead to higher levels of pollution, including air, noise, and light pollution, which will impact the health and well-being of local residents.

Ecology

- Pollution to the adjacent river way during the construction phase
- The developer should demonstrate how the development complies with the Environment Act which now requires developers to provide a mandatory net gain of at least 10% in bio-diversity compared to pre-development habitat assessments.
- The developer is required to produce a plan indicating how this net gain will be achieved and have it approved before work can start

General comments

- Care home is too far from village and will leave residents isolated
- No clear provisions for renewable energy
- the gaps between East Grinstead, Crawley Down, Crawley and Horsham are constantly being reduced
- I feel as do many residents, that our points of view are constantly ignored
- The development of this area has already been rejected by the High Court previously.
- Due to scale of the developments, there should be an upgrade all the street lighting on the Crawley Down Road. Having lived here for over 40 years the street lighting in this area has not been upgraded by the local council for a long time and with more cars on this road more lighting is needed.
- The care home/ nursing home could then be situated much closer to Turners Hill Road with access to bus routes.
- Who will be responsible for repairing Wychwood Place road as it's unadopted?

- Consideration should be given to purchasing Hurst Farm which would make for a much safer entry into the proposed development.
- It is well known that whilst trying to gain Planning Permission, developers will claim there will be all sorts of improvements and facilities provided, yet these more often than not, never materialise. examples of this are Westvale Park and Heathy Wood development just up the road in Copthorne
- Residents of Wychwood Place currently pay upwards of £600 per annum to Remus Management Company, which was originally set up by CALA homes, the original developer of Wychwood Place. At the same time the management company requires residents to collectively pay about £2000 a year towards a road reserve fund to cater for road repairs in the future. It is important to question how the addition of a further one-hundred and fifty residences are going to affect this sum.
- Range of locations for the care homes indicates that the layouts are outline and the reserved matters will not bear any resemblance to them
- Separating applications has resulted in a loss of the community building and one should be provided on site
- Access will be on land containing dumped soil from previous phase of development so its likely the road will be subject to subsidence so this soil should be removed
- Will be a loss of economic activity from the closure of the farm buildings
- Affordable housing need is for first time buyers and downsizing which will not be addressed by this application

16 letters of support

- Wates have engaged positively to address concerns
- Green spaces that have been proposed will remain undeveloped in perpetuity and be an asset to the community, protecting key characteristics of the site and surroundings
- The Haven Centre and Football Club have supported the applications and improvements to these facilities will be beneficial to the overall village

5.0 Summary of Consultees

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions

WSCC Local Lead Flood Authority

No objection subject to conditions

WSCC Highway Authority

No objection subject to conditions and a legal agreement.

WSCC Public Rights of Way Officer

It is pleasing to see much consideration has been given to Public Rights of Way (PRoW) and the Worth Way within and in the immediate vicinity of the site. I welcome connections to the PRoW network.

WSCC Fire and Rescue Service

Request conditions regarding fire hydrants.

National Highways

No objection subject to conditions.

Active Travel England

Refers to standing advice.

NATS Safeguarding

No objection.

Aerodrome Safeguarding Officer

No objection.

Sussex Police Crime Prevention

Makes recommendations regarding the layout and design of the scheme.

Sussex Police Infrastructure

Require an infrastructure contribution.

West Sussex Clinical Commissioning Group

Require an infrastructure contribution.

Natural England

No objection subject to Ashdown Forest mitigation being secured.

Environment Agency

No objection subject to conditions.

Thames Water

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. As such Thames Water request that a condition be added to any planning permission.

Ecological Consultant

No objection subject to conditions.

Nature Space (Great Crested Newts)

The applicant has submitted an Ecological Impact Assessment that provides a series of Reasonable Avoidance Measures to follow during construction. This would be deemed suitable for the proposed development and it is recommended that they are secured via condition.

Landscape Consultant

No objection subject to conditions.

Heritage Consultant

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

Housing Enabling Team Manager

The proposal generates a requirement for 45 affordable units. The care home does not give rise to an affordable housing requirement. If the plans submitted as part of the Reserved Matters application however show these to be self-contained properties, then a further 30% affordable housing will be required.

Tree Officer

There is encroachment within the Ancient Woodland buffer zones with swales and footpaths and this is contrary to government advice contained within Ancient woodland, ancient trees and veteran trees , January 2022. It is accepted that this is an outline application and this may be addressed by a future reserved matters application. In any event, a detailed method statement will be required for any incursions or encroachments. There are also incursions within the RPAs of 6 trees, beech 3269 is identified as being of particular concern within the AIA, and I would agree with this. This may be something which could be avoided within any future RM application.

Full landscaping details should be submitted as part of any future application also.

Section 106 & Infrastructure Manager

Requires infrastructure contributions.

Conservation Officer

In my view the development will cause less than substantial harm to a number of designated and non-designated heritage assets located around the site.

Architect/Urban Designer

These are outline submissions where appearance, design, landscaping and scale are reserved matters. These applications do include a series of parameter plans and an illustrative masterplan to help demonstrate how the proposed development could be accommodated and look to address the design principles contained in the Mid Sussex Design Guide. I would encourage further development of this Illustrative masterplan to address any raised issues. I support this scheme.

6.0 Worth Parish Council Observations

Defer to officer, noting the following concerns.

The community of Crawley Down is concerned by the number of units and scale of the development and its distance for someone walking from the village centre. However, WPC recognises that the development is in the proposed district plan, would be difficult to oppose under the NPPF and the current situation regarding the five year housing supply in MSDC would make it unlikely to withstand an appeal if MSDC objected to it.

Infrastructure Concerns

The proposed development will place significant pressure on the already overstretched infrastructure within Crawley Down. Local services such as schools and healthcare facilities, are currently operating at or near full capacity. Without substantial improvements and investment, the additional demand generated by 300 new homes will exacerbate existing challenges, negatively impacting both existing and future residents. Crawley Down suffered a water supply crisis not long ago and electricity power cuts are frequent.

Road Safety and Traffic Impact

The road network around Crawley Down is already under considerable strain, with congestion and safety issues a regular occurrence. The increased traffic from the development will likely worsen these problems, particularly along key routes such as Turners Hill Road and Station Road. Of particular concern is the old railway bridge over the Worth Way, which presents a longstanding safety risk due to its narrow structure and limited visibility. We also question how the structure would cope with the additional weight of potential queuing traffic given that it is already supported by metal rods. Wallage Lane has considerable traffic flow for its size and scale and there are concerns with the drainage along the road, its width and the bend under the Worth

Way Bridge will not cope. The exits from the site are another source of worry. We urge MSDC/WSCC to study carefully the plans for the junction with Turners Hill Road/Vicarage Road and also the exit proposal through Wychwood Place where there is widespread concern that the road is not wide enough.

S106 Contributions

list of S106 contributions need to be guaranteed to be delivered. WPC would hope that the requirement to deliver the S106 requirements will be made at the beginning and near the start of the project so that residents can see the benefits as the works progress and the extra facilities are ready by the time new residents move in. WPC would also welcome negotiations regarding the S106 to be carried out concurrently with the application process so that it can be completed as soon as possible once a decision on the application has been reached.

7.0 Introduction

- 7.1 This application seeks outline planning permission for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works on land west of Turners Hill Road and north of Huntsland Turners Hill Road Crawley Down. It is the means of access that is to be determined at the outline stage, with landscaping, appearance, layout and scale to be determined in a subsequent reserved matters application.

8.0 Relevant Planning History

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

9.0 Site and Surroundings

- 9.1 The site of the planning application lies to the west of Turners Hill Road in Crawley Down. In planning policy terms, the site is within the countryside as defined in the District Plan. It is part of a larger site that is proposed to be allocated for development under policy DPA9 in the Submission draft District Plan, which is currently at examination.
- 9.2 The site itself comprises two fields which are gently undulating. The southern field forms the higher reaches of a gentle ridge which drops away to the north, south and west; from 125m AOD (Above Ordnance Datum) at its highest point to 115m AOD along the southern boundary with AW33, to 117m along the western boundary with

Bushy Wood and to its lowest point of 110m AOD along the north western boundary with Wins Wood and Pescotts Wood. Both fields are of varied shape and size and bordered by hedgerows and hedgerow trees.

- 9.3 Footpath AW35 run alongside the western boundaries of the site and connects via AW32 to Huntsland and thence Turners Hill Road, and via AW34 with the Worth Way which connects Crawley Down with Crawley to the west and East Grinsted to the east.
- 9.4 The land to the east of the application site is predominantly residential in nature with properties comprising a variety of different house types, ages, and styles, but predominantly two and two and a half stories. To the west there is woodland. To the north there is a wooded area and a collection of redundant farm buildings at Hurst Farm. Hurst Farm is proposed to be allocated for 37 dwellings under policy DPA10 in the draft District Plan. To the south are fields that form part of the duplicate planning applications submitted by the applicants for land south of Huntslands (DM/25/0014 & DM/25/0015).

10. Application Details

- 10.1 This application seeks outline planning permission for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works on land west of Turners Hill Road and north of Huntsland Turners Hill Road Crawley Down. The means of access is to be determined at the outline stage, with the appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 10.2 The application is supported by parameter plans and an illustrative masterplan that shows how the internal layout of the site could be configured to accommodate the development that has been applied for.
- 10.3 The plans show that the development would be served by the existing access at Wychwood. The existing access road would be realigned to the southwest of 27 Woods View to form a new access point into the field to the west. The application proposes that the existing grassed path that runs alongside Wychwood would be changed to a hard surfaced footpath. The plans also show a new section of paved footway on the west side of Wychwood, which would terminate level with 36 Wychwood Place.
- 10.4 The illustrative plans show that the northern most field would contain residential dwellings. The illustrative layout plan shows this field being developed with the houses facing outwards around a looped access road. The parameter plans show the density in the centre of this field being up to 40.5 dwellings per hectare (DPH) and up to 34dph on the edge of this field.

- 10.5 The illustrative plans show the southern field would have residential dwellings in the centre of the site, with open space, community space, community allotments and a neighbourhood area for play at the southern end of the site. There would be a link through to the footpath to the south. The applicant's original illustrative layout plan showed the care home on the western side of the site. The applicants have subsequently provided an additional plan that shows two alternative positions for the care home, firstly in the northern field and secondly in the eastern side of the site. These are all illustrative to demonstrate how the proposals, including the care home, could be delivered in a subsequent reserved matters application.

11.0 Legal Framework and List of Policies

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

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

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

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

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

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

- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a Development Plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).

- 11.7 National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the Development Plan, but is an important material consideration.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.
- 11.10 The following list of policies are relevant in the determination of this application;

11.11 Mid Sussex District Plan (MSDP) 2014-2031

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

DP4 Housing

DP6 Settlement Hierarchy

DP12 Protection and Enhancement of Countryside

DP13 Preventing Coalescence

DP15 New Homes in the Countryside

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP23 Communication Infrastructure

DP24 Leisure and Cultural facilities and Activities

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP34 Listed Buildings and other Heritage Assets

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.12 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

SA38 Air Quality

11.13 Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made on 28th January 2016. Relevant policies:

CDNP01 - Securing Sustainable Local Infrastructure

CDNP05 - Control of New Developments

CDNP06 - Sustainable Drainage Systems

CDNP07 - Retention of Existing Employment Sites and the Use of Vernacular Buildings

CDNP08 - Prevention of Coalescence

CDNP09 - Protect and Enhance Biodiversity

CDNP10 - Promoting Sustainable Transport

11.14 Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.15 Other Material Considerations

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

11.17 The District Council is reviewing and updating the District Plan The Submission Draft District Plan was published for public consultation on 12th January 2024 and is currently at examination.

11.18 The site of this application is part of a wider site that is proposed to be allocated for development under policy DPA9 in the Submission Draft District Plan. Policy DPA9 refers to the site as land to the west of Turners Hill Road, Crawley Down, and proposes to allocate the site for 350 dwellings. The policy refers to the following being provided on site:

- Community building
- Allotments
- 50 bed (C2) care home
- Play area
- Other outdoor provision
- Outdoor sports 52 (footnote 52 Subject to further discussion regarding overall provision within settlement, refer to IDP for most up-to-date position.)
- Informal outdoor space

11.19 The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Education
- Library
- Local Community Infrastructure
- Emergency services
- Ashdown Forest SPA and SAC mitigation

11.20 The policy also refers to the provision of:

- Sustainable transport measures
- Highway works
- Sewerage network upgrades

- 11.21 In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of an 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. There are unresolved objections to Policy DPA9 in the Submission Draft District Plan. As such, only minimal weight can be given to policy DPA9 and this planning application has been assessed against the policies of the adopted District Plan.
- 11.23 In addition, on 4th April 2025 (following the conclusion of the Stage 1 Examination Hearings for the District Plan Examination on 31st October) the examining Inspector wrote to the LPA advising that in her view, the Council had failed to meet the Duty to Cooperate (DtC). The Inspector's letter advises that there are two options open to the Council, namely, to withdraw the Plan from examination or to ask that the Inspector writes a report of her conclusions. The Inspector advised that the latter option of asking for a report to be written would be very likely to result in a similar conclusion to that contained within her letter.
- 11.24 At the time of writing this report, the District Council has not withdrawn the draft District Plan and has not asked the Inspector to write her report. Therefore, at the time of writing this report, the draft District Plan remains at examination and, given the objections to Policy DPA9, has limited weight in decision making. However, if the Inspector were to write a final report in terms similar to her letter of 4th April 2025, the LPA would not be able to adopt the Submission Draft District Plan without challenging that decision successfully in Court. Until this issue is resolved, this is a further reason why limited weight should be given to the Submission Draft District Plan.
- 11.25 Whilst minimal weight can be afforded to the Submission Draft District Plan as a statement of policy, it is relevant to note that all the sites that are proposed to be allocated for residential development in the Submission District Plan are supported by a significant evidence base, which was formed during the site selection stage of the District Plan preparation.
- 11.26 All the sites that are proposed to be allocated for residential development in the Submission Draft District Plan have gone through the same site selection process. The methodology that was followed to develop a shortlist of potential housing sites that could be allocated in the Revised District Plan was set out in the paper entitled District Plan Review: Site Selection Methodology, October 2023. The final decisions on which sites were allocated in the Revised District Plan was informed by other evidence documents such as Sustainability Appraisal and Habitat Regulation Assessment. The site selection process was developed in order to determine the most sustainable and developable sites in accordance with the NPPF, which will ensure that the site selection is consistent with the principles of sustainable development and consistent with the policies within the NPPF.
- 11.27 The initial step was to identify the pool of sites for consideration and assessment. The NPPF requires all local authorities to prepare a Strategic Housing Land Availability

Assessment (SHELAA), to enable them to have a clear understanding of the land available in their area. The SHELAA 2023 (Stage 1) provides the pool of sites, from which specific deliverable and developable sites have been identified and allocated through the Plan making process. Stage 2 of the process was the detailed assessment of sites. This included three steps by which sites can be rejected resulting in a final shortlist of sites for further testing at Stage 3. This ensured that only the most suitable, sustainable and deliverable sites were proposed for allocation.

11.28 There are 14 criteria which each housing site was assessed against, split into three parts: Environmental Constraints, Deliverability and Accessibility. The first section of the assessment considered the Environmental constraints. This section of the criteria has been developed to reflect the requirement of the NPPF to steer development away from the most environmentally sensitive locations. The Council used the site selection stage to ensure that the greatest weight is given to those criteria. The second section of the assessment looked at the Developability considerations. This took account factors such as availability of sites and the achievability of appropriate and safe access. The third section of the assessment looked at Accessibility; the proximity and connection of sites in relation to services to ensure sites are located in the most sustainable places.

11.29 Appendix 4 of the Site Selection Methodology paper, provides the following conclusion in relation to site allocation DPA9:

'The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers, associated with this site. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.

In light of the above, it is considered that the site represents a suitable option for allocation. Therefore this site is allocated in the District Plan 2021 – 2039 Proposed Submission (DPA9).'

11.30 In short, in the preparing of the Submission Draft District Plan the Council has been through what officers consider to be a rigorous process of site selection, which has concluded that the DPA9 allocation is a sustainable location and is one of the sites within the District which is most suitable for meeting the District's housing need. Although the examining Inspector's letter to the District Council of 4th April 2025 is critical of the LPA, those criticisms focus on the DtC and do not call into question the methodology for the site selection work. In your Planning Officer's view, this work is robust and can be relied on to support decision making.

11.31 Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

planning applications. The SPD is a material consideration in the determination of planning applications.

11.32 SDP Development Infrastructure and Contributions (2018)

11.33 Affordable Housing Supplementary Planning Document (SPD)

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

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

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

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

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

11.39 Paragraph 12 of the NPPF states;

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

11.40 Paragraph 39 of the NPPF states;

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

11.41 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.

11.42 National Planning Policy Guidance

12.0 Assessment

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

- The principle of development;
- Transport matters
- Landscape Impacts and impact on agricultural land
- Coalescence
- Heritage Assets
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Residential amenity
- Air quality
- Contaminated land
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

12.2 Principle of Development

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

12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the adopted District Plan. As such the site is located within the defined countryside.

12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposal does not meet all the criteria of policy DP12.

12.6 Policy DP6 of the MSDP states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

12.7 The proposed residential development does not meet all of these criteria.

12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

- Essential agricultural or forestry workers accommodation
- Exceptional design quality for isolated new homes
- Rural exception sites
- DP6 requirements being met

12.9 The proposed residential development does not meet any of these special justifications.

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

12.11 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. As per planning legislation, a decision must be made in accordance with the

Development Plan unless there are any material planning considerations which indicate otherwise. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

- 12.12 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.
- 12.13 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.14 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.15 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.16 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.17 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the

need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

- 12.18 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.19 As part of this process, the weight to be given to Development Plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.20 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.21 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.22 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.23 Policy CDNP05 in the CDNP states:
- '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:*
- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area (11).*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*

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.*

i) *The development is arranged such that it integrates with the village.*

j) *Housing need is justified.*

k) *The development does not impact unacceptably on the local highway network.*

l) *Issues raised in the local housing supply document site assessment are satisfactorily addressed.*

m) *Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*

n) *Includes affordable homes as required by District policy.*

o) *Proposals for new housing developments must meet the standards set out in Appendix 1*

p) *Developments of 6 (12) or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:*

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

*Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes
(13)*

Footnote 11: The numbers set levels to;

i) *ameliorate the impact of development on any single part of the village, control rate of growth and consequent impacts on community and infrastructure.*

ii) *to provide adequate open space and separation between dwellings.*

iii) *to provide adequate on site space to meet the parking provisions of item r)*

iv) *25/Ha based on existing density of 23.64/Ha when principle non estate roads, civic/commercial areas and existing open spaces are excluded.*

v) *reflect the desire for smaller developments whilst recognising that sites must be viable for developers.*

Footnote 12: The number 6 reflect the MSDC designation of "smaller sites" while enabling a useable split using the housing mix requirements

Footnote 13: The numbers are based on the need to meet the findings of the village housing study which clearly identified the above mix to meet the needs of those entering the housing market and those wishing to down size and release larger houses to the market.'

- 12.24 This policy refers to a cap in the quantum of residential development of 30 dwellings and refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 12.25 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

12.26 Transport matters

- 12.27 Policy DP21 in the MSDP states:

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the*

development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

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

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

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

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

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

12.29 Policy DPA9 of the Submission Draft District Plan lists the following requirements in relation to transport:

- '6. Integrate and enhance the existing PRowS within the site and retain the character of PRowS that border the site.
- 7. Provide suitable pedestrian and cycle connections to Crawley Down, including via the Worth Way.
- 8. Integrate development with the site to the north (DPA10) such as through the design of the site layout and by providing pedestrian and cycling connections between the developments, green infrastructure and ecological corridors.
- 9. Provide suitable access to Turners Hill Road to each of the three areas of the site. The northern access is to be via Wychwood Place and the middle access and route through site is to be separate from Huntsland which will remain a no through road and public right of way.'

Although, for the reasons set out in in paragrapg 11.21 of this report, Policy DPA9 has limited weight, this list remains helpful in identifying the site-specific requirements which are necessary in order to satisfy paras 115-118 of the NPPF.

12.30 The application has been supported by a Transport Assessment (TA), Travel Plan, Road Safety Audit and a Transport Statement Addendum. All these documents have been carefully considered by the Local Highway Authority (LHA) and National Highways, and their comments can be found in full in appendix B to this report, and on the planning file.

12.31 There are several differing highway elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; and Parking. All these elements will be considered separately in the following paragraphs.

12.32 Access arrangements and offsite works

12.33 The plans show that the development would use the existing vehicular access of Wychwood to connect onto the Turners Hill Road. The existing road would be realigned to the southwest of 27 Woods View in order to provide the new vehicular access point into the site. The plans show the existing road being realigned so that it runs directly into the site, with a new T junction being formed from Woods View to the north.

- 12.34 In terms of offsite works associated with this application, the application proposes to change the existing grassed footway on the east side of Wychwood and replace this with a hard surfaced footpath. The plans also show an extension of the existing paved footway on the western side of Woods View. This would be extended northwards and would terminate to the north of 36 Wychwood Place. This would allow pedestrians to then cross over the road and go eastwards along the existing shared surface to link with the signalised crossing on the Turners Hill Road to the east, or to continue north on the resurfaced footway on the east side of Wychwood.
- 12.35 A concern that has been raised by those opposed to the scheme relates to the suitability of Wychwood to serve the proposed development. Wychwood is some 150m in length and is some 5m in width. It has a dog leg corner opposite 14 Wychwood, where the road turns southwards. The objections relate to the width of the access road and the sharp turn, with concerns being raised about the suitability of the road to safely deal with the volume and type of traffic associated with the development. Concerns are raised about the prospect of vehicles meeting one another at the corner by 14 Wychwood and not being able to pass one another at this point, particularly larger vehicles that might be associated with the care home. During the course of the application, the applicants have responded to points raised by the LHA regarding the proposed access arrangements.

12.36 The LHA have stated:

Reference is also made to Wychwood Place meeting the relevant geometric standards as set out within Manual for Streets to justify the more intensive use resulting from this proposal. WSCC acknowledge that the existing widths (of approximately 5 metres) would satisfy those within MfS but very much in terms of minimum criteria rather than desirable. Despite the Applicant's assertion that the potential for two opposing vehicles (i.e. two cars) to meet on the 90 degree bend within the initial length of Wychwood Place is 'vanishingly small', WSCC would dispute this with table 2.4 in the TAA indicating AM and PM peak two-way movements being 106 and 103 respectively. Clearly the potential for two opposing vehicle to meet at the bend is very much real although two cars are though expected to be able to pass but with care. A larger vehicle would occupy the whole carriageway although this will happen at present with refuse vehicles regularly visiting the existing dwellings. There is the potential for additional servicing trips associated with the care home. However these will likely be off-peak, and therefore away from the busiest times within the site, and represent a very small number of daily trips.

In reviewing vehicular access via Wychwood Place, WSCC Highways would conclude that the existing as-built carriageway width would meet the requirements within MfS and would therefore in principle be appropriate to serve the additional quantum of development. WSCC accept that the existing carriageway widths very much represent minimum standards given the development proposed and the anticipated number of vehicle movements, and WSCC would still ideally request widening on the bend.'

12.37 In response to the LHAs comments regarding the use of Wychwood, the applicants have stated that Wychwood Place:

'Meets WSCC's geometric standards for adoption as highway (consistently meeting minimum criteria with much of the access road to the allocation site exceeding minima).

- Enables the passage of typically expected vehicles.
- Accommodates service vehicles without allowing their requirements to dominate the layout (ref: Manual for Streets paragraph 6.8.1).
- Allows larger vehicles to use the full carriageway widths (noting that traffic flow will remain low). The likelihood of a vehicle encountering another vehicle at this time is, and will remain, vanishingly small.
- Achieves appropriate forward visibility for 85th percentile speeds.
- On this basis, there will not be an unacceptable safety impact on Wychwood Place (ref: NPPF paragraph 116.)'

12.38 The applicants have stated that it is not possible for Wychwood Place to be widened where it turns the corner as they do not have ownership of the land that would be required. They have also advised that it would not be possible for them to provide access to the site from Hurst Farm to the north as this site is in separate ownership, or from Huntsland to the south, as this is a public footpath with vehicle access rights only for residents with direct access from it and in addition, the geometry is inadequate and the applicants don't control the land that would be required to widen it.

12.39 In their concluding comments, the LHA state that *'based on the information presented and viewed against paragraphs 115 and 116 of the National Planning Policy Framework, WSCC Highways are satisfied that this proposal would not result in any severe or otherwise unacceptable highway safety impacts. As such, no objection would be raised.'*

12.40 It is acknowledged by your Planning Officer, that the concerns raised regarding the suitability of Wychwood to serve the development are material planning considerations that should be taken into account in the determination of this application. In respect of larger vehicles occupying the entire carriageway when turning the corner in Wychwood, this situation will occur now, but it is recognised that the frequency of this would increase as a result of the development. The width and geometry of Wychwood encourages vehicles to travel at low speeds. This would remain the case with the development in place.

12.41 The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process. As there are no objections from the LHA on these matters, it is not considered that an objection based on these points could be sustained.

12.42 Impact on highway network

12.43 With regards to the volume of vehicular traffic likely to be generated by the development, the applicants Transport Assessment Addendum provides the following table:

Morning Peak Two Way Traffic Flow (vehicles)		Evening Peak Two Way Traffic Flow (vehicles)
Existing	26	25

150 homes	71	70
Care home	9	8
Total	106	103

- 12.44 In respect of the impact of the proposal on the wider highway network, the TA that has been submitted with the application is based on a total of 350 dwellings which is the total number of dwellings proposed in this application and the application for the site to the north of Huntsland, and the care home, which together form the site that is proposed to be allocated for development under policy DPA09 in the Submission Draft District Plan.
- 12.45 An Automatic Traffic Counter (ATC) was placed on Turners Hill Road, south of Huntsland for 7 days between 9th November 2023 and 16th December 2023. The average hourly daytime traffic flow (07:00-19:00) is circa 344 vehicles northbound and 337 southbound and the 85th percentile speed is 35.7mph in the northbound direction and 35.6mph in the southbound direction.
- 12.46 The TA has assessed the impact of the development in 2031 upon the following junctions in the surrounding highway network, together with other committed development:
- M23 Junction 10
 - Copthorne Way roundabout
 - Brookhill Road, Copthorne Road roundabout (with and without mitigation)
 - Dukes Head roundabout
 - Turners Hill Road/Sandy Lane
 - Hophurst Lane/Sandy Lane/Vicarage Road
 - Turners Hill Crossroad
- 12.47 The LHA have stated *'The TA provides the conclusions of the highway capacity assessment with it noted that this is based on 350 dwellings (i.e. the total number of units within the northern and southern planning applications). It's further recognised that the scheme is not anticipated to result in any severe or unacceptable impacts upon the operation of those junctions within the study area.'*
- 12.48 It is noted in the TA that the Brookhill Road / Copthorne Road Roundabout without mitigation, Dukes Head Roundabout and the Turners Hill Crossroad will operate over capacity in 2031 plus committed development and this proposed development. The TA notes that the impacts were not judged to be severe in the Mid Sussex Transport Study (MSTS), which forms part of the evidence base behind the Submission Draft District Plan.
- 12.49 National Highways is responsible for the Strategic Road Network (SRN). They have considered the impact of the development on junction 10 of the M23 and have raised no objection to the proposal, subject to conditions. It is therefore considered that the development would have no adverse impact on the operation of the SRN.
- 12.50 The LHA have not disputed the applicants figures and have not objected to the application based on the impact of the development on either the operation of the junction of Wychwood with Turners Hill Road or the capacity of the wider highway network. As there are no objections from either the LHA or National Highways on

these matters, it is not considered that an objection based on these points could be sustained.

12.51 Sustainable Transport

12.52 In line with guidance in the NPPF, the applicants have provided a Transport Vision for the site in their TA. The TA refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite improvements and good on-site layout design and minimising the need to travel through on-site infrastructure.

12.53 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Travel Plan, which has been assessed by the LHA. The Framework Travel Plan will aim to achieve at least a 10% reduction in trips by single occupancy vehicles in line with WSCC guidance. The Travel Plan includes the provision of a car club vehicle and the provision of vouchers for discounted travel by bus or cycle / cycling equipment purchase.

12.54 In addition to this, the applicants propose the provision of real time information on the bus stops on the north and southbound side of the Turners Hill Road at the existing bus stops located to the north of the Wychwood access. The applicants are also proposing to fund the enhanced frequency of the 272 Metrobus service on evenings and weekends for a period of 2.5 years.

12.55 The applicants have advised that there is agreement to provide two electric car club vehicles within the study area for three years, with three years free membership for new residents of the site. One car will be provided in each application site. This would be secured in the legal agreement.

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

12.57 Car and Cycle Parking

12.58 As this is an outline application, a future reserved matters application would deal with car and cycle parking. The applicants indicate that this would be provided to meet the current standards or any subsequent standards that may be adopted at that time. There are no reasons why a satisfactory level of cycle and car parking could not be provided at the reserved matters stage.

12.59 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging infrastructure will be provided in accordance with the adopted EV charging standards at the time of the reserved matters application, which is currently a minimum of one charging point for each new dwelling.

12.60 Other Transport Matters

12.61 Objections have been raised regarding the suitability of Wychwood and Wychwood Place for the increased use of these roads by vehicles. Objectors state that this is a private road whose construction is not suitable for the additional vehicular movements and that existing residents should not have to pay any increased maintenance costs that might arise. Whilst these concerns are noted, the role of the

LPA is to assess the suitability of the access road in planning terms to serve the proposed development (will it provide a safe and satisfactory access as required by development plan policy). Issues regarding future maintenance of the road are private legal matters that would need to be dealt with by the owners of the road and those that have a legal right to use it.

- 12.62 Objections have also been raised relating to the safety of the proposed vehicular access for vulnerable groups. Specific reference has been made as to whether the LPA have addressed the requirement of the Equalities Act in assessing the proposed access arrangements for the development.
- 12.63 Local authorities are under a duty not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010. They are also subject to the public sector equality duty (section 149 of the Equality Act 2010). This imposes a procedural requirement when the authority exercises its functions, including meetings, to have due regard to the need to: eliminate discrimination, advance equality of opportunity between those with protected characteristics and those without and foster good relations between those with protected characteristics and those without when carrying out their activities.
- 12.64 Having due regard for advancing equality involves: Removing or minimising disadvantages suffered by people due to their protected characteristics; Taking steps to meet the needs of people from protected groups where these are different from the needs of other people, including steps to take account of disabled persons' disabilities; Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities.
- 12.65 The duty is personal to the decision maker who must direct their mind to the obligations. There must be a proper and conscious focus on the statutory criteria and appreciation of the potential impact of the decision on equality. The substance and reasoning must be examined. A properly informed rational view must be taken on the extent of the likely impact. There does not however need to be a formal impact assessment. The absence of it will not make the decision unlawful. But there has to be collection and consideration of information to enable the Council to assess whether the decision would amount to unlawful discrimination or impact on the promotion of equality of opportunity or impact on the promotion of good relations and if so, the extent, nature and duration of that impact.
- 12.66 The LHA has provided advice on the suitability of the proposed access arrangements to serve the development and have concluded that the access arrangements are satisfactory. This assessment has taken account of vulnerable users such as pedestrians and cyclists and the LHA have given due regard to access by disabled groups with the relevant guidance of Inclusive Mobility having been taken into account. The proposed resurfacing of the existing grassed footway at Wychwood will mean that there would be a continuous hard surfaced pavement available from the site out onto Turners Hill Road. There are no significant gradients within development site that could have an adverse impact on vulnerable users. Whilst there would be an increase in vehicular movements on Wychwood and Wychwood Place, the layout of these roads means that vehicle speeds would be low.
- 12.67 In view of all the above, and having considered the advice of the LHA, it is considered that the proposed access arrangements are satisfactory with regards to the impact of the proposal on vulnerable groups, such as those with mobility issues,

visual or hearing impairments. It is therefore considered that the Council's public sector equality duty to have due regard to the need to not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010, has been sufficiently undertaken in the consideration of this planning application.

- 12.68 Concerns have been raised about the structural integrity of the Turners Hill Road bridge over the Worth Way and the impact of additional traffic from this development on the bridge structure. Whilst these concerns are noted, no evidence has been provided to the LPA to substantiate these concerns. The LHA are responsible for the bridge as this is part of the public highway, and they have raised no concerns on this issue.
- 12.69 Concerns have also been raised about the width of the pavement on the road bridge over the Worth Way. The footway is 0.85m wide at its narrowest point, the northern end of the bridge. The applicants have stated that *'This is sufficiently wide for pedestrian passage (ref: MfS Figure 6.8). It widens to 1.2m at the southern end, sufficient for an adult and child to walk side by side. The carriageway on the bridge is 5.8m to 6m wide. This is sufficient for cars and HGVs to pass one another and is also sufficient for two HGVs to pass (ref: MfS Figure 7.1).'* They go on to state *'Pedestrian demands on the bridge are low and Turners Hill Road south of the village will not be a key desire line for residents – with few services or homes located in this direction. Some residents in the southern part of the application site may walk to the pair of bus stops south of the village, although this alone is unlikely to materially change walking demands on the bridge, noting there is a second bus stop with an additional service, in the north of the village.'*
- 12.70 The applicant refers to vehicular movements over the bridge, stating *'development traffic increases on the bridge will be low – no more than around one vehicle every two minutes during the weekday peak hours. Crucially, there is no reason why the number of HGV trips over the bridge would increase - a Construction Traffic Management Plan can be secured by planning condition and used to control routing of large vehicles during site construction, if required. There have been no injury accidents on the bridge in the latest available five-year period.'*
- 12.71 The LHA has not raised a concern in relation to this issue, and it is considered that the applicants have sufficiently demonstrated that the proposed development would not cause a safety issue to pedestrians using the pavement on the bridge.
- 12.72 On the wider issue of the use of this pavement, it is acknowledged that the route for pedestrians exiting the site, who want to access the northbound bus stop on the western side of Turners Hill Road is somewhat convoluted. Pedestrians would have to cross the Turners Hill Road, go south, cross Grange Road and then cross back over the Turners Hill Road. The Council's Urban Designer/Architect has stated *'regarding the connection from the southern site exit to the existing bus stop to the south-west, and the potential for a clip-on walking and cycling path along the western edge of the bridge, I feel that while the technical response is acceptable in planning terms, it does not adequately address the issue of the very indirect route. Proposed route fails to align with the natural desire lines that will emerge from this new development. I believe that although presented solution is acceptable, this is an example of a missed opportunity to create a more direct and attractive link that could significantly enhance the likelihood of residents—of all ages and body abilities—using public transport. Improving this connection would contribute meaningfully to making the development more sustainable.'*

12.73 It is your Planning Officer's view that whilst the proposed arrangements outlined above are not optimal, they would provide an adequate way for pedestrians to access the northbound bus stop. Given the likely levels of pedestrian movement generated by the development, it is not felt that a new pedestrian bridge over the Worth Way would be justified. The LHA concurs with this view. It should also be noted that the proposed Toucan crossing south of Vicarage Road would be delivered as part of the planning application for the site south of Huntslands (DM/25/0014 & DM/25/0015).

12.74 Construction stage

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

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

12.77 Transport Conclusions

12.78 The development would utilise the existing road of Wychwood to provide vehicular access into the site. The proposal would provide a hard surfaced footway to replace the current grassed footway alongside Wychwood and would provide a new section of footway to allow pedestrians to utilise a paved footway when entering and exiting the site and heading to/from Crawley Down. The plans would provide pedestrian connection points to the public rights of way to the north, west and south of the site and would provide real time information on the two bus stops on Turners Hill Road, north of the Wychwood access. The scheme would include a Travel Plan, car club and would provide monies towards an enhanced bus service.

12.79 It is acknowledged that at peak times there is congestion and queuing at the Dukes Head roundabout, Brookhill Road / Cophorne Road Roundabout and the Turners Hill Crossroad. As Members will be aware, there is no requirement for developers to seek to resolve existing capacity issues on the highway network. It is only lawful for developers to seek to address the impact of their proposed development. With the mitigation proposed in the application, the LHA do not consider that the impact of the proposed development on the wider highway network would be severe.

12.80 The concerns and objections to the use of Wychwood to access the site from local residents are acknowledged. The LHA consider that the existing as-built carriageway width would meet the requirements within MfS but acknowledge that *'the existing carriageway widths very much represent minimum standards given the development proposed and the anticipated number of vehicle movements, and WSCC would still ideally request widening on the bend.'* Notwithstanding this point, the LHA have not objected to this planning application, but have recommended approval subject to conditions and a legal agreement to secure the Travel Plan, car club and highways works. The level of vehicular traffic from the development would not have a severe impact on the road network and the access onto Turners Hill Road would not operate over capacity. The scheme would provide a continuous pedestrian footway from the

site onto the Turners Hill Road and there would be connections to the wider public right of way network.

- 12.81 Your Planning Officer agrees with the comments of the LHA on these points. The test in the NPPF of only refusing applications on highway grounds *'if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'* is a high bar. As the LHA do not consider the application conflicts with this guidance, it is your Planning Officer's view that it would not be sustainable for the LPA to seek to resist the application on highways grounds.
- 12.82 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. National Highways, the body responsible for the SRN also have no objection to the application. With planning conditions to secure the details of the access points and highways works, and a legal agreement to secure the Travel Plan and car club, it is considered that there are no sustainable grounds to resist the application on highways grounds.

12.83 Landscape Impacts

- 12.84 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.21 of this report, refers to the following matters in relation to landscape matters:

'4. Provide a woodland buffer to existing vegetation along the southern boundary and set development back from the Worth Way to mitigate potential visual impact to the route and help enhance its setting.

5. Provide a 5m landscape buffer to existing hedgerows.

10. Avoid development in the most sensitive areas, including the central ridge. 11. Provide a country park in southern part of site and along western boundary linking the north and south parts of the site. It meets the requirements of other relevant development plan policies.'

- 12.85 Policy DP12 in the MSDP states:

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

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded'

- 12.86 The application has been supported by a Landscape and Visual Appraisal (LVA) and a LVA Addendum, provided in response to comments from the Councils Landscape Consultant.
- 12.87 The Council's Landscape Consultant advises that the site is very characteristic of the local landscape character descriptions. Key characteristics of the Landscape Character Area 6 (High Weald) include; wooded, confined rural landscape of intimacy and complexity, attractive, locally secluded and tranquil, drained by sinuous gill streams, long views over the Low Weald, significant woodland cover, sense of enclosure, pattern of small irregular assart fields, rich biodiversity. As a representative landscape of the Landscape Character Area (LCA) this increases the sensitivity of the site.
- 12.88 The Council's Landscape Consultant states *'The site benefits from being surrounded by characteristic woodland cover and established boundary vegetation which contributes to reducing the visual effects of the development from a number of surrounding visual receptors. This also allows significant mitigation measures in the form of planting to be proposed which would not appear out of character with the surrounding area. We do however acknowledge that the whole development site has very few visual receptors, all of which are located on the immediate site boundaries. Visual effects are agreed to be localised and limited, however the value of these views should not be undervalued given their particular sensitive locations.'*
- 12.89 The Consultant goes on to make recommendations regarding additional planting close to the southern boundary with the public right of way, setting development back from the western boundary, locating the care home closer to the existing urban edge, having a wider public open space along the western boundary and significant planting along the western boundary, planting the SuDS features to these urban features are well integrated and locating higher buildings towards the eastern edge of the site. The Consultant concludes that *'The proposed development will cause permanent adverse impacts on the landscape character which can be partially mitigated through some additional layout amendments and mitigation measures.'*
- 12.90 In response to the LVA Addendum, the Council's Landscape Consultant welcomes that this addresses their recommendations through amendments to the submitted Illustrative Masterplan or through acknowledgement that these will be considered at the Reserved Matters stage, and concludes by stating *'Overall, we welcome the information submitted within the LVA Addendum.'*
- 12.91 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly

rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

- 12.92 As set out above, the applicant's supporting information has been assessed by the Council's Landscape Consultant and their comments are summarised at the start of the report and set out in full in the appendix. Your Planning Officer agrees with the comments of the Council's Landscape Consultant. It is considered that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP.
- 12.93 Notwithstanding this general conflict with policy DP12, the illustrative layout plan for the northern part of the site, shows the development set away from the boundaries of the site, with sufficient space for landscaping. The plans also show an area of open space on the southern side of the site, with a link to the southern part of the site.
- 12.94 However, for the reasons set out in paragraphs 11.21 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12.
- 12.95 Agricultural land
- 12.96 As set out above, part of policy DP12 relates to the protection of grade 3a and above agricultural land from non-agricultural development. Paragraph 187b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*'
- 12.97 The applicants have provided an Agricultural Land Classification and Soil Resources report. This notes that the percentage of best and most versatile agricultural land (grades 1, 2 and 3a) is at circa 47% of the overall site. Therefore, there is some conflict with this part of policy DP12. However, it is noted that only moderate weight can be afforded to policy DP12 at present. The proposal would be required to provide a 10% gain in biodiversity, and this would accord with the aim of para 187b of the NPPF in respect of recognising the benefits from natural capital and ecosystem.
- 12.98 Given the tilted balance that must be applied because of the inability to demonstrate a 5 year housing land supply and the significant weight that should be applied to the goal of boosting housing delivery, it is not considered that the loss of best and most versatile agricultural land is so significant in this instance that it would justify resisting this planning application.

12.99 Coalescence

12.100 Policy DP13 in the MSDP seeks to retain the separate identity of settlements and to prevent coalescence between towns and villages. Whilst not a housing supply in itself, policy DP13 does impact on the delivery of housing. As such, in light of the Council not being able to demonstrate a five year housing land supply, it is considered that this policy attracts moderate weight at present.

12.101 Policy CDNP08 in the CDNP has similar aims, stating:

'Development outside the village boundary will only be permitted if it can be demonstrated that:

a. It does not detract significantly from the openness and character of the landscape.

b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.

c. It does not significantly reduce the gaps between the village and neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.'

12.102 Again, this is not a housing policy in itself, but it does impact on the delivery of housing. For the same reasons as set out above, it is considered policy CDNP08 attracts moderate weight at present.

12.103 The proposed development would be located in between the current gap between Crawley Down and Copthorne and Crawley to the west. The site is well enclosed and there would still be a clear impression of leaving one settlement and then arriving in the next. There would be a gap of some 1.6km as the crow flies between the edge of the site and the built-up area of Copthorne and some 3.2km between the site and the edge of Crawley. It is your Planning Officer's view that the development would not result in coalescence between these settlements.

12.104 Heritage Assets

12.105 The Local Planning Authority (LPA) is under a duty by virtue of S.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

12.106 Policy DP34 of the District Plan states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*

- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

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

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

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

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

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

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional (Footnote 75)*

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

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

12.108 There are no designated or non-designated heritage assets within the sites themselves, but there are a number within the vicinity.

12.109 Designated Heritage Assets (DHA)

12.110 Westlands, Turners Hill Road is a Grade II listed former farmhouse of two parallel ranges dating from the 16th century and the early 19th century. The associated farmstead appears to have been largely located to the north of the farmhouse, and is now lost, but there is one remaining outbuilding to the rear of the house which may

be regarded as curtilage listed. Westlands Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the 19th century.

12.111 The Councils Conservation Officer states *'...the surviving rural setting of the farmhouse will make a strong positive contribution to its special interest and the manner in which this is appreciated. The farmhouse fronts on to Turners Hill Road, with residential development opposite. There is further development to the north and south. However to the west a rural landscape of fields and woodland survives. The northern part of the northern application site lies a short distance to the south west of Westlands, separated from it by a field partly occupied by the more modern agricultural buildings associated with Hurst Farm. A public right of way (PROW) runs westwards from Turners Hill Road along the southern boundary of the gardens to Westlands- this continues west along the northern edge of Hurst Farm before turning south and passing along the western side of the application site. The northern site (fields 1 and 2) therefore forms part of the wider rural setting of Westlands.'* The Conservation Officer goes on to state *'The northern site is therefore considered to make a modest positive contribution to the special interest of the listed building and how this is appreciated.'*

12.112 In relation to the impact of the proposal on the setting of Westlands, the Conservation Officer states *'The development on the northern site will affect the character of the approach to the listed building along the PROW from the south west. Given the distances involved and the likely screening by intervening trees and buildings, I would place the harm caused to the contribution made by the rural setting of the house to its special interest at the lower end of the less than substantial scale.'*

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

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

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

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

important material planning consideration and in the balance between the less than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.

12.116 Heatherwood South and Heatherwood West, Sandy Lane are two properties formed from what was originally one substantial 19th century dwelling, which is now Grade II listed. They are located to the north of Sandy Lane, to the east of Turners Hill Road, and separated from the site by Pestcotts Wood, and modern residential development at Wychwood to the west of Turners Hill Road. In the Conservation Officer's opinion, *'given the intervening roads, woodland and buildings the current proposal will not materially affect the setting of this listed building.'* Your Planning Officer has no reason to disagree with this conclusion.

12.117 Lemon Meadow and Yew Tree Cottage, Turners Hill Road are two halves of Grade II listed 16th century timber framed building. The Conservation Officer states *'I would consider the building to possess architectural interest based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex building, possibly a former farmhouse, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. As such, the surviving rural setting of the listed building will be considered to make a strong positive contribution to its special interest and how this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.'*

12.118 In respect of the impact on this heritage asset, the Conservation Officer states *'As above, a significant portion of the surviving rural setting of this listed building is made up by the fields within the southern application site. Although direct intervisibility between the two will be limited, there will be a very significant negative impact on the context within which the building is appreciated in views from Worth Way. Given the placement of the main access road to this development running alongside the opposite side of the Worth Way embankment, in close physical proximity to the listed building, and the scale of the adjacent proposed housing development, there is also likely to be a noticeable increase in noise and light pollution in the area, which will exacerbate the negative impact on the contribution which this part of the setting makes to the asset's significance.'*

This will be contrary to the requirements of District Plan Policy DP34 and in terms of the NPPF will result in a low-mid level of less than substantial harm to the listed building, such that the balancing exercise set out in paragraph 215 will apply.'

12.119 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of this heritage asset. For the same reasons that are set out in paragraphs 12.115 of this report, it is considered that the public benefits of the scheme outweigh this less than substantial harm.

12.120 Non Designated Heritage Assets (NDHA)

12.121 Huntsland House, Huntsland Barn, Primrose Lodge and the Coach House Turners Hill Road are buildings that lie to the south of a trackway leading west off Turners Hill Road. They are situated between the northern and southern proposed development sites. Huntsland House is a substantial house, now run as a boutique hotel and wedding venue. The Conservation Officer advises that there are a number of former ancillary buildings around the house, now in separate ownership, which are also of character, and contribute to the group value and the narrative of the assemblage as the core of a modest 19th century country estate and states *'In my opinion, the group*

of buildings at Huntsland merit consideration as non-designated heritage assets of a mid level of interest in the local context, for the following reasons:

- *the quality and character of the buildings;*
- *their group narrative value as a surviving 19th century country house and ancillary buildings, representing the most recent phase of development of a former farmstead, later country estate which appears to have evolved over many centuries, and which retain some fabric and features demonstrating earlier phases of the site's history; and*
- *the historical associative value of the house due to its association with a number of interesting local figures.'*

12.122 In respect of the impact on this NDHA, the Conservation Officer states *'the proposed development will have a fundamental impact on the currently rural character of views looking southwards and eastwards from the house and its immediate garden setting. It will also affect the context within which the NDHA grouping is appreciated in views looking north from the Worth Way and east from the PROW to the west of this site, as well as the character of the approach to the grouping in both directions along the PROW running along the line of the entrance driveway. The scale and proximity of the development is such that there is also likely to be a marked increase in noise, activity and light levels within the group's setting. All of this will remove and reverse the positive contribution made through setting by the site to the significance of the NDHAs. In my opinion this will result in a mid level of harm to an NDHA grouping of a mid level of interest within the local context.'*

12.123 You Planning Officer agrees with this assessment. It is considered that in the balanced judgement required by paragraph 216 of the NPPF, the benefits of the scheme, as outlined in paragraph 12.115, outweigh the harm to the NDHA and subsequent conflict with policy DP34 in the MSDP.

12.124 Arne Lodge, Turners Hill Road was originally the southern lodge to Huntsland House, and sat beside a southern approach to the estate from Turners Hill Road which has now been lost. The Conservation Officer advises that this building also merits consideration as an NDHA, having group value with the buildings at Huntsland, and as a constituent part of this modest country estate, but goes on to state *'However, although the lodge is part of a historical grouping with Huntsland House, it is separated from the southern proposed development site by woodland and more modern development. I do not therefore consider that its setting will be materially affected by the current application.'* Your Planning Officer has no reason to disagree with this assessment.

12.125 Archaeological matters

12.126 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 12.1 of this report, refers to the following matters in relation to archaeological matters:

'1. Assess the areas of archaeological interest – Crest of Sandstone Ridge and the stream running through the High Weald that has a potential pre-historic bank.'

12.127 As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area with the potential to contain significant archaeological

remains. The Council's Historic Environment Consultant has assessed the desk based report submitted by the applicants and states *'Although the exact extent of archaeological remains within the site is currently unclear, what is clear is that any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development. Accordingly, I recommend that further information about the extent and scale of archaeological remains within the site needs to be established prior to the commencement of development. Once this has been established, it would allow for a program of archaeological mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate.'*

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

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

12.129 Design/layout/housing mix, sustainability

12.130 Design/layout

12.131 Policy DP26 of MSDP deals with 'Character and Design' and states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*

- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

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

12.133 Policy CDNP05 in the CDNP has been set out in full earlier in this report, together with the weight that can be afforded to it. There are a number of criteria to this policy that relate to design matters.

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

12.135 The application is accompanied by an Access and Movement Parameter Plan and an Illustrative Masterplan.

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

12.137 It is considered that the principle of locating the play areas, community space, open space and potential allotments in the centre of the site is sound. With regards to the community allotments shown on the illustrative plans, the Parish Council have not indicated a desire for this, as occupancy rates on existing allotments is low. The provision of allotments on this site is something that can be looked at again when the reserved matters application is made for the layout of the site.

12.138 It is also important to note that the description of this outline planning application seeks consent for up to 150 dwellings and a 70 bed care home. Therefore, it is open to the applicants at a future reserved matters application to bring forward an application with fewer dwellings if they consider that this is the most appropriate design approach. The issue for the LPA to determine at this stage is whether in principle, the applicants have demonstrated that this quantum of development could be delivered on the site. It is your Planning Officer's view that the applicants have demonstrated that this quantum of development could be delivered on the site.

12.139 It is therefore considered that in terms of design and layout, the parameter plans, and the accompanying illustrative layouts show that the application complies with policy DP26 in the MSDP and criteria a, c, d, e, f, g, h, l and m, in policy CDNP05 that relate to these matters.

12.140 Standard of Accommodation

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

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

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

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

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

12.143 Accessibility

12.144 Policy DP28 of the MSDP states:

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

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

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

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

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

Wheelchair use dwellings

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

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

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

12.146 Sustainable Design

12.147 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states;

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

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

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

12.149 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their

design approach, including the use of renewable technologies, but it does not require their use.

12.150 The applicant's supporting information states that the development will seek to achieve a water consumption level of no more than 85 litres per person per day, the anticipated employment electric-only heating systems, dwelling facades will be designed to mitigate solar heat gain and provide for natural ventilation, the development will utilise a fabric first approach to reduce energy demand. The applicant's advise in their Sustainability and Energy Statement that it is recommended that air source heat pump (ASHP) systems and rooftop photovoltaic (PV) panels be employed to serve the space and water heating demands of the proposed dwellings.

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

12.152 Affordable housing and housing mix

12.153 Housing Mix

12.154 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. Policy CDNP05 states that larger developments (6 dwellings or more) should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes

12.155 The illustrative mix of housing is set out below:

	1 bed/2 person	2 bed/4 person	3 bed/5 person	4 bed(+)/6 person
Market housing	5-10%	20-25%	40-45%	25-30%
Affordable ownership	10-15%	50-55%	25-30%	5-10%
Affordable rent	30-35%	40-45%	15-20%	5-10%

12.156 This mix reflects policy DPH7 in the Submission Draft District Plan. This policy indicates the direction of travel for the District Council in respect of housing mix, but at the present time, the policy itself can be afforded very little weight because of the

stage at the Submission Draft District Plan has reached in its examination. Nonetheless, the evidence base that sits behind the Submission Draft District Plan can be afforded weight. Policy DP30 in the MSDP requires developments to provide a mix of dwelling types and sizes that reflect current and future housing needs. As the applicants mix is based on the evidence base the underpins the proposed policy DPH7, it is considered that this indicative mix would comply with the aims of policy DP30. It is considered that greater weight should be afforded to policy DP30 in the MSDP than the criteria relating to housing mix in the CDNP because policy DP30 is more recent than policy CDNP05 and in respect of the mix itself, what is being proposed aligns with the evidence base for emerging policy DPH7.

12.157 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDDP and part m of policy CDNP05 in the CDNP.

12.158 Affordable Housing

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

12.160 The proposal would provide 30% affordable dwellings and 2% self build.

12.161 The scheme provides a policy compliant level of affordable housing, and this should be afforded significant positive weight in the determination of this application. The comments of the Council's Housing Enabling Team Manager are set out in full in the appendix, and she raises no objection to the application. The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitable distributed (pepper potted) within the site to accord with the Council's policies. This would comply with policy DP31 in the MSDP and criteria n of policy CDNP05 in the CDNP.

12.162 Residential amenity

12.163 Policy DP26 seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. Policy CDNP05 in the CDNP refers to planning permission being granted for residential development subject to various criteria, one of which states '*Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*' There is some conflict between the wording of these two policies. In accordance with planning law, the conflict must be resolved in favour of the more recently adopted policy. As such policy DP26 should be afforded greater weight and the test is whether the proposal would result in significant harm.

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

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

12.166 The illustrative plans show that the dwellings in field 2 would be separated from the existing dwellings on Woods View by the existing road, existing landscaping and then by the proposed road and landscaping within the site. The site would be visible from Woods View but there would be no significant harm in planning terms.

12.167 It is not considered that the realigned junction to serve the development would have an adverse impact on the amenities of 27 Woods View.

12.168 Conclusion on housing matters

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

12.170 The proposal would provide up to 150 dwellings, 30% of which would be affordable, 25 which would be self-build and a care home of up to 70 beds. The proposal complies with policies DP26, DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.

12.171 Air quality

12.172 Policy SA38 in the Site Allocations DPD states:

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

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

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

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

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

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

12.173 The application is supported by an Air Quality Assessment Report that considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, the two sources of emissions would be exhaust emissions from site plant, equipment and vehicles and dust emissions from site activities. The applicant's report notes that the operation of site equipment and machinery will result in emissions to atmosphere of exhaust gases, but with suitable controls and site management such emissions are unlikely to be significant. In respect of vehicular movement from construction traffic, the applicants report advises that *'assuming both estates are simultaneously built and applying a rate of 100 homes per year, it is expected that 46 two-way HGV movements and 124 two-way light vehicle movements could be generated but these should be halved as only one estate will be built at a time. This equates to a generation of additional 23 HDV and 62 LDV 24 hourly Annual Average Daily Traffic (AADT) which is below the screening criteria for undertaking a detailed assessment. Therefore, it is considered unlikely to cause a significant impact on local air quality, in accordance with the Institute of Air Quality Management (IAQM) guidance.'*

12.174 Once occupied, the applicant's report notes that Air source heat pumps are proposed for heating and hot water which mean that buildings will have no impact on air quality. As such the main impact on air quality would be from vehicular movements to and from the site. The report advises that Nitrogen dioxide and Particulate matter concentrations would all meet the air quality standards at all receptor locations and therefore the effect of the development prior to mitigation is not considered to be significant.

12.175 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (January 2023), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'. The calculated central damage cost value over a five-year period is £26,320, which can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.

12.176 The application has been reviewed by the Council's Environmental Health Officer (EHO) who states, The EHO states *'The location is to the West of Crawley Down and appears to be low risk with regard to noise and existing air quality'* and recommends conditions to require a scheme of mitigation in line with the above report and a condition regarding a Construction Management Plan.

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

12.178 Contaminated Land

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

a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'

12.180 The application is supported by a desk study contaminated land report, which has been reviewed by the Councils Contaminated Land Officer. The report includes a Preliminary Risk Assessment (PRA) and Conceptual Site Model (CSM) which identify several plausible pollutant linkages. The preliminary risk rating for the majority of these linkages has been classified as low or very low, with a moderate to low risk for made-ground coming into contact with future residents. While the potential pollutant linkages identified in the desk study are not considered to prevent development, they may require remediation or risk mitigation measures to reduce risks to key receptors.

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

12.182 Trees and Ecology

12.183 Trees

12.184 Policy DP37 in the District Plan states:

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

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

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

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*

- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*

- *does not sever ecological corridors created by these assets.*

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

- *the condition and health of the trees; and*

- *the contribution of the trees to the character and visual amenity of the local area; and*

- *the amenity and nature conservation value of the trees; and*

- *the extent and impact of the works; and*

- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

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

12.185 Paragraph 136 of the NPPF states:

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

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

12.186 The application is supported by an Arboricultural Implications Report (AIR). The AIR states that 706 trees were surveyed individually across the two sites. The site is characterised by pastoral fields bounded by woodlands or narrow tree belts. Native, broadleaf trees dominate both of these features, with English oak being particularly prevalent. An abundance of mature and semi-mature trees gives a 'wooded' character to much of the site despite the agricultural land use.

12.187 The AIR notes that There are five category 'A' trees (nos. 1068, 3583, 4720, 5369 and 6023) and 179 category 'B' specimens. The remaining 472 trees are assessed as category 'C' trees, being either of low quality, very limited merit, only low

landscape benefits, no material cultural or conservation value, or only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these.

- 12.188 To accommodate the proposed development, as shown on the proposed illustrative masterplan, 8 individual trees are to be removed, 5 of which are category 'U' specimens and 3 are category 'C' specimens. The AIR notes that all those trees or groups of trees that constitute the main arboricultural features of the site and which make the greatest contribution to the character and appearance of the local landscape, to amenity or to biodiversity will be retained.
- 12.189 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP does not include an absolute bar to tree removal. Given the fact that the majority of the trees in and around the site would be retained, the characteristics of the site in respect of being enclosed field parcels would remain, although the character within the site would clearly change from being an undeveloped field to a major housing development.
- 12.190 The Council's Tree Officer has stated *'However, there is encroachment within the Ancient Woodland buffer zones with swales and footpaths and this is contrary to government advice contained within Ancient woodland, ancient trees and veteran trees, January 2022. It is accepted that this is an outline application, and this may be addressed by a future reserved matters application. In any event, a detailed method statement will be required for any incursions or encroachments. There are also incursions within the RPAs of 6 trees, beech 3269 is identified as being of particular concern within the AIA, and I would agree with this. This may be something which could be avoided within any future RM application. Full landscaping details should be submitted as part of any future application also.'*
- 12.191 Therefore, there is no objection to the scheme from the Council's Tree Officer. It would be at the reserved matters stage, when a detailed layout is put forward, and it is therefore known whether there was any proposed incursion into root protection areas or Ancient Woodland buffer zones, that these issues would be assessed again. It is only necessary at the outline stage to establish that the principle of the development is acceptable with regards to policy DP37 in the MSDP. Given the above, your Planning Officer considers that the principle of the application is acceptable and complies with policy DP37. It is also the case that the proposal provides the opportunity for new tree planting at the reserved matters stage, comprising additional trees on the boundaries of the site as recommended by the Councils Landscape Consultant and trees within the site, including trees along the new roads.

12.192 Biodiversity

12.193 Policy DP38 in 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.'

12.194 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.21 of this report, refers to the following matters in relation to ecological matters:

'3. Address any impacts associated with Ancient Woodland (on and adjacent to the site) including Front Wood, Wallage Wood, Wallage Lodge Shaw, Bushy Wood, Pescotts Wood (east and west parcels), which will be excluded from development.'

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

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

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination

with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 70), and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

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

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

12.197 The application is supported by an Ecological Appraisal, Statutory Biodiversity Metric and a response note to the Councils Ecological Consultant.

12.198 Site baseline

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

12.200 Habitats

12.201 The habitats and ecological features present within the survey area are described in the applicants Ecological Appraisal. The site comprises a mix of modified grassland, neutral grassland, lowland mixed deciduous woodland, ancient semi-natural woodland (ASNW), bramble scrub, mixed scrub, bracken, buildings and hardstanding, trees and veteran trees and ponds. The survey area (and application boundary) itself is not subject to any statutory nature conservation designations. Of the habitats within the survey area, lowland mixed deciduous woodland, hedgerows (including lines of trees) and ponds are listed as Priority Habitats.

12.202 Species

12.203 Bats

12.204 The buildings within the site did not provide evidence of bat occupation. The trees within the site do support bats with Common Pipistrelle being the most frequently recorded species at all locations. Static location SD1 (in the north-west of the survey area) recorded 7,751 bat registrations, with 90.3% of all registrations attributed to

Common Pipistrelle. The next highest number of registrations was 7.7% for Soprano Pipistrelle, 1.4% to Myotis species, and the remainder to 'big bat' species, Plecotus species, unidentified Pipistrelle species, Nathusius' Pipistrelle and Barbastelle.

12.205 *Badger*

12.206 The applicants survey indicates that there are two badger setts within the site, one used and one disused.

12.207 *Dormouse*

12.208 During the survey visits, no evidence of Dormouse was recorded within the nest tubes, with an absence of individuals or any characteristic nests.

12.209 *Water Vole and Otter*

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

12.211 *Other Mammals*

12.212 No evidence of any other protected, rare or notable mammal species was recorded within the survey area.

12.213 *Reptiles*

12.214 A peak count of a single adult Grass Snake was recorded, and Juveniles were recorded on indicating this species is relatively widespread within the southern and central parts of the survey area.

12.215 *Great Crested Newt (GCN)*

12.216 Eight ponds were identified for survey within 250m of the survey area. Two of the ponds, P2 and P5, recorded a positive result from the eDNA testing, indicating presence of GCN. Ponds P2 and P5 supporting GCN lie offsite and will not be directly affected by the proposals.

12.217 *Breeding Birds*

12.218 Based on the survey results, the survey area supports a reasonably diverse assemblage of breeding birds that is typical of the woodland habitats that are present. The vast majority of breeding activity is associated with the woodland.

12.219 *Invertebrates*

12.220 No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the survey area.

12.221 Avoidance, Mitigation and Enhancement Measures

12.222 The Councils Ecological Consultant agrees that no further surveys for Hazel Dormouse are required.

12.223 With regard to bats, the Council's Ecological Consultant is satisfied with the additional information provided by the applicant, advising that *'the applicant's ecologist has provided sufficient professional justification on why they consider securing pre-commencement surveys may be a proportionate approach in this instance, given the presence of Ash die-back.'*

12.224 The Council's Ecological Consultant also supports the Precautionary Method Statement for mobile protected species, including Hedgehog (which is a Priority and threatened species), in Section 6.1.8 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025).

12.225 With regards to lighting, the Council's Ecological Consultant supports the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) to avoid impacts from light disturbance.

12.226 With regards to GCN, NatureSpace, the Council's consultants on GCN, have advised that as the ponds that have evidence of GCN are 250m from the site and due to the structure of the surrounding landscape, it is unlikely that GCN would travel north to the development site. They have recommended that the reasonable avoidance measures referred to in the applicant's Ecological Appraisal are secured by a planning condition.

12.227 The Council's Ecological Consultant supports the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity.

12.228 Biodiversity Net Gain

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

12.230 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—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15).'

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

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

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

12.232 The applicant has stated *'The separate Biodiversity Net Gain Assessment having measured the habitats that currently exist on site, and that proposed, indicates that the data from the baseline habitat survey work and the proposed habitat enhancement and creation works indicates that the development will result in a circa 26% net gain in habitats units, and a circa 15% net gain in hedgerow units.'*

12.233 The biodiversity net gain will be provided on site. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.

12.234 With regards to GCN the applicants Ecological Appraisal recommends following a series of reasonable avoidance measures. The Councils Consultants, NatureSpace, have advised that this is a suitable approach for the proposed development and should be secured by condition.

12.235 Drainage

12.236 Policy DP41 in the MSDP states:

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

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

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

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

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

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

1. Infiltration Measures

2. Attenuation and discharge to watercourses; and if these cannot be met,

3. Discharge to surface water only sewers.

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

12.237 Policy CDNP06 in the CDNP has similar aims in relation to drainage.

12.238 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.21 of this report, refers to the following matters in relation to drainage matters:

'2. Follow a sequential approach by directing development away from areas of flood risk and mitigate impacts through integration of SUDS to deliver biodiversity/environmental improvements and flood resilience.'

12.239 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

12.240 Flood Risk

12.241 Flood zones are classified in the PPG as follows:

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

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

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

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

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or*
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)*

12.242 In terms of Fluvial/Tidal flood risk, the site is located in Flood Zone 1. The FRA also advises that there are areas considered to be at a High risk from surface water flooding present in the northwest and west of the site

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

12.244 Surface Water

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

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

12.246 As the site is almost entirely greenfield in its current state, and as such runoff from the site post-development will need to be controlled to the equivalent greenfield 1 in 1-year rate. The proposed surface water drainage strategy consists of a series of swales and surface water attenuation areas that have been located across the site. A connecting network of swales, surface water attenuation areas, and gravity driven surface water sewers where necessary, have been located adjacent to the northern, eastern, and western boundaries of fields 1 and 2. Runoff from field 1 is proposed to discharge to an existing watercourse that was observed flowing away toward the west in the northwest corner of the site. Runoff from field 2 is proposed to discharge to an existing watercourse located on the boundary between fields 1 and 2.

12.247 In relation surface water drainage, WSCC LLFA advised that the applicants updated Flood Risk Assessment and Drainage Strategy have addressed their concerns. They have raised no objection, subject to conditions to control the details of the drainage. It

is considered that the applicants have demonstrated that the principles of the surface water drainage for the development, which include SUDS, are acceptable, in accordance with policy DP41 of the MSDP and policy CDNP06 of the CDNP.

12.248 Foul Drainage

12.249 The proposed foul strategy is for connection into an existing foul sewer approximately 150 – 200 m south of the site.

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

12.251 Thames water has advised that they do not object to the application. Therefore, subject to such a condition it is considered that the foul drainage from the site will be satisfactory.

12.252 Water Supply

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

12.254 The applicants have provided a statement from the water supply provider, South East Water, which advises that offsite reinforcement is required to enable the company to serve the development. South East Water recommend that advance discussions are held with them to ensure that sufficient time is incorporated within the applicants build programme, to enable the reinforcement to be commissioned

12.255 South East Water have not objected to the application, and they will be the organisation that will provide the water supply to the site. In light of this, it is considered that policy DP42 in the MSDP is therefore addressed.

12.256 Infrastructure

12.257 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

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

c) A Development Viability SPD

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

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

and:

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

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

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

12.259 The Council's Development and Infrastructure SPD was adopted in July 2018. Since that time, the PPG has been amended so as to discourage the use of SPDs for setting out formulaic approaches to contributions, on the grounds that these should be the subject of independent examination, and should therefore be included in a Development Plan Document. This is the approach the Council has taken with regards to the Submission Draft District Plan, which is currently at examination.

12.260 Appendix 5 of the Submission Draft District Plan sets out the Council's approach for securing infrastructure under this plan. As part of the evidence base for the Submission Draft District Plan, the Council has produced an Infrastructure Delivery Plan (IDP). The IDP (which underpins Appendix 5) sets out the key infrastructure that will be required to support the objectives, spatial strategy and the delivery of the District Plan over the Plan period to 2039, identify where and when the infrastructure is required, who is responsible for delivering it, the cost of provision (if known) and how these costs are expected to be funded.

12.260 There is a considerable difference in the figures for infrastructure contributions for this development between the currently adopted Development and Infrastructure SPD and those in Appendix 5 in the Submission Draft District Plan. This is essentially because the Development and Infrastructure SPD was adopted in July 2018 and since this time, build and other costs have risen. As such, the adopted SPD does not fully reflect the costs of providing infrastructure to mitigate new development, and this is reflected in the different (higher) figures that would be derived from appendix 5 of the Submission Draft District Plan.

12.261 In light of the above, it needs to be determined what is the appropriate basis for calculating the infrastructure contributions that are required to mitigate the impact of

this development. As Members will know, it is only lawful for infrastructure contributions to mitigate the impact of a development; developers are not required to address pre-existing infrastructure deficiencies. Policy DP20 in the MSDP states in part that *'A planning obligation can be used where it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. The Council will assess each application on its merits to determine if a planning obligation is needed and the matters it should address.'* This is consistent with the NPPF and therefore this element of the policy can be afforded full weight.

12.262 The Development and Infrastructure SPD, adopted in July 2018, is a material planning consideration, but it is not part of the development plan. As regards Appendix 5 of the Submission Draft District Plan paragraph 49 of the NPPF states:

'Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given): 23

Footnote 23: During the transitional period for emerging plans, consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.'

12.263 Having regard to paragraph 49 of the NPPF, the fact that the draft Plan is still at examination reduces the weight that can be given to the Appendix itself. However, Appendix 5 is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.

12.264 Therefore, both the adopted Development and Infrastructure SPD, and Appendix 5 of the Submission District Plan, are material planning considerations and it is for the decision maker to determine what weight to place on them.

12.265 There is no doubt that build and other costs have risen since the Development and Infrastructure SPD was adopted in July 2018. In light of all the above, it is your Planning Officer's view that greater weight should be afforded to the IDP, the outputs from which are reflected in Appendix 5 in the Submission Draft District Plan rather than the adopted SPD. The use of the more up to date evidence results in infrastructure contributions that would fully reflect the current costs of providing the infrastructure to mitigate the impact of this development. It is considered that this

approach is consistent with policy DP20 in the MSDP and also with the CIL Regulations.

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

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

12.268 West Sussex County Council Infrastructure Requirements:

12.269 Further education, secondary and primary school contributions calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required.

12.270 The primary education contributions generated by this proposal shall be spent on additional facilities at Crawley Down Village CofE School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.271 The secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.272 The further secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.273 The library contribution generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.

12.274 Mid Sussex District Council Infrastructure Requirements (including police and health requirements)

12.275 A formal sport contribution, calculated by a formula as the housing mix is not known, will be required for formal sport. Using average occupancy this sum is calculated at £227,052 and is required towards new and improved formal sports and ancillary facilities at Crawley Down Cricket Club, Haven Sports Field, Crawley Down Gatwick Football Club and / or King George V Playing Field, Sandy Lane.

12.276 New residential development will give rise to an increased demand for community facilities. This is reflected in Site Allocation DPA9 of the Submission Draft District Plan which requires the provision of a community building on site. However, the

Council's Community Facilities Project Officer has stated that a financial contribution toward the Haven Centre would be preferable. The Community Facilities Project Officer states that the *'Haven Centre is a large village facility, just under a mile from the development site, which could accommodate increased capacity but it will require investment to improve and modernise the building for greater community use. The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. Upgrading the existing community centre will create a vibrant village amenity which will help bring the old and new resident communities together.'* Your Planning Officer agrees with this approach. The sum required, based on Appendix 5 of the Submission Draft District Plan and using average occupancy, is £228,403.

12.277 A contribution, calculated by a formula as the housing mix is not known, will be required for local community infrastructure. This is calculated, as per Appendix 5 of the Submission Draft District Plan and using average occupancy, as £162,518. Worth Parish Council would like to spend this on improvements to the Glebe Centre Car Park.

12.278 NHS Sussex

12.279 Requires a contribution of £387,151 to go towards NHS GP services.

12.280 Sussex Police

12.281 Requires a contribution of £15,563.64 to go towards the costs of a police officer, equipment and training and a support staff.

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

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

12.284 Ashdown Forest

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

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

- 12.287 A Habitats Regulations Assessment has been undertaken for the proposed development
- 12.288 Recreational disturbance
- 12.289 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.290 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.291 The mitigation for this proposed development will take the form of an open space on site provided as part of the development. This open space will not officially be a SANG, but is designed with SANG characteristics in mind (for example, a variety of habitats being provided, a network of paths and a focal point feature). It is considered that as the open space will be high quality, well-designed and on site as part of the proposed development it will be attractive for future residents to use. As shown by research elsewhere, the provision of local open space in close proximity to home means residents are likely to visit them instead of the designated site for their recreational needs. The proposed open space will be within walking distance for residents of the proposed new housing.
- 12.292 This open space will be secured in the planning permission, which will include details of the future maintenance regime. The planning permission would also secure the timetable for the delivery of the open space so that it can be provided at an appropriate time.
- 12.293 An appropriate scale of SAMM mitigation for the proposed development is £175,500.
- 12.294 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy.
- 12.295 The financial contributions for SAMM mitigation will be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.296 Natural England has been consulted on the appropriate assessment of this proposed development and have raised no objection to the application, subject to the above mitigation being secured.
- 12.297 Atmospheric pollution
- 12.298 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.299 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Mid Sussex District Plan Submission Draft such

that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

12.300 Conclusion of the Habitats Regulations Assessment

12.301 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

12.302 The provision of mitigation in the form of both the onsite open space and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

12.304 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

12.305 Aerodrome Safeguarding

12.306 The Aerodrome Safeguarding Officer for Gatwick Airport has no objection to the application, subject to conditions regarding landscaping. It is considered that with suitable conditions in place there would be no adverse impact on safety at Gatwick Airport.

12.307 Other Matters

12.308 Japanese Knotweed

12.309 Concerns have been raised about the possible presence of Japanese Knotweed around the derelict farm buildings. Japanese knotweed is listed on Schedule 9 and subject to Section 14 of the Wildlife and Countryside Act 1981, which makes it an offence to plant this species in the wild or cause it to grow in the wild.

12.310 A planning condition could be used to address this matter.

13.0 Planning Balance and Conclusion

13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).

- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.
- 13.4 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy CDNP05 in the CDNP refers to a cap in the quantum of residential development of 30 dwellings and also refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 13.8 The proposal would provide up to 150 dwellings , Including 30% affordable housing and a care home of up to 70 beds. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential

accommodation should be afforded substantial positive weight in the planning balance.

- 13.9 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public rights of way that run around the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the District, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.10 The proposal would provide up to 150 dwellings, 30% of which would be affordable and a care home of up to 70 beds. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 13.11 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.12 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.13 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 13.14 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.15 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.16 The legal agreement will secure the required contribution towards the Strategic Access Management and Monitoring (SAMM) strategy for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). In addition, the legal agreement will secure an open space on site that will be designed with Suitable Alternative Natural Greenspace (SANG) characteristics so that it will perform the same function as a SANG. Natural England have no objections to the proposal,

and it is therefore considered that policy DP17 in the MSDP is met in respect of preventing adverse effects on the Ashdown Forest SPA and SAC.

- 13.17 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.18 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 in the CDNP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy CDNP05 is reduced because of its lack of conformity with the NPPF and the fact that it is a housing supply policy.
- 13.19 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policy DP34 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.
- 13.20 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage asset in this instance and also, the non-designated heritage assets.
- 13.21 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.22 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. There is partial compliance with policy CDNP05 in the CDNP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA9 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need. The proposal also conflicts with policy DP34 in the MSDP.

- 13.23 In relation to the CDNP it is considered the application complies with policies CDNP01, CDNP06, CDNP08, CDNP09 and CDNP10. The application complies with some, but not all the criteria within policy CDNP05.
- 13.24 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.25 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.26 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.27 The proposal would provide up to 150 new dwellings and a care home at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.28 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.29 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the District from a green field site to a housing development, which some people would regard as a negative change.

- 13.30 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

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

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

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

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

3. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority, in line with the 'Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, April 2025).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and to conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

4. Prior to or in conjunction with the submission of the first Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment, Drainage Strategy and both addendums. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- o Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable Drainage System and the measures taken to prevent pollution of the receiving surface waters.
- o Provide detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- o Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 plus climate change allowance critical storm duration
- o Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 plus climate change allowance critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes or occur in any vulnerable areas of development (e.g. pumping station or electricity station)

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

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

Reason: To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface Water Drainage features are adequately protected in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

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

- o a timetable for the commencement, construction, occupation and completion of the development
- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and routing of vehicles during construction,
- o the siting and layout of site compounds and welfare facilities for construction workers
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.
- o details of measures to control noise or vibration affecting nearby residents
- o artificial illumination; dust control measures in accordance with best practice.
- o measures to deal with surface water run-off from the site during construction
- o contact details of site operations manager, contracts manager, and any other relevant personnel.

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

Reason: In the interests of highway safety and the amenities of the area, to ensure that the M23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and paragraph 116 of the National Planning Policy Framework (2024) and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

7. No development shall take place within fields 1 and 2 as shown on the illustrative masterplan until details of the works to provide a hard surfaced footway in place of the current grassed footway at Wychwood Place have been submitted to and approved in writing by the Local Planning Authority, broadly in line with drawing ITB9155-GA-105. The approved works shall be implemented in full, and the hard

surfaced footway be available for use before any development takes place within fields 1 and 2 as shown on the illustrative masterplan.

Reason: To ensure safe and suitable access is provided for the existing and proposed dwellings and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

8. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The species, number and spacing of trees and shrubs
- Details of any water features/wetlands

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in bird hazard risk of the application site.

9. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include details of:

- o Attenuation times of SUDS features & wetlands
- o Profiles & dimensions of water bodies
- o Details of marginal planting
- o On going maintenance to ensure drain down times and maintained

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site.

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

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

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

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as

detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.

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

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

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

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

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

a) A site investigation, based on the desk study contaminated land report, by Geo-Environmental, ref: GE21953/DSR/DEC23, and dated the 1st of December 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

and, unless otherwise agreed in writing by the LPA,

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

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

13. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

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

14. Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of Japanese Knotweed during any operations shall have been

submitted to, and approved in writing by, the local planning authority. Development shall proceed only in accordance with the approved details.

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

15. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building(s) have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

16. No development above slab level shall be carried out unless and until the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. The calculated figure of £26,320 submitted in the RSK Air Quality Assessment (Report No: 446051-01(00)) is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

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

17. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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 comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and 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).

Pre Occupation

18. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To comply with policy DP38 of the Mid Sussex District Plan 2014-2031 and to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

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

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

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a detailed verification report, with evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, has been submitted to and approved (in writing) by the Local Planning Authority. The

verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure/s and flow control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

20. All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment, this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

21. The development shall not be occupied until confirmation has been provided that either:-

1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or-

2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - To comply with policy DP41 of the Mid Sussex District Plan 2014-2031. Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

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

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

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

23. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the

approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

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

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

25. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

26. No dwelling or any part of the care home shall be first occupied until the site access works have been completed in accordance with the details shown on the drawing titled 'Proposed Access Road Extension' and numbered ITB9155-GA-048 revision C.

Reason: To provide safe and suitable access into the proposed development and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

27. No dwelling or any part of the care home shall be first occupied until the highway improvements comprising of works to the existing north and south bound bus stops on the B2028 to the north of Wychwood Place as shown on drawing ITB9155-GA-103 A or as may otherwise be agreed by the Local Planning Authority.

Reason: To comply with policy DP21 of the Mid Sussex District Plan 2014 2031 and to provide safe and suitable access into the proposed development.

28. No renewable energy scheme shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented as approved.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment or glint and glare issues.

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

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

30. No more than 50 dwellings of the development hereby permitted shall be occupied until the improvement scheme for M23 Junction 10, as shown in accordance with drawing ref: 24205/13/001 Rev C or a similar scheme that will achieve the same improvement agreed with the local planning authority in consultation with the highway authority for the M23, is completed and open to traffic.

Reason: To comply with policy DP21 of the Mid Sussex District Plan and to mitigate any severe or unacceptable impact from the development on the M23 in accordance with paragraph 116 of the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

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

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

Construction stage

32. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation of the plots where the contamination was encountered, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

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

33. Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: In the interests of highway safety and the amenities of the area and to accord with policies DP21 and DP26 of Mid Sussex District Plan 2014 - 2031.

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

Monday - Friday: 08:00 - 18:00 Hours

Saturday: 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays: No work permitted

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

35. All construction works take place in accordance with the General Wildlife Safeguards as set out in chapter 6 of the applicants Ecological Appraisal.

Reason: To ensure the protection wildlife during construction works and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

Operational Phase

36. The rating level of the noise emitted from fixed plant and equipment (mechanical and electrical) located at the care home shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To comply with policy DP29 of the Mid Sussex District Plan 2014-2031 and to ensure that the amenities of occupiers of other premises in the vicinity are protected.

37. No commercial goods or commercial waste shall relating to the care home shall be loaded or unloaded, outside the hours of 07:00 - 20:00 Hours Monday - Friday, 09:00 - 17:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To comply with policy DP29 of the Mid Sussex District Plan 2014-2031 and to ensure that the amenities of occupiers of other premises in the vicinity are protected.

Self build

38. The development hereby permitted for the self / custom build element shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning authority for each plot. Foul and surface water drainage shall be in line with the sitewide drainage design's volume and discharge rate allowances and utilise the connection point identified. The buildings shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

39. No reserved matters shall be submitted in respect of the self / custom build dwellings unless and until a design code and plot passport in relation to the self / custom build plots detailing the parameters of future development for each plot has been submitted to and approved by the Local Planning Authority. These documents shall include (but not be limited to) the following information: a) Palette of materials for external appearance of dwelling including windows b) Parameters on height and positioning on the plot c) Details on boundary treatment d) Information on performance and sustainability requirements. Each plot should follow the design code and plot passport in the submission of any reserved matters application.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Biodiversity Net Gain

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

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

Informatives

1. Self-build plots must be clearly identified on drainage plans, allocated a discharge rate and volume allowance within the wider scheme, and provided with an appropriate connection point to the wider system
2. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place
3. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.
4. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
6. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
7. You are advised to read the Thames Water guide regarding working near or diverting Thames Water pipes.
8. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found: Ordinary watercourse land drainage consent - West Sussex County Council
9. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Highways Plans	ITB9155-GA-103	A	16.06.2025
Highways Plans	ITB9155-GA-104		16.06.2025
Highways Plans	ITB9155-GA-105		16.06.2025
Drainage Details	RAM-HDG-XX-DR-C-0001	PO2	02.05.2025
Other	012		27.03.2025
Other	SK001-03	V2	27.03.2025
Other	009-5	C	23.01.2025
Highways Plans	ITB9155-GA-056	A	23.01.2025
Highways Plans	ITB9155-GA-059		23.01.2025
Highways Plans	ITB9155-GA-064		23.01.2025
Other	009-01	C	23.01.2025
Other	009-02	B	23.01.2025
Other	009-03	A	23.01.2025
Other	009-04	C	27.03.2025
Location Plan	CD-LCN-B-01	-	23.01.2025
Other	SK001	V17	27.03.2025
Other	SK001-02	V16	27.03.2025

APPENDIX B – CONSULTATIONS

WSSC Planning (Infrastructure)

S106 Contributions Sought

Education
Libraries
Total Access Demand

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

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

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

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

The advice is as follows:

1. School Infrastructure Contribution

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

1.2 Financial Contribution

The financial contribution sought by the County Council would be based on: the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings (by which we mean Social Rented dwellings, but NOT Shared Equity, Intermediate or Key Worker status dwellings) for occupation by persons already residing in the education catchment area; the County Council's adopted floorspace standard for education provision; and

the estimated costs of providing additional education floorspace. As the housing mix is not known at this stage, I propose the insertion of a formula into any legal Agreement in order that the school infrastructure contribution may be calculated at a later date. The formula should read as follows:

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

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

Note: x = multiplied by.

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

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

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

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

- 1.3 The primary education contributions generated by this proposal shall be spent on additional facilities at Crawley Down Village CofE School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 1.4 The secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhome School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

- 1.5 The further secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

2. Library Infrastructure Contribution

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

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

2.2 Financial Contribution

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

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

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

Note: x = multiplied by.

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

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

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

- 2.3 The contribution generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.

3. Highway Contribution

- 3.1 To be dealt with separately by the Highway case officer.

General points

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

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

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

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

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

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

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

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

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

WSCC Local Lead Flood Authority

Thank you for your consultation on the above site, received on 2nd May 2025. We have reviewed the application as submitted and wish to make the following comments.

The applicant has provided a Flood Risk Assessment, Drainage Strategy and FRA Addendum to account for the local flood risk issues and surface water drainage at this location. Following a review of the submitted documents, the details are in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy DPS4 in Reg 19 Mid Sussex District Plan 2021-2039.

The applicant provided an updated FRA and Drainage Strategy to address our previous concerns. We are pleased to see SuDS have been considered from early on in the planning process and support the proposals in Table 3.4 of the Drainage Strategy regarding street level, neighbourhood level and catchment level SuDS.

We have no objection subject to conditions being attached to any consent if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording.

Condition 1

Prior to or in conjunction with the submission of the first Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment, Drainage Strategy and both addendums. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:

- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable Drainage System and the measures taken to prevent pollution of the receiving surface waters.
- Provide detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.)
- Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 plus climate change allowance critical storm duration
- Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 plus climate change allowance critical storm event in accordance with NPPF does not leave the site uncontrolled via overland flow routes or occur in any vulnerable areas of development (e.g. pumping station or electricity station)

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy DPS4 in Reg 19 Mid Sussex District Plan 2021-2039.

Condition 2:

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

Reason:

To ensure that the construction of the site does not result in any flooding both on and off site and that all Surface Water Drainage features are adequately protected.

Condition 3:

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

I. a timetable for its implementation,

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

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

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DPS4 in Reg 19 Mid Sussex District Plan 2021-2039.

Condition 4:

Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a detailed verification report, with evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme, has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure/s and flow control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy DPS4 in Reg 19 Mid Sussex District Plan 2021-2039.

Condition 5:

All development shall be constructed in accordance with the submitted and approved Flood Risk Assessment, this includes all new residential dwellings to have a finished floor level raised a minimum of 150 mm above the surrounding proposed ground level unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF, Policy DP41 Mid Sussex District Plan 2014-2031 and Policy DPS4 in Reg 19 Mid Sussex District Plan 2021-2039.

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found: Ordinary watercourse land drainage consent - West Sussex County Council

WSCC Highway Authority

Comments 25th February 2025

1. Comments are made in respects of,
 - Transport Assessment, reference MS/LJ/MS/ITB9155-052D, dated 15th January 2025
 - Travel Plan, reference MS/SG/ITB9155-055C
 - Illustrative Master Plan, drawing number SK001-01 revision V14
 - Access and Movement Parameter Plan, drawing number 009-04 revision B
2. It's recognised that duplicate applications have been submitted for both the northern and southern parcels. For the purposes of the duplicate applications, identical comments are issued by WSCC Highways for the respective duplicate southern and northern planning applications.
3. Given the northern and southern parcels form a single allocation within the Mid Sussex Local Plan, certain aspects of the proposals have been considered cumulatively. As appropriate, site wide comments covering both the northern and southern planning applications are made against respective elements. These comments remain the same for all planning applications.

Access

4. Vehicular access to the northern parcels comprising fields 1 and 2 (as shown on the Master Plan) is via an extension of Wychwood Place, a 30mph speed limit residential road. Wychwood Place joins the wider highway network via a simple priority junction onto the B2028. Although not relevant to planning, Wychwood Place does not form part of the adopted highway network and is maintained privately.
5. Through pre-application discussions, WSCC Highways has questioned the suitability of Wychwood Place and the junction with the B2028 to accommodate the

additional number of dwellings proposed. WSCC raised the point that Wychwood Place was designed originally to serve 23 dwellings; the number now proposed significant exceeds this.

6. Whilst Stage One Road Safety Audits have been carried out for the tie in works between the proposed and existing development access roads and to review the potential increased use of Wychwood Place, no technical appraisal has been submitted with the current planning application to demonstrate the suitability of the existing carriageway geometry to accommodate the increased number of dwellings. It is recommended that a technical appraisal is undertaken of the existing Wychwood Place to demonstrate that this is suitable for the proposed increased level of activity. From visiting the site and from 3rd party representations, it's apparent that there are existing issues with the verge being over-run on the existing 90 degree bend adjacent to no. 13 Wychwood Place. On-street parking was also observed adjacent to this bend that would need to be factored into any assessment.

7. With regards to the RSA for the intensification of Wychwood Place, this raises a number of problems. The responses from the Applicant for A.2.1 and A.2.4 should be updated to provide a more definite steer to addressing the problem raised; it's unclear for example if a footway or street lighting can be provided as suggested by the RSA team.

8. WSCC also acknowledge the RSA team comment concerning the grass verge alongside the eastern side of the carriageway through the initial section of Wychwood Place with the approved plans showing this as a footway. It's not clear why a grass verge has been included. It's recognised that this is potentially an issue beyond the control of the current application to resolve.

9. The Applicant will also need to submit editable versions of the RSA Responses to enable WSCC to add comments as Overseeing Organisation as well as Agreed Actions. It's recommended that the RSA Responses are agreed between the Applicant and WSCC before being submitted to the Planning Authority.

Active Travel (including bus and travel plan)

10. The linear nature of the site is acknowledged as influencing distances and journey times to nearby destinations. It's important to note that comments here relate to active travel (walking, cycling, and access to bus services) for the both the northern and southern parcels of development.

11. The TA also refers to bus frequency enhancements covering Saturday and Sunday evenings having been agreed for the 272 with Metrobus. WSCC endorse any service enhancement albeit this has been privately negotiated for an existing commercial service. Any s106 obligation would therefore be upon the Applicant to enhance the service frequency as set out in the TA rather than make any contribution towards WSCC. It's accepted that the s106 may still include a capped figure to provide certainty of costs to the Applicant.

12. The complication with this obligation is that the service enhancement has been agreed on the basis of the whole draft allocation that has now been split between two planning applications. The Applicant would need to clearly set out how the enhancement will be secured in light of this. The suggested 50/50 contribution split between the two planning applications raises potential issues of long-term viability or service continuity should both applications not come forward in a timely way.

13. In terms of wider connectivity to Crawley Down, an assessment of walking/cycling routes was undertaken as part of pre application discussion (referred to within 4.6.1 of the TA). The details of this assessment haven't been submitted with the TA. Nevertheless, the assessment identified opportunities for various improvements and these are listed in 4.6.4 of the TA. Further details of the improvements are shown on drawing ITB9155-GA-056 revision A (Off Site Pedestrian/Cyclist Improvements). These improvements relate to both the planning applications covering the northern and southern parcels. The improvements will need to be appropriately allocated to one or other parcel in terms of relevance and need.

14. In terms of the detailed schemes presented on ITB9155-GA-056 revision A, the following comments would be offered,

15. The crossing point on Vicarage Road is such that pedestrians crossing from north to south wouldn't be able to see vehicles turning into the junction. There is also no footway on the southern side of Vicarage Road for a crossing point to land into. Whilst desirable to keep a crossing on the shortest possible desire line, this may not be possible in this instance.

16. The pedestrian crossing point on Grange Road is placed at the widest point at the junction. This will result in pedestrian crossing a significant expanse of carriageway. It may be necessary to inset the crossing away from the junction.

17. No improvements have been identified to footways along the B2028. There is the expectation for increased pedestrian activity along the existing footway on the eastern side of the carriageway. This is narrow in places due to the grass verge encroaching. Whilst highway maintenance is the responsibility of WSCC, the current application has the potential to increase activity and as such there would be merit to the Applicant committing to a simple scheme of verge clearance/footway widening.

18. The improvement to the northbound bus stop south of Grange Road doesn't appear to account for the existing vehicular crossovers. The existing vehicular accesses should be plotted onto the drawing.

19. It should be noted that WSCC do not adopt or maintain bus shelters. An agreement would need to be reached with a 3rd party to take on responsibility for these. The design of the shelters would also need to be agreed with the adopting 3rd party.

20. As a general point, the absence of any consideration for potential cycling improvements towards the village centre other than along Worth Way is notable. This matter was raised as part of pre-application discussions. WSCC acknowledge that significant improvements in accordance with the principles in LTN 1/20 will not be achievable within the extents of the existing highway but some consideration needs to be provided. As highlighted by WSCC through pre application discussions, the presence of a 30mph speed limit does not mean that all routes are appropriate for cycling by default.

21. The Applicant should acknowledge that any physical improvement schemes will need to be delivered as schemes of works rather than contributions to WSCC. Exceptions to this include those works to the Worth Way and the bus service enhancement.

22. With regards to Worth Way, the Applicant should note that this does not form part of the adopted highway network nor is a right of way (it is not a bridleway as

indicated within the TA); WSCC are though the landowner. In light of this any works or contributions to Worth Way, would need to be agreed with WSCC as landowner. These are not matters that would be agreed with WSCC Highways.

23. As required by the National Planning Policy Framework, a travel plan has also been submitted. This has been reviewed and the following comments would be offered.

- 4.2.1 – A degree of caution should be used with the 2021 Census given this was undertaken when the COVID Pandemic was very much influencing travel habits.
- 4.2.3 – For reasons stated above and in connection with the ‘vision led’ approach, using the 2021 Census as a baseline to inform future targets is not appropriate; this approach very much reflects the ‘predict and provide’ approach that ‘vision led’ planning is seeking to move away from. Any targets should not be based upon existing travel characteristics.
- 7.3.2 – The car club will need to be secured via a separate s106 obligation. A suitable trigger point will need to be agreed for this. This will need to include details of the car club location/s.
- 10.2.1 – WSCC cannot accept monitoring simply by way of travel questionnaires. From experience, response rates even with incentives are generally poor and do not provide an accurate representation of travel. Given also the target is to reduce vehicular trip generation, travel questionnaires may not provide a means of recording the relevant information.
- 10.2.4 – Given the comment above, the inclusion of reference to having to redo surveys further raises the expectation that these are unlikely to generate the required response rates. An alternate means of monitoring must be included.

Vehicle Trip Generation and Highway Capacity

24. The TA provides the conclusions of the highway capacity assessment with it noted that this is based on 350 dwellings (i.e. the total number of units within the northern and southern planning applications). It’s further recognised that the scheme is not anticipated to result in any severe or unacceptable impacts upon the operation of those junctions within the study area. The approach to highway modelling was agreed with WSCC Highways through pre-application discussions. For transparency, the background work should be presented with the TA for the public file.

25. The TA also includes ‘vision led’ scenario. This approach is required within the National Planning Policy Framework and encourages developers to introduce measures and proactively try to influence how residents choose to travel. The purpose of the ‘vision led’ approach is not to look at existing travel trends (e.g. by using Census data) and simply seek to replicate these for the proposed development.

26. It’s accepted that different areas will require different ‘vision led’ approaches, and in turn have different outcomes. The key aspects of the approach nevertheless include the setting of clear transport interventions, targets, monitoring to ensure targets are met, and a scheme of proportionate remedial actions to be implemented should targets be missed.

27. For the purposes of the current application, a 10% trip reduction is being applied by way of the travel plan. Whilst a 10% target is not unacceptable, the concern is that

this is being based upon baseline travel characteristics (4.2.3 of the Travel Plan) with these taken from Census 2021 data. Using existing data in this way is not appropriate for the 'vision led' approach. As already noted, it is widely acknowledged that the Census 2021 travel outputs will have been heavily influenced by the COVID pandemic and travel restrictions in place at that time. The Applicant will need to revisit their suggested 'vision led' approach. It's further recommended that this approach is embedded within the travel plan with this document setting out the monitoring and remedial actions.

Layout

28. Matters relating to the on-site layout of roads and footways are not being approved at this stage. It would though be expected for general design principles to be established and secured either within the Design and Access Statement or on the Access and Movement Parameter Plan. The DAS itself includes very high-level design principles for on-site roads and footways but doesn't include any level of detail concerning hierarchies or parameters that can then follow into the detail design. It's suggested that the DAS is updated to include more detailed design parameters.

29. With regards to the Access and Movement Parameter Plan, a key aspect missing is the north-south foot/cycle route that links to right of way 33W and thereafter southwards to Worth Way via the southern parcels that are the subject of a separate planning application. The indicative alignment of this route should be included on this plan.

30. The Parameter Plan also includes a pedestrian/cyclist access at the north side of the development. This would provide access into a potential adjoining draft housing land allocation (DP10 Hurst Farm) within the Mid Sussex Local Plan. This connection is identified as a policy requirement and connectivity between the developments would need to be considered in detail as the schemes progress.

31. The exact details of other pedestrian/cyclist connections to external routes would be expected as part of any subsequent reserved matters application.

Other Matters

32. A scheme of traffic management works is shown drawings ITB9155-GA-066a, 67A, and 68A for the B2028. The scheme presented includes 30mph roundels on the carriageway along with 'islands' of coloured surfacing. It's understood that the details reflect a scheme implemented on the B2133 through Loxwood. For the purposes of the proposed scheme, WSCC understands that there are aspirations within the Crawley Down Parish Council Neighbourhood Plan concerning traffic calming on the B2028.

33. WSCC would request details of what the scheme seeks to achieve. Unlike the B2133 in Loxwood, the B2028 also includes street lighting. The Applicant should note that roundels or any other 30mph speed limit repeater signage wouldn't be permitted based on the Traffic Signs Regulations and General Directions.

Conclusions

34. There are a number of matters contained within the response above that the Applicant would need to address in respects of this application. WSCC Highways will provide further formal recommendations once this additional information has been provided.

For ease, the following consultation covers all planning applications submitted under DM/25/0014, 15, 16 and 17. Comments are broken down to those that apply to the northern and southern phases only along with further comments that relate to both.

North – Planning Applications DM/25/0016 and DM/25/0017

WSSC Highways have previously issued comments dated 25th February 2025. A number of matters were raised to which the Applicant has provided further information. For the purposes of this response, WSSC has reviewed the following,

- Transport Assessment Addendum, reference DS/MS/LJ/ITB9155-072B, dated 26th March 2025
- Framework Travel Plan, reference MS/SG/ITB9155-056E, dated 26th March
- Illustrative Masterplan North 150 Units, drawing SK001-02 revision V16, dated 25th March 2025
- Offsite Pedestrian/Cyclist Improvements, drawing ITB9155-GA-056 revision C
- Access and Movement Parameter Plan, drawing 009-04 revision C

A number of aspects were raised by WSSC Highways. Taking these in turn.

Vehicular Access via Wychwood Place – As part of the initial consultation, WSSC requested further information supporting the intention to use Wychwood Place as the sole point of vehicular access for the northern phase of development (150 dwellings and the care home). WSSC acknowledged that discussions on this aspects had taken place with the Applicant as part of a pre-application enquiry. The submitted Transport Assessment Addendum (TAA) reference the discussions previously had. There is also reference to a Scoping Note in these respects, albeit this doesn't appear to be provided. This should be provided to demonstrate what consideration has been given to the use of Wychwood Place.

Reference is also made to Wychwood Place meeting the relevant geometric standards as set out within Manual for Streets to justify the more intensive use resulting from this proposal. WSSC acknowledge that the existing widths (of approximately 5 metres) would satisfy those within MfS but very much in terms of minimum criteria rather than desirable. Despite the Applicant's assertion that the potential for two opposing vehicles (i.e. two cars) to meet on the 90 degree bend within the initial length of Wychwood Place is 'vanishingly small', WSSC would dispute this with table 2.4 in the TAA indicating AM and PM peak two-way movements being 106 and 103 respectively. Clearly the potential for two opposing vehicle to meet at the bend is very much real although two cars are though expected to be able to pass but with care. A larger vehicle would occupy the whole carriageway although this will happen at present with refuse vehicles regularly visiting the existing dwellings. There is the potential for additional servicing trips associated with the care home. However these will likely be off-peak, and therefore away from the busiest times within the site, and represent a very small number of daily trips.

In reviewing vehicular access via Wychwood Place, WSSC Highways would conclude that the existing as-built carriageway width would meet the requirements within MfS and would therefore in principle be appropriate to serve the additional quantum of development. WSSC accept that the existing carriageway widths very much represent minimum standards given the development proposed and the anticipated number of vehicle movements, and WSSC would still ideally request widening on the bend.

Pedestrian Access along Wychwood Place – WSSC note that a length of footway is to be provided along the east side of Wychwood Place as per the approved reserved matters details approved under DM/15/1872 (point 2.26 within the TAA). This is to be provided separate to the current planning application by the original developer. Further to this an

additional length of footway is to be provided on the westside of Wychwood Place that will extend northwards to a dropped crossing point opposite no. 36 Wychwood Place. From here, residents can then cross to the existing no through road (also part of Wychwood Place) that leads to the signalised crossing on the B2028. Drawing ITB9155-GA-056 revision C shows the length of connecting footway and dropped kerbs that runs through to no. 36. Continuous and suitable pedestrian facilities will then be achieved from the proposed development through the existing phases of development.

Road Safety Audit Response – WSCC has received the necessary information from the Applicant. This will be agreed directly between WSCC and the Applicant, and then provided to the Planning Authority for inclusion on the planning file.

Parameter Plan – This has been updated so as to show the north south cycle route that connects into the southern parcel. From the plan, it's noted that this includes connections into the neighbouring potential development parcel to the north as well as onto and across Huntsland to the south. WSCC Highways are satisfied with the amendments.

Framework Travel Plan – This has been updated. Two comments would be made in respects of the updated FTP. Firstly, WSCC previously raised issues with the use travel questionnaires given these generally receive very poor rates of return (even when incentivised) and offer little benefit. WSCC preference would be to focus on the formal monitoring in years 1, 3 and 5 rather than having further interim monitoring. Secondly, there is no commitment to remedial actions should targets not be met. This is a key aspects of the 'vision led' approach and travel planning generally, whereby additional proportionate actions and measures are triggered when it's identified that a travel plan is not performing as it should. WSCC acknowledge that a full travel plan will be required but as this will be based upon the framework, a commitment towards additional measures must be made within the framework even if the detailed is determined at a later stage.

As a general comment, should the opportunity present itself, a joint travel plan should be prepared incorporating both the northern and southern parcels.

South – Planning Applications DM/25/0014 and DM/25/0015

WSCC Highways have previously issued comments dated 25th February 2025. A number of matters were raised to which the Applicant has provided further information. For the purposes of this response, WSCC has reviewed the following,

- Transport Assessment Addendum, reference DS/MS/LJ/ITB9155-073B, dated 26th March 2025
- Framework Travel Plan, reference MS/SG/ITB9155-055E, dated 26th March
- Illustrative Masterplan South 200 Units, drawing SK001-01 revision V16, dated 25th March 2025
- Offsite Pedestrian/Cyclist Improvements, drawing ITB9155-GA-056 revision C
- Access and Movement Parameter Plan, drawing

A number of aspects were raised by WSCC Highways. Taking these in turn.

Speed Survey Data – The survey data has been provided. It's not entirely clear from this where exactly it was recorded however.

Updated Stage One Road Safety Audit – An updated RSA has been provided that reflects the design forming part of the planning application. The RSA raises a number of problems. WSCC is in the process of considering its responses to the various problems .

Road Safety Audit Responses - WSCC has received the necessary information from the Applicant. This will be agreed directly between WSCC and the Applicant, and then provided to the Planning Authority for inclusion on the planning file.

Proposed Signalised Crossing south of Vicarage Road – This is presently under review by the WSCC Traffic Signals team. An update will be provided when comments become available

Cycle Provision at the Site Accesses – The point was made by WSCC that at both proposed accesses, the shared use foot/cycle way shown within the development site ended abruptly at the B2028 with cyclists thereafter expected to use the carriageway. Given the well trafficked nature of the B2028, this wasn't considered appropriate. The Applicant has amended both accesses in response.

At the southern access serving fields 4 and 6 (150 units), the Applicant is proposing to provide a Toucan crossing along with a short length of shared use route on the east side of the B2028 that runs onto Vicarage Road where cyclists then have to join the carriageway. WSCC acknowledge that the ability to undertake significant improvements for cycling along Vicarage Road or beyond is hampered by the limited extent of public highway. It's also acknowledged that the plans include a narrow but short length of 2 metre wide shared use route. This isn't ideal but it enables the continuation of the shared use route. The level of use is not anticipated to result in any conflicts between users.

At the proposed access to field 5 (50 units), lengths of shared use are shown on the east and west sides of the B2028 with the existing signalised crossing south of 'Huntsland' being upgraded to a Toucan crossing. The length of shared use on the east side of the B2028 however terminates a short distance north and south of the upgraded crossing with cyclists then joining the carriageway. Ideally, the shared use route would continue southwards to the Sunny Avenue junction, which in turn leads to Vicarage Road and into the village. It is accepted that a length of shared use (approximately 200 metres) would be required and given the potential demands generated by this parcel, this may be disproportionate. It is though understood that the Applicant will be looking to undertake a scheme of improvements for pedestrians in terms of footway widening. This is indicated on drawing ITB9155-GA-056 revision C. As an alternative to the works shown on this drawing, it's suggested that the footway widening extends southwards from the signalised crossing at 'Huntsland' through to Sunny Avenue rather than all the way to Vicarage Road. It's suggested that this a minimum widening width (ideally 1.8 metres) is also referenced.

Parameter Plan – This has been updated to include the indicative alignment of the shared use foot/cycle way. An emergency access link is also shown between fields 5 and 6. The need for this link to serve as an emergency link is questionable. The deliverability may also need to be further considered given that it appears to pass through a wooded area that may have restricted headroom/width for an emergency vehicle. If the use of this for emergency access is deemed unnecessary, WSCC would still request the link is retained for pedestrians and cyclists.

Framework Travel Plan – This has been updated. Two comments would be made in respects of the updated FTP. Firstly, WSCC previously raised issues with the use travel questionnaires given these generally receive very poor rates of return (even when incentivised) and offer little benefit. WSCC preference would be to focus on the formal monitoring in years 1, 3 and 5 rather than having further interim monitoring. Secondly, there is no commitment to remedial actions should targets not be met. This is a key aspects of the 'vision led' approach and travel planning generally, whereby additional proportionate actions and measures are triggered when it's identified that a travel plan is not performing as it should. WSCC acknowledge that a full travel plan will be required but as this

will be based upon the framework, a commitment towards additional measures must be made within the framework even if the detail is determined at a later stage.

Both

The following matters relate primarily to accessibility improvements and relate to both development parcels.

Bus Frequency Enhancement – An approach has been agreed with the bus operator. An obligation should be included within the s106 agreements for both the planning applications covering the northern parcel (DM/25/0016 and 17) and another for the southern parcel (DM/25/0014 and 15) parcels that secures a requirement for the Applicant to fund the enhance of the frequency on Saturday and Sundays of the 272 bus service for a period of 2.5 years (i.e. 5 years in total).

Offsite Improvements – Comments relating to footway widening associated with these improvements are included in the comments above. Plan ITB9155-GA-056 revision C has otherwise been updated to address the matters raised by WSCC. For the purposes of securing the works, there will need to be two separate drawings; one showing those works relevant to the northern and southern parcels. It will otherwise be very difficult to define within any condition or legal obligation those works that are relevant to either of the parcels.

The only further comment WSCC Highways would wish to make regarding off-site improvements relates to those for cycling. WSCC acknowledges the limited opportunities that would be deliverable within the existing extents of the public highway. The development does at least provide for suitable connections across the B2028 and onto roads leading to the village that are generally suitable for the majority of users. It must also be recognised that the northern and southern development parcels will include a north/south pedestrian/cyclist route that leads to Worth Way to the south. Through any reserved matters applications, the north/south route must be designed to create a high quality route that is at least 3 metres in width with a bound surface so as to offer a realistic and direct alternative to using the B2028 for cyclists.

With regards to the split of highway works (appendix J), it's suggested that 'surface improvements on Turners Hill Road – footway and vegetation clearance' should be part of the southern site rather than the separate northern site.

Again with regards to appendix J, the car club should be an obligation upon the Applicant to arrange and fund directly with the car club operator. The s106 obligation should simply require the Applicant to use all reasonable endeavours to secure and provide a car club vehicles by an agreed time, for a specific duration, and in a location to be agreed. It's understood that the car club will comprise two vehicles and associated spaces (7.3.2 of the Framework Travel Plans). On this basis, both the northern and southern planning application parcels will separately fund and provide a vehicle/space.

Improvements to bus stops are largely as previously presented, albeit the scheme of works on the western side of the B2028 and to the south of Grange Road have been updated so as to indicate the location of the existing vehicular access. It would be reiterated that although bus shelters are shown, WSCC will not be adopting or agreeing the detail of these; this will be a matter for the end adopting authority.

Whilst not a matter for WSCC Highways to agree, it's noted that the contribution to Worth Way is to be split between the northern and southern phases. This clearly shares the cost but could result in the situation whereby any improvements are underfunded should one of the development parcels not come forward.

Summary

The majority of points previously raised by WSCC Highways have been addressed. There remain a number of additional items that require clarification however. WSCC will provide further comments relating to the proposed traffic signals when available.

Comments 25th April 2025

The previous response (dated 8th April 2025) made by WSCC Highways jointly covered planning applications DM/25/0014, 15, 16, and 17 covering northern and southern parcels of development on land to the west of Crawley Down Road. These comments apply only to the northern parcels included within DM/25/0016 and DM/25/0017.

Comments are made against,

- Land West of Turners Hill Road, Crawley Down: WSCC Response Note, reference DS/LJ/ITB9155-077, dated 14th April 2025
- Framework Travel Plan, reference MS/SG/ITB9155-056F, dated 11th April 2025

A number of matters were raised by WSCC Highways as part of the previous consultation. Taking these in turn and where a further response is required, Vehicular Access via Wychwood Place – WSCC requested the Applicant provides those details already shared with WSCC as part of pre-application discussions demonstrating vehicle access via Wychwood Place. These details have now been provided.

Road Safety Audit Response – These have been provided to WSCC. These will be completed in due course given some of the problems relate to on-going discussions associated with the proposed traffic signals.

Travel Plan – Two points were raised. The first relating to monitoring has been incorporated. The second relating to remedial actions. The need for potential remedial actions if targets aren't met is now acknowledged. As part of the full travel plan that is to be secured through the s106 agreement.

A number of general comments were also made by WSCC Highways that related to both the northern and southern application sites. These issues primarily related to the division of off-site improvements and contributions, and the need for separate plans to be provided showing the works associated with either the northern or southern applications. Given the majority of these works apply to the Southern Parcels, no comments are made on these as part of this application. For the Northern Parcel covered under DM/25/0016 and 0017, WSCC Highways are satisfied that suitable mitigation can be secured through conditions or s106 obligations. In saying this, it is noted that real time bus information is proposed for the two stops north of the Wychwood Place junction where real time information has already been installed.

In conclusion, based on the information presented and viewed against paragraphs 115 and 116 of the National Planning Policy Framework, WSCC Highways are satisfied that this proposal would not result in any severe or otherwise unacceptable highway safety impacts. As such, no objection would be raised.

If minded to approve this application, the following conditions and obligations are recommended.

Conditions

Access

No dwelling or any part of the care home shall be first occupied until the site access works have been completed in accordance with the details shown on the drawing titled 'Proposed Access Road Extension' and numbered ITB9155-GA-048 revision C.

Reason: To provide safe and suitable access into the proposed development.

Construction Management Plan

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

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

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

Obligations

No dwelling or any part of the care home shall be first occupied until the highway improvements comprising of works to the existing north and south bound bus stops on the B2028 to the north of Wychwood Place and footway improvements on the B2028 and Wychwood Place as shown on drawing ITB9155-GA-103 or as may otherwise be agreed with WSCC Highways.

No dwelling shall be first occupied until a travel plan has been submitted to and approved in writing by WSCC Highways. The travel plan shall be based upon the framework travel plan reference MS/SG/ITB9155-056F, dated 11th April 2025.

To pay to WSCC Highways the Travel Plan monitoring fee of £3,950 + VAT upon first occupation of any dwelling.

Funding of a Car Club vehicle and provision of a suitably marked parking space in an agreed location as may be agreed by WSCC Highways.

To fund the enhanced frequency of the 272 Metrobus service on evenings and weekends for a period of 2.5 years.

Noting, that the final two items above will require agreement with a 3rd party to deliver; WSCC Highways cannot accept financial payments towards these.

Informatives

Works within the Highway – Implementation Team

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

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

WSSC Public Rights of Way Officer

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. In respect to the above planning application I would provide the following comments.

As stated in the NPPF, para 104, Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

Defra Rights of Way Circular (1/09) states The effect that a proposed development will have on Public Rights of Way is a material consideration for planning authorities when deciding whether or not to approve a planning application. The potential consequences on Public Rights of Way must be taken into account. Information supplied by an applicant should therefore explain how the potential development will impinge on Public Rights of Way.

Bearing the above in mind, my comments are as follows:

It is pleasing to see much consideration has been given to Public Rights of Way (PRoW) and the Worth Way within and in the immediate vicinity of the site. Overall, I welcome the intention to:

- integrate and enhance the existing PRoWs,
- connections that will be made onto the PRoW and Worth Way,
- installation of new signage and interpretation panels designed to contribute to the wider PRoW network,
- the thought given to protecting the views and landscape through which the PRoW travel, and
- the replacement of the existing uncontrolled crossing with a signal-controlled crossing across Turners Road near the southern access and Worth Way.

I note

FP32W eastern end is within site's boundaries.

FP33W (Huntsland) runs mostly outside the site and will be set within attractive landscaped corridors and have views protected where appropriate.

FP34W runs largely within the site's south-western boundary and will benefit from landscaped buffering.

FP35W lies mostly outside and partly adjacent to the western boundary. I note the connection to the PRow is planned to run only to the site boundary. Will this leave a gap between the site and the PRow? Efforts must be made to ensure any connection is meaningful and extends to FP35W.

Worth Way

There will be a new pedestrian and cycling connection to the Worth Way. It will also benefit from a landscape buffer along the site's southernmost boundary

I note you intend to provide a S106 financial contribution towards an improved Type 1 surface along Worth Way between the site and Old Station Close. This is welcomed and will need to cover the cost of the surfacing as approved by West Sussex County Council's Countryside Services team.

General Notes

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSCC), as highway authority, and possibly also a legal Order process by Mid Sussex District Council as the local planning authority. Further advice can be provided on request.

Safe and convenient public access is to be available at all times across the full width of the PROWs, which may be wider than the available and used route – advice on the legal width can be provided by the WSSCC PROW Team.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of any PROW without the prior consent of the WSSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROWs. No drainage system is to be installed through the surface of the path without the prior consent of the WSSCC PROW Team.

Where the ground levels adjacent to PROWs are to be raised above existing ground levels, this could increase the potential to flood the paths. A suitable drainage system must be installed adjacent to the paths to a specification agreed with the WSSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROWs, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 8 weeks is needed to consider an application.

Consented development is often subject to various environmental requirements, which can impact on the availability of PROW. For example, Great Crested Newt fencing has often been known to be laid across a PROW, which is either subject to installation of unauthorised stiles or gates, or unlawfully diverted around the site edge. The applicant must be advised that any environmental licence, such as from Natural England, does not negate the need to provide the legal line of a PROW without additional structures.

In the event planning consent is granted and this site occupied, it can be reasonably predicted user demand of the affected PROWs will increase. This will increase the rate of damage to the path surface, so inconveniencing users and despoiling their enjoyment. So existing and future users' enjoyment is not reduced, paths must be improved where appropriate. The applicant is required, at its expense, to accept to implement works agreed with and to the satisfaction of the West Sussex County Council Public Rights of Way service.

WSCC Fire and Rescue Service

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

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

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

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

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

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

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

National Highways

Referring to the consultation on a planning application dated 13 February 2025 referenced above, in the vicinity of the M23 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);

~~e) recommend that planning permission not be granted for a specified period (see reasons at Annex A);~~

~~d) recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is not relevant to this application.¹ (Footnote 1 Where relevant, further information will be provided within Annex A.)

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority propose not to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

The Local Planning Authority must also copy any consultation under the 2018 Direction to PlanningSE@nationalhighways.co.uk.

This response and all comments outlined herein are made in respect of planning matters only in National Highways' position as a statutory planning consultee, and does not confer any proprietary rights nor amount to the giving or refusal of consent, assent, approval, or awareness of or by National Highways in or of any other aspects or matters (including, but not limited to, the use of property belonging to National Highways). If anyone wishes for National Highways to consider any aspects which do not relate to planning submissions, they should call our contact centre on 0300 123 5000.

Annex A National Highways' assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Recommend Planning Conditions

This is recommended that the Local Planning Authority, should they decide to grant permission to this development, should attach conditions, as set out below.

Reasons

The submitted transport modelling factors in an improvement scheme associated with consented application 13/04127/OUTES, and the outcome is that the proposed development would not have an unacceptable impact on the Strategic Road Network (SRN) providing the improvement to M23 Junction 10 is delivered.

The applicant has not provided transport evidence to demonstrate the impact of the proposal without an improvement to M23 Junction 10.

In the absence of this additional evidence, it is reasonable to make a recommendation that recognises that an improvement to M23 Junction 10 is required to ensure that the proposed development, in combination with committed development, would not have an unacceptable impact on the SRN.

We therefore recommend the imposition of the conditions below:

Pre-Commencement Condition: Improvement Scheme:

No more than 50 dwellings of the development hereby permitted shall be occupied until the improvement scheme for M23 Junction 10, as shown in accordance with drawing ref: 24205/13/001 Rev C or a similar scheme that will achieve the same improvement agreed with the local planning authority in consultation with the highway authority for the M23, is completed and open to traffic.

Reason: To mitigate any severe or unacceptable impact from the development on the M23 in accordance with paragraph 116 of the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

Pre-Commencement Condition: Construction Traffic Management Plan

No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan unless National Highways Planning Response (NHPR 25-01) January 2025

otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the M23 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and paragraph 116 of the National Planning Policy Framework (2024) .

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

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 77 and 110 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs

109 and 115 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up as part of a vision-led approach.

Moreover, the carbon reduction hierarchy (avoid-switch-improve) as set out in clause 4.3 of PAS2080:2023 promotes approaches and measures to minimise resource consumption and thereby reduce carbon emissions.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Active Travel England

Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application. Our standing advice can be found here: <https://www.gov.uk/government/publications/active-travel-england-sustainable-development-advice-notes>

NATS Safeguarding

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Aerodrome Safeguarding Officer

I can confirm that we have no aerodrome safeguarding objection to the additional information, however we will need to see further details under the reserved matters application. Our response to this outline application is subject to the conditions below:

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the local Planning Authority. These details shall include:

- The species, number and spacing of trees and shrubs
- Details of any water features/wetlands

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented as approved.

Reason:

To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include details of:

- Attenuation times of SUDS features & wetlands
- Profiles & dimensions of water bodies
- Details of marginal planting
- On going maintenance to ensure drain down times and maintained

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site

Submission of Renewable Energy Scheme

No renewable energy scheme shall be installed until full details have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved renewable energy scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented as approved.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment or glint and glare issues.

We will need to object to these proposals unless the above-mentioned conditions are applied to any planning permission.

We would also like to make the following observation:

Cranes & Tall Reaching Construction Equipment

Given the nature of the proposed development it is possible that a crane or tall reaching construction equipment may be required during construction. We would, therefore draw the applicant's attention to the requirement within the British Standards Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. London Gatwick requires a minimum of 4 weeks notice. For crane queries/applications please visit [Canes/Permits/London Gatwick](#) or e mail cranes@gatwickairport.com

As the application is for outline approval, it is important that London Gatwick is consulted on all Reserved Matters relating to siting, design, external appearance and landscaping.

If you have any queries please do not hesitate to contact me.

It is important that the conditions requested in this response are applied to a planning approval. Where a Local Planning Authority proposes to grant permission against the advice of London Gatwick or not to attached conditions which London Gatwick has advised, it shall notify London Gatwick, and the Civil Aviation Authority as specified in the Town & Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosive Storage Areas) Direction 2002.

Sussex Police Crime Prevention

Thank you for your correspondence of 05th February 2025, advising me of a outline planning application for (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a 65 bed care home, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works at the above location, for which you seek advice from a crime prevention viewpoint.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments using Crime Prevention Through Environmental Design (CPTED) principles and from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office and Building Control Departments in England (Part Q Security – Dwellings),

that recommends a minimum standard of security using proven, tested, and accredited products. Further details can be found at www.securedbydesign.com Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

The level of crime and anti-social behaviour in the Mid Sussex district is below average when compared with the rest of Sussex, as indicated within Police.uk. I have no major concerns with the proposals at the location.

However, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered and I would like to raise the following observations.

I would like to direct the applicant or their agent to the SBD website where the residential SBD Homes 2024 document can be found. This document became effective from 1st March 2024. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. SBD is owned by the UK Police Service and is supported by the Home Office, Building Control departments in England (Part Q Security – Dwellings). The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments. I offer the following comments from an SBD perspective as compliance with and along with a successfully gained SBD award fully discharges the requirements of ADQ.

Constructing well designed places, buildings and communities that promote both sustainable communities and health and wellbeing is an objective that SBD widely supports; however, it is imperative that they must also be safe, secure, and accessible. Mitigating the opportunities for crime is not only about reducing and preventing injury and crime, but it is also about building strong, cohesive, vibrant, and participatory communities. SBD Homes 2024 Preface page 2.

The Design and Access Statement (DAS) submitted in support of this application has provided the following information.

The application site will include pedestrian connections into the site via Huntsland as well as a further connection to the site edge adjacent to footpath 35W. A shared pedestrian and cycle connection will also provide access to the northern boundary of the site, able to tie into future development at the Hurst Farm allocation (DPA10).

APARTMENT DESIGN

All flats, including those above garages and maisonettes within the development should be designed with

a dual aspect. Communal spaces will be provided to the same quality and protection as a dwelling house. Additionally, small, secure and well landscaped car parks will be provided for residents.

BLOCK STRUCTURE

The arrangement and organisation of blocks within the development should promote positive building

frontages onto all streets and spaces, provide defensible space at the front of dwellings units and for all ground floor apartments, establish clear and appropriate boundaries between private and public areas and avoid blank facades facing public spaces and streets.

PERMEABILITY

The design of streets, routes, and pathways within Land west of Turner's Hill Road and north of Huntsland should aim to follow desire lines and provide clear and obvious access to key destinations such as green spaces and play areas. The routes should be designed to create safe, secure and inclusive environments, utilising natural surveillance and appropriate lighting.

PARKING

The provision of parking at Land west of Turner's Hill Road and north of Huntsland should be conveniently located for all residents and visitors and assimilate with the street scene through suitable visual mitigation such as planting. Parking provision and arrangement should prevent ad-hoc parking and offer a range of parking typologies and solutions including on-street, on-plot and within secure, private, allocated parking courts. Additionally, small, secure and well landscaped car parks will be provided for residents. Parking will be primarily located on plot, with some use of rear parking courts associated with FOG arrangements. Any garages to be recessed behind the building line. Frontage parking should be limited.

BUILDING HEIGHTS

Building heights of up to two and a half storeys

BOUNDARY TREATMENTS AND SETBACKS

Front gardens will generally be around 2m in size. They will be characterised by soft planted areas, with some featuring hedge boundaries where possible

I recommend that the development has outward facing dwellings with back-to-back gardens which will create good active frontage resulting with the streets and the public areas being overlooked. Back-to-back gardens will eliminate the need for vulnerable rear garden

pathways. Where parking is provided with on-curtilage, garage & car barn parking and overlooked on- street parking bays they should be within view of active rooms, this should leave the street layout free and unobstructed.

Where communal parking areas are necessary, bays should be sited in small groups, close and adjacent to homes, be within view of active rooms (Note 16.2) and allocated to individual properties. Note 16.2: The word 'active' in this sense means rooms in building elevations from which there is direct and regular visual connection between the room and the street or parking court. Such visual connection can be expected from rooms such as kitchens and living rooms, but not from more private rooms, such as bedrooms and bathrooms. Advice on electric vehicle charging in secure communal parking areas can be found within SBD Homes 2024.

SBD discourages rear parking courtyards for the following reasons:

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

Where rear parking courtyards are considered absolutely necessary, they are to be protected by a gate.

Where there are blocks of multiple dwellings within the development. I recommend that the applicant or their agent look at the recommendations for access control and door entry requirements, post and parcel delivery and lightweight framed wall design within SBD Homes 2024.

With regard to the blocks of multiple dwellings. From a crime prevention perspective, it will be imperative that access control and a door entry system is implemented into the design and layout to ensure control of entry is for authorised persons only. SBD recommends specific requirements for access control and door entry systems depending on the quantity of dwellings within each block. Please see SBD Homes 2024 section 29, respectively. Tradesperson buttons are not recommended as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. For blocks of multiple dwellings serving 11 dwellings or more see SBD Homes 2024- More frequently.

Where there is a requirement for a door-set to be fire, smoke and security rated, e.g., communal entrance, flat, apartment or housing entrance door-sets, interconnecting garage door-sets, some door-sets aiding security compartmentation and/or meet a building regulation requirement, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party certification from a single UKAS accredited certification body satisfying all the performance elements. This is in order to minimise the likelihood of a door-set being presented in varying configurations for separate fire, smoke and security tests and then later being misrepresented as one product meeting all

requirements. It is recognised that there are occasions where a door-set may only be required to be fire and security rated (not smoke). This would apply to windows as well.

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

Dwellings front boundaries. It is important that the boundary between public space and private areas is clearly indicated. It is desirable for dwelling frontages to be open to view, so walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings, timber picket fencing or defensive planting. Whereas, vulnerable areas, such as exposed side and rear gardens, need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m.

Where gates provide access to rear gardens or yards they must be robustly constructed, be the same height as the fence (minimum height 1.8m) and be capable of being locked (operable by key from both sides of the gate). Such gates must be located on or as near to the front of the building line as possible. They must not be easy to climb over or crawl under or removed from their hinges. On outward opening gates, where the hinges/ brace is mounted on the attack face, fixings should be of a galvanised coach bolt design. Hinge systems must not allow the gate to be 'lifted off' and therefore should employ a method to restrict the removal of the gate from the fence post or wall.

Care Home response.

The proposal includes the erection of a new 65 bed care home within the development. Accredited products that are fit for purpose and appropriate, along with natural surveillance and access control will assist the building in creating a safe and secure environment for the residents and staff of the care home.

Where communal parking occurs on the site, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. For Electric vehicle charging areas. See section 16.

From a crime prevention perspective, it will be particularly important that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Tradesperson buttons are not permitted as they have been proven to be the cause of anti- social behaviour and unlawful access to communal development. Door sets that are fitted with electronic locks or electronic staples must form part of the manufacturers certified range of door-sets. Internal control may be necessary to separate residential elements of the building from public / communal elements of the care home.

With respects to the Care Home, I recommend that all external fire doors are to be devoid of any external furniture and linked back to security or be alarmed to indicate when the door is opened or left ajar. Signage adjacent to the door is to be available to inform users of the consequences of misuse.

Where there is a requirement for a door-set to be both fire and security rated, e.g., communal entrance door-sets, flat or apartment entrance door-sets, interconnecting garage door-sets and some door-sets aiding security compartmentation, the manufacturer or fabricator supplying the finished product to site is required to present independent third-party dual certification from a single UKAS accredited certification body for both elements. This is in order to minimise the likelihood of a door-set being presented in two differing configurations for separate fire and security tests and then later being misrepresented as one product meeting both requirements.. This would apply to windows as well.

It is important that the boundary between public space and private areas is clearly indicated. Vulnerable areas, such as exposed side and rear gardens and perimeter boundary treatments need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Appropriate physical measures in the form of fencing treatment should be implemented to remove easy access to the rear of the development and access to the vulnerable rear doors and windows.

It is important that the boundary between public space and private areas is clearly indicated. Vulnerable areas, such as exposed side and rear gardens and perimeter boundary treatments need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Appropriate physical measures in the form of fencing treatment should be implemented to remove easy access to the rear of the development and access to the vulnerable rear doors and windows.

Development in general.

It is important that the boundary between public space and private areas is clearly indicated. Vulnerable areas, such as exposed side and rear gardens and perimeter boundary treatments need more robust defensive barriers by using walls or fencing to a minimum height of 1.8m. Appropriate physical measures in the form of fencing treatment should be implemented to remove easy access to the rear of the development and access to the vulnerable rear doors and windows.

Communal areas and play areas. LAPS, LEAPS & NEAPS across the development.

Poorly designed and specified communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. These may often be referred to as:

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

Facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent

unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.

The provision of inclusively designed public open amenity space, as an integral part of residential developments, should make a valuable contribution towards the quality of the development and the character of the neighbourhood. In order to do this, it must be carefully located to suit its intended purpose – mere residual space unwanted by the developer is very unlikely to be acceptable.

- The open space must be inclusively designed with due regard for wayfinding, permeability, and natural surveillance.
- Adequate mechanisms and resources must be put in place to ensure its satisfactory future management and maintenance.
- Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.
- It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.

Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that local residents will not suffer from possible noise pollution. In addition, they should be sited in such a way that those using adjacent foot and bicycle paths will not be subject to harassment or otherwise be put in fear.

This is a permeable development with numerous access points into and out of the development on all elevations. When introducing public footpaths into developments caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed. There are advantages in some road layout patterns over others especially where the pattern frustrates the searching behaviour of the criminal and their need to escape. Whilst it is accepted that through routes will be included within development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings, or by providing too many or unnecessary segregated footpaths (Note 8.3).

Developments that promote intuitive wayfinding and enhance the passive surveillance of the street by residents within their homes and high levels of street activity are desirable as they have both been proven to deter criminal behaviour.

Note 8.3. The Design Council's/CABE's Case Study 6 of 2012 states that: "Permeability can be achieved in a scheme without creating separate movement paths" and notes that "paths and pavements run as part of the street to the front of dwellings reinforces movement in the right places to keep streets animated and does not open up rear access to properties."

A review of available research in this area concluded that: "Neighbourhood permeability is one of the community level design features most reliably linked to crime rates, and the connections operate consistently in the same direction across studies: more permeability, more crime. Several studies across several decades link neighbourhood property crime

rates with permeability versus inaccessibility of neighbourhood layout. Neighbourhoods with smaller streets or more one-way streets, or fewer entrance streets or with more turnings have lower property crime rates” SBD Homes 2024 section 8.4.

Source: Taylor R B 2002 “Crime Prevention Through Environmental Design (CPTED): Yes, No, Maybe, Unknowable, and all of the above” in Bechtel RB (ed) “Handbook of Environmental Psychology”, John Wiley, New York, Pages 413 – 426. Cited by Professor Ted Kitchen Sheffield Hallam University 2007.

SBD acknowledges and recognises the need for the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space which encourages the active and continual use of public areas. Therefore, in order to create a safe and secure environment SBD offers the following advice.

Footpath and bicycle route design- Routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of inclusive design by increasing activity and therefore natural surveillance, proven deterrents for crime and anti-social behaviour.

As stated in the Department for Transport Local Transport Note 1/20 (July 2020) Cycle Infrastructure Design: “Cycle networks should be planned and designed to allow people to reach their day-to-day destinations easily, along routes that connect, are simple to navigate and are of a consistently high quality.”

Public footpaths should not run to the rear of, and provide access to gardens, rear yards, or dwellings as these have been proven to generate crime. Where a segregated footpath is unavoidable, for example where there is a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:

- As straight as possible.
- Wide.
- Well lit (see paragraphs 8.20 to 8.22).
- Devoid of potential hiding places.
- Overlooked by surrounding buildings and activities.
- Well maintained so as to enable natural surveillance along the path and its borders.

SBD Homes 2024 section 8.

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

SBD offers specific advice to shed construction and cycle containers in order to provide an adequate and fit for purpose secure environment for the cycles.

- Visitor & Internal cycle parking SBD Homes 2024 - Chapter 17.
- External cycle parking for residents in public places. SBD Homes 2024 section Chapter 64.
- Sheds used for bicycle parking – SBD Homes 2024 section 64.4.
- External Garage door-sets – SBD Homes 2024 - Chapter 23.10 & chapter 62.
- Where developments have e-bike storage facilities within the buildings, it is recommended that the developer or developer's agent's informs the Responsible Person(s), Fire and Rescue Service and Building Control of the cycle storage facility, to ensure that the necessary fire suppression measures for the charging and storage of lithium-ion e-bikes have been considered and specified.

The above would also apply should an electric buggy store be considered within the care home.

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

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

Lighting is an effective security measure and a useful tool for public reassurance in that it enables people to see at night that they are safe or, to assess a developing threat and if necessary to identify a route they could take to avoid such a potential. Recent events that have made national news and become the focus of concern over safety in public places means that there is merit in recognising the enormous value people place on being able to move around in public places at night under high quality lighting systems.

I recommend that the dwelling exterior lighting is switched using a photo electric cell (dusk to dawn) with a manual override or via a Central Management System (CMS) for large scale developments as opposed to passive infrared (PIR). Secured by Design has not specified PIR activated security lighting for a number of years following advice from the Institute Lighting professionals (ILP) and Police concern regarding the increase in the fear of crime (particularly amongst the elderly) due to repeated PIR lamp activations. Research has

proven that a constant level of illumination is more effective at controlling the night environment. Where blocks of multiple dwellings are present, I recommend that the main entrance lobbies and stairwells are lit with dusk to dawn, vandal resistant, energy efficient, switched lighting.

It is recognised that some local authorities have 'dark sky' policies and deliberately light some of their rural, low crime areas to extremely low levels of illumination. If this is the case, it is acceptable. However, between them, modern specialist lighting and lighting engineers are capable of achieving sufficient lighting levels without encroaching on some dark sky policies and where possible this should be explored. Where lighting is implemented and it is recommended for this application, it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It is for wayfinding only.

Unfortunately, there are many crimes which occur during the construction phase of a development; the most significant include theft of plant equipment, materials, tools, and diesel fuel. Construction sites whether exceptionally large developments or small 2-3 dwelling developments, often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs.

SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website.

It is recommended that contact is sought by the developer with the local Neighbourhood Police Team (NPT) to establish good relations and rapport whilst the development is in the construction phase.

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

www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

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

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

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on

both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Sussex Police Infrastructure

I write on behalf of the Office for the Police and Crime Commissioner (PCC) for Sussex concerning outline application DM/25/0016 (appearance, landscaping, layout and scale reserved) for the erection of up to 150 dwellings, a 65 bed care home, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works at Land West of Turners Hill Road and North Of Huntsland, Turners Hill Road Crawley Down, West Sussex.

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

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

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

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

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

The Police will need to recruit additional staff and officers and equip them. Investment into Automatic Number-Plate Recognition (ANPR) cameras and speed control measures will also be required. The development will also require the services of a police vehicle. Staff and officers will also need to be accommodated in a premises that will enable them to serve the development. This request is proportionate to the size of the development and is intended to pay for the initial, additional costs resulting directly from the development for those areas

where the police do not have existing capacity. The request also explains how the police service is funded, outlines National Planning Policy support for policing contributions and references numerous appeal decisions where police requests for developer contributions have been upheld.

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

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

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

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

1. Police Funding and Development Growth

A primary issue for Sussex Police is to ensure that new development, like that proposed by application DM/25/0016 makes adequate provision for the future policing needs that it will generate. Like other public services, Sussex Police's primary funding is insufficient to be able to add capital infrastructures to support new development when and wherever this occurs. Furthermore, there are no bespoke capital funding regimes e.g. the Health Lift to provide capital either. The police therefore fund capital infrastructure by borrowing. However, in a service where most of the budget is staffing related, the Sussex Police capital

programme can only be used to overcome pressing issues with existing facilities, or to re-provide essential facilities like vehicles once these can no longer be used.

Sussex Police endeavour to use our existing funds as far as they stretch to meet the demands of an expanding population and overwhelmingly for revenue purposes. However, it is the limit of these funds which necessitates the need to seek additional contributions via Section 106 requests and the CIL. This situation also prevails in other public services seeking contributions and there is nothing different here as far as policing is concerned. What is different is that the police do not enjoy capital income from the usual taxation sources. This evidences that the police do not make requests where other funds are available to meet their needs.

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

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

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

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

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

vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development.'

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

National funding

Sussex Police receives 58% of its funding from central government and 42% from local taxation. Central government funding comprises of the Home Office Core Funding Settlement, the Department for Communities and Local Government (DCLG) Formula Funding, (together these are referred to as Central Government Grant or CGG for the purposes of this submission) and legacy Council Tax Grants (LCTG). LCTG are fixed and some elements of this are time limited, therefore, LCTG are not affected by variations in the funding formula.

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

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

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

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

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

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

Whilst the funding formula is influenced through allocation of a basic amount per resident, this does not necessarily lead to an increase in CGG Grant to Sussex Police. Putting aside the time delays between recognising population growth and this being fed into the funding formula, the overall pot available to all forces the CGG is limited and in fact has declined

over the last few years as part of the Government's fiscal policy. Therefore, changes in general population or the specific population do not increase the overall funding made available through CGG, rather they would affect the relative distribution of grant between forces.

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

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

Local funding

Sussex Police (precepting body) places a demand or precept on the district and borough councils in its area (billing authorities) for a sum of money to be raised through the council tax. The amount to be raised is divided by the Council Tax Base (CTB) or number of households to arrive at an average Band D council tax, from which all other bands of council tax are determined. The growth in the council tax or the amount each household pays is decided by the Police and Crime Commissioner (PCC), having regard to the DCLG rules concerning the need to hold a local referendum where the proposed spending increase in the precept is above a prescribed threshold, currently (2023/2024) £15 per Band D property to maintain real terms funding, and £13 for 2024/2025.

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

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

The additional funding generated by council tax in 2023/2024 will reduce the severity of the Forces previous savings target. However, even with a £15 increase in the precept and use of other resources, including earmarked reserves and underspend from 2023/24, it will not be

enough to balance the budget and offset the large cost increases that are anticipated, leaving the requirement to make £8.2m of savings to balance the budget for 2024/25.

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

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

Savings

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

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

Capital Funding

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

For many years Sussex PCC has benefitted from substantial capital reserves, supported by capital receipts from the sale of operational buildings and assets or from revenue reserves assigned to capital investment. Most of these resources have now been utilised and as we move forward through the next 4 years and beyond, there is the necessity to fund through either Direct Revenue Funding (DRF) and external borrowing for specific projects. The

capital financing approach remains to maximise the use of Capital Receipts to support the capital programme whilst maximising the overall benefit in underpinning the Revenue budget.

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

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

Conclusions on funding

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

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

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

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

2. Assessment and Request

Our Office have undertaken an assessment of the implications of growth and the delivery of housing upon the policing of Mid Sussex and in particular the areas of this district where new development is being directed towards. We have established that in order to maintain the current level of policing, developer contributions towards the provision of capital

infrastructure will be required. This information is disclosed to secure essential developer contributions and is a fundamental requirement to the sound planning of the district. In the absence of developer contributions towards the provision of essential policing infrastructure, Sussex Police would raise **objection**, as the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

This submission will provide the most recent annual statistics for crime/incidents in Mid Sussex which will be compared to the number of existing households. This provides an incident per existing household (or person) within Mid Sussex which can then be used as the background to the various items of infrastructure outlined in this funding request.

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

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

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

3. Current Policing requirements in the District of Mid Sussex

Sussex Police's existing estate

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

Our office has undertaken a full capacity analysis of our sites across Sussex and identified police stations where we have issues with existing capacity and would therefore be unable to support additional officers and staff required due to population growth. This study shows that East Grinstead police office has existing capacity and could provide limited space to support additional staff or officers to mitigate against this development. This base supports front line policing and other neighbourhood policing roles which will be required to support this development.

Sussex Police's current policing requirements and projections

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

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

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

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

The proposed development of 150 residential units (C3 use) would have a population of 362 persons (taking average household size of 2.41 persons in Mid Sussex). Applying the current ratio of 'incidents' to households then the development would generate an additional 163 incidents per year for Sussex Police to attend (0.45 x 362).

These incidents are likely to result in 49 additional recorded crimes per year attributed to this neighbourhood.

5. Current breakdown of policing delivered in Mid Sussex

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

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

Police officers

- 87 dedicated uniformed Officers

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

- 19 divisional officers

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

- 56 Force wide officers

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

Police staff

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

- 14 dedicated support staff

Police Enquiry officers, Facilities officers, Facilities Assistants

- 24 divisional support Staff

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

- 120 Force-wide support staff

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

Currently 28,503 incidents are attended by 162 officers per year in Mid Sussex which is a ratio of 176 incidents per officer, per year. To retain this current ratio of 176 incidents per officer per year, an additional 163 incidents per year would require 0.93 additional officers (93% of a current officer's workload).

In addition to the significant impacts this development would place on our policing teams this development would also require significant investment in our support staff capacity. As we have shown, approximately 158 police staff are required to support policing to the 63,300 households in Mid Sussex. This is a ratio of 401 households per staff member. Therefore, an additional 150 households would require 0.37 additional support staff to retain this existing ratio.

Additional officers/staff required as a result of 150 additional homes

Total Additional Officers Required	0.93	163 (expected No. incidents arising from development) / 176 (No. incidents attended per year by an officer)
Total Additional Support Staff (Local/Central)	0.37	(150 / 401) (no. of new households / Existing no of support staff per household)

6. Costs

In order to mitigate against the impact of growth our office have calculated that the capital 'cost' of policing new growth as a result of this major planning application equates to £15,563.64.

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

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

Officer and Staff Set-Up

OFFICER			
Start-up equipment (radio, workstation, body worn camera, IT equipment)	£4,307.33	0.93	£4,005.82
Start-up recruitment and training cost	£5,460	0.93	£5,007.80
TOTAL COST	£9,767.33	0.93	£9,083.62

SUPPORT STAFF			
Start-up equipment (workstation, IT equipment)	£2,086	0.37	£771.82
Start-up recruitment cost	£1,060	0.37	£392.20
TOTAL COST	£3,146	0.37	£1,164.02

Sussex Police would utilise the contribution in the following manner;

- £9,083.62 toward the cost of one additional dedicated officer in the Cophorne, Worth, Crawley Down and Turners Hill NPT to deliver policing to the site and surrounding area to be based at East Grinstead Police Station.
- £1,163.02 as the full cost of one additional support staff to be based at East Grinstead Police Station.

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

Premises

At present, policing in Mid Sussex is delivered from Haywards Heath, Burgess Hill and East Grinstead (Chequer Meads art centre) police stations. Haywards Heath and Burgess Hill are our major divisional sites which accommodate various functions including prevention,

response and roads policing teams that would serve new development occurring across the district.

Any additional offices or staff would be based at the East Grinstead Police Office where our estates department have identified sufficient capacity at this time and therefore no contribution is sought for the cost of supporting these officers at this site.

Vehicles

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

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

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

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

The development will require fleet investment far exceeding 4 years therefore Sussex Police would require at least an 8 year life of provision. This contribution is justified because there is insufficient funding within the police's revenue income to take on the capital cost after just four years, without diverting money from elsewhere. Sussex Police estimate that the 4 year lifetime cost per vehicle is approximately £42,240 including running costs and capital charges.

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

Existing number of households in Mid Sussex (63,300) = £17.72 per Household (1,122,000 / 63,300) x 150 Households x 2 = £5,316 to give 8-year life of provision.

Sussex Police would utilise the contribution in the following manner;

- £5,316 as payment towards one additional vehicle in the Copthorne, Worth, Crawley Down and Turners Hill NPT to deliver policing to the site and surrounding area. Additional secured

contributions in the Copthorne, Worth, Crawley Down and Turners Hill NPT would be put towards the replacement of this vehicle after 4 years at a cost of £17,000 per vehicle.

The same methodology has been used to calculate our fleet requirement as the Warwickshire police representation which has been supported in the recent appeal decision concerned contributions towards policing (Appendices 2 and 5 - APP/R1845/W/17/3173741) issued on the 14th March 2018. Sussex Police consider this would be the most appropriate methodology to use in this and all future section 106 requests.

7. Compliance with National Policy and CIL Regulations

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

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

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

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

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

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

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

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

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

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

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

'62. The obligations of the Undertaking, other than that to support Police operations, are all related to requirement of development plan policies and are all necessary to make the development acceptable in planning terms. They are all furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement, setting aside the Police contributions, therefore complies with Regulation 122 of the CIL Regulations 2010. Furthermore, taking into account the submissions of NWLDP, LCC and LP, the Agreement complies with Regulation 123 of the CIL Regulations 2010.'

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

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

'The gist of the Inspectors reasons are adequately set out in paragraphs [44]-[47] (see above). She records that LP has adequately demonstrated that the sums would be spent on

equipment and services which arose "...Directly from the new households occupying the proposed development". Accordingly she concluded, in terms of causality, that there was a proper nexus between the expenditure and the new development. She also records that the proposed spending was properly attributed between individual projects and procurement such as property adaption and contributions towards a vehicle in order to prevent a need for pooling contributions.'

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

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

'11. It is obvious that a development of the nature described would place additional burdens on local health, education and other services including the police force. The focus in this case is upon the effect upon the local police force. If it sought to shoulder those additional and increased burdens without necessary equipment (including vehicles and radio transmitters/receivers for emergency communications) and premises, it would plainly not be in the public interest and would not be consistent with a policy that encourages "sustainable development": see for example, paragraphs 17 of 79 of the National Planning Policy Framework (NPPF). It is that that leads to the Claimants interest in the matters.'

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

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

'165: There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or

community cohesion. In addition, an extensive array of appeal decision supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.'

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

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

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

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

'44. Leicestershire Police (LP) have demonstrated adequately that the sums request would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, there, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural wellbeing and delivering sufficient community facilities to meet local needs.'

In respect of the methodology used for this request the same Planning Inspector stated *'47 – I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP'*.

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

2. Directly related to the proposed development

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

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

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

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

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

'The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.'

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

'Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial

contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.’ [Para 292]

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

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

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

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

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

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

Paragraph 101 states that:

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

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

a) Anticipating and addressing possible malicious threats and natural hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregate. Policies for relevant area (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water,

railways and other potential hazards should be considered in planning and assessing proposals for development; and

b) Recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

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

I trust this sets out sufficiently our Office's request for infrastructure contributions relating to this development at land west of Turners Hill Road and north of Huntsland, Turners Hill Road, Crawley Down, West Sussex. In the absence of developer contributions towards the provision of essential policing infrastructure, Sussex Police would raise **objection**, as the additional strain placed on our resources would have a negative impact on policing of both the development and force-wide policing implications within the district.

I am more than happy to discuss the content of this submission with yourselves and support with any further evidence if considered necessary.

West Sussex Clinical Commissioning Group

Overview

Current Estate is at capacity in Crawley Down / East Grinstead, with housing developments in this area of Mid Sussex rising. As such, NHS Sussex (NHS commissioning) has worked with the District Valuer and District Council on both strategic plans and more local factors.

For the area of GP coverage, there are circa 45,000 current registered people. The impact of new people coming to the area requires more places for GP attendances and as such the NHS is requesting financial contributions to support growth from housing.

Development proposal

NHS Sussex predicts that new residents will register **at Crawley Down or Modality GP practice** (NHS aim is to provide choice). The new homes are in the catchment area of these 2 GP practices. Thus, NHS Sussex requests a contribution to enable support of the growing new housing population – work is under way for expanding capacity at the GP practices, subject to the s106 funding.

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

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

NHS Sussex requests a contribution from the applicant of **£387,151**, as quantifiably in the tariff section, which will be used towards supporting premises capacity increase. **Funding will not be duplicated.** NHS Sussex will consider the proportional use of these funds coupled with any other area developments in a fair and proportionate working so as to give best benefit to patient care and value for money.

The Tariff formula has been independently approved by the District Valuer

Assessment & request

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

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

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

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

Current Primary Healthcare Provision in Haywards Heath

Primary Care services in the area are provided by two GP practices, funded from NHS funds for providing Primary health care.

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

The proposed development will need to have Primary Care infrastructure in place in order to care for the population increase. This contribution requested will be for the necessary infrastructure to cater for the site development and encompass all the necessary components of patient need, at the GP practice.

This current development response just related to new housing growth.

NHS Sussex works closely with Mid Sussex District council, and as such we are continually looking at options and emerging opportunities. Our strategy is to work alongside stakeholders to deliver at scale where possible. Where this is not pragmatic for an area, then developing an existing site (building on existing great NHS services and thus optimising workforce) is another preferred option.

To clarify, Primary Care provision in the area is strong, but physical premises (and to some degree workforce) are required to meet the new residents in housing developments. GP's have list sizes (and catchment areas) of over 10,000 on average, and the aim is for larger scale where possible. Hence, in this instance, the plan is for developer contributions to support infrastructure.

Contribution Sought and Methodology

The funding will be a contribution of **£387,151** for the infrastructure needs **of NHS GP services. Funds will only be asked for on a proportionate level for the directly related services.**

NHS Sussex, in line with NHS services and Commissioning across England, uses a service-demand and build-cost model to estimate the likely demand of increasing populations on healthcare provision and the cost of increasing physical capacity to meet this demand.

The approach Sussex has been using is being used by more areas across England.

This service-demand and build-cost model is ideal for estimating the likely impact of future residents arising from a new development on health infrastructure capacity and the cost implications this will have on the commissioner, through the need to build additional physical capacity (in the form of new/expanded GP surgeries). As noted, the model has been used by NHS commissioners in the southeast for over 10 years and is accepted by local planning authorities across West Sussex.

Service-load data is calculated on a square-metre-per-patient basis at a factor of 0.1142sqm/person. This factor is based on the average size of typical GP practices ranging from 1 to 7 doctors, assuming 1600 patients per doctor.

Build-cost data has been **verified by the District Valuer Service** (last update Apr 2024) and assumes £6,400/sqm, 'sense-checked' against recent building projects in West Sussex. The cost inputs refers only to capital construction costs; the commissioner funds the revenue cost of running the GP practices in perpetuity including staffing costs, operational costs and medical records etc.

Occupancy data, used to calculate the number of future patients-per-dwelling, is derived from 2011 Census Data and confirmed by West Sussex County Council (last update July 2015).

Finally, the specific dwelling size and mix profile for the proposed development is input into the model to provide a bespoke and proportionate assessment of the likely impact on health infrastructure arising from the development.

The output of this model for the proposed development is an estimated population increase of 400 new residents (weighted) with a consequential additional GP surgery area requirement of 53.07m². This equates to a direct cost of **£387,151** for additional health infrastructure capacity arising from the development. The council is requested to ensure this contribution is index-linked within the S106 agreement at a basis that meets house build cost growth.

INSERT TABLE

Compliance with National Policy and CIL regulations

The Community Infrastructure Levy Regulations in 2010 imposed new legal tests on local planning authorities to control the use of planning obligations (including financial contributions) namely through Section 106 agreements as part of the granting of planning permission for development.

The three legal tests were laid down in Community Infrastructure Levy Regulation 122: "*A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:*

- i Necessary to make the proposed development acceptable in planning terms

Health infrastructure is an important material planning consideration in the determination of planning applications and the Council must take into account the positive or negative impact of development proposals on health infrastructure when granting planning permission and associated section 106 agreements. There is no dedicated Government funding to cover new housing developments. Unless contributions from developments are secured, at worst there will be practices that would be forced to close as there would not be safe healthcare provision. In the least, there will be wait times (mainly driven by no estate / rooms to see patients in) would not be suitable for adequate healthcare.

Mid Sussex local plan has increasing incremental annual growth assumptions for housing development with certain strategic sites are potentially going to deliver in excess of 2,500 homes in this area over the current planning horizon. With 17,000 new homes planned over the next planning horizon.

The pace of delivery and volume of new build housing and its subsequent occupancy will have a negative impact on the availability and capacity of health infrastructure causing a strain on existing services; the required additional infrastructure will comprise of clinical rooms for consultation/examination and treatment and medical professionals (and associated support service costs and staff).

NHS Sussex seeks to include these necessary and additional works as part of the solution to estate need of the area.

- i Directly related

It is indisputable that the increase in population of approximately 400 people living in the new development (with associated health needs) at a GP practice or associated facility will place direct pressure on all organisations providing healthcare in the locality, in particular primary care provided by the NHS Sussex. Put simply, without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure.

The proposed developer contribution is therefore required to enable a proportionate increase to existing health infrastructure, to maintain its current level of service in the area.

The infrastructure highlighted and costed is specifically related to the scale of development proposed. This has been tried and tested and has District Valuer support, in terms of the value of contribution.

iii. Fair and reasonably related in scale and kind to the proposed development

The developer contribution is to help achieve a proportionate increase in health infrastructure, thus enabling health to maintain its current level of service. Utilising a housing size as a reasonable proportion of infrastructure scale allows for fairness to all new housing developments, including the sites that are also strategic in nature.

The model uses robust evidence including local census data, build cost estimates (and actual) verified by the District Valuer Service and population projections verified by West Sussex County Council. A review of the police CIL compliance and their review of education and library compliance underlie the fair and reasonable approach of the health tariff – which is in turn in line with the other public sector areas.

Conclusion

In summary, the contributions sought by NHS Sussex are well-evidenced, founded in adopted development plan policy and comply with the legal tests of the CIL Regulations and NPPF. The contribution will be used to provide additional capacity in primary care facilities in the vicinity of the development, directly linked to this development, to support its future residents. To reiterate, without this essential contribution, planning permission should not be granted.

This current development response just related to new housing growth.

Thank you for the continued support in securing health infrastructure contributions to enable the population of Mid Sussex to have access to the health care that it needs now and for future generations.

Natural England

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

Natural England considers that without appropriate mitigation the application would have an adverse effect on the integrity of Ashdown Forest Special Protection Area.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- the maintenance and management of the bespoke mitigation in perpetuity
- financial contribution to an agreed strategic solution

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

A lack of objection does not mean that there are no significant environmental impacts. Natural England advises that all environmental impacts and opportunities are fully considered and relevant local bodies are consulted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Further advice on mitigation

Natural England advises that the specific measures (including financial contributions) identified in the strategic solution can prevent harmful effects from increased recreational pressure on those European Site within the ZOI.

Natural England is of the view that if these measures are implemented, they will be effective and sufficiently certain to prevent an adverse impact on the integrity of the European Site within the ZOI for the duration of the proposed development.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites as highlighted above (in view of its conservation objectives) with regards to recreational disturbance, on the basis that the strategic solution will be implemented by way of mitigation.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects likely to occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions. If all mitigation measures are appropriately secured, we are satisfied that there will be no adverse impact on the sites from recreational pressure.

Other advice

In addition, Natural England would advise on the following issues.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely High Weald National Landscape (defined in legislation as an Area of Outstanding Natural Beauty).

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purpose to conserve and enhance the area's natural beauty can be determined locally by the local planning authority, with advice from its landscape or planning officers, and from the relevant National Landscape Partnership or Conservation Board.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purpose of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant National Landscape Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the National Landscape is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its natural beauty.

The relevant National Landscape body (Conservation Board or Partnership) may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

If you have any queries relating to the advice in this letter please contact me on annabel.widdop@naturalengland.org.uk.

Should the proposal change, please consult us again.

Environment Agency

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

We have **no objection** to the proposed development as submitted, **provided that the following condition be attached to any planning permission granted**, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition – Previously Unidentified Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reasons

The previous use of the proposed development site as agricultural land presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A.

The application's Desk Study Report (Geo-Environmental, ref GE21953/DSR/DEC23, version 1.0, dated December 2023) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 196 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 187 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Advice to the Applicant

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the [position statement](#) on the Definition of Waste: Development Industry Code of Practice
- The [waste management](#) page on GOV.UK

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance provided here: [Hazardous waste: consignee returns guidance](#)

If you have any queries regarding the above information, please do not hesitate to contact the advisor identified below.

Thames Water

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. As such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: devcon.team@thameswater.co.uk) prior to the planning application approval.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thameswater.co.uk%2Fdevelopers%2Flarger-scale-developments%2Fplanning-your-development%2Fworking-near-our-pipes&data=05%7C02%7Csteven.king%40midsussex.gov.uk%7C4a3e2413b6764564f92b08dd5269085f%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C638757333267723174%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=4C%2Fs8y39TL8BvVGK2Nc%2BEgpYx6aSfWeDTwKxPj6U3eE%3D&reserved=0>

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: “A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water’s Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via <https://eur02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.thameswater.co.uk%2F&data=05%7C02%7Csteven.king%40midsussex.gov.uk%7C4a3e2413b6764564f92b08dd5269085f%7C248de4f9d13548cca4c8babd7e9e8703%7C0%7C0%7C638757333267738192%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOljoiTWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=eDNwo6%2Bax6l6C4imTWmLfVOyvczOIDFgHugTKsnaThk%3D&reserved=0>. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

Water Comments

With regard to water supply, this comes within the area covered by the South East Water Company. For your information the address to write to is - South East Water Company, Rocfort Road, Snodland, Kent, ME6 5AH, Tel: 01444-448200

Ecological Consultant

Comments received 24th March 2025

Holding Objection pending further information on European Protected Species (bats) and mandatory biodiversity net gains	Yes
No ecological objections	
Recommended Approval subject to attached conditions	
Recommended Discharge of condition	
<u>Summary</u>	

We have reviewed the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology,

December 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025).

We are not satisfied that there is sufficient ecological information available for determination of this application and recommend that additional information on bats is provided prior to determination. In addition, we are not satisfied that appropriate information with regard to mandatory biodiversity net gains has been supplied for the application prior to determination. The reasons for this are outlined below:

European Protected Species -Bats

We note from the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that the following trees require further assessment (FAR) or have Potential Roost Features for multiple bats (PRFs-M). We highlight that this assessment must be undertaken in accordance with 4th Ed. Bat Survey Guidelines Collins ed. (Bat Conservation Trust, 2023) and should take place prior to determination in accordance with Government Standing Advice:

T1 (5163) Oak PRF-M

T7 (713) Ash FAR

T9 (5357) Oak FAR

T10 (5346) Oak FAR

T14 (1068) Oak PRF-M

T15 (4720) Oak FAR

T16 (2744) Oak PRF-M

T17 (2743) Oak PRF-M

T18 (6000) Oak PRF-M

T19 (858) Oak FAR

T22 (3268) Ash PRF-M

T23 (3267) Ash PRF-M

TG24 (3261-3265) Ash FAR

TG25 (3259-3260) Ash PRF-M

TG26 (G54) Willow, Birch, Ash FAR

TG28 Various FAR

T30 (5164) Oak FAR

T31 (5160) Oak FAR

Other woodland and trees FAR

However, Section 5.3.19 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) states that trees T16, T17 and T18 will be retained. We therefore request clarification as to which of these trees will be removed during the development. We highlight that these further assessments must be undertaken in accordance with the guidelines to establish whether potential roost features (PRFs) for individual (PRF-Is) or multiple (PRF-Ms) bats are present and the results need to be submitted to the LPA prior to determination. It is not lawful for these assessments of PRFs for bats to be left to Reserved Matters stage.

For the trees where only PRF-Is are present, then no surveys are needed, but appropriate compensation would be required in advance of works to avoid loss of roost resource (Reason and Wray (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. Version 1.1. Chartered Institute of Ecology and Environmental Management). In addition, the trees must be inspected by endoscope on the day and felled under the supervision of a licensed bat ecologist under a non-licensed Precautionary Working Method Statement for bats (Table 6.3 of 4th Ed. Bat Surveys for Professional Ecologists Bat Conservation Trust (Collins ed., 2023)). This non-licensed Precautionary Working Method Statement for bats should be secured by a condition of any consent and implemented in full.

Where PRFs-M are present, further assessment will be required during aerial inspections if the trees are to be removed. We also understand from Section 6.1.1 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that trees will be removed from woodland W8 and W13 and climbing inspections will be undertaken if necessary. Therefore, we request clarification as to which trees will be removed during the development and highlight again that these inspections must take place prior to determination to give the LPA certainty of likely impacts on protected species in order to make a lawful decision and must not be left to Reserved Matters stage.

The results of the further tree assessments for Potential Roost Features for bats are required prior to determination because paragraph 99 of the ODPM Circular 06/2005 highlights that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."

This information is therefore required to provide the LPA with certainty of likely impacts on legally protected species and be able to secure appropriate mitigation either by a mitigation licence from Natural England or a condition of any consent. This will enable the LPA to demonstrate compliance with its statutory duties, including its biodiversity duty under s40 NERC Act 2006 (as amended) and prevent wildlife crime under s17 Crime and Disorder Act 1998.

See Appeal Decisions Ref: APP/D3830/W/23/3320110 Land North of Staplefield Road, Slaughtam, Haywards Heath RH17 6AG and APP/W3520/W/17/3174638 Pooles Farm,

Thorney Green Road, Stowupland IP14 4AJ, where the appeals were dismissed as one of the main issues was the effect of the proposal on protected species. The Inspector could not be sure that there would be no adverse effect on protected species in the absence of ecological information. We also highlight that this information is also requested by the Inspector even where ecology has not been a reason for refusal.

Furthermore, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. Therefore, if a European Protected Species Mitigation Licence is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Mandatory Biodiversity Net Gain (BNG)

As of 12th February 2024, all major development, as defined under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, is required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14

of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed the Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- The submitted Statutory Biodiversity Metric – Calculation Tool is not accompanied by condition assessment. This is required to ensure that ensure that the habitats within the pre-development baseline have been recorded appropriately.

Therefore, we are not satisfied that sufficient information is available for determination until further the condition assessments have been provided.

In addition, post development, we query the ability to make lowland mixed deciduous grassland and recommend some justification over the creation of other broadleaved woodland. Similarly we request further details of creating traditional orchard, a specific Priority habitat. We highlight that tall forbs cannot be enhanced to grassland as these are not the same broad habitat type, this would be creation and not enhancement.

As mandatory BNG applies, it is highlighted that the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. As a result, government have recommended that it is not included in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be implemented via a separate section of the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the finalised full Small Sites Metrics or Statutory Biodiversity Metric – Calculation Tool.

In addition, a Habitat Management and Monitoring Plan should be secured for all significant on-site enhancements, as well as off-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Additional comments

We note from the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) that all buildings are located outside of the red line boundary and therefore agree that no bat surveys are required for the buildings.

We note that there are no records of Hazel Dormouse within 2km of the site and that Hazel Dormouse surveys undertaken in 2022 and 2023 found no evidence of this species (Ecological Appraisal (Aspect Ecology, January 2025)). Therefore we agree that no further surveys for Hazel Dormouse are required.

Although Grass Snake was recorded in 2023 in the southern area, this species was not recorded within this application boundary. Therefore, we support the Precautionary Method Statement for mobile protected species in Section 6.1.8 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025)). including reptiles and Hedgehog (which is a Priority and threatened species), which should be secured by a condition of any consent and implemented in full.

We support the implementation of a 15m buffer zone between the development and ancient woodlands W9 and W10 in accordance with Government Standing Advice, and the planting of thorny species, including Hawthorn, Blackthorn and Holly, together with fencing and signage, to discourage access to the ancient woodland (Section 4.7.6 of the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025)).

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Appraisal (North of Huntsland) (Aspect Ecology,

January 2025) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.
- All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.
- Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.
- Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.
- Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

Please note that we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please contact us with any queries.

Comments received 3rd June 2025

No ecological objection	
Recommend approval subject to attached conditions	
Further information required/Temporary holding objection: •Mandatory Biodiversity Net Gains	X
Recommend Refusal	

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' by Aspect Ecology (April 2025).

We are still not satisfied that sufficient ecological information has been provided to address our previous holding objection on mandatory biodiversity net gains. The reasons for this are outlined below:

Mandatory Biodiversity Net Gains:

Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021, and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act.

The Biodiversity Net Gain Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and Paragraph: 011 Reference ID: 74-011-20240214 sets out what information should be submitted as part of a planning application if the statutory biodiversity gain condition applies.

As a result, we have reviewed 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, Ltd April 2025), the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and the Statutory Biodiversity Metric (January 2025) and Biodiversity Net Gain Assessment (Aspect Ecology January 2025) and are not satisfied that appropriate information has been provided prior to determination. This is because of the reasons set out below:

- Whilst we acknowledge that condition assessments for the pre-development baseline has been included within the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) in Appendix 6482/7, the submitted condition assessment does not match the submitted Statutory Biodiversity Metric (January 2025). As a result, we recommend that revised calculations are submitted using the condition assessment sheet (excel document).

As mandatory biodiversity net gains apply, the planning authority will be required to secure a biodiversity gain condition as a pre-commencement requirement. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and should be included as an

informative within the decision notice. The biodiversity gain condition should secure the provision of a Biodiversity Gain Plan, as well as the following information:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. The maintenance and monitoring outlined in the HMMP should be secured via planning obligation for a period of up to 30 years, which will be required to be submitted concurrent with the discharge of the biodiversity gain condition. Therefore, the LPA is encouraged to secure draft heads of terms for this planning obligation at application stage, to be finalised as part of the biodiversity gain condition. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We reiterate that there are issues with the post-intervention calculations, as referenced in our previous response. However, we agree that this can be addressed as part of the biodiversity gain condition.

Additional comments - European Protected Species – Bats:

We note that the further information states that Consideration of Planning Consultation Response from Place Services (dated 24th March 2025) (Aspect Ecology, April 2025) includes a further Ground Level Tree Inspection of on-site trees to determine what further actions will be required to minimise impacts upon roosting bats.

We support the conclusions of this document and note that 'TG24' and 'TG26' (trees with Ash dieback) were categorised as 'FAR' (Further Action Required), even though they have been assessed as having no potential roost features. As a result, we are satisfied that the applicant's ecologist has provided sufficient professional justification on why they consider securing pre-commencement surveys may be a proportionate approach in this instance, given the presence of Ash die-back.

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Please do not hesitate to contact us if you have any queries in relation to this advice.

Comments received 20th June 2025

No ecological objection	
No ecological objection subject to attached conditions	X
Further information required/Temporary holding objection	
Recommend Refusal	
Subject to Natural England's formal comments on the conclusion of the LPA's Appropriate Assessment for Ashdown Forest SPA and SAC	

Summary

We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation. This includes the 'Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, April 2025).

We have also reviewed the further submitted information relating to mandatory biodiversity net gains, including the revised Statutory Biodiversity Metric – Calculation Tool and Excel condition assessment.

We also note that a Draft HRA has been produced by the Council, as the competent authority, to address recreational pressures upon Ashdown Forest SPA and SAC. Therefore, it is indicated that we have no further comment on this mitigation strategy and that the HRA will need to be approved by Natural England.

As a result, we are satisfied that there is sufficient ecological information available to support determination of this application, following the submission of the additional biodiversity net gain information.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

As outlined in our Consultation response (ref. 04721), we support the conclusions of this document and note that 'TG24' and 'TG26' (trees with Ash dieback) were categorised as 'FAR' (Further Action Required), even though they have been assessed as having no potential roost features.

The mitigation measures identified in the Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, April 2025) should be secured by a condition of any consent and implemented in full. This should be secured via a Construction Environmental Management Plan (CEMP: Biodiversity) prior to

commencement. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

It is highlighted that we have to comments to make on Great Crested Newts, as we have been requested to leave this to the NatureSpace Partnership on the request of the Council.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted pre-development baseline calculations. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: .

- Lowland Mixed Deciduous Woodland
- Urban Trees
- Mixed Scrub
- Traditional Orchard
- Other neutral grassland
- Species-rich native hedgerow

The maintenance and monitoring outlined in the HMMP should be secured via the s.106 agreement at application stage for a period of up to 30 years. Alternatively, the management and monitoring of significant on-site enhancements could be secured as a condition of any consent. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 1, 2, 5, 10, 15, 20, 25, 30, unless otherwise specified by the LPA. Any remedial action or adaptive management will then be agreed with the LPA during the monitoring period to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We are generally satisfied that the post-intervention values are realistic and deliverable. However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

- The proposal to create Lowland Mixed Deciduous Woodland has a high degree of difficulty. Therefore, we would expect further clarification to set out how this will be delivered.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

“A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the ‘Ecological Appraisal (North of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) further ‘Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)’ (Aspect Ecology, April 2025).

The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”

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

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

“Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, 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).

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

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

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

Optional condition:

Management and monitoring for significant on-site enhancements should be secured by planning obligation as part of the biodiversity gain condition, to allow aftercare and monitoring to be secured for the 30-year period and the LPA to cover its monitoring costs. However, if the LPA would prefer that this is secured via a separate condition, the following pre-commencement condition could be used:

4. PRIOR TO COMMENCEMENT: HABITAT MANAGEMENT AND MONITORING PLAN (HMMP)

A Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, prior to commencement of development, including:

- a) the roles and responsibilities of the people or organisation(s) delivering the HMMP;*
- b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan;*
- c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development;*
- d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and*
- e) details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.*

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and*
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.*

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Unless otherwise agreed in writing, monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

Reason: To satisfy the requirement of Schedule 7A, Part 1, section 9(3) of the Town and Country Planning Act 1990 that significant on-site habitat is delivered, managed, and monitored for a period of at least 30 years from completion of development.

Biodiversity Gain condition

Natural England advises that the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England (unless exemptions or transitional provisions apply), and there are separate provisions governing the Biodiversity Gain Plan.

The local planning authority is strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission. However, it is highlighted that biodiversity gain condition could be added as an informative, using draft text provided by the Secretary of State:

“Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and*
- b) the planning authority has approved the plan.*

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Mid Sussex District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.”

Please do not hesitate to contact us if you have any queries in relation to this advice.

Nature Space (Great Crested Newts)

Ecological Summary:

The development is situated in the red impact risk zone indicating that highly suitable habitat is present in the surrounding landscape.

Site context:

-There are 17 ponds within 500m of the site boundary. The closest to being less than 50m to the site boundary.

-There are 2 great crested newt records within 500m of the site.

-The site is large and contains some suitable terrestrial habitat for great crested newts, including grassland, hedgerows, woodland and scrub.

Conclusion:

The applicant has provided an Ecological Appraisal (Aspect Ecology, January 2025). The ecological report details the various habitats on site, these include grassland, hedgerow, scrub and woodland, all of which would be suitable terrestrial habitat for great crested newts outside of the breeding season. The site offers potential to support migrating great crested newts, crossing the landscape between ponds. The report undertook eDNA surveys on some of the ponds in the surrounding landscape, two of which returned positive results for great crested newts. However, these ponds are over 250m and due to the structure of the surrounding landscape, it is unlikely that individuals would travel north to the proposed development site. However, due to the potential possibility of great crested newts migrating through the site, the report recommends following a series of reasonable avoidance measures. This would be deemed a suitable approach for the proposed development and should be secured by condition.

Relationship between NatureSpace and the Planning Authority

Mid Sussex District Council holds a Great Crested Newt Organisational (or “District”) Licence granted by Natural England. This is administered by NatureSpace Partnership through their District Licensing Scheme as the council’s delivery partner. A dedicated District Licence Officer is employed by NatureSpace to provide impartial advice to the council and help guide them and planning applicants through the process. All services and arrangements are facilitated in an unbiased, independent, and transparent manner. You can find out more at www.naturespaceuk.com

Legislation, Policy and Guidance

Reasonable Likelihood of Protected Species

Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2023), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for full applications. CLG 2007 ‘The validation of planning applications’ states that applications should not be registered if there is a requirement for an assessment of the impacts of a development on biodiversity interests.

Section 99 of ODPM Circular 06/2005 states:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations before permission is granted.”

Great crested newts

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local planning authorities have a statutory duty in exercising of all their functions to ‘have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving

and enhancing biodiversity,' as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended), as well as a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) to have regard to the requirements of the Habitats Directive. As a result, great crested newt and their habitats are a material consideration in the planning process.

Lifespan of Ecological Reports and Surveys

Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, "the report authors should highlight whether they consider it likely to be necessary to update surveys". If the age of the data is between 18 months to 3 years an updated survey and report will be required and anything more than 3 years old "The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated".

Landscape Consultant

Thank you for consulting the Landscape Advisor to Mid Sussex District Council on the above application.

Summary

The proposed development will cause permanent impacts on the landscape character which can be partially mitigated through some additional layout amendments and mitigation measures. We recognise the Reg 19 Allocation for Site DPA9 and judge that there is some capacity to accommodate development within the site. We advise that the recommendations included within this letter are considered and embedded in any proposals coming forward are considered to reduce the impacts on both the landscape character and the visual amenity.

Site Context

The application site is located to the west of Crawley Down village and comprises several undulating pasture fields which are surrounded by established vegetation and woodland. Farmsteads and isolated properties are located in the surrounding countryside and appear close to the site boundaries. Public Rights of Way (PRoW) run along three of the four site boundaries.

Planning Context

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

Policies of considered relevance include [inter alia]:

- Policy DP12 Protection and Enhancement of Countryside
- Policy DP16: High Weald Area of Outstanding Natural Beauty

- Policy DP22 Rights of Way and other Recreational Routes
- DP26 Character and Design
- Policy DP37 Trees, Woodland and Hedgerows
- Policy DP38 Biodiversity.

The MSDP is currently being updated and reviewed. The Submission District Plan (Reg 19) identified the site as occupying **the northern half** in DPA9 'Land to the west of Turners Hill Road, Crawley Down' (SHELAA ref. 688). Policy requirements (relevant to landscape) include:

- *"2. Follow a sequential approach by directing development away from areas of flood risk and mitigate impacts through integration of SUDS to deliver biodiversity/environmental improvements and flood resilience.*
- *3. Address any impacts associated with Ancient Woodland (on and adjacent to the site) including Front Wood, Wallage Wood, Wallage Lodge Shaw, Bushy Wood, Pescotts Wood (east and west parcels), which will be excluded from development.*
- *4. Provide a woodland buffer to existing vegetation along the southern boundary and set development back from the Worth Way to mitigate potential visual impact to the route and help enhance its setting.*
- *5. Provide a 5m landscape buffer to existing hedgerows.*
- *6. Integrate and enhance the existing PRowS within the site and retain the character of PRowS that border the site.*
- *7. Provide suitable pedestrian and cycle connections to Crawley Down, including via the Worth Way.*
- *8. Integrate development with the site to the north (DPA10) such as through the design of the site layout and by providing pedestrian and cycling connections between the developments, green infrastructure and ecological corridors.*
- *9. Provide suitable access to Turners Hill Road to each of the three areas of the site. The northern access is to be via Wychwood Place and the middle access and route through site is to be separate from Huntsland which will remain a no through road and public right of way.*
- *10. Avoid development in the most sensitive areas, including the central ridge.*
- *11. Provide a country park in southern part of site and along western boundary linking the north and south parts of the site. It meets the requirements of other relevant development plan policies."*

Crawley Down Neighbourhood Plan (January 2016)

The following policies are considered relevant to this application:

- Policy CDNP 01 (Securing Sustainable Local Infrastructure)
- Policy CDNP 02 (Retention and Enhancement of Recreational and Local Green/Open Spaces)
- Policy CDNP 05 (Control of New Developments)
- CDNP 06 (SuDS)
- CDNP 08 (Coalescence)
- CDNP 09 (Protect and Enhance Biodiversity).

Mid Sussex Landscape Capacity Study (2007/2014)

The site is identified as located within Parcel 3 (Crawley Down Northern Fringe). The sensitivity of this character area is judged as **substantial**, owed to the substantial areas of woodland and intact hedgerows, well defined settlement boundary, sloping ground, significant areas of woodland links and contributes to prevention of increased coalescence with groups of scattered settlement. The landscape value is however judged as **slight** (2007), with a **medium capacity** (2014).

The 2014 study defines medium capacity as (Table 3.4, Page 47) *“there is the potential for limited smaller-scale development to be located in some parts of the character area, so long as there is regard for existing features and sensitivities within the landscape”*.

Review of Submitted Information

The application has been supported by the submission of a Landscape and Visual Impact Appraisal (LVIA) undertaken by SLR Consulting Limited. Overall, we generally agree with the submitted Methodology within Appendix A.

Landscape Character

The submitted LVIA references *National Character Area 122 (The High Weald)* of the Natural England National Character Areas (2014), *Landscape Character Area HW1 (High Weald)* of the West Sussex Landscape Character Assessment (2005, *Landscape Character Area 6 (High Weald)* of the Landscape Character Assessment for Mid-Sussex (November 2005) and *Parcel 3 (Crawley Down Northern Fringe)* of the Mid Sussex Landscape Capacity Assessment (HDA, July 2007).

Key characteristics of the Landscape Character Area 6 (High Weald) include wooded, confined rural landscape of intimacy and complexity, attractive, locally secluded and tranquil, drained by sinuous gill streams, long views over the Low Weald, significant woodland cover, sense of enclosure, pattern of small irregular assart fields, rich biodiversity.

A site visit was carried out on 20th February 2025 confirmed that the site is very characteristic of the local landscape character descriptions. As a representative landscape of the LCA increases the sensitivity of the site.

The LVIA sensitivity assessment of HW1 and Area 6 LCAs states that “*the site forms a small part of the wider High Weald landscape which is the largest of the character areas in the district*” (Table C-2). We disagree with the justification that the sensitivity is reduced owed the development being comparably smaller than the LCA in which it sits in. The harm cannot be dependent on the scale at which the landscape character assessment report has been undertaken, and whether the LCA boundary is larger than other surrounding LCAs. As stated in the LI’s Notes and Clarifications (TGN 2024/01), “*the focus should be on what would be affected and where, not restricted to the proportion of a landscape character area or designated area affected*” (Para 3(3)).

Table C-4 within the LVIA provides an overview of the assessed landscape effects. The application site is representative of the characteristics of the local relevant LCAs, where features such as the significant surrounding woodland cover and sense of enclosure have contributed to increasing the susceptibility of the site to development.

Whilst the development site may be seen as “*a logical extension to the existing settlement edge at Wychwood Place*” (LVIA, Table C-3) to the east of the site, we question this as justification for the impacts on Crawley Down Northern Fringe character. Wychwood Place cannot be observed from the PRowS surrounding the site and therefore the local landscape character is not currently impacted by this existing new development. Wychwood Place is settled on lower elevation ground and enclosed by vegetation, separated from PRowS which experience the surrounding Crawley Down Northern Fringe character. The proposed development would therefore have a far greater impact on the local/surrounding character and LCAs owed to the recreational experience of this perceptually more rural location.

We therefore judge that the LVIA has underassessed the impacts on the local/surrounding character and HW1/Area 6.

Visual Amenity

Viewpoint 3 represents the view from the PRow which runs to the southern boundary of the site. The built zone of the site is set back from PRow by 150m, although is located on higher elevation ground which may allow the rooflines of the development to be observed (Year 1) which will be retained as vegetation is unlikely to have exceeded the roof heights by Year 15.

Viewpoint 12 is representative of the open views from PRow 35W which runs through the Ancient Woodlands to the western edge of the site. We judged that this receptor is the most sensitive owed to its rurality and proximity to the site and agree with the LVIA judgements of **major negative** harm at Year 1, reducing to **major-moderate negative** at Year 15.

Significant mitigation planting must be proposed along the western boundary of the site, particularly where PRow 35W runs close to the edge of the woodland (Figure 3). Whilst it is stated that planting will be proposed, the LVIA (Table D-2) states that the magnitude of change for Viewpoint 12 will not reduce from **medium** from Year 1 to 15. Additional planting should be proposed to help reduce the magnitude of effect over time. At present, views from the western edge along the PRow are valuable as they offer a sense of rurality and tranquillity away from the built edge of Crawley Down, despite being fairly close to the village. These PRowS which surround the development site offer countryside recreational value with a sense of separation from the built edge. The development site facilitates this

sense of rurality, by providing a sense of open countryside between the PRowS and the village edge.

The site benefits from being surrounded by characteristic woodland cover and established boundary vegetation which contributes to reducing the visual effects of the development from a number of surrounding visual receptors. This also allows significant mitigation measures in the form of planting to be proposed which would not appear out of character with the surrounding area.

We do however acknowledge that the whole development site has very few visual receptors, all of which are located on the immediate site boundaries. Visual effects are agreed to be localised and limited, however the value of these views should not be undervalued given their particular sensitive locations.

Review of the Submitted Proposal

The built development zones utilise all three fields (Field 1, 2 and 3) with some public open space within Field 2. In comparison to the adjacent outline application for development south of Huntsland (DM/25/0014 and DM/25/0015), this development encroaches further into the countryside. It is however very enclosed by natural boundaries which are well vegetated and form natural edges to the development scheme.

Policy CDNP 08 'Prevention of Coalescence' states that development will be permitted if "*it does not significantly reduce the gaps between the village and neighbouring settlements*" (CDNP), including to Crawley to the west. The proposed development extends the built edge of Crawley Down ~350m west towards Crawley town, breaking into the countryside to the west of Turners Hill Road. The proposed development site encroaches into the countryside and erodes an area which forms the separation between Crawley Down village and Crawley town. However, the development does not form a significant erosion of this gap and the separate identities of the two settlements remains.

We judge that the LVIA has underassessed the impacts on landscape character, which are judged as **moderate/minor** within the LVIA. Whilst we judge the effects on local landscape character should be considered moderate, we note that the submitted LVIA methodology identifies significant effects as major/moderate or higher. We therefore do not judge that the proposed development would "*detract significantly from the openness and character of the landscape*" (CDNP 08) in accordance with the requirements of Crawley Down Neighbourhood Plan.

Policy DP12 'Protection and Enhancement of Countryside' of the Mid Sussex District Plan is applicable to this application. We judge that the proposed development will cause adverse impacts on the intrinsic character and beauty of this area of the landscape, and the ability of surrounding receptors to enjoy this countryside landscape.

We do however note that the proposed design and layout has contributed to reducing the impacts on the character and beauty of this area of the landscape by protecting important features and setting the development away from sensitive edges, allowing for a sense of the countryside character to be partially retained along surrounding PRowS.

All development is based on the frontages facing onto the POS and outer edges of the site, which enhances the visual amenity and security of the scheme. Appendix A of the Planning Statement also confirms that all Ancient Woodland has a 15m buffer and all hedgerows have a 5m buffer.

A shared pedestrian/cycle route that also connects to the surrounding PRowS and accords with Policy DP22 of the Mid Sussex District Plan.

Recommendations

If minded for approval, we have the following recommendations regarding the design and layout:

- As represented by Viewpoint 3, mitigation for observations of the roofline will not reduce the magnitude of change by Year 15. Since this view is contained owed to the topography, we advise that additional mitigation measures through planting are proposed closer to the southern boundary to the PRow to reduce visual effects. Screening planting close to the southern boundary would contribute to reducing the sense of built development from this PRow, therefore retaining some sense of rurality.
- There is an opportunity to set development back from the western site boundary, notably where PRow 35W runs close to the woodland edge. The valued sense of rurality is compromised in this location and therefore providing more setback will contribute to reducing the impacts and sense of imposition from the western countryside edge.
- The 65-bed care home is likely to have a higher elevation and than surrounding dwellings. We advise this is located closer the existing urban edge than the countryside edge. This will contribute to reducing the urbanising effect of the development.
- DPA9 requires a country park to the south and along the western boundary. Whilst the southern country park has been proposed within the neighbouring outline application, POS along the western edge is severed by the care home. We advise that enhanced connections and a wider POS are proposed along the full extent of the western site boundary.
- Significant planting should be proposed long the western edge of the development site. The sense of rurality experienced from PRow 35W is valuable considering its proximity to the edge of Crawley Down, however this PRow benefits from being perceptually within the rural countryside. The proposed development will compromise this sense of rurality, therefore we advise that significant planting is proposed in accordance with the woodland character on this edge of the site.
- Owed to the SuDS features being located within the POS and form the countryside edge, we encourage the basin design to be heavily planted to ensure this 'urban' feature is well integrated into this location. The basin design should avoid having steep banks, precast concrete headwalls with metal railings, and bare banks which appear unnatural.
- Additional SuDS features would also be beneficial within the built areas of the development, in the form of swales or rain gardens which can be located alongside roads and paths.

- Any higher storey buildings should be located towards the eastern edge of the site, closer to the existing urban edge of Crawley Down.

Summary

The proposed development will cause permanent adverse impacts on the landscape character which can be partially mitigated through some additional layout amendments and mitigation measures. We recognise the Reg 19 Allocation for Site DPA9 and judge that there is some capacity to accommodate development within the site. We advise that the above recommendations are considered and embedded in any proposals coming forward to reduce the impacts on both the landscape character and the visual amenity.

Heritage Consultant

As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area with the potential to contain significant archaeological remains.

To the north-east of the proposed development is Westlands Farm, a historic farm complex with possible medieval origins (HER MWS13967). To the south-east is Huntsland Farm, another extant farmstead with possible origins in the medieval period (HER MWS11821). Agricultural and extramural remains associated with these historic farmsteads are likely to extend into the proposed development area and be negatively affected by the development's groundworks.

Archaeological investigations undertaken to the immediate east of the proposed development, at Wychwood, have previously uncovered medieval and undated pits and ditches on several alignments, interpreted as forming several phases of activity (HER MWS14982 & MWS14963). Similar archaeological remains are likely to extend into the proposed development site.

Chance finds of an Iron Age and Roman date have also been found in proximity to the site, including pottery and coins, raising the potential that associated archaeological remains of these dates may survive on the proposed development site.

Although the exact extent of archaeological remains within the site is currently unclear, what is clear is that any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development. Accordingly, I recommend that further information about the extent and scale of archaeological remains within the site needs to be established prior to the commencement of development. Once this has been established, it would allow for a program of archaeological mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate.

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

RECOMMENDATION: Archaeological Trial-Trenching and Excavation

- i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.**
- ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.**
- iii) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/preservation strategy for approval by the Local Planning Authority.**
- iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.**
- v) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.**

The work should be undertaken by a qualified archaeological contractor and will comprise an archaeological trial-trenching evaluation of the site, carried out in advance of the commencement of the development. Based on the results of this trenching a subsequent phase of archaeological excavation and/or monitoring may then be required.

A brief will be supplied from this office detailing the work required on request and should be acquired prior to the submission of a Written Scheme of Investigation.

Contaminated Land Officer

Comments: I have reviewed the desk study contaminated land report, by Geo-Environmental, ref: GE21953/DSR/DEC23, dated the 1st of December 2023, submitted with the outline planning application for the erection of up to 150 dwellings, a 65-bed care home, and community facility, and associated infrastructure on land west of Turners Hill Road.

The report includes a Preliminary Risk Assessment (PRA) and Conceptual Site Model (CSM) which identify several plausible pollutant linkages. The preliminary risk rating for the majority of these linkages has been classified as low or very low, with a moderate to low risk for made-ground coming into contact with future residents. While the potential pollutant linkages identified in the desk study are not considered to prevent development, they may require remediation or risk mitigation measures to reduce risks to key receptors.

To progress the application, in line with the report, it is recommended that an intrusive investigation and associated testing be undertaken to confirm the findings of the desk study report and provide a robust risk assessment for the site and proposed development.

A phased contaminated land condition should be attached to the application. This will require an intrusive investigation, followed by remediation and validation if necessary. Additionally, a discovery condition should be attached to address any contamination found during ground works that was not identified during the investigation stage. Given that intrusive investigations can only take place in specific locations, there is always a risk that contaminants may exist between test points.

Recommendation: Approve with the following conditions:

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

a) A site investigation, based on the desk study contaminated land report, by Geo-Environmental, ref: GE21953/DSR/DEC23, and dated the 1st of December 2023, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;

and, unless otherwise agreed in writing by the LPA,

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

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

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

In addition, the following precautionary condition should be applied separately:

3) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

Environmental Health Officer

Comments: The location is to the West of Crawley Down and appears to be low risk with regard to noise and existing air quality. Construction activities could adversely affect the amenity of existing residents or those of completed sections/phases. Noise from fixed plant at the care home (refrigeration, A/C, kitchen extract etc) can be controlled by condition.

Accordingly I recommend the following conditions should the proposed development be granted permission:

Conditions:

Air Quality: Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. The calculated figure of £26,320 submitted in the RSK Air Quality Assessment (Report No: 446051-01(00)) is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Informative – In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions.

Construction Management: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: measures to control noise or vibration affecting nearby residents; artificial illumination; dust control measures in accordance with best practice. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Construction and Deliveries (during the construction phase): Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be delivered or collected within the application site outside the hours of 08:00 - 18:00 Hours Monday – Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Plant and Machinery (Operational): The rating level of the noise emitted from fixed plant and equipment (mechanical and electrical) located at the care home shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

Loading and unloading of goods (operational): No commercial goods or commercial waste shall relating to the care home shall be loaded or unloaded, outside the hours of 07:00 - 20:00 Hours Monday – Friday, 09:00 - 17:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Housing Enabling Team Manager

The applicant has submitted an outline planning application for a mixed use development including up to 150 x 1 to 5 bed dwellings (Use Class C3) on the part of the site to the north of Huntsland, which gives rise to a minimum on-site affordable housing requirement of 30% in accordance with District Plan Policy DP31. This equates to 45 affordable housing units, but if the number of units changes and the resultant number of affordable housing units is not a whole number, it must be rounded up to the next whole number as stated in the Affordable Housing SPD. The applicant is also proposing a 65 bed care home (Use Class C2) which does not give rise to an affordable housing requirement. If the plans submitted as part of the Reserved Matters application however show these to be self-contained properties, then a further 30% affordable housing will be required.

The affordable housing provided will need to be split 25% First Homes (11 units) and 75% Social Rented or Affordable Rented housing (34 units including the wheelchair accessible dwellings). Due to the fact that the First Homes price cap after a minimum 30% discount is £250K, it is likely that most of the First Homes will need to comprise 2 bed flats, Coach houses/FOGS or Maisonettes with a few 1 bed flats, Coach houses/FOGS or maisonettes. If however a greater discount is provided, some of the First Homes could be delivered as 2 bed houses.

All units for both First Homes and Social Rent or Affordable Rent will need to meet the Council's occupancy and minimum floor area requirements as stated in the Affordable Housing SPD and, as advised in our pre-app comments, in order to meet a range of housing need the overall affordable housing size mix will need to comprise approximately:

- 26% (12) x 1B/2P flats, Coach Houses /FOGS, maisonettes, or bungalows @ a minimum of 50m² (excluding the staircase and entrance hall in the case of any Coach Houses/FOGS or maisonettes or 58m² including them). Maisonettes should each have their own private garden area (All units are to be M4(2) compliant and meet M4(2) standards as stated in paragraphs 6.3.5 & 6.18.2 of the Planning Statement)
- 45% (20) x 2B/4P houses and flats or all houses (the rented units should all be houses) @ a minimum of 79m² in the case of houses (2 storey) and 70m² in the case of flats (excluding the staircase and entrance hall in the case of any Coach Houses /FOGS or maisonettes or 79m² including them). Maisonettes should each have their own private garden area (All units are to be M4(2) compliant and meet M4(2) standards as stated in paragraphs 6.3.5 & 6.18.2 of the Planning Statement)
- 20% (9) x 3B/5P houses @ a minimum of 93m² (2 storey) or 99m² (3 storey) (All units are to be M4(2) compliant and meet M4(2) standards as stated in paragraphs 6.3.5 & 6.18.2 of the Planning Statement)

- 5% (2) x 4B/6P houses @ a minimum of 106m² (2 storey) or 112m² (3 storey) (All units are to be M4(2) compliant and meet M4(2) standards as stated in paragraphs 6.3.5 & 6.18.2 of the Planning Statement)
- 4% (2) x wheelchair accessible bungalows/houses for rent comprising 1 x 2B/4P bungalow at 84m² or 1 x 2B/4P house @ 103m² and 1 x 3B/5P house @ a minimum of 121m², which comply with all of the requirements contained in Part M(4)(3)(1)(a) and (b) and Part M(4)(3)(2)(b) for wheelchair accessible dwellings as contained in Category 3 – wheelchair user dwellings of schedule 1 of the Building Regulations 2010 as amended

As per the above comment, these figures do not take account of an affordable housing requirement arising from the 65 units within the proposed care home, however if the plans at Reserved Matters Stage show these to be self-contained units, a further 30% affordable housing will be required.

In the event that this part of the site is delivered as a phased development, at the Reserved Matters stage the phases will need to be clearly identified on a Phasing Plan with 30% affordable housing, split 25% First Homes / 75% social rented or affordable rented housing, included in each and every phase.

A tenure blind approach will be required, with the affordable units distributed throughout the site and, in accordance with the Affordable Housing SPD, the location of the affordable housing units will need to meet our clustering requirement. This requires that no more than 10 affordable housing units are located in one cluster, with open market units in between each cluster. This is in order to assist social integration and the creation of a balanced community. The submitted planning statement makes reference to the affordable housing being "distributed throughout the development in clusters of 15-20 units" (Paragraph 4.10) and to being "distributed throughout the development in clusters of 15-25 dwellings" (Paragraph 6.2.39). Neither would be acceptable due to the Council's aforementioned clustering requirement, which was also referred to in our pre-app comments.

The flats will need to be designed to ensure that the rented flats are located in a separate block, accessed via a separate core/entrance or located on a separate floor(s) to the First Homes flats and any open market flats, with individual accesses provided for any ground floor flats for rent. No more than 6 x 1B/2P flats for social rent or affordable rent are to be included in a block. Car parking spaces will need to comprise a minimum of 1 space per 1 and 2 bed unit, 2 spaces per 3 bed unit and 3 spaces per 4 bed unit.

The wheelchair accessible dwellings will need to meet all of the requirements contained in Part M(4)(3)(1)(a) and (b) and Part M(4)(3)(2)(b) of Schedule 1 of the Building Regulations 2010 as amended. As part of the reserved matters planning application, three x A1 sized

hard copies of 1:50 annotated plans showing the various room dimensions, floor areas, turning circles, manoeuvring zones and layouts of individual rooms, (including all of the appropriately sized furniture and white goods required), and the measurements and floor area of the dwelling as a whole will also be required for each wheelchair accessible dwelling. Three plans showing the access from the wheelchair accessible car parking spaces to each wheelchair accessible dwelling's front door will also be required.

All of these plans will be forwarded to our OT for checking against the Part M4(3)(1)(a) and (b) and Part M4(3)(2)(b) requirements and any changes required will need to be made and updated plans submitted. This is because the plans need to be approved prior to planning permission being granted as stated in the Affordable Housing SPD, with the approval of any minor final details necessary to ensure full compliance covered by a planning condition.

When the reserved matters planning application is submitted, the affordable housing units will also need to be separately identified on an Affordable Housing Plan which includes plot numbers. The proposed First Homes will need to be shown in blue and the proposed rented units in red, together with their allocated and numbered car parking spaces. The location of the wheelchair accessible dwellings and wheelchair accessible parking spaces will also need to be clearly identified on this plan by green hatching.

An Affordable Housing Schedule will also be required detailing for each affordable housing unit the plot/flat number, type of unit, number of storeys, floor level in the case of flats/maisonettes, floor area in m², number of bedrooms, number of persons, proposed tenure and whether or not it is a wheelchair accessible dwelling, in order to clearly demonstrate that all requirements are being met.

2% of the 150 plots (3 plots), are also to be provided for self build, and these should be located together in one distinct area and will be required to meet the requirements of Policy DPH6:Self and Custom Build Housing. These requirements include that :

- A design code and individual plot passports will need to be prepared and agreed with the District Council.
- The boundaries of the self-build plots will need to be marked out and all services and access provided, before they are made available for sale.
- The intended occupant of each plot will need to submit a separate reserved matters application for their plot.
- All self build plots must all be made available for sale at competitive prices, fairly related to site/plot costs, and supported by an RICS Valuation.

The serviced plots will also need to be marketed solely to households on the District Council's Self-build and Custom Housebuilding Register of Interest for a period of 6 months. If after the 6 months period a plot has not been bought or reserved, it is to be put on the open market as a self-build plot for a further 6 months. If the plot remains unsold after the 12 month period, it must either remain on the market as a self or custom build plot or be offered to the Council or an approved Registered Provider, before being able to be built out as a market sale dwelling.

Section 106 & Infrastructure Manager

Dear Steve,

Thank you for the opportunity to comment on the outline planning application (DM/25/0016) for the erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure, including the provision of open space and play facilities on Land West of Turners Hill Road and south of Huntsland, Crawley Down, West Sussex.

This application is one of two that has been submitted (the other being DM/25/0014, an outline application) for 200 dwellings at Land West of Turners Hill Road and south of Huntsland, Crawley Down, West Sussex. The site is an allocation (DPA9) in the Draft Submission Plan for 350 dwellings.

Planning Policy

The key policies are DP20 ("Securing Infrastructure") from the adopted Mid Sussex District Plan (adopted March 2018) and DPA9 from the Draft Submission Plan.

Draft Policy DPA9 from the Draft Submission Plan requires the on-site provision of the following items of infrastructure:

- Community building
- Allotments
- 50 bed (C2) care home
- Play area
- Other outdoor provision
- Outdoor sports* (* the IDP Sep 2024 also permits a financial contribution towards the expansion/ enhancement of outdoor sports within the vicinity of the site).
- Informal outdoor space

Draft Policy DPA9 requires financial contributions for:

- Sustainable Transport
- Education
- Library
- Local Community Infrastructure
- Emergency services
- Ashdown Forest SPA and SAC mitigation measures

- Health

Use of Appendix 5 of Draft Submission Plan for Planning Obligation Calculations

The Council has previously used the “Development Infrastructure and Contributions” Supplementary Planning Document (SPD) (adopted July 2018) to calculate infrastructure contributions that are due. For the following reasons, however, the Council will be using Appendix 5 of the Draft Submission Plan:

- The PPG discourages the use of SPDs for setting out formulaic approaches to planning obligations. It states that they should be subject to examination.
- The relevant policy for seeking planning obligations at the Council is DP20 “Securing Infrastructure” from the adopted Mid Sussex District Plan (adopted March 2018)
- The use of the SPD for seeking contributions is now contrary to national guidance
- The SPD and the adopted District Plan are of limited use in identifying site-specific infrastructure required to make Submission Plan allocations acceptable.
- The SPD was adopted in July 2018. Given that Plans are expected to be reviewed every 5 years, it is considered that these figures are out of date for infrastructure purposes.
- This consideration is supported by work in the Infrastructure Delivery Plan, which forms part of the evidence base for the Draft Submission Plan;
- Although the IDP has not been subject to examination, it represents the most up-to-date information available. In addition, there were no objections to Appendix 5 of the Draft Submission Plan, which is based on the IDP.
- Reliance on Appendix 5 figures is considered consistent with the “assessment on its merits” required by Policy DP20, and does not involve conflict with the development plan. The Council wishes to use the IDP rather than the existing SPD and both are material considerations on the basis that the IDP is the more up-to-date document to use.

Financial Contributions

FORMAL SPORT

In the case of this development, a financial contribution of £227,052 is required toward new and improved formal sports and ancillary facilities at Crawley Down Cricket Club, Haven Sports Field, Crawley Down Gatwick Football Club and / or King George V Playing Field, Sandy Lane.

Calculation from Appendix 5

150 dwellings x 2.5 (standard occupancy rate) x 16 (requirement per person) x 42 (cost per sqm) = **£252,000**

33% reduction for affordable

(45 x 2.5 x 16 x 42 = 75,600

X 33% = 24,948) means final figure is £252,000 – 24,948 = **£227,052.00**

COMMUNITY BUILDINGS

Site Allocation DPA9 requires the provision of a community building on site but a financial contribution of **£228,403** toward the Haven Centre would be preferable. The Haven Centre is a large village facility, just under a mile from the development site, which could

accommodate increased capacity but it will require investment to improve and modernise the building for greater community use. The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. Upgrading the existing community centre will create a vibrant village amenity which will help bring the old and new resident communities together.

Calculation from Appendix 5

$$150 \times 2.5 \times \text{£}676 = \text{£}253,500$$

$$\text{Affordable } 45 \times 2.5 \times \text{£}676 = \text{£}76,050 \times 0.33 \\ \text{£}25,096.5$$

$$\text{£}253,500 - \text{£}25,096.5 = \text{£}228,403$$

LOCAL COMMUNITY INFRASTRUCTURE

There is a requirement for **£162,518**. Worth Parish Council have asked if this could be put towards improvements to the Glebe Centre car park.

Calculation from Appendix 5

$$150 \times 2.5 \times \text{£}481 = \text{£}180,375$$

$$\text{Affordable } 45 \times 2.5 \times \text{£}481 = \text{£}54,112.5 \times 0.33 = \text{£}17,857$$

$$\text{£}180,375 - \text{£}17,857 = \text{£}162,518$$

Tree Officer

8 trees are to be removed to accommodate this application, 5 of which are unsuitable for retention, Cat U.

Five veteran oaks are identified on site.

However, there is encroachment within the Ancient Woodland buffer zones with swales and footpaths and this is contrary to government advice contained within Ancient woodland, ancient trees and veteran trees, January 2022. It is accepted that this is an outline application and this may be addressed by a future reserved matters application. In any event, a detailed method statement will be required for any incursions or encroachments.

There are also incursions within the RPAs of 6 trees, beech 3269 is identified as being of particular concern within the AIA, and I would agree with this. This may be something which could be avoided within any future RM application.

Full landscaping details should be submitted as part of any future application also.

Conservation Officer

Original comments

Comments on the above planning applications, which I understand to form part of a potentially linked or phased development by the same developer.

The proposed development site consists of a series of seven fields located to the west of Turners Hill Road, on the western edge of Crawley Down. The current pair of outline planning applications, which have been submitted in duplicate, are respectively for 200 dwellings on the 5 fields to the south of Huntsland, and 150 dwellings on the two fields to the north, with associated accesses, internal roads, car and cycle parking, open space and play facilities, and hard and soft landscaping.

There are no designated or non-designated heritage assets within the sites themselves, but there are a number within the vicinity:

- Westlands, Turners Hill Road.

This is a Grade II listed former farmhouse of two parallel ranges dating from the 16th century and the early 19th century. The associated farmstead appears to have been largely located to the north of the farmhouse, and is now lost, but there is one remaining outbuilding to the rear of the house which may be regarded as curtilage listed. Westlands Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the 19th century.

Based on the information in front of us, Westlands is likely to be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a Sussex farmhouse altered and extended over the years in response to changing socio-economic circumstances, and aesthetic value based in part on the use of vernacular materials viewed against the landscape from which they were drawn.

As such the surviving rural setting of the farmhouse will make a strong positive contribution to its special interest and the manner in which this is appreciated. The farmhouse fronts on to Turners Hill Road, with residential development opposite. There is further development to the north and south. However to the west a rural landscape of fields and woodland survives. The northern part of the northern application site lies a short distance to the south west of Westlands, separated from it by a field partly occupied by the more modern agricultural buildings associated with Hurst Farm. A public right of way (PROW) runs westwards from Turners Hill Road along the southern boundary of the gardens to Westlands- this continues west along the northern edge of Hurst Farm before turning south and passing along the western side of the application site.

The northern site (fields 1 and 2) therefore forms part of the wider rural setting of Westlands. There is unlikely to be direct intervisibility between the site and the listed building due to intervening screening by trees and the buildings at Hurst Farm, however they will contribute positively to the rural character of the wider approach to Westlands from the south west along the above mentioned PROW, including potentially the currently rural views looking south across Hurst Farm to the site from the part of the PROW just to the west of the listed building. The northern site is therefore considered to make a modest positive contribution to the special interest of the listed building and how this is appreciated.

- Heatherwood South and Heatherwood West, Sandy Lane

These two properties are formed from what was originally one substantial 19th century dwelling, which is now Grade II listed. They are located to the north of Sandy Lane, to the east of Turners Hill Road, and separated from the site by Pestcotts Wood, and modern residential development at Wychwood to the west of Turners Hill Road. In my opinion, given the intervening roads, woodland and buildings the current proposal will not materially affect the setting of this listed building.

- Huntsland House, Huntsland Barn, Primrose Lodge and the Coach House Turners Hill Road

These buildings lie to the south of a trackway leading west off Turners Hill Road. They are situated between the northern and southern proposed development sites. Huntsland House is a substantial house, now run as a boutique hotel and wedding venue. Information on the venue website suggests that the current Victorian house was reconstructed around the shell of an earlier Regency property, elements of which were retained internally, including an attractive oval shaped stair hall. The house has had a number of interesting and significant owners, more information on which can be found on the website, here:

[History of Huntsland House, B&B near Gatwick Airport, Sussex](#)

There are a number of former ancillary buildings around the house, now in separate ownership, which are also of character, and contribute to the group value and the narrative of the assemblage as the core of a modest 19th century country estate. These include the former coach house, and a barn, which according to the information on the Huntsland House website contains much older fabric dating from the farmstead formerly on the site. This would be supported by the inclusion of the group as part of an WSCC Red Archaeological Notification Area as a medieval to post-medieval historic farmstead.

In my opinion, the group of buildings at Huntsland merit consideration as non-designated heritage assets of a mid level of interest in the local context, for the following reasons:

- the quality and character of the buildings;
- their group narrative value as a surviving 19th century country house and ancillary buildings, representing the most recent phase of development of a former farmstead, later country estate which appears to have evolved over many centuries, and which retain some fabric and features demonstrating earlier phases of the site's history; and
- the historical associative value of the house due to its association with a number of interesting local figures.

As a former country estate and farmstead, the surviving rural setting beyond the extensive gardens around Huntsland House will make a strong positive contribution to significance of the non-designated assets. Despite the proximity to Crawley Down and the presence of a small number of other more modern dwellings around the group, the entrance track from Turners Hill Road (which is also a PROW) and the wider setting retain a rural character. In particular there will be views from the house and associated buildings, and from the entrance track/PROW to the east of the house across the fields to the south (which form part of the southern application site), and there are reciprocal views towards the group from the Worth Way footpath which runs east-west across the southern edge of this site. The group is also visible in more filtered views looking across the southern site from the PROW running north-south along its western edge. The both the southern and northern sites are visible in views looking north from the PROW to the west of the NDHAs, and contribute to the rural character of the approach to the group from this direction.

- Arne Lodge, Turners Hill Road

This building was originally the southern lodge to Huntsland House, and sat beside a southern approach to the estate from Turners Hill Road which has now been lost. The northern lodge which was located adjacent to the existing, retained northern driveway has been redeveloped. Although extended, the original southern lodge house can still be clearly appreciated, as a single storey, stone faced building set end on to Turners Hill Road in order to overlook the driveway to the estate. In my opinion this building also merits consideration as an NDHA, having group value with the buildings at Huntsland, and as a constituent part of this modest country estate.

However, although the lodge is part of a historical grouping with Huntsland House, it is separated from the southern proposed development site by woodland and more modern

development. I do not therefore consider that its setting will be materially affected by the current application.

- Lemon Meadow and Yew Tree Cottage, Turners Hill Road

These two properties are two halves of Grade II listed 16th century timber framed building. Based on the limited information in front of us, I would consider the building to possess architectural interest based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex building, possibly a former farmhouse, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn.

As such, the surviving rural setting of the listed building will be considered to make a strong positive contribution to its special interest and how this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values. This rural setting consists largely of fields to the west and north of the building - those to the north, which are separated from the listed building by the Worth Way, are formed by the southern development site. Intervisibility between the listed building and the site will be limited by the height of the former railway embankment along which the Worth Way now runs; however this same elevation also affords clear views over the development site which contribute significantly to the character of the context in which the rear of the listed building is appreciated from the footpath.

The extensive residential development and all the associated works proposed on both the northern and southern sites will have a fundamental impact on their character, which would become suburbanised. This will remove and reverse the positive impact currently made by the sites to the settings of the above mentioned heritage assets. To consider these it turn:

- Westlands

The development on the northern site will affect the character of the approach to the listed building along the PROW from the south west. Given the distances involved and the likely screening by intervening trees and buildings, I would place the harm caused to the contribution made by the rural setting of the house to its special interest at the lower end of the less than substantial scale.

- Huntsland House and associated buildings.

In respect of the northern site, development will affect the currently rural views looking northwards from the PROW which runs across the northern side of the Huntsland grouping. Whilst there is unlikely to be direct intervisibility between the northern development and the NDHAs, this will affect the context within which they are appreciated in terms of the

approach to them along this PROW from the west. This will result in a low degree of harm to assets of a mid level of interest within the local context. This harm will be cumulative with that caused by the associated proposed development on the southern site, discussed below.

In respect of the southern site, the proposed development will have a fundamental impact on the currently rural character of views looking southwards and eastwards from the house and its immediate garden setting. It will also affect the context within which the NDHA grouping is appreciated in views looking north from the Worth Way and east from the PROW to the west of this site, as well as the character of the approach to the grouping in both directions along the PROW running along the line of the entrance driveway. The scale and proximity of the development is such that there is also likely to be a marked increase in noise, activity and light levels within the group's setting. All of this will remove and reverse the positive contribution made through setting by the site to the significance of the NDHAs.

In my opinion this will result in a mid level of harm to an NDHA grouping of a mid level of interest within the local context. This will be cumulative with the harm caused by the northern development, as set out above.

- Lemon Meadow and Yew Tree Cottage.

As above, a significant portion of the surviving rural setting of this listed building is made up by the fields within the southern application site. Although direct intervisibility between the two will be limited, there will be a very significant negative impact on the context within which the building is appreciated in views from Worth Way. Given the placement of the main access road to this development running alongside the opposite side of the Worth Way embankment, in close physical proximity to the listed building, and the scale of the adjacent proposed housing development, there is also likely to be a noticeable increase in noise and light pollution in the area, which will exacerbate the negative impact on the contribution which this part of the setting makes to the asset's significance.

This will be contrary to the requirements of District Plan Policy DP34 and in terms of the NPPF will result in a low-mid level of less than substantial harm to the listed building, such that the balancing exercise set out in paragraph 215 will apply.

In summary the proposed residential development on both sites will impact negatively on some of the adjacent heritage assets described above. In some instances, this impact will be cumulative. This harm should be given appropriate weight in any further development of the planning applications.

Additional comments 25/04/2025

Further comments on the above applications, following the receipt of further information, including a desk based heritage assessment and covering letter, and a revised masterplan.

I have read and considered the heritage information provided but find that it does not alter my opinion in terms of the nature of the significances of the affected designated and non-designated heritage assets, or the contribution made by setting including the application site to those significances. Notwithstanding this, the heritage assessment identifies a level of less than substantial harm, through impact on setting to the listed buildings at Lemon Meadow/Yew Tree Cottage and Westlands, and to then NDHAs associated with Huntsland House, albeit that we differ in some instances as to the level of that harm.

We have also received a revised masterplan and a plan covering both the southern and northern sites which summarises the key changes made. These changes include 'structural planting' to various parts of the site, including positions adjacent to the site boundaries around Huntsland House, in one area adjacent to the Worth Way (although not near to the listed building to the south of this) and to the western side of the northern site. This planting may have some impact on the visibility of the new development from Huntsland and its immediate setting, dependent on detail, and may reduce to some extent the level of harm caused, although it should be noted that balanced against this severing the NDHAs from their historic rural setting would be regarded as harmful in itself.

On balance, my view as to the level of harm arising to the various assets affected is not materially altered by the further submissions made.

Architect/Urban Designer

Duplicate applications have been submitted for both the northern and southern parcels. The sites are not currently allocated for development through the adopted development plan. Both sites form a single proposed allocation: Site Policy DPA9 of the Submission Draft Mid Sussex District Plan 2021–2039.

These are outline submissions where appearance, design, landscaping and scale are reserved matters. These applications do include a series of parameter plans and an illustrative masterplan to help demonstrate how the proposed development could be accommodated and look to address the design principles contained in the Mid Sussex Design Guide. I would encourage further development of this illustrative masterplan to address any raised issues. I support this scheme.

In light of additional information received on 27/03/25 regarding Transport, Flood Risk, Landscapes, Heritage, an updated access and movement parameter plan, as well as updated illustrative masterplan please see below my final comments.

Access:

The updated drawings show some improvements to the proposed access and offer further explanation on several previously raised issues. However, regarding the connection from the southern site exit to the existing bus stop to the south-west, and the potential for a clip-on walking and cycling path along the western edge of the bridge, I feel that while the technical response is acceptable in planning terms, it does not adequately address the issue of the

very indirect route. Proposed route fails to align with the natural desire lines that will emerge from this new development. I believe that although presented solution is acceptable, this is an example of a missed opportunity to create a more direct and attractive link that could significantly enhance the likelihood of residents—of all ages and body abilities—using public transport. Improving this connection would contribute meaningfully to making the development more sustainable.

Layout:

I remain of the view that more could be done to create a meaningful central open space to the north-east of the Care Home, which could help establish a stronger sense of a notional centre within the development. As currently presented, the central space appears far too small when considered within the wider public open space hierarchy. Enlarging it would improve legibility and create a more inviting approach from Wychwood Place.

St. Leonard's Lookout (09) will serve as an important gathering space, but it cannot replace the more obvious focal point within the scheme that will hopefully be framed by higher-density buildings (such as the Care Home and flats or maisonettes) to reinforce its role.

I appreciate that the masterplan layout is illustrative at this stage, and that the final layout—including the exact location of the Care Home—is subject to reserved matters. A series of diagrams have been submitted exploring potential locations for the Care Home. Given the potential inclusion of a publicly accessible café, it would be most appropriate for the Care Home to be situated centrally, near the intersection of the main pedestrian and vehicular routes, directly framing the central open space. This would ensure Care Home contributes to the vitality of the public realm.

In terms of the submitted scenarios, the current proposed location appears to be the most optimal. Scenario 3 is a reasonable alternative, while Scenarios 1, 2 and 4 are the least desirable. Scenario 3 presents its own set of challenges, particularly regarding boundary treatment. There is a risk that fencing to the rear will be used to screen the carparking or quite the opposite that carpark to the rear will dominate the street. A preferable approach would be to merge the blue perimeter block with the adjacent block to the north. This would allow the Care Home to be set back from the road, helping with the creation of an open central space at the front of it—as outlined in my previous comments. Additionally, this configuration would support a continuous built frontage, effectively screening the courtyard parking at the rear and enhancing the overall street presence.