

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0088	Case Officer:	Joseph Swift
Application Type:	Reserved Matters Application		
Proposal:	Reserved matters application pursuant to outline planning permission ref DM/18/5114, as amended by planning application ref DM/21/3279, for the provision of the Green Circle traversing Sub-Phases OS1.1a, P1.3, OS1.1b (Freeks Lane) and OS1.2N at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill. (Updated surface details and amended bridge design)		
Site:	Burgess Hill Northern Arc, Land North And North West Of Burgess Hill, Between Bedelands Nature Reserve In The East And, Goddard's Green Waste Water Treatment Works In The West, , , , , ,		
Validation Date	13 Jan 2025	Overall Expiry Date:	19 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 May 2025
Target Date:	14 Apr 2025	Recommending Officer Signature:	Joseph Swift

Date Legal Agreement Completed: (if applicable)		No of Representations:	11
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Signed and Agreed By:	Stephen Ashdown	Date:	27 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0088

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

**Reserved matters application pursuant to outline planning permission ref DM/18/5114, as amended by planning application ref DM/21/3279, for the provision of the Green Circle traversing Sub-Phases OS1.1a, P1.3, OS1.1b (Freeks Lane) and OS1.2N at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill. (Updated surface details and amended bridge design)
Mrs Olivia Armitage-Hobbs**

SUMMARY OF REPRESENTATION

13 third party letters of representation have been received in relation to this application.

8 have objected to the proposal for the following reasons:

- Lead to more anti-social behaviour with cars and motorbikes
- Safety of using paths
- Path between Maple Drive and Eastbridge Avenue does not need improving
- No vehicular barriers proposed
- Impact on aesthetic appeal of lane
- Birds, squirrels and foxes impact
- Increased noise and disturbance
- Object if extension from Eastbridge Avenue to Maple Drive is not included, as serves as a through-fare to local amenities and is in poor condition
- The whole of Freeks Lane needs to be upgraded, the most used part is from Maple Drive.
- Support the application, but it should extend all the way to Maple Drive, as this path frequently floods and is very muddy.

In addition 5 letters has been received not in support of objection, but makes the following comments:

- Consideration needs to be given to restrictions on this path, making it more accessible will increase different vehicle types using it.
- Anti-social behaviour has been occurring with motorbikes with the locality, need to ensure there is adequate fencing so that only pedestrians have access.
- Fencing will also stop any fly tipping
- Request that as part of the works the unofficial access into Buckthorne place (between Eastbridge Avenue and Maple Drive) is closed off.

SUMMARY OF CONSULTEES

Environment Agency

Requires a clear span bridge, recommended condition

MSDC Tree Officer

I have no objections to this application, subject to notification as the sections are begun, in order that works may be discussed prior to commencement.

WSCC Lead Local Flood Authority: No objections

WSCC PROW: No Objections

Ecology Consultant: No ecological harm/No objection

TOWN/PARISH COMMENTS

MSDC Burgess Hill Town Council

The Committee of 12th May 2025 would support Approval of this application subject to:

o Minimal removal of vegetation alongside the existing footway to comply with Mid Sussex District Plan DP38 (Biodiversity) and to retain the feel of a country lane.

o Appropriate safeguards being introduced at the entry points to the multifunctional all-weather surface so that it can be used by pedestrians, cyclists and horse riders only, in accordance with Mid Sussex District Plan DP22 (Rights of Way and other Recreational Routes).

INTRODUCTION

Planning permission is sought for a Reserved matters application pursuant to outline planning permission ref DM/18/5114, as amended by planning application ref DM/21/3279, for the provision of the Green Circle traversing Sub-Phases OS1.1a, P1.3, OS1.1b (Freeks Lane) and OS1.2N at the Northern Arc development (now Brookleigh) on land north and north-west of Burgess Hill.

RELEVANT PLANNING HISTORY

Brookleigh

Outline

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

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

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

Eastern Bridge and Link Road

DM/19/3313- Construction of a single carriageway link road from Isaacs Lane to Freeks Farm comprising a new all-movements junction on A273 Isaac's Lane, highway comprising 6.1 - 6.5m carriageway with separate 4.5m 'Green Superhighway' and 3m cycle/footway provision on the north side and 2m footway on the south side segregated from the carriageway by landscaped verges, including all-modes bridge across the River Adur, constructed to an adoptable standard, together with, earthworks, surface water and foul drainage infrastructure, utilities corridors, street lighting, landscaping and temporary fencing. Approved 17/01/2020

DM/21/4355 - Application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeking alterations to conditions 4 (compliance with Ecology State) and 15 (compliance with submitted plans) of planning permission DM/19/3313 to allow amendments to Ecology Strategy and amendments to the road layout and signage and the addition of a road crossing for equestrian users, cyclists and pedestrians. Currently under consideration

Secondary School

DM/22/2553 - Application for reserved matters, pursuant to outline application DM/18/5114 for the erection of a Secondary School, including specialist support centre, car parking (including Electric Vehicle charging), cycle parking, drop off area, access, multi-use games area, all weather pitch, substation, bin storage, means of enclosure and lighting, with associated landscaping and infrastructure. Approved 19/12/2022

DM/24/1654 - Non-Material Amendment to planning application DM/22/2553, proposing design amendments to elevations, floor plans, roof plan and site plan. Approved 25/07/2024

Freeks Farm

DM/18/0509- Residential development comprising up to 460 dwellings, public open space, recreation areas, play areas, associated infrastructure including roads, surface water attenuation and associated demolition (outline application with all matters reserved except for principal means of access from Maple Drive) at Land to the west of Freeks Lane. Approved 24/07/2019

DM/19/3845- Approval of reserved Matters pursuant to Condition 1 of DM/18/0509 for the erection of 460 dwellings, including public open space, play areas, associated infrastructure including roads, surface water attenuation and associated demolition. Approved 19/12/2019

Bellway Parcels P1.5, P1.6 and P1.3

DM/21/3870- Application for reserved matters pursuant to Outline Planning Permission DM/18/5114, to consider access, appearance, landscaping, layout and scale with respect to the erection of 247 dwellings and associated car parking, open space and infrastructure, including an extension to Bedelands Nature Reserve and provision of the Green Circle and pedestrian/cycle route for Sub-Phases P1.3, P1.5, P1.6, OS1.1a, OS1.1b, OS1.2N, OS1.5 and OS1.6) to the east of Isaacs Lane and Lowlands Farm at the Northern Arc development on land north and north-west of Burgess Hill. Approved 24.05.2022

SITE AND SURROUNDINGS

The application site runs north along Freeks Lane from Eastbridge Avenue, with the parcels OS1.1b, P1.3 and OS1.1a on its eastern side, with the development of Oakhurst (formerly Freeks Farm) to the western side which is currently under construction. This section of the route up to the site for the secondary school (P1.1) is a Public Right of Way (PROW). When it reaches the boundary for the school the part goes west through parcel OS1.2N between the secondary school and Oakhurst until it joins onto the Eastern Bridge and Link Road (EBLR).

The application site lies within the built up area boundaries of Burgess Hill, it is also partially within the Burgess Hill Neighbourhood Area and is also within an Archaeological Notification Area, with the northern sections of the path being within the 15 metre buffer zone of Ancient Woodland.

APPLICATION DETAILS

The application is seeking Reserved Matters approval for the strategic green link network referred to as the Green Circle. The Green Circle will extend east to west across the entire Brookleigh Development once completed, the bridleway will be constructed to WSCC adopted public rights of way standards for bridleways and will be mostly 3 metres in width, this does narrow at some small sections, where topographical or Arboricultural factors render this impractical.

The current proposal is seeking permission for the section running from Eastbridge Avenue, to the EBLR adjacent to P1.1 (Secondary School). The proposed bridleway crosses the river Adur and a replacement bridge is proposed as part of the current application.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD), Burgess Hill Neighbourhood Plan, the West Sussex Joint Minerals Local Plan and the West Sussex Waste Local Plan.

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

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

- DP6: Settlement Hierarchy
- DP7: General Principles for Strategic Development at Burgess Hill
- DP9: Strategic allocation to the north and northwest of Burgess Hill
- DP21: Transport
- DP22: Rights of Way and other Recreational Routes

- DP26: Character and Design
- DP28: Accessibility
- DP37: Trees, Woodland and Hedgerows
- DP38: Biodiversity
- DP41: Flood Risk and Drainage
- DP42: Water Infrastructure & the Water Environment

The following Policy should be afforded full weight in relation to the noise and light pollution. However, in relation to air pollution, it should be afforded no weight as this has been superseded by Policy SA38 in the Site Allocations DPD.

DP29 Noise, Air and Light Pollution

Site Allocations Development Plan Document (2022)

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

SA38 Air Quality

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made on the 28th January 2016. Relevant Policies include:

- G2: Green Circle Network

West Sussex Joint Minerals Local Plan (2014)

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

- M9 Safeguarding Minerals

West Sussex Waste Local Plan (2018)

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

- W23 Waste Management within Development

OTHER MATERIAL CONSIDERATIONS

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DSP2: Sustainable Design and Construction
DSP4: Flood Risk and Drainage
DSP6: Health and Wellbeing
DNP2: Biodiversity Net Gain
DPN4 - Trees, woodland and hedgerows
DPB1: Character and Design
DPT1: Placemaking and Connectivity
DPT2: Rights of Way and Other Recreational Routes
DPT3: Active and Sustainable Travel

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states:

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

Paragraph 39 of the NPPF states:

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

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

National Planning Policy Guidance (NPPG)

Mid Sussex Design Guide

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

Northern Arc Masterplan (2018)

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

- SDP1 Access and Strategic Movement
- SDP3 Strategic Green Connections
- SDP4 Pedestrian and Cycle Links
- SDP5 Centres and Walkable Neighbourhoods
- SDP7 Place-making objectives
- SDP8 Northern Arc Design Guide
- SDP10 Integration with Established Communities
- SDP11 Education
- SDP14 Landscape and Green Infrastructure
- SDP16 Ancient Woodland and Veteran Trees

Northern Arc Infrastructure Delivery Plan and Phasing Strategy (2018)

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

Northern Arc Design Guide (2019)

The Northern Arc Design Guide sets out the Design Principles to be applied across the Northern Arc. The document was approved as part of the Northern Arc Outline Planning Application (DM/18/5114). A condition was attached to the Outline Planning Application requiring compliance with this document in reserved matters applications.

Burgess Hill Town Wide Strategy (2011)

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

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

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

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

- *"a better town centre with a greater range of shops and a more attractive pedestrian environment;*
- *improved public transport, walking and cycling links as well as better roads;*
- *new and improved community and cultural facilities;*
- *additional high quality and suitably located business park development; and,*
- *new, improved and well-connected sports, recreation and open space in and around Burgess Hill."*

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

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

West Sussex Transport Plan 2011-2026 (2011)

West Sussex Walking and Cycling Strategy 2016-2026 (2016)

ASSESSMENT

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

- o Principle of Development
- o Design and impact on landscape
- o Trees
- o Neighbour Amenities
- o Minerals
- o Ecology & Biodiversity
- o Impact on the water environment
- o Environmental Impact Assessment

Principle of Development

The site is located within the built up area, as defined by the Mid Sussex District Plan. As such the starting point for the principle assessment is Policy DP6 (Settlement Hierarchy).

Policy DP6 states in part that:

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

The site is also part of a strategic allocation in the District Plan.

Policy DP9 is the relevant Policy in the District Plan which allocates the site. This states:

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

- o *Approximately 3,500 additional homes and associated new neighbourhood centres, including retail, education, health, employment, leisure, recreation and community uses, sufficient to meet the day to day needs of the whole of the development and located as far as possible so at least one new neighbourhood centre is within 10 minutes' walk of most new homes;*
- o *25 hectares of land for use as a high quality business park south of the A2300 and served by public transport;*
- o *Two new primary schools (including co-location of nursery provision and community use facilities as appropriate) and a new secondary school campus, in each case in locations well connected with residential development and neighbourhood centres;*
- o *A Centre for Community Sport in the vicinity of the Triangle Leisure Centre and St Paul's Catholic College;*
- o *Provision of permanent pitches for settled Gypsies and Travellers to contribute, towards the additional total identified need within the District commensurate with the overall scale of residential*

development proposed by the strategic development; or the provision of an equivalent financial contribution towards off-site provision of pitches towards the additional total identified need within the District (or part thereof if some on-site provision is made) commensurable with the overall scale of residential development proposed by the strategic development, if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale; unless alternative requirements are confirmed within any Traveller Sites Allocations Development Plan Document or such other evidence base as is available at the time the allocation-wide masterplan is approved (as appropriate); and

- o A new Northern Link Road connecting through the Strategic Allocation Area from the A2300 to the A273 Isaacs Lane. New junctions will be provided on the A2300, B2036 Cuckfield Road and A273 Isaacs Lane. A road link across the river corridor will be required to facilitate a public transport route to Maple Drive."

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

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

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

"Strategic development will:

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

- o *Provide an effective telecommunications infrastructure, including provision for broadband; and*
- o *Wherever possible, incorporate on-site 'community energy systems', such as Combined Heat and Power or other appropriate low carbon technologies, to meet energy needs and create a sustainable development. The development shall also include appropriate carbon reduction, energy efficiency and water consumption reduction measures to demonstrate high levels of sustainability."*

Of particular relevance is the third bullet point of Policy DP7 and sustainable transport measures and infrastructure requirements of Policy DP9, this application seeks planning consent for the upgrading and extension of the existing PROW to WSCC adopted bridleway standards to form part of the Green Circle. The provision of the Green Circle in its entirety will help integrate the development into the town while also ensuring appropriate walking and cycling for new residents in accordance with these policies.

In addition Policy DP9 further states:

"Strategic mixed-use development in this location will:

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

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

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

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

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

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

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

Policy DP21 deals with general transport matters and sets out a number of criteria against which development proposals will be considered against, these include *'appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking'.*

While DP22 goes on to state:

'Access to the countryside will be encouraged by:

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

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

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

WSCC PROW Officer has also confirmed that the surfacing materials is acceptable and as such has raised no objections to the proposal.

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

Design and impact on landscape

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

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

Policy DP26 of the District Plan states:

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

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development."*

The majority of the works will be upgrading the existing PROW, while the width of this path will be increasing to 3 metres in places and the final finished surface will be upgraded and will appear as a more permanent finish when compared to the existing, nonetheless, its overall character will remain as a rural path.

A new section of path is being proposed linking from the PROW past the Secondary School site to the EBLR. While this will be of a more noticeable change as it is not an existing path, it would be viewed in the context of the surrounding development and would not form an isolated development within the wider landscape. Furthermore, the design of the path to adopted standards and as such would have a fairly typical design and appearance that is common for all bridleways and as such is not considered to be out of character. The proposal would therefore be acceptable in design terms and the proposal is not considered to be harmful to the character of the wider landscape.

The proposed visual impact and impact on landscape is considered to be acceptable and in accordance with Policies DP7, DP9 and DP26 of the District Plan and the Masterplan.

Trees

Policy DP26, referenced in more detail in the Design section of this report, states in part that development:

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

Policy DP37 of the District Plan states:

"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

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

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

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

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

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

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

SDP14 in the Masterplan seeks to *"preserve the established framework of woodland, trees and hedgerows as part of the commitment to create a high quality and distinctive place. Together with the meandering water courses these will define the character of the new community and frame its development."*

The IDP identifies that woodlands and open space as green infrastructure and states that the network of woodland and natural open space throughout the site is intended to create strong green corridors.

The application has been supported by an Arboricultural Method Statement, which sets out that the proposal will include the following:

- Protective barriers throughout the construction process to protect the retained trees on site;
- Scrub removal and tree pruning required;
- Specialist construction of sections of pathway are required in areas identified and
- No utility installation is required with the RPA

The Tree Officer has been consulted on this application and has confirmed they have no objections to the proposal. However, they have asked for confirmation that the cement pad holes and construction support homes should be lined to avoid leaching and notification to be given to the Tree Officer at each stage of the separate footpath sections.

The applicant has confirmed that they accept the notification condition, furthermore they have also confirmed the cement holes and construction support holes will be lined, details of which will be conditioned together with adherence to the AMS. Therefore, subject to these conditions the proposal is deemed to have an acceptable impact on the trees and would therefore comply with the above mentioned policies.

Neighbour Amenity

Policy DP26 of the District Plan states, *"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development...does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution."*

Policy DP29 of the District Plan states that:

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

The upgrading and formation of the Green Circle, owing to the nature of the development and relationship to the surrounding development parcels is not considered to cause significant harm in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook.

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

The intended use of this route as a bridleway is not considered to give rise to significant harm in relation to noise. However, third party concerns have been raised in relation to noise and disturbance from illegal use of the route from motorbikes. If illegal use of this route was to occur it would be a matter for the Police to control. As such the proposal is considered to comply with the above mentioned policies.

Accessibility

Policy DP28 of the District Plan states:

"All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily. This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant."

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

From my site visit it is clear that parts of the existing PROW are difficult to navigate, as such it is considered that the widening of the path and providing an upgraded path to adopted standards would improve acceptability for all users in accordance with DP28 of the District Plan.

Minerals

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

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

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

The site includes areas identified as both brick clay and building stone Mineral Safeguarding Areas.

The majority of the site is already a PROW, with established trees on either site, while there is an extension to the path between the secondary school and the Oakhurst development parcels, due the surrounding constraints it is unlikely to be suitable or practicable to extract the minerals prior to development. Furthermore, the overall development has already been agreed by the outline permission.

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

Ecology & Biodiversity

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

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

Policy DP38 of the District Plan states:

"Biodiversity will be protected and enhanced by ensuring development:

- o 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*
- o 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*

- o *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- o *Promotes the restoration, management and expansion of priority habitats in the District; and*
- o *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."

The proposal would be coming within the buffer zone of Ancient Woodland, however, as part of the proposal details have been provided on mitigation measures which include a no-dig construction method. Both the Ecology Consultant and the Councils Tree Officer are happy with this approach.

The proposal is located in part within an area that has a high likelihood of newts, however, the areas of high risk is where the proposal is upgrading the existing PROW, as such it is not considered that the proposal will be impacting the newts habits being an existing path. In addition as part of the submitted Ecological Mitigation Statement that the proposal will not result in any fragmentation of terrestrial habitats or ponds will occur, while also containing details of reasonable avoidance measure, as such it is not considered that the proposal would impact upon newts.

It is noted that some soft felling will be required and the trees in question have potential roost features for bats. It has therefore been recommended that appropriate compensation for all potential roost features should be provided prior to its loss and should be supervised by a suitable qualified ecologist, details of which will be controlled by a suitably worded condition.

Furthermore, the principle of the works in relation to protected species has been considered as part of the original outline consent, where conditions were recommended. If any of the works would require a licence it would be on the onus of the applicants to do this.

Therefore, subject to the recommended condition and the conditions set out within the original outline permission, the proposal is considered to be in accordance with Policies DP7, DP9 and DP38 of the District Plan in relation to ecology and biodiversity.

Water Resources, Flood Risk and Drainage

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

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

Policy DP41 of the District Plan states:

"Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic

Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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

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

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

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

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

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

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

Policy DP42 of the District Plan states:

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

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);*
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.*
- Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;*
- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and*
- that there is adequate water supply to serve the development.*
- Planning conditions will be used to secure necessary infrastructure provision.*
- Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.*
- The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised."*

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

The majority of the proposal is within Flood Zone 1 (Low Risk). However, where the proposal crosses the bridge, due to the very fact that it is a river it is unavoidable that it goes into Flood Zone 2 and 3.

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

The path has been designed to be constructed of permeable materials in line with the WSCC standard specification and as such no formal drainage systems are proposed as runoff is expected to naturally infiltrate into the ground.

The proposed river crossing will be within the location of the existing bridge crossing, it is not considered that a like for like replacement of the existing bridge would impact on fluvial flood risk or rising river levels. In addition, we have been in consultation with the Environment Agency and they require a clear span bridge, the applicant has agreed to this and details of this have been secured by a suitably worded condition.

Furthermore, WSCC Lead Local Flood Authority have been consulted on the application and have raised no objections to the proposal.

Where the proposal runs adjacent to the secondary school, it will be seeking to construct the associated surface water drainage connections, as such a suitable worded condition has been attached which requires this details to be submitted and approved prior to carrying these works out.

Therefore subject to the recommended conditions, the proposal is considered to comply with the above mentioned policies.

Environmental Impact Assessment

The Brookleigh development is considered to EIA development. This proposal is part of Brookleigh and the proposal is therefore part of a project that is EIA development.

The Brookleigh outline planning application was accompanied by an Environmental Statement which concluded that subject to the mitigation secured, that there were no significant adverse environmental affects arising from the development. The environmental effects of this application have been assessed in the sections of the report above and the proposal is not considered to result in any significant environmental effects, either individually or cumulatively with the remainder of the Brookleigh development that would warrant an addendum to the Environmental Statement.

OTHER MATTERS

The majority of the third party correspondence is in relation to the southern section of Freeks Lane, between Eastbridge Avenue and Maple Drive. This does not form part of this application and is outside of the redline of the outline permission for wider Brookleigh Development. However, the concerns of interested third parties are noted and work is being undertaken which is looking at delivering this section, which will take all these comments into consideration.

It is noted that third parties have requested that bollards are installed to stop illegal use of the Green Circle. Although these concerns are noted, due to this being a bridleway and the requirement to be accessible the bollards would not physically stop motorbikes. Furthermore, you have to be the land owner to apply for the bollards and well as satisfying a legal test to demonstrate that illegal use of the PROW has been occurring. As such interested third parties are recommended to report any illegal use of the PROW to the Police to demonstrate it meets the requirement of the legal test.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application original outline planning permission was made before 12th February 2024 and so this RMA is exempt from the requirement to provide biodiversity net gain. However, the Brookleigh is committed to providing BNG and the loss will be compensated as part of the wider scheme.

CONCLUSION

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

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is considered acceptable in principle, while also being of an appropriate design and appearance. It is not considered that the proposal would have a significant harmful impact on neighbouring amenities, while also being acceptable in relation to trees, ecology and biodiversity, minerals accessibility and flood risk and drainage.

In conclusion, the proposal would accord with the requirements of policies DP6, DP7, DP9, DP21, DP22, DP26, DP28, DP37, DP38, DP41 and DP42 of the Mid Sussex District Plan, Policy G2 of the Burgess Hill Neighbourhood Plan and Policy M9 of the West Sussex Joint Minerals Local Plan. The proposal would also be in accordance with the Northern Arc Masterplan, the IDP and the Design Guide and the NPPF. The application is therefore considered acceptable.

Decision: Permission

Case Officer: Joseph Swift