

# **PLANNING STATEMENT**

**OUTLINE APPLICATION (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED), FOR THE ERECTION OF UP TO 200 RESIDENTIAL DWELLINGS, INCLUDING AFFORDABLE HOUSING; A COMMUNITY BUILDING (USE CLASS F1) ENCOMPASSING LAND FOR EDUCATION PROVISION, TOGETHER WITH ASSOCIATED ACCESS, ANCILLARY PARKING AND LANDSCAPING; THE CREATION OF A VEHICULAR ACCESS POINT FROM THE A272 COWFOLD ROAD, AND PEDESTRIAN AND CYCLE ONLY ACCESS TO THE STREET; AND CREATION OF A NETWORK OF ROADS, FOOTWAYS, AND CYCLEWAYS THROUGH THE SITE; TOGETHER WITH THE PROVISION OF COUNTRYSIDE OPEN SPACE, CHILDREN'S PLAY AREAS, COMMUNITY ORCHARD, AND ALLOTMENTS; SUSTAINABLE DRAINAGE SYSTEMS AND LANDSCAPE BUFFERS.**

**LAND AT FOXHOLE FARM,  
FOXHOLE LANE,  
BOLNEY,  
WEST SUSSEX**

**April 2025**

**APPLICATION SUBMITTED BY  
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FOR  
WATES DEVELOPMENTS LIMITED**

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## Executive Summary

i) This Planning Statement is submitted in support of the planning application made by Wates Developments Limited for the development of Land Foxhole Farm, Foxhole Lane, Bolney, West Sussex (the 'Site').

ii) The Land at Foxhole Farm, is identified for development in the Reg 19 Submission Draft Mid Sussex Local Plan 2023 pursuant to Policy DPA14.

iii) The planning application seeks consent for a development of the site to deliver up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.

iv) The proposed development has been designed to be in general conformity with Policy DPA14 of the Submission Draft Mid Sussex Local Plan.

v) Whilst the Submission Draft Mid Sussex Local Plan is still at examination, the submission of this application now helps to demonstrate deliverability and bolster the councils five year housing land supply situation as set out in the submission draft local plan's trajectory, at a time when given recent changes to national government guidance the council's lack of a five year housing land supply under the adopted development plan leaves the council vulnerable to speculative applications for development in areas that have not been judged to be suitable through the allocation process.

vi) 30% of the proposed dwellings (60 homes) will be set aside as affordable housing to help meet the affordable housing requirements of the District. In addition, the unit mix will encompass a range of house types (terraced, semi-detached, detached and maisonettes) and sizes (1 and 2 bed flats and 2 – 5 bed houses), to meet local demand (both market and affordable).

vii) 54%<sup>1</sup> of the site will be set aside as green infrastructure and includes different forms of public open space, including two Local Equipped Areas of Play.

viii) It is acknowledged that the site is located outside of the current urban area of Bolney as identified in the adopted Mid Sussex District Plan (2018). Whilst policy DP12 of the adopted Mid Sussex District Plan indicates that the countryside will be protected in recognition of its intrinsic character and beauty, it does permit development in 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. Thus, it would appear implicit that where a need can be demonstrated, there is no conflict with Policy DP12. That said, policy DP12 is in effect 'out of date' as the settlement boundary was defined having regard to the housing requirement for the District as set out in Policy DP4 of the Mid Sussex District which was adopted

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<sup>1</sup> 9.28ha of the 16.88ha site i.e. 54.98% is green infrastructure

against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016, and the NPPF 2012. The scale of the housing need as now identified by the new standard method and the NPPF 2024 is significantly higher than that advocated in the District Plan. As such and as the NPPF has been subject to a number of revisions since 2012, the approach adopted to the housing requirements in the Adopted District Plan is inconsistent with the NPPF 2024, and the weight to be attributed to policies DP4 and DP12 is significantly reduced and para 11d of the NPPF and the tilted balance engaged. A position which is exacerbated by the fact the Council have confirmed they do not have a five year housing land supply.

ix) In the context of the above, the site is situated immediately adjacent to the urban area and identified as a proposed allocation site in the Reg 19 Submission Draft Mid Sussex Local Plan 2023.

x) Given the above and as the application site is located adjacent to Bolney, a category 3 settlement in the Settlement Hierarchy, on the most sustainable greenfield site in that settlement, as it is neither within the South Downs National Park which constrains much of the district to the south, or the High Weald National Landscape which constrains much of the central portion of the district, it would in our opinion result in the delivery of sustainable development that would, we believe, accord with Paragraph 11 of the NPPF. As a result, it has been resolved to progress an application in advance of the adoption of the Local Plan Review.

xi) Having regard to the above, we note that the proposed development generates a significant number of benefits. These include:

- a) The delivery of new homes in an area where such homes are needed. Mid Sussex District Council does not have a five-year Housing Land Supply, and these homes will assist in meeting the shortfall.
- b) The provision of affordable housing. The proposed development will provide 30% affordable housing, which will help address the affordable housing issues in the area, which are dire.
- c) The provision of a community building (Use Class F1), to be set aside for use by Kangaroos, a well-established charity within Mid Sussex who support children, teenagers and adults with severe learning disabilities and complex needs, by providing a supportive environment where their members can develop social and life skills.
- d) The delivery of land for open space and recreational facilities that will be available not only for the future residents of the development but also for the existing residents of Bolney.
- e) Additional employment provision during the construction period which will generate additional spending in the local area, thus assisting in the maintenance of the vitality and viability of local services.
- f) Contributions to local services and facilities, such as health facilities, through a S106 agreement.

xii) Furthermore:

- a) The scheme has been designed to minimise any detrimental impact upon the residential amenity of neighbouring properties.
- b) The development will not have a detrimental impact upon highway safety.
- c) The development will improve public transport links between the site and the surrounding area and provide enhanced pedestrian and cycle

links towards both Bolney and the surrounding area, including upgrades to the Public Rights of Way network.

- d) The development will create and contribute towards an enhanced highways network within Bolney.
  - e) Adequate on-site parking would be provided to support the development.
  - f) The development will not increase flood risk on site or to third party land. Indeed, overall, the surface water drainage proposal will reduce the surface water runoff from the site, providing betterment.
  - g) The development will not have an unacceptable impact upon wildlife and ecology, rather it will provide for significant biodiversity net gains, in excess of the now mandatory 10%.
  - h) The development will not have an unacceptable impact upon existing landscape features.
  - i) The development will not have an unacceptable impact upon the archaeology of the area.
- xiii) In terms of adverse effects, it is recognised that there would be localised effects on the landscape character of the site. However, these would exist with the development of any greenfield site, and in this case the application site is not subject to any landscape designations, and the proposed development has been developed with stakeholders to ensure the development is respectful to local landscape and visual constraints. Furthermore, it also provides for a number of beneficial effects such as an increase in landscape assets, and an improved local network of ecological and recreational spaces. On this basis and as the Council accepts that not all its housing requirement can be accommodated on brownfield sites and have acknowledged that this site, is a potentially developable / deliverable site by virtue of its proposed allocation in the Submission Draft Local Plan under policy DPA14, any localised landscape effects do not in our opinion weigh heavily against the grant of consent.
- xiv) Likewise, the impact on Best and Most Versatile Agricultural Land is limited to 1.5ha of Grade 2 and 1.94ha of Grade 3a BMVAL. This comprises just 20% of the overall site area and is scattered across the site in odd areas that are separated from one another by areas of grade 3b land meaning that their management is compromised rather than optimised. On this basis and as the Council has indicated that in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed, and acknowledged that this site, is a potentially developable / deliverable site by virtue of its proposed allocation in the Submission Draft Local Plan under policy DPA14, any localised effects on BMVAL do not in our opinion weigh heavily against the grant of consent.
- xv) In the same way, as the impact on adjacent heritage assets is at a low level of less than substantial harm at worst; and similarly modest on adjacent non designated heritage assets, the impacts are not considered to be unacceptable when considered in the planning balance. The same being true of the fact that whilst the proposed access off Cowfold Road is in an area at a high chance of surface water flooding the Flood Hazard Rating report contained at appendix E of the FRA demonstrates that the location of the proposed access is considered safe for emergency use in a flood event and the Sequential Test Assessment demonstrates that the proposed culverting of the existing ditch and raising in ground levels to

provide a cover of at least 0.75m to the proposed culvert, as well as the clearing and re-profiling of the ditch to restore it to its original, lower bed level, will lead to an improvement in drainage and a reduction in flood risk at this location.

- xvi) Specifically, the limited harm identified does not outweigh the significant benefits that have been identified; and certainly, goes nowhere near the requirement to demonstrate significant and demonstrable harm as set out in the NPPF.
- xvii) As such Wates consider that Mid Sussex District Council should support this application for the land at Foxhole Farm, as it helps address the Councils five year Housing Land Supply deficit, whilst also reflecting the aims and objectives of the Submission Draft Local Plan, and grant planning consent subject to appropriate conditions and S106 obligations.

## 1.0 Introduction

- 1.1 This statement is submitted in support of an outline application (appearance, landscaping, layout and scale reserved), for the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers, on Land at Foxhole Farm, Foxhole Lane, Bolney, West Sussex.
- 1.2 The site area is some 16.88ha and is shown edged red on the site location plan (Drawing Number: FF - 01).
- 1.3 This statement seeks to comment upon how this application accords with the aims and objectives of national government guidance as set out in the NPPF and associated Planning Practice Guidance Notes; and the aims and objectives of the Mid Sussex District Plan 2014 – 2031 (March 2018), the Mid Sussex Site Allocations DPD (June 2022), and the Bolney Neighbourhood Plan (Sept 2016), as well as the aims and objectives of the Reg 19 Submission Draft Local Plan (2021 – 2039 (December 2023)).
- 1.4 Whilst this statement sets out a range of planning considerations which should be taken into account in determining these applications, it should be read in conjunction with:
- The Design and Access Statement produced by Re-Format;
  - The Landscape and Visual Appraisal including Landscape Strategy produced by SLR;
  - The Arboricultural Implications Report produced by Simon Jones Associates;
  - The Ecological Appraisal, and Biodiversity Net Gain Assessment produced by Aspect Ecology;
  - The draft Landscape and Environmental Management Plan produced by SLR in consultation with Aspect Ecology, Simon Jones Associates and Ramboll.
  - The Heritage Assessment produced by Pegasus;
  - The Archaeological Desk Based Assessment produced by RPS;
  - The Transport Assessment and Framework Travel Plan produced by iTransport;
  - The Flood Risk Assessment produced by Ramboll;
  - The Drainage Strategy produced by Ramboll;
  - The Sequential Test Assessment produced by Judith Ashton Associates in liaison with Ramboll;
  - The Utilities Assessment produced by Ramboll;
  - The Desk top Geo Technical Assessment produced by Geo-Environmental Services Limited
  - Mineral Safeguarding Assessment produced by IC Planning Ltd;
  - The Sustainability and Energy Statement – produced by Icini;
  - The Agricultural Land Classification and Soil Resources Report produced by Reading Agriculture;
  - The Lighting Impact Assessment produced by Nature Positive (an RSK company);

- The Noise Impact Assessment produced by RSK Acoustics;
- The Air Quality Assessment produced by RSK Air Quality;
- The Statement of Community Involvement produced by Cratus
- The Draft Heads of Terms of S106 Agreement produced by Judith Ashton Associates;
- The Socio-Economic Benefits Infographic – produced by Icini
- The Sustainability Infographic – produced by Icini

1.7 Mid Sussex District Council (MSDC) confirmed following an application for a screening opinion in November 2024 that whilst the then proposals for the development of the Land at Foxhole Farm Bolney, comprising demolition of existing barns and development of site so as to accommodate up to 200 houses with associated car parking, landscaping & community facilities including a circa 450sqm community building, encompassing land for education provision, together with separate play areas, informal outdoor space, allotments, a community orchard and 3.26 ha of countryside open space, comprised an infrastructure project falling within category 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and exceeded the thresholds in column 2 of the table in the Schedule, for the reasons set out in their letter of 10th December 2024 an Environmental Impact Assessment was not required.

1.8 In their detailed letter of the 25th November 2024 MSDC also confirmed, in commenting upon the 'Characteristics of Development', that:

*(a) The site of the proposed development is on the edge of Bolney, which is categorised as a category 3 settlement in the District Plan (medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities.). There are no reasons why a well-designed scheme cannot come forward on the site, which would be appropriate to the character of the area. The size of the development would assimilate with the existing village and would not be an overly large addition to the village.*

*(b) The development will change the character of part the site itself from a greenfield site to a housing development. Part of the site adjoins the existing built up area of Bolney to the east. Whilst the character of the site would change, given the extensive amount of space for landscaping that is proposed, it is not considered that the proposal would have a significant urbanising effect on the wider locality.*

*(c) The proposal would use land that is currently laid to grass. The site does not contain important, high quality or scarce resources. The scheme will result in the consumption of water during the construction phase and subsequent occupation of the dwellings. There are no reasons to suggest that this would have significant environmental effects. There are no protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around the location. Whilst there are both protected species on the site and trees and hedgerows, the impacts on these can be mitigated and compensated for as part of the overall masterplan for the site, which will include a significant area of land for open space/landscaping. It will be a requirement for the scheme to*

*provide a minimum 10% gain in biodiversity. As such, no significant effect is likely.*

*(d) The development would produce waste during the construction phase and then normal domestic refuse once the dwellings are occupied. No significant effect is likely from this.*

*(e) Pollutants will be released to air from exhaust emissions from the vehicles moving to, from and within the application site during construction and there will be exhaust emissions from vehicles belonging to future occupiers of the dwellings and those visiting the dwellings. There are no Air Quality Management Areas in the locality of the site and no significant effect is likely. There will also be temporary noise impacts during the construction phase, possible dust emissions and possible pollution of the adjacent watercourse. However, these risks can be controlled by appropriate construction management procedures and no significant effects are likely. With regards to the operational phase, the proposed development would be subject to a Travel Plan to effect modal shift away from the private car. The new dwellings will also be required to provide EV charging points. With such mitigation in place there should be no significant cumulative effects in relation to air quality from this development.*

*(f) The risk of accidents during the construction phase can be managed through appropriate construction management procedures. No significant effect is likely.*

*(g) The risks to water contamination can be managed through appropriate construction management procedures. There are no air quality management areas in the immediate locality of the site and no significant effect is likely.'*

1.9 They also advised in terms of 'Location of Development' that

*'(a) The land is currently laid to grass. It is bounded by residential development to the east and is in close proximity to the village of Bolney. The land is not within a nationally designated landscape. As such whilst there will be a change on the site from a greenfield to a housing development, this would not have a significant urbanising effect given the close proximity of other urban development.*

*(b) The land and its surrounds are not subject to any national designation. There are no areas on or around the site which contain important high quality or scarce resources which could be affected by the project. The closest European designation is Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), which is located approximately 16km to the north-east of the site. With appropriate mitigation the proposal should not have a significant effect, either alone or in combination with this European Protected site. This will be subject to a Habitats Regulation Assessment when a planning application is submitted. The nearest statutory designation is Blunts and Paige's Wood Local Nature Reserve (LNR), which is located approximately 5.6km to the north-east of the site. The LNR comprises a mixture of deciduous woodland and meadows which supports a diverse range of species, including Black Poplar and Dormice. The next nearest statutory designation is Ashenground and Bolnore Woods LNR, located approximately 5.9km to the east of the site. The LNR supports a small area of ancient woodland.*

*(c) i) there is a watercourse located to the west of the site, but no significant effect is likely on this watercourse.*

*ii) The site is not in a Coastal zone, so this is not applicable.*

- iii) The site is not a Mountain or Forest area, so this is not applicable.*
- iv) The site does not include a Nature Reserve or Park so this is not applicable.*
- v) The closest European site is the Ashdown Forest, referred to above.*
- vi) The site is not within an area that has failed to meet environmental quality standards in Union legislation.*
- vii) The site is adjacent to the village of Bolney. The proposed development would be of a scale and proportion that would be appropriate to the surrounding urban development in the locality and no significant effect is likely.*
- viii) The site is not within a landscape of historical or cultural significance. There is a generally low to moderate potential for other yet-to-be-discovered archaeological assets on the site. The impact of this can be suitably managed through planning conditions’.*

- 1.10 And in terms of the ‘Types and characteristics of the potential impact’ that:
- (a) The impact of the development will be localised. During construction, the effect on the population will be limited to those that are close to the site and these construction impacts can be mitigated through a Construction Management Plan.*
  - (b) There should be no significant impacts as a result of the development on population and human health. The proposal for up to 200 dwellings and a community building on a site in close proximity to the village of Bolney would not result in a change to the size of the village that would have significant effects, with regards to the factors set out in section 4(2) of the Regulations. The site is not nationally designated in relation to its ecological value or landscape value and no significant effect is likely in relation to biodiversity or landscape. There is a requirement for biodiversity enhancements through the planning process, with a minimum 10% gain in biodiversity being a requirement in legislation. The site does not contain scarce resources in relation to water, air and climate and there are no likely significant effects. There are designated heritage assets in close proximity of the site (of 2 Grade II listed buildings, 1 Grade I listed church and 2 Conservation Areas) to the east and north-east of site. The low rise nature of the proposed development, separation distance and proposed additional boundary screening means that there should be no significant impact in EIA terms on these heritage assets.*
  - (c) The development will not lead to any transboundary effects.*
  - (d) The proposal is not a complex development. It is a normal residential development.*
  - (e) There are not likely to be significant effects from the development. During the construction phase there will be localised impacts, but these can be mitigated through a Construction Management Plan.*
  - (f) Subject to a planning permission being granted, the development would need to commence within three years of the consent being granted. The scheme would take several years to build out, with the precise timings dependent on the developer and market conditions. The frequency of different construction works will depend on the stage of works within the site. The scheme will result in irreversible impacts as the site will change from being a greenfield site to a housing development.*
  - (g) During the construction phase, the impact of the development with other schemes that could be approved in the locality could be mitigated through a Construction management Plan.*
  - h) The scheme would need to obtain planning permission. There would be a requirement within the planning application for the development to*

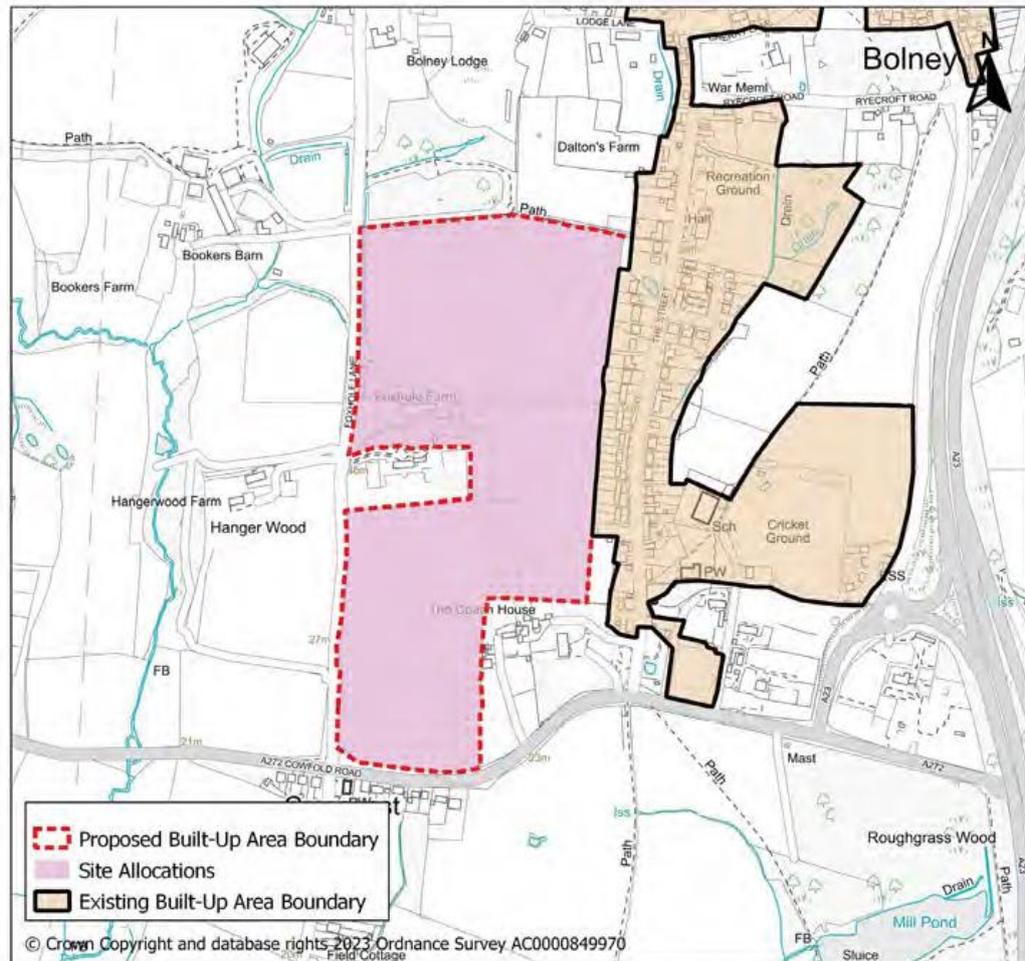
*provide infrastructure and/or make contributions towards infrastructure to mitigate the impact of the development (for example, contributions to provide infrastructure to serve the development, such as towards school places, library provision, leisure and play space facilities). There would also be a requirement to mitigate the impact on air quality, which can objectively be assessed and provided for by a damage cost calculation, with the monies generated going towards projects such as interventions to change behaviour, for example, cycle storage facilities, cycle route contributions, EV charging points. There would also be a requirement for a minimum 10% gain in biodiversity at the site. All of these mitigations can be secured by way of planning conditions or through a section 106 legal agreement attached to the planning permission.'*

- 1.11 The EIA screening decision concluded:  
*'Whilst the area of the site is greater than 5 hectares, a significant proportion of the site would be landscaping rather than physical development. The number of units would be significantly below the indicative threshold of 1,000 units in paragraph 57 of the PPG, which is provided as an example of a proposal that would have significant urbanising effects in a previously non-urbanised area. Having regard to the selection criteria in Schedule 3 of the EIA Regulations, it is considered that the scale and nature of the development, both on its own and in combination would not have significant effects on the environment within the meaning of the EIA Regulations. Accordingly, the Local Planning Authority directs that the development above for which planning permission is sought is **not EIA development**. Consequently no Environmental Impact Assessment is required to be submitted with any subsequent planning application.'*

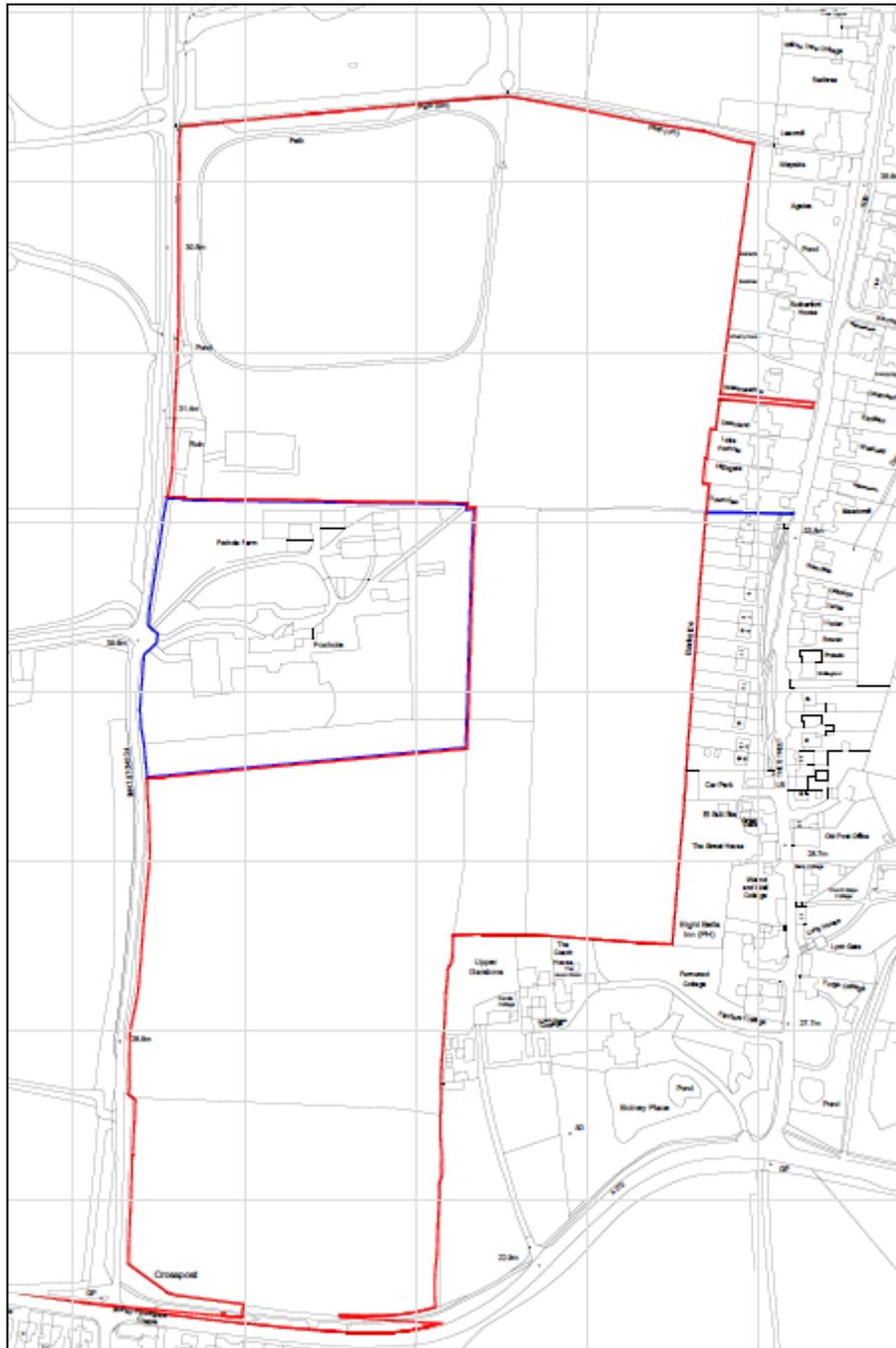
## 2.0 The Site and Surrounding Area

### a) The Application Site

2.1 The application site immediately abuts the western boundary of Bolney as defined on the Adopted District Plan proposals map. It extends to 16.88ha and whilst not allocated in the adopted Development Plan, is identified as a proposed allocation in the Submission Draft Local Plan (Dec 2023) which is now at examination, as set out in the plan below.



Plan 1 - Extract from MSDC Submission Local Plan Dec 2023



Plan 2 – Site Location Plan

- 2.2 As indicated on the plan the site is located on the north side of Cowfold Road (A272) opposite residential dwellings on the south side of the road. The north boundary abuts woodland and pastoral fields while the east adjoins the rear gardens of dwellings located off 'The Street', while the west boundary adjoins Foxhole Lane.
- 2.3 As set out in the Landscape and Visual Appraisal the site is formed by five pastoral fields in the shape of a question mark, which wraps around the existing Foxhole Farm, and forms a transitional point between the High and Low Weald. To this end it is noted that the northern edge of the site reaches 37m AOD, then rise to a maximum elevation of 42m AOD at the

centre of the site, within field 3, and then falls to around 24m AOD on Cowfold Road to the south

- 2.4 The fields themselves are of varied shapes and sizes and bordered by hedgerows and hedgerow trees. In addition, footpath 44BO runs alongside the northern boundary of the site and connects The Street and Foxhole Lane.



#### **b) The Surrounding Area**

- 2.5 Given the sites location on the western edge of Bolney, the character of both the site and surrounding area is influenced by the settlements. In this respect the area 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 2 stories, with the occasional 2½ story property. The accompanying Design and Access Statement provides a detailed assessment of character of the local area.
- 2.6 As set out in the Transport Assessment (TA), there is a good range of key facilities and services within a 2km reasonable walking distance of the site and additional services within a 5km cycle distance as shown in Table 5.3
- 2.9 Whilst the site is not located within a Conservation Area or a National Landscape or Area of High Landscape Value, it is noted that Bolney conservation area is divided into two separate areas, with the northern area approximately 10 metres from the north-east corner of the site at its closest point, and the southern part of the designation approximately 27

metres from the eastern boundary of the site at its closest point. It is also note that the Grade I listed Parish Church of St Mary Magdalene is located approximately 120 metres to the east of the site at its closest point; and that there are various Grade II listed buildings in the vicinity of the site, the closest being Walnut and Well Cottage which is located approximately 60 metres from the eastern boundary of the site at its closest point. In addition, the High Weald National Landscape (previously Area of Outstanding natural Beauty (AONB)) is approximately 460 metres to the north and around 455m to the east of the site at its closest point, and the South Downs National Park (SDNP) is approximately 6.4km to the south of the site at its closest point.

### 3 The Site's Former Planning History

3.1 A review of the planning history of this site on the planning section of the LPA website reveals two previous applications for minor re-development, as listed below:

- 11/00052/FUL (January 2011). Application for Equestrian manège for private use only. Approved.
- 05/02905/AGRDET (December 2005). Proposed replacement building. Approval - Agricultural Determination

3.2 In addition the following relevant planning applications have been noted nearby

DM/17/4392: Land North and East of Bolney Cricket Club, The Pavilion, Glebe Field, The Street, Bolney.

3.3 In February 2019 planning permission was granted for the proposed erection of 30No. dwellings comprising of 2No. one bedroom apartments, 10No. two bedroom houses, 10No. three bedroom houses and 8No. four bedroom houses with associated development on land North And East Of Bolney Cricket Club. This has subsequently been built out and is commensurate with Bolney Neighbourhood Plan allocation BOLH4a.



DM/20/2640: Marylands Nursery Site, Cowfold Road, Bolney

3.4 In July 2021 planning permission was granted for the demolition of a single dwelling and outbuildings and erection of B8 floorspace (including ancillary office space) across 3 buildings, with hard and soft landscaping, parking and servicing; encompassing altered access from the A272/A23 Western Roundabout and the existing Cowfold Road vehicular access

closed. This has subsequently been built out and is commensurate with MSDC Site Allocations DPD allocation SA6.



- 3.5 In addition, we also note there is currently an outstanding outline application (DM/24/2215) for two semi-detached houses and associated parking on Land Adj to Nightingales, The Street, Bolney; and an application (DM/24/2170) to Convert an agricultural building into two residential dwellings on land at Bookers Farm, Foxhole Lane, Bolney.

## 4 The Proposed Development

- 4.1 The application is an outline application for erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers, on Land at Foxhole Farm, Foxhole Lane, Bolney, West Sussex.
- 4.2 The detailed elements of the scheme comprise the main points of access onto the A272 Cowfold Road. All other matters (appearance, landscaping, layout, and scale) are reserved.

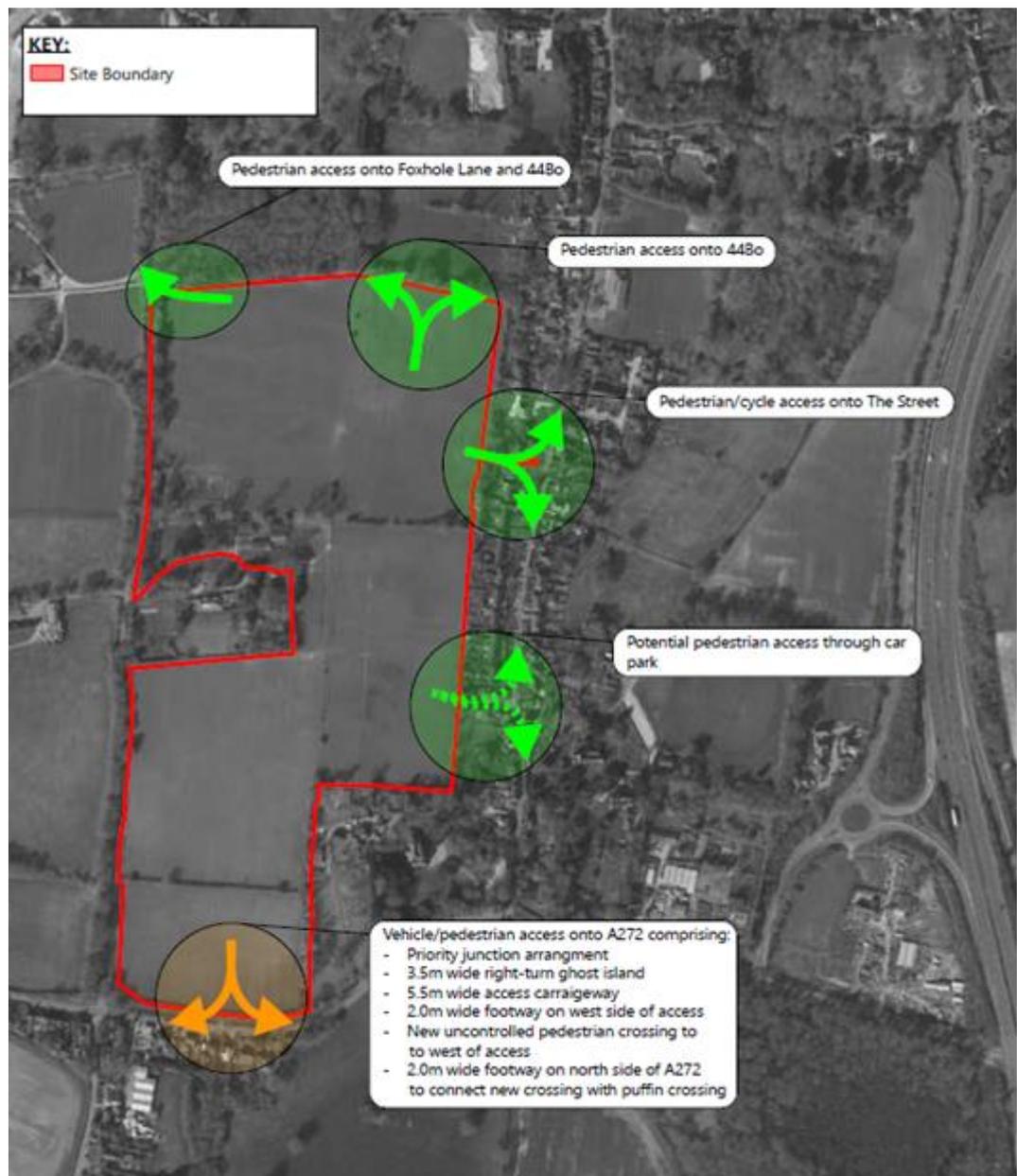
### The Accessing Arrangements

- 4.3 The Transport Assessment (TA) provides the details of the proposed access arrangements. In simple terms, the site will be accessed via a priority T-junction arrangement with a ghost island right turn lane, as shown on drawing ITB6634-005G below.



- 4.4 As set out in the TA the site access has the following geometric attributes:
- Carriageway width of 5.5m with 6m corner radii on both sides of the access.
  - 2m wide footways on both sides of the access road.
  - Mainline widening to facilitate the introduction of a ghost island right turn lane.
  - Relocation of the signalised crossing 25m to the west of its current position to facilitate the introduction of the ghost island right turn lane.
  - Introduction of coloured anti-skid markings to the west of the access and on the approaches to the pedestrian crossing.
  - A dropped kerb and tactile paving pedestrian crossing with a 2m refuge island immediately to the west of the site access.

- 4.5 In addition to the main site access junctions, which also provides a pedestrian and cycle connection to the A272 Cowfold Road, two active travel accesses are proposed into the site as follows:
- Onto The Street between the properties of Westmeadow and Downland; and
  - Onto public footpath 44Bo which runs along the site's northern boundary.
- 4.6 The masterplan also illustrates a potential additional connection onto The Street via the car park to the south of properties no. 19 and 20 The Street. In accordance with policy DPA14. The image below provides an overview of all the connections.



### The Masterplan

- 4.6 As explained in DAS's and section 6 of this statement the Masterplan for the proposed development is very much landscape and heritage led and seeks to respect the existing landscape features found on the site and the heritage features that abut it and create a softened transition between the proposed development and the wider landscape. A copy of the illustrative masterplan is set out below.



- 4.7 As set out in the DAS the illustrative masterplan encompasses the following features:
- 200 new homes, 30% of which are proposed as affordable and 2% self build;
  - Vehicular accesses from the A272 Cowfold Road;

- A new pedestrian and cycle link onto The Street between the properties of Westmeadow and Downland; and via the car park to the south of 19 and 20 The Street; as well as a pedestrian link north onto public footpath 44BO which runs along the site's northern boundary.
- Countryside Open Space located within the central part of the site, containing a viewpoint and seating area, informal recreation areas, and connected walking routes, as well as community orchards;
- Two Local Equipped Areas of Play;
- Two Local Areas of Play offering doorstep play provision;
- An outdoor Gym
- Community Allotments
- Native structure planting to reinforce the sense of enclosure along the existing public right of way that runs along the northern boundary of the site, and along the existing settlement edge and individual dwellings;
- The provision of 3.95ha of of natural and semi-natural space to ensure retention, protection, and enhancement of existing woodland, trees, shrubs and hedgerows;
- Accommodation of sustainable drainage systems positively designed into the open spaces to support ecological and landscape quality and function; and
- Provision of amenity green space within the built-up area and to provide recreational facilities for all age groups.

4.10 In the context of the above the proposed development also provides for:

- A range of market house types and sizes with policy compliant parking provision and spacious private amenity areas compliant with the Local Plan.
- 30% affordable housing (up to 60 dwellings) comprising a mix of 1 and 2 bed apartments and 2 and 3 bedroom houses. These will be designed to be tenure blind and distributed throughout the development in clusters of 10 – 15 dwellings.
- Opportunity for significant biodiversity net gain on site - with reports indicating up to 49% gains in onsite habitats and 17% for hedgerows.

4.11 In land use terms the proposed development provides:

Land Use	HA	Average Density	Dwellings	% of site area
Residential Development Area	6.90	28.98dph	200	40.87%
Community Building	0.29			1.72%
Primary vehicular, pedestrian and cycle access and Cowfold Road verge	0.41			2.43%
Green infrastructure	9.28			54.98%
<b>TOTAL</b>	<b>16.88</b>			<b>100%</b>

#### Scale and Massing

4.12 The DAS and LVIA explain that based on the built and landscape context, the majority of the site can support up to two storey dwellings (up to circa 9m to the ridgeline, with two and a half storey dwellings (up to circa 11m

to the ridgeline) possible along the Cowfold Road frontage, albeit the illustrative masterplan only shows 2 story buildings here.

#### The Housing Mix, Type and Tenure

- 4.13 As set out in section 6 of this statement, the proposed development provides for a range of house types and sizes including apartments, terraced, linked semi-detached, and detached dwellings. Whilst the final mix has yet to be determined, with the affordable provision to be agreed with officers of MSDC, the illustrative layout has sought to have regard to the mix proposed in policy DPH7 of the Submission Draft Local Plan and the variances allowed for therein, as set out below.

	1 Bed/ 2 person	2 Bed / 4 person	3 Bed / 5 person	4 Bed (+) / 6 person
<b>Market Housing</b>	5 - 10%	20 - 25%	40 - 45%	25 - 30%
<b>Affordable Ownership</b>	10- 15%	50 – 55%	25 – 30%	5 – 10%
<b>Affordable Rent</b>	30- 35%	40 – 45%	15 – 20%	5 – 10%

- 4.14 Parking proposals for the scheme will be confirmed as part of future Reserved Matters Applications. These will adhere to WSCC's latest parking standards at the time of the Reserved Matters Applications, unless otherwise agreed.

#### Open Space and Landscaping

- 4.15 Whilst a review of the form, layout and design of the development is set out in sections 6.3 and 6.4 of this statement and provided in greater detail in the relevant section of the DAS, the general principles adopted to the development are to maintain and strengthen the landscape features on the site and to ensure the proposed development integrates with rather than turns its back on the of the surrounding area. To this end, the proposed development includes a multilayered green infrastructure network, which delivers significant areas of amenity space<sup>2</sup>, as set out in the table below.

Typology of Open Space	Quantity Standard (ha per 1000 pop) <sup>3</sup>	Quantity Standard Required	Illustrative On Site Provision
Natural and Semi-Natural	0.0018 Ha/ 18sqm per person	0.864 Ha	3.95 Ha
Amenity Green Space (including green corridors)	0.0008 Ha / 8sqm per person	0.384 Ha	0.84 Ha
Parks and Gardens/ Countryside Open Space	0.0008 Ha / 8sqm per person	0.384 Ha	4.19 Ha
Play Facilities			

<sup>2</sup> The overall level of amenity space is equivalent to circa 54% of the total site area.

<sup>3</sup> See table 3 of appendix 5 of Submission Draft Local Plan

NB Assumes an average occupancy rate of 2.4 per household so 200 dwellings = 480 residents

including:			
Fixed play areas with LAP and LEAP facilities	0.00025 Ha /2.5 sqm per person	0.12 Ha	0.15 Ha
Outdoor Sports	0.0016 Ha /16 sqm per person	0.77 Ha	Off Site Financial Contribution
Allotments	0.0003 ha/ 0.3sqm per person	0.144 Ha	0.15
<b>TOTAL</b>		<b>4.67 Ha</b>	<b>9.28 Ha</b>

### The Design Approach

- 4.16 The DAS explains that to support the delivery of high quality environments at the RM design stages, a set of design instructions / principles to guide the design approach, supporting character and layout have been put forward. This starts with the parameter plans which look to address land use, density, building heights, access and movement, and landscape; and then goes on to consider the issue of green infrastructure, the road hierarchy, placemaking, the relationship with adjacent residents, external appearance, and architectural materials. The DAS then provides a number of illustrative views to demonstrate how the proposed development could look when viewed from Cowfold Road, from within the countryside open space, and from the southwestern corner of the northern parcel, looking north. It also provides various views of the community building. As set out in the DAS the overall approach is to deliver a development that represents a respectful and contextually appropriate extension to the existing settlement; is generous in its landscape and ecological improvements; will open up significant green space for public access, alongside dedicated community uses; and will provide much needed affordable and market housing locally for families, young and old alike, in an environmentally, socially and economically sustainable development.

### Public Consultation

- 4.17 The manner in which the proposed development has evolved is a result of extensive discussions with key stakeholders, including representative of Bolney Parish Council, and one of the local ward members and officers of MSDC; and following the public consultation that took place between 12th December 24 and 9th January 2025 is summarised in the Statement of Community Involvement. In broad terms, the liaison with MSDC, BPC and the local community has resulted in:
- A softening of the bends in the main access road (southern parcel and countryside open space) to provide a more direct and legible route through the site, and a closer alignment with the desire lines linking the southern parcel and pedestrian connections to The Street.
  - The introduction of a green arrival space at the end of the north-eastern pedestrian link to The Street.
  - Amendments to the western edge of northern parcel to enhance building frontages and improve natural surveillance.
  - Enhancements to the green buffer along the eastern edge of the site to improve separation whilst maintaining the natural surveillance of the countryside open space.

- e. Improvements to the southern pedestrian link to The Street by closer aligning this with the potential desire lines and introducing a feature tree to highlight this link thus enhancing legibility.
- f. Reconfiguration of the north-west corner of the development to improve permeability and provide new pedestrian connections through to Bolney Wine Estate via Foxhole Lane.

## 5 Planning Policy

5.1 The planning policy framework relevant to the determination of this application comprises National Government Guidance (the NPPF 2024 and related Planning Practice Guidance (PPG), and the aims and objectives of the Mid Sussex District Plan 2014 – 2031 (March 2018), the Mid Sussex Site Allocations DPD (June 2022), and the Bolney Neighbourhood Plan (September 2016), as well as the aims and objectives of the Reg 19 Submission Draft Local Plan (2021 – 2040 (December 2023)). Each of these is examined below, together with the supplementary planning guidance issued by MSDC<sup>4</sup>.

### a) National Government Guidance – The National Planning Policy Framework

5.2 In December 2024, the Government issued the latest revision of the National Planning Policy Framework (NPPF)<sup>5</sup>. Para 231 makes it clear that the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication'. The NPPF sets out the Governments planning policies for England and how these are expected to be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

5.3 Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development comprises social, economic, and environmental considerations as outlined at paragraph 8.

5.4 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. It makes it clear that:

*'Plans and decisions should apply a presumption in favour of sustainable development....*

*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 plan policies, or the policies which are most important for determining the application are out-of-date<sup>6</sup>, granting permission unless:*

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<sup>4</sup> Whilst it is noted that the Development Plan for the application site comprises the following documents:

- The Saved policies from the Mid Sussex Local Plan (May 2004);
- The Saved policies from the Small Scale Housing Development Plan Document (April 2008);
- The Mid Sussex District Plan 2014-2031 (March 2018);
- The Mid Sussex Site Allocations DPD (June 2022);
- The Bolney Neighbourhood Plan (September 2016); and
- The West Sussex Joint Minerals Local Plan (2021)

none of the saved policies in the Mid Sussex Local Plan (May 2004) and the Small Scale Housing Development Plan Document (April 2008) are germane to this site.

Likewise, the application site does not fall within and area safeguarded in the West Sussex Joint Minerals Local Plan

<sup>5</sup> Minor referencing updates were published in February 2025

<sup>6</sup> Footnote 8 makes it clear that: *'This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites, (with the appropriate buffer as set out in paragraph 78) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'*

*i. the application of policies in this Framework that protect areas or assets of particular importance<sup>7</sup> provides a strong reason for refusing the 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.*

5.5 As set out in this statement, it is accepted that MSDC cannot demonstrate a five year Housing Land Supply (HLS). Thus, if it is considered that the proposed development does not accord with the development plan, a point we return to in section 6, in accordance with NPPF footnote 8, NPPF paragraph 11(d) and the tilted balance is engaged, and the presumption in favour of sustainable development applies.

5.6 Section 5 of the NPPF is concerned with the supply of homes. Paragraph 61 makes it clear that:

*‘To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.’*

5.7 Paragraph 69 makes it clear that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need can be met over the plan period. Paragraph 72 continues:

*‘Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment’*

5.8 Paragraphs 78, 79 and 80 go on to advise that:

*‘78. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing, against either the housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer moved forward from later in the plan period of:*

*a) 5% to ensure choice and competition in the market for land; or*

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<sup>7</sup> Footnote 7 makes it clear that:

*‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) 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 referred to in footnote 75); and areas at risk of flooding or coastal change’*

b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply<sup>8</sup>; or

c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.’

5.9 Paragraph 79 goes on to explain that: ‘To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:

a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;

b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan;

c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.

5.10 And Para 80 advises that ‘The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.’

5.11 Deliverable is defined in the NPPF as:

‘To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.’

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<sup>8</sup> Footnote 40 advises that this will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

- 5.12 In the context of the above para 49 of the NPPF makes it clear that 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).
- 5.13 As set out above the application site falls outside of the current built up area boundary (BUAB) of Bolney as identified in the Mid Sussex District Plan 2014 – 2031, and whilst policy DP12 seeks to protect the intrinsic character and beauty of the countryside, stating that new development will only be permitted 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, it would appear implicit that where a need can be demonstrated, there is no conflict with Policy DP12. Furthermore, policy DP12 is in effect ‘out of date’ as the BUAB was defined having regard to the housing requirement for the District across the period 2014 – 2031 as defined in policy DP4 of the Plan which was adopted against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016. The approach adopted to the housing requirements in the Adopted District Plan is inconsistent with the NPPF 2024. As a result, the weight to be attributed to policy DP12 is significantly reduced. and para 11d of the NPPF and the tilted balance engaged. A position which is exacerbated by the Council’s lack of a five year Housing Land Supply. Furthermore, the site is identified as a proposed allocation in the Reg 19 Submission Draft Local Plan (2021 – 2040 (December 2023).
- 5.14 Paragraph 49 goes on to advise that in the context of the Framework, and in particular the presumption in favour of sustainable development, that *‘arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
  - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.’*
- 5.15 The NPPF also places great importance upon the design of the built environment, with section 12 making it clear at para 131 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.’*

- 5.16 Para 135 continues:  
*'Planning policies and decisions should ensure that developments:*  
*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*  
*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*  
*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*  
*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*  
*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*  
*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*
- 5.17 Para 136 highlights the importance of trees and the contribution they make to the character and quality of urban areas. It states: *'Planning policies and decisions should ensure that new streets are tree-lined, 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'*
- 5.18 Para 139 continues:  
*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>9</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*  
*a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*  
*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*
- 5.19 Section 11 of the NPPF highlights the need to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.20 In looking to achieve appropriate densities para 129 advises:  
*'Planning policies and decisions should support development that makes efficient use of land, taking into account:*  
*a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

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<sup>9</sup> Contained in the National Design Guide and National Model Design Code.

- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed, attractive and healthy places.’*

- 5.21 The NPPF also looks to promote sustainable transport. It makes it clear that transport issues should be considered from the earliest stages of plan-making and development proposals, that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. To this end para 115 states:  
*‘In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
  - b) safe and suitable access to the site can be achieved for all users;.... and*
  - 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’*
- 5.22 In the context of the above paragraph 116 of the NPPF highlights the fact that:  
*‘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.’*
- 5.23 As far as parking is concerned Paragraph 112 of the NPPF advises:  
*‘If setting local parking standards for residential and non-residential development, policies should take into account:*
- a) the accessibility of the development;*
  - b) the type, mix and use of development;*
  - c) the availability of and opportunities for public transport;*
  - d) local car ownership levels; and*
  - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.’*
- 5.24 The NPPF also looks to meet the challenge of climate change and flooding (section 14), and to conserve and enhance the natural environment (section 15). In this respect we note that para 164 looks to new developments to be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change, and helps to reduce greenhouse gas emissions, such as through its location, orientation, and design. We also note that whilst there are areas considered to be at a high risk from surface water flooding present in the north eastern and southern parts of the site, approximately 90% of the site is located in an area considered to be at a Very Low risk from surface

water flooding, and that no built development is located in areas considered to be at risk of flooding from surface water, in accordance with the aims and objectives of para 175. We further note that the site is not located within a national landscape so is not subject to para 190 of the NPPF.

- 5.25 In terms of protecting and enhancing biodiversity we note that paragraph 193 of the NPPF makes it clear that:

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

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

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

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

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.'*

- 5.26 The NPPF also looks to promote healthy and safe communities, with para 96 indicates that:

*'Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:*

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other....;*

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion....; and*

*c) enable and support healthy live through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs.....'*

- 5.27 Para 98 continues:

*'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

*a) plan positively for the provision and use of shared spaces, community facilities..... and other local services to enhance the sustainability of communities and residential environments;*

*b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;....*

*e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services*

- 5.28 Paragraph 39 makes it clear that 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'*
- 5.29 Para 103 also highlights the fact that: *'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'*
- 5.30 We further note that the NPPF looks to promote pre application engagement and front loading (Paragraph's 40 - 47 refer), that in assessing and determining planning applications Paragraph 48 requires *'applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*, and para 56 highlights the fact that planning conditions *'should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'*. Para 58 goes on to advise that planning obligations must: *'only be sought where they meet all of the following tests:*
- *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.'*
- 5.31 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so.
- 5.32 This statement will demonstrate how the requirements of the NPPF are to be met.

**b) The Mid Sussex District Plan 2014 – 2031**

- 5.33 The Mid Sussex District Plan 2014 – 2031 was adopted by MSDC in March 2018 and sets out the long-term spatial vision for the District and MSDCs approach to development up to 2031.
- 5.34 Policy DP4: Housing explains that during the period between 2014 and 2031, a minimum of 16,390 net additional dwellings will be provided in the plan area. It also advises that an average of 876 dpa will be delivered until 2023/24, with an average of 1,090 dpa thereafter (between 2024/25 and 2030/31), subject to there being no further harm to the integrity of European Habitat Sites in Ashdown Forest; and that the Council will commence a review of the District Plan in 2021, with submission to the Secretary of State in 2023.

- 5.35 In the context of the above Policy DP4 that having regard to completions and housing commitments (including sites with planning permission, strategic development at Kings Way, Burgess Hill (DP8) and Pease Pottage (DP10) and allocations in made Neighbourhood Plans), the District Plan looks to allocate two strategic developments one north and north-west of Burgess Hill (3,500 dwellings) and one on land north of Clayton Mills, Hassocks (500 Dwellings), the residual being addressed through the Windfall Allowance (450 dwellings) and future Neighbourhood Plans and the Site Allocations document (2,439 dwellings).
- 5.36 DP5: Planning to Meet Future Housing Need goes on to explain that the Council will continue to work under the 'Duty-to-Cooperate' with all other neighbouring local authorities on an ongoing basis to address the objectively assessed need for housing across the Housing Market Areas, prioritising the Northern West Sussex HMA as this is established as the primary HMA; and working jointly and proactively with the Gatwick Diamond and the West Sussex and Greater Brighton Strategic Planning Board to address unmet housing need in the sub region; so as to ensure that sites are considered and planned for in a timely manner and will be tested through a robust plan-making process, as part of a review of the Plan starting in 2021, with submission to the Secretary of State in 2023.
- 5.37 Policy DP6 sets out the settlement hierarchy and in doing so indicates that: The growth of settlements will be supported where this meets identified local housing, employment, and community needs. 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.
- 5.38 In addition, Policy DP6 indicates that the developer will need to satisfy the Council that:
- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or
  - A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.
- 5.39 Bolney is identified as a Category 3 settlement i.e. medium sized villages providing essential services for the needs of their own residents and immediate surrounding communities. Whilst more limited, these can include key services such as primary schools, shops, recreation, and community facilities, often shared with neighbouring settlements.
- 5.40 The table on p37 of the District Plan indicates that the Minimum Residual housing requirement in Bolney from 2017 onwards (accounting for commitments and completions) is 49 dwellings.
- 5.41 DP12 looks to Protect and Enhance the Countryside, in doing so it advises that the countryside will be protected in recognition of its intrinsic character and beauty; and that development will be permitted in the

countryside, defined as the area outside of BUAB 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.

- 5.42 Policy DP12 also indicates that Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals; and that 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.
- 5.43 Furthermore, policy DP12 advises that 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.
- 5.44 Policy DP13 looks to prevent coalescence, whilst policy DP15 advises on those circumstances where new Homes will be appropriate in the Countryside. DP17 explains that in order to prevent adverse effects on the Ashdown Forest SPA and SAC, new 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 any potential adverse effects.
- 5.45 Policy DP20 explains that the Council will expect developers to provide for, or contribute towards, the infrastructure and mitigation measures made necessary by their development proposals through:
- appropriate on-site mitigation and infrastructure provision;
  - the use of planning obligations (s106 legal agreements and unilateral undertakings);
  - the Community Infrastructure Levy, when it is in place.
- 5.46 Policy DP21 requires development to support the objectives of the West Sussex Transport Plan 2011-2026, Transport Securing Infrastructure. Policy DP22 indicates that rights of way, Sustrans national cycle routes and recreational routes will be protected by ensuring development does not result in the loss of or does not adversely affect a right of way or other recreational routes unless a new route is provided which is of at least an equivalent value and which does not sever important routes; and at the same time looks to promote access to the countryside.
- 5.47 Policy DP24 indicates that development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported; and that the on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this

purpose; and that planning conditions and/or planning obligations will be used to secure such facilities.

- 5.48 Policy DP25 advises that the provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.
- 5.49 Policy DP26 in addressing Character and Design indicates that:  
All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:
- is of high quality design and layout and includes appropriate landscaping and greenspace;
  - contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
  - creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
  - protects open spaces, trees and gardens that contribute to the character of the area;
  - protects valued townscapes and the separate identity and character of towns and villages;
  - does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);
  - creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
  - incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;
  - positively addresses sustainability considerations in the layout and the building design;
  - take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;
  - optimises the potential of the site to accommodate development.
- 5.50 Policy DP29 looks to address the issue of Noise, Air and Light Pollution; policy DP30, Housing Mix, and policy DP31, Affordable Housing (which is set at 30% for all residential developments providing 11 dwellings or more).
- 5.51 Policy DP34 requires developments to protect listed buildings and their settings, and to conserve other heritage assets in a manner appropriate to their significance.
- 5.52 Policy DP37 explains that the District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting; and that ancient woodland and aged or veteran trees will be protected. It goes on to advise that:

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

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

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

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

.....

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

5.53 Policy DP38 advises that:

*‘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.’*

- 5.54 Policy DP38 also advises that 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; and that 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.
- 5.55 Policy DP40 requires all development proposals to improve the sustainability of development and 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'
- 5.56 Policy DP41 indicates that development proposals will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and does not increase the risk of flooding elsewhere; and that Sustainable Drainage Systems should be implemented in all new developments of 10 dwellings or more, unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality; and that the arrangements for the long term maintenance and management of SuDS should also be identified. It also advises that 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; and that 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.
- 5.57 Policy DP42 requires new development proposals to 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; such that 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.

5.58 As set out in section 6 of this statement, we believe the Mid Sussex District Plan 2014 – 2031 to be out of date as the housing requirement was defined having regard to the housing requirement for the District across the period 2014 – 2031 as defined in policy DP4 of the Plan which was adopted against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016. This reflected the approach promoted in the NPPF 2012, which has been subject to a number of revisions since 2012 and is inconsistent with the NPPF 2024. As a result, the weight to be attributed to those policies of the Adopted Development Plan that relate to the scale and location of housing is in our opinion limited<sup>10</sup>. That said this statement will demonstrate how the requirements of the Mid Sussex District Plan 2014 – 2031 have been met – where relevant.

### **c) The Mid Sussex Site Allocations DPD (June 2022)**

5.59 The site allocations DPD looks to allocate employment and housing sites pursuant to the requirements of the Mid Sussex District Plan 2018. Seven employment sites delivering 17.45ha of employment land and twenty two housing sites delivering some 1,704 homes are allocated in the Site Allocations DPD. Two of the employment sites (SA5 and SA6) relate to sites in Bolney, being the expansion of Bolney Grange Business Park and Maryland Nurse, Cowfold Road, Bolney.

5.60 Policy SA10 of the Site Allocations DPD indicates that with completions to date, Total Housing Commitments (including sites with planning permission and allocations in made Neighbourhood Plans), windfalls and the proposed allocations there will be an over-supply within the District Plan period 2014 – 2031 of some 907 dwellings, circa 5% of the minimum requirement.

5.61 The Site Allocations DPD also includes additional policies covering the following areas:

- SA34: Existing Employment Sites

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<sup>10</sup> Whilst we note that para 232 of the NPPF in commenting upon the implementation of the NPPF makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that *'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)'*. It also makes it clear that *'Where a local planning authority can demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78) and where the Housing Delivery Test indicates that the delivery of housing is more than 75% of the housing requirement over the previous three years, policies should not be regarded as out-of-date on the basis that the most up to date local housing need figure (calculated using the standard method set out in planning practice guidance) is greater than the housing requirement set out in adopted strategic policies, for a period of five years from the date of the plan's adoption'* the converse is in our opinion true where a LPA, such as MSDC, can not demonstrate a 5 year HLS and the HDT test results indicate that the delivery of housing is less than 75% of the housing requirement over the previous three years.

- SA35: Safeguarding of Land for Strategic Highway Improvements
- SA36: Wivelsfield Railway Station
- SA37: Burgess Hill/ Haywards Heath Cycle Network
- SA38: Air Quality
- SA39: Specialist Accommodation for Older People and Care Homes

- 5.62 We note that SA35 refers to A264 Corridor upgrades at Copthorne Hotel Junction, that policy SA38 indicates that 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; and that SA39 advises that there is an identified need for specialist accommodation for older people, and that proposals for specialist accommodation for older people and care homes will be supported where the site is outside the Built-Up Area, it is contiguous with the Built-Up Area Boundary as defined on the Policies Map and the development is demonstrated to be sustainable, including by reference to the settlement hierarchy (policy DP4).
- 5.63 This statement looks to address the requirements of the Mid Sussex Site Allocations DPD were relevant, having regard to our position on the weight to be attributed to it given the fact it is predicted on Mid Sussex District Plan 2014 – 2031 which we believe to be out of date.

#### **d) The Bolney Neighbourhood Plan 2016**

- 5.64 The Bolney Neighbourhood Plan (BNP) was 'made' in September 2016. It covers the period 2015 to 2031 and sets out a clear vision for the future of Bolney:  
*'to deliver the sustainable development of Bolney parish, at a scale and form that preserves its distinctive rural village character, landscape and community ethos'*
- 5.65 This objective is supported by 4 'priority themes', which relate to protecting and enhancing the environment, promoting economic vitality, ensuring cohesive and safe communities and supporting healthy lifestyles. To this end the Plan sets out 21 policies which it states will, together with the NPPF and the Local Plan, ensure that new development in the Bolney Neighbourhood Plan Area will be sustainable and in accordance with the vision. These policies include policies pertaining to the built up area boundary, environment and heritage, design, housing, parish assets, businesses and transport and parking.
- 5.66 Having reviewed these policies and having regard to our comments in section 6 below about the weight to be attributed to the neighbourhood plan given its age and the basis upon which it was made, the following are considered relevant to the determination of this application.
- Policy BOLBB1 Built-up Area Boundary
  - Policy BOLE1 Protect and Enhance Biodiversity
  - Policy BOLE2 Protect and Enhance the Countryside
  - Policy BOLD1 Design of New Development and Conservation
  - Policy BOLH1 Residential Development Mix
  - Policy BOLH3 Affordable Housing
  - Policy BOLA4 Infrastructure Provision

Policy BOLA5 High speed broadband  
 Policy BOLT1 Transport Impact of Development  
 Policy BOLT2 Parking in the Village  
 Policy BOLT3 Off-street parking provision for new developments

5.67 Whilst this statement addresses policies BOLBB1, BOLH1, BOLH3 and BOLA4 we note that they state:

*'Policy BOLBB1: The development of Bolney shall be focused within the Built-up Area Boundary as identified on the Proposals Map and on Map 2. Development proposals will ordinarily be supported within the Built-up Area Boundary subject to compliance with other policies in the Neighbourhood Plan.*

*Outside the Built-up Area Boundary, development will not be permitted unless:*

*it is supported by a specific policy elsewhere in the Neighbourhood Plan; or the proposal is in accordance with other planning policies applying to the Parish*

*it relates to necessary utilities infrastructure where no reasonable alternative location is available; or*

*it is necessary for the purposes of agriculture, or some other use that has to be located in the countryside; and*

*it maintains or where possible enhances the quality of the rural and landscape character of the parish; and*

*it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality.'*

*Policy BOLH1: To support sustainable communities and to reflect current and future local housing needs, housing developments are expected to provide a mix of all dwellings that fall within the following ranges subject to viability considerations:*

*1- and 2-bed dwellings: a minimum of 40% of all dwellings, reflecting a balance of both 1-bed and 2-bed properties*

*3-bed dwellings: 20-40% of all dwellings*

*4+-bed dwellings: a maximum of 15% of all dwellings*

*An alternative mix of dwelling size provision will only be permitted if a robust justification is provided to the satisfaction of the local planning authority that the scheme as a whole would reflect the most up to date housing needs evidence available taking into account viability considerations.'*

*Policy BOLH3: 'The type of affordable provision on any particular site should seek to address local needs as identified in the most up to date housing needs evidence available taking into account viability considerations. Applicants are encouraged to discuss the provision of affordable housing with Mid Sussex District Council before submitting a planning application*

*The location, layout and design of the affordable housing within the scheme should seek to create an inclusive development.'*

*Policy BOLA4: 'Any development permitted will be expected to ensure provision of the necessary social, physical and green infrastructure needed to support the proposed development.*

*Development which is otherwise acceptable that provides contributions to the Bolney Neighbourhood Plan infrastructure projects listed in paragraph 4.87 will be strongly supported.'*

- 5.68 In the context of the above the infrastructure projects listed in paragraph 4.84 are noted. We also note that the Bolney Neighbourhood Plan encompasses 3 housing allocations:  
 Policy BOLH4a Land opposite the former Queens Head Public House (30 dwellings and 10 public parking spaces to serve Bolney CEP School (subject to viability considerations)).  
 Policy BOLH4b G&W Motors Site, London Road (8 – 10 dwellings).  
 Policy BOLH4c Bolney House Gardens (3 – 5 dwellings).  
 We further note that only one of these sites (BOLH4a) appears to have been developed.
- 5.69 The Landscape and Visual Appraisal addresses policy BOLE2. This states: *'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.*  
*Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest'.*
- 5.70 The Ecological Appraisal and BNG calculation address Policy BOLE1. This states: *'Development proposals should protect and, where possible, enhance biodiversity by:*  
*ensuring they do not have an unacceptable impact on sites of environmental importance; and*  
*ensuring they do not result in loss of or unacceptable harm to protected species or their habitats and ancient or species-rich hedgerows, grasslands and woodlands; and in the case of loss or deterioration of irreplaceable habitats permission will be refused unless the need for, and the benefits of, the development in that location clearly outweigh the loss;*  
*and*  
*preserving ecological networks such as colonies of native flora, migration and transit routes of fauna across roads and between green spaces, feeding and breeding grounds; and*  
*protecting ancient trees or trees of arboricultural value; and*  
*adopting best practice in Sustainable Urban Drainage Systems (SUDS);*  
*and*  
*where possible, planting screening and amenity hedges and trees consistent with native species in the area, paying heed to eventual height, spread and shadow*
- 5.71 The Design and Access Statement addresses policy BOLD1 which states that: *'Planning permission for new development will ordinarily be permitted subject to the following criteria:*  
*It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;*  
*height, scale, spacing, layout, orientation, design and materials of buildings, and*

*the scale, design and materials of the public realm (highways, footways, open space and landscape); and  
 It does not have an unacceptable impact on the setting of any heritage asset; and  
 It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and  
 It creates a safe, accessible and well-connected environment that meets the needs of its users; and  
 It will not result in unacceptable levels of light, noise, air or water pollution, and  
 Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility'.*

- 5.72 The Transport Assessment addresses policies BOLT1, BOLT2 and BOLT3, which state:

Policy BOLT1 Transport Impact of Development: *'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:*

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and*
- c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village'.*

Policy BOLT2 Parking in the Village: *'Development on existing car parks as shown on map 10 will be permitted as long as any off-street car parking spaces are replaced by equivalent or better provision in a suitable location.*

*The provision of additional public use car parks will generally be supported subject to highway safety and other policies of the development plan.'*

Policy BOLT3 Off-street parking provision for new developments: *'New residential development will be expected to provide the following off-street parking provision as a minimum:*

- 1-bed house/flat 1 off-road car parking space*
- 2-bed house/flat 2 off-road car parking spaces*
- 3-bed house/flat 2 off-road car parking spaces*
- 4-bed house/flat 3 off-road car parking spaces*
- 5+ bed house/flat 4 off-road car parking spaces*
- visitor parking must be accommodated within the development'.*

- 5.73 And the Utilities Assessment addresses policy BOLA5. This states: *'All new development must be designed to enable connection to high quality communications infrastructure including super-fast broadband. Where this would not be possible, practical or economically viable Community Infrastructure Levy may be used for this purpose or a planning contribution may be sought.'*

- 5.75 This statement looks to address the requirements of the Bolney Neighbourhood Plan where relevant, having regard to our position on the

weight to be attributed to it given the fact it is predicated on Mid Sussex District Plan 2014 – 2031 which we believe to be out of date.

**e) The Submission Draft Mid Sussex Local Plan 2021 – 2039 (Dec 2023)**

- 5.76 The Mid Sussex District Council is currently in the process of reviewing and updating the District Plan. The Mid Sussex District Plan 2014-2031 was submitted for independent examination on the 8th July 2024, and the first stage of the examination took place between 22<sup>nd</sup> and 31<sup>st</sup> October 2024.
- 5.77 The plans vision remains the same as that of the adopted plan i.e. to create *“A thriving, attractive and resilient District, which is a highly sustainable and desirable place to live, work and visit. Our aim is to maintain, and where possible, improve the social, economic and environmental well-being of our District and the quality of life for all, now and in the future.”*
- 5.78 This the plan looks to do through its three priority themes of protecting and enhancing the natural, built and historic environment; protecting economic vitality; and ensuring social cohesion, safe and healthy communities. These three themes are supported by 15 strategic objectives which help guide the strategy and policies within the Plan. The spatial strategy thus looks to protect the natural landscape, make effective use of land, promote the growth of existing sustainable settlements where it continues to be sustainable to do so, and to identify opportunities for the extension of existing settlements to improve their sustainability.
- 5.79 In the context of the above, having identified the Local Housing Need (LHN), and identified completions to date, proposed windfalls and the current sources of supply, (existing allocations and permission), the submission draft plan indicates at policy DPH1 that there is a need to allocate sites to accommodate 6,687<sup>11</sup> dwellings if the plan is to meet its LHN in full and have an oversupply to provide for resilience/ address the unmet needs of neighbouring authorities.
- 5.80 Given the local housing need, the spatial strategy and settlement hierarchy, the plan, having regard to the findings of the Urban Capacity Study, Housing Land Availability Assessment, Settlement Sustainability Review Study, Habitat Regulation Assessment, Strategic Flood Risk Assessment, Strategic Transport Study, the Site Selection Process, and Sustainability Appraisal looks to allocate 3 sustainable communities (on land west of Burgess Hill, at Crabbet Park and at Sayers Common) along with 17 smaller housing sites, including the land at Foxhole Farm Bolney (Policy DPA14) to meet its LHN<sup>12</sup>.
- 5.81 Policy DPA14 indicates that the land at Foxhole Farm will provide for 200 dwellings, and the following infrastructure on-site:
- Land for education provision
  - Community facility

<sup>11</sup> The sustainable communities (DPSC1 – 7) and other housing sites (DPA1-17) between then are according to policy DPH1 due to deliver 5,243 and 1,444 dwellings respectively.

<sup>12</sup> Policy DPH1 refers.

- Community working hub
  - Allotments
  - Informal outdoor space including community orchard and country park
- 5.82 It also requires the developers of the site to make financial contributions towards the provision of:
- Sustainable Transport
  - Education
  - Library
  - Local Community Infrastructure
  - Emergency Services
  - Play area
  - Health
  - Other outdoor provision
  - Outdoor sports
- 5.83 And to make provision for the following off site:
- Sustainable transport measures
  - Highway works
  - Sewerage network upgrades
- 5.84 In addition, policy DPA14 also contains the following policy requirements:
1. Informed by a Heritage Impact Assessment, provide an appropriate layout and design which protects the setting of nearby Grade II listed building, 'Walnut and Well Cottage', and Bolney Conservation Areas (North and South).
  2. Follow a sequential approach by directing development away from areas of flood risk associated with surface water flooding in lowest areas of the site.
  3. Retain the character of footpath 44Bo which runs along the site's northern boundary and create a pedestrian link from the site.
  4. Provide suitable vehicular, pedestrian and cycle access from Cowfold Road (A272).
  5. Provide pedestrian and cycle access to The Street into the north part of the site between the properties of Westmeadow and Downland. In addition, explore potential for additional pedestrian and cycle access to The Street into the south-central part of the site.
  6. Provide a country park between the north and south development parcels.
  7. Explore opportunities on-site to enhance education provision in the village that meets an identified local need.
  8. Occupation of development will be phased to align with the delivery of sewerage infrastructure, in consultation with the service provider.
  9. The site lies within the brick clay (Weald) Mineral Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with the requirements of the West Sussex Joint Minerals Local Plan and associated Safeguarding Guidance
  10. Meet the requirements of other relevant development plan policies
- 5.85 This statement along with the other statements submitted in support of this application look to demonstrate how policy DPA14 is addressed.
- 5.86 In addition to the above we also note that policy DPS1 looks to address the matter of climate change through a series of proposals looking to

reduce carbon emissions, maximise carbon sequestration and promote climate change adaptation and mitigation. Policy DPS2 looks to promote sustainable design and construction via proposals to promote carbon zero development, adopting the energy hierarchy when addressing energy use, addressing embodied carbon and looking at measures to prevent overheating, address water resources and water efficiency and minimising waste. And policies DPS4 and DPS6 looks to address the issue of flood risk and sustainable drainage, and support health and wellbeing respectively. The Sustainability and Energy Statement, and FRA and Drainage Statement look to address these policies.

- 5.87 Likewise, we note that Policy DPN1 looks to protect Biodiversity, and Geodiversity and promote Nature Recovery, whilst policy DPN2 addresses the issue of Biodiversity Net Gain. That policy DPN3 looks to protect existing and support the provision of Green and Blue Infrastructure, whilst policy DPN4 addresses the protection of Trees, Woodland and Hedgerows, what is appropriate within buffer zones and the Councils' requirements when assessing proposals for new tree, woodland and hedgerow planting. Policy DPN6 comments upon Pollution prevention, policy DPN7 on how to address Noise Impacts and policy DPN8: on Light Impacts and Dark Skies. Policies DPN9 and DPN10, addressing Air Quality and Land Stability and Contaminated Land respectively. The Ecological Appraisal and associated BNG report, together with the AIR, LVA and Geotech report look to address these policies.
- 5.88 Policies DPC2 and DPC6 address the issue of Coalescence, and development within the 7KM zone of the Ashdown Forest SPA and SAC. Policy DPB1 goes on to address the issue of the character and design of new development. In doing so it highlights the need to understand the context, how to address the layout, streets and spaces, how to establish the structure, high quality building design, residential amenity, and 20 - minute neighbourhoods. The LVA and DAS look to address these policies.
- 5.89 Policies DPT1, DPT 2, DPT 3 and DPT 4 look to address the issue of Placemaking and Connectivity, the protection and enhancement of rights of way and other recreational routes, the promotion of active and sustainable travel, and parking and electric vehicle Charging Infrastructure respectively and are addressed in the DAS and TA.
- 5.90 As set out above, policy DPH1 sets the minimum housing need, policy whilst DPH4 establishes the Council's approach to older persons housing and specialist accommodation. DPH6 goes on to establish the need for all sites of 100 (+) dwellings to make provision for self and custom build housing, and policy DPH7 explains the Council's approach to housing mix for market and affordable dwellings. Policy DPH8 goes on to explain that all residential and mixed use sites site will be required to provide 30% affordable housing, that these should be in clusters of no more than 10 units, the tenure split, the minimum floor area to be provided and 4% should be M4(3) compliant. Whilst not relevant to this application as it is in outline only, we also note that policy DPH11 addresses dwelling space standards and policy DPH12 Accessibility requirements. This statement, together with the DAS look to address these policies.

5.91 Finally, we note that chapter 17 of the Submission Local Plan addresses infrastructure, with policy DPI1 commenting on infrastructure provision, policy DPI2 on planning obligations, policy DPI4 on communications infrastructure, policy DPI5 on open space, sport and recreational facilities, policy DPI6 on community and cultural facilities and local services, policy DPI7 on water and wastewater infrastructure and policy DPI8 on viability. This statement, together with the LVA and FRA/ DS look to address these policies.

5.92 Whilst we accept that the weight to be attributed to the submission local plan is limited as it has still to be independently examined, this statement will demonstrate how the policy approach promoted in Submission Local Plan has been met – where relevant.

**g) Relevant MSDC Supplementary Planning Documents (SPDs) & guidance**

5.93 MSDC has a number of relevant SPDs, technical advice notes and guidance documents, including:  
Affordable Housing SPD (July 2018)  
Design Guide SPD (Nov 2020)  
Development Infrastructure and Contributions SPD as updated (Oct 2019)  
West Sussex LLFA Policy for the Management of Surface Water (2018)  
West Sussex County Council Guidance on Parking at New Developments (September 2020) and car parking demand calculator.

5.94 This statement, together with the DAS, FRA and TA will demonstrate how this application looks to address the requirements of these documents – where relevant.

**h) Other Material Considerations**

MSDC Five Year Housing Land Supply Statement (April 2023)

5.95 The Councils Housing Land Supply statement for the position as at 1st April 2023, as updated October 2023 suggests, on the Councils' own evidence that at the time they had 5.04 yrs supply (a surplus of just 47 dwellings).

5.96 The updated statement of common ground on housing land supply signed by the Council on the 19<sup>th</sup> December 2024 for the Scamps Hill appeal<sup>13</sup> acknowledges that as of 1<sup>st</sup> April 2024 the Council only had 3.38 yrs worth of supply, a deficit of 2,304 dwellings against the 5 year requirement. They also acknowledge that the housing land supply deficit is significant and that the tilted balance contained in para 11 of the NPPF was thus engaged.

5.97 This statement comments upon the implications of the five year housing land supply situation in section 6 below.

<sup>13</sup> Appeal ref APP/D3830/W/24/3350075, MSDC ref DM/24/0446 – land off Scamps Hill Lindfield

## 6 Planning Appraisal

### 6.1 The Issues

6.1.1 This outline application provides for the development of the land at Foxhole Farm, Foxhole Lane, Bolney, West Sussex so as to accommodate the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.

6.1.2 All matters bar access are reserved for future determination. The site will be accessed via a priority T-junction arrangement with a ghost island right turn lane.

6.1.3 Having regard to the aims and objectives of national and local government guidance, we consider that the key issues to be considered in determining this application are:

- the principle of development in terms of the aims and objectives of the Mid Sussex District Plan 2014 – 2031 (March 2018), and the Bolney Neighbourhood Plan (September 2016); as well as the aims and objectives of the Reg 19 Submission Draft Local Plan (December 2023), the housing land supply situation in Mid Sussex, the affordable housing needs of the District, the site's suitability for development, the presumption in favour of sustainable development, and the applicant's ability to start to deliver the site within the next 5 years;
- the landscape and visual impact of the proposed development on the area;
- the effect of the proposed development on existing landscape features;
- the impact of the proposed development on areas of ecological interest/protected species;
- the impact of the form, layout, and design of the proposed development on the amenities of adjacent residents;
- the site's ability to accommodate this level of development, the nature of the residential accommodation and the level of affordable provision;
- the effect of the proposed development in transportation and highway terms;
- the site's suitability for development in terms of flood risk and foul water drainage;
- the impact of the proposed development on the cultural heritage of the site and surrounding area;
- the impact of the proposed development in terms of the loss of agricultural land; and
- the effect of the proposed development in terms of energy consumption, lighting, amenity space, contamination and remediation, the capacity of service providers and impact on local infrastructure.

## 6.2 The Principle of Development

- 6.2.1 MSDC have in their Updated Statement of Common Ground on Housing Land Supply for the Scamps Hill appeal, which is dated 18<sup>th</sup> December 2024, accepted that as at 1st April 2024 they did not have a five year housing land supply, and have not sought to contest the principle of the development of this site which is on a greenfield site beyond the built up area boundary of Lindfield.
- 6.2.2 The Land at Foxhole Farm, Foxhole Lane, Bolney, is identified for development in the Reg 19 Submission Draft Mid Sussex Local Plan 2023 pursuant to Policy DPA14. The proposed development has been designed to be in general conformity with Policy DPA14.
- 6.2.3 Whilst the Submission Draft Mid Sussex Local Plan is still at examination, the submission of this application now helps to demonstrate deliverability and bolster the councils five year housing land supply situation as set out in the Submission Draft Local Plan's trajectory, at a time when given recent changes to national government guidance the councils lack of a five year housing land supply under the adopted development plan leaves the council vulnerable to speculative applications for development in areas that have not been judged to be suitable through the allocation process.
- 6.2.4 It is on this premise that we have made these applications.

### **a) Policies DP4 and DP12 of the Mid Sussex District Plan 2014 – 2031**

- 6.2.5 The application site is located outside of the current urban area of Bolney as identified in the adopted Mid Sussex District Plan, and policy DP12 of the adopted District Plan seeks to protect the distinctiveness character and quality of the countryside stating that development will only be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, where 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.
- 6.2.6 Whilst it would appear implicit that where a need can be demonstrated, there is no conflict with policy DP12, policy DP12 is in effect 'out of date' given the housing land supply situation, and the fact the settlement boundary was defined having regard to the housing requirement for the District as set out in policy DP4 of the Adopted District Plan which looked to deliver an average of 876 dpa until 2023/24 and an average of 1,090 dpa until 2030/31, and was adopted against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016, and the NPPF 2012.
- 6.2.7 Para 10 of the NPPF makes it clear that '*So that sustainable development is pursued in a positive way, at the heart of the Framework is a*

*presumption in favour of sustainable development*. Paragraph 11 then makes it clear that plans and decisions should apply a presumption in favour of sustainable development, and that 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 plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the 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.'*

6.2.8 Footnote 8 makes it clear that 'out of date' includes: for applications involving the provision of housing, situations where:

*'the local planning authority cannot demonstrate a five year supply of deliverable housing sites, (with the appropriate buffer as set out in paragraph 78) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'*

6.2.9 The Council have openly admitted in the recent Scamps Hill appeal that they do not have a five year housing land supply<sup>14</sup>.

6.2.10 Given the above it is necessary to consider the housing land supply situation as well as the age and the premise behind the policies that go to the heart of housing delivery in the Adopted Development Plan i.e. policies DP4 and DP12.

i) The Housing Land Supply Situation

6.2.11 Para 78 of the NPPF makes it clear that local planning authorities are now required to *'identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:*

*a) 5% to ensure choice and competition in the market for land; or*

*b) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.....*

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<sup>14</sup> MSDC position as of 18th Dec 2024 was that for the period 1st April 2024 to 31st March 2029 they had a supply of 4,815 dwellings equating to 3.38 years' worth of supply (-2,304 dwellings) and the Appellant's position was that the council had a supply of 3,427 dwellings equating to 2.41 years' worth of supply (-3,692 dwellings).

- 6.2.12 As the Mid Sussex District Plan 2014 – 2031 which set the housing target in policy DP4 was adopted in 2018 it is over 5 years old, and whilst the Site Allocations DPD which seeks to enact the requirements of the Mid Sussex District Plan 2014 – 2031 was only adopted in 2022 we would submit that as a ‘daughter’ document it is the Mid Sussex District Plan 2014 – 2031 which para 78 relates to. As para 78 makes it clear that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing, and the Council have openly acknowledged they do not have a five year housing land supply, the fact the application site is located outside of the current urban area of Bolney where policy DP12 applies whilst a material consideration, is of limited weight given the fact MSDC cannot demonstrate a five-year housing land supply.
- 6.2.13 Given the above, paragraph 11 (d) of the NPPF (December 2024) is engaged for the purposes of decision making, to which we return below.
- ii) The Weight to be attached to the Mid Sussex District Plan 2014 – 2031
- 6.2.14 Para 232 of the NPPF is clear in that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the NPPF, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
- 6.2.15 In the context of the above we note that policy DP12 of the Mid Sussex District Plan 2014 – 2031 indicates that the countryside will be protected in recognition of its intrinsic character and beauty and that 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
- The planning boundaries in the plan having been defined by the housing requirements set out in policy DP4.
- 6.2.16 In considering the weight to be attributed to policies DP4 and DP12, we note that these policies were prepared in a policy and housing need context that is now out-of-date (see Paragraph 6.2.5 above) such that the urban areas identified in the Mid Sussex District Plan are also out-of-date. As a result, the weight to be attributed to spatial policies DP4 and DP12 is significantly reduced and para 11d of the NPPF and the tilted balance engaged. A position which is exacerbated by the Council’s lack of a five year housing land supply.
- 6.2.17 The fact that these policies are out of date does not mean that they must be disregarded in the planning assessment. However, any breach of these policies would be afforded reduced (limited) weight in the planning balance.

### **b) The Bolney Neighbourhood Plan**

6.2.18 Whilst the BNP does allocate housing sites, as it is over 5 years old (it was 'Made' in September 2016), para 14 of the NPPF does not apply and the weight to be attributed to it is significantly reduced and para 11d of the NPPF and the tilted balance engaged. A position which is exacerbated by the District Council's lack of a five year housing land supply. That said we accept that the fact that whilst the policies in the BNP are out of date, this does not mean that they must be disregarded in the planning assessment. However, any breach of these policies would be afforded reduced (limited) weight in the planning balance

### **c) The Submission Draft Local Plan December 2023**

6.2.19 The Mid Sussex District Plan 2014-2031 was submitted for independent examination on the 8th July 2024.

6.2.20 Having identified the Local Housing Need, and identified completions to date, proposed windfalls and the current sources of supply, (existing allocations and permission), the Submission Draft Local Plan indicates that there is a need to allocate sites to accommodate 6,687 dwellings if the plan is to meet its Local Housing Need in full and have an oversupply to provide for resilience/ address the unmet needs of neighbouring authorities.

6.2.21 As a result of its housing need and having regard to the findings of the Urban Capacity Study, Housing Land Availability Assessment, Settlement Sustainability Review Study, Habitat Regulation Assessment, Strategic Flood Risk Assessment, Strategic Transport Study, the Site Selection Process, and Sustainability Appraisal the plan looks to allocate 3 sustainable communities (on land west of Burgess Hill, at Crabtree Park east of Crawley, and south of Reeds Lane, Sayers Common) along with 17 smaller housing sites, including the land west of Turners Hill Road.

6.2.22 Policy DPA14 indicates that the land at Foxhole Lane, Bolney will provide for 200 dwellings, and the following infrastructure on-site:

- Land for education provision
- Community facility
- Community working hub
- Allotments
- Informal outdoor space including community orchard and country park

6.2.23 It also requires the developers of the site to make financial contributions towards the provision of:

- Sustainable Transport
- Education
- Library
- Local Community Infrastructure
- Emergency services
- Play area
- Health
- Other outdoor provision
- Outdoor sports

6.2.24 And to make provision for the following off site:

- Sustainable transport measures
- Highway works
- Sewerage network upgrades

- 6.2.25 In addition, policy DPA14 also contains the following policy requirements:
1. Informed by a Heritage Impact Assessment, provide an appropriate layout and design which protects the setting of nearby Grade II listed building, 'Walnut and Well Cottage', and Bolney Conservation Areas (North and South).
  2. Follow a sequential approach by directing development away from areas of flood risk associated with surface water flooding in lowest areas of the site.
  3. Retain the character of footpath 44Bo which runs along the site's northern boundary and create a pedestrian link from the site.
  4. Provide suitable vehicular, pedestrian and cycle access from Cowfold Road (A272).
  5. Provide pedestrian and cycle access to The Street into the north part of the site between the properties of Westmeadow and Downland. In addition, explore potential for additional pedestrian and cycle access to The Street into the south-central part of the site.
  6. Provide a country park between the north and south development parcels.
  7. Explore opportunities on-site to enhance education provision in the village that meets an identified local need.
  8. Occupation of development will be phased to align with the delivery of sewerage infrastructure, in consultation with the service provider.
  9. The site lies within the brick clay (Weald) Mineral Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with the requirements of the West Sussex Joint Minerals Local Plan and associated Safeguarding Guidance
  10. Meet the requirements of other relevant development plan policies

- 6.2.26 We also note that Appendix 6 of the Councils Housing Supply and Trajectory Topic Paper July 2024 (Trajectory of Proposed District Plan Allocations) actually shows the application site delivering in 2028/29 i.e. the next five years.

- 6.2.27 Para 49 of the NPPF makes it clear that:
- '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).'*

- 6.2.28 Para 50 continues:
- 'However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

6.2.29 Having regard to the above, whilst the application site is a proposed allocation in the Submission Draft Local Plan it is not so substantial/ its cumulative effect would not be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Submission Draft Local Plan. The application site a small, self-contained site, located on the edge of the urban area that is not fettered by any land use designations and is capable of delivering a sustainable development that helps address the Councils five year housing land supply deficit and accommodates the requirements of the Submission Draft Local Plan without creating an undesirable precedent / being premature to the adoption of the Local Plan.

6.2.30 The NPPF is clear that applications can only be refused on grounds of prematurity in limited circumstances. The proposed development at 200 dwellings is not for a significant quantum of development, being just 1% of the overall housing land supply and 3% of the proposed allocations and is not reliant on any other allocations to come forward itself. Furthermore, the Council have through their evidence base deemed the site a sustainable one, suitable for development. To this end given the level of development proposed in Bolney, some 200 dwellings, the proposed development cannot be said to equate to development that has such a significant cumulative impact that it would undermine the plan making process.

6.2.31 The grant of planning permission here would not therefore result in an undesirable precedent being set. Whilst every application should be assessed on its own individual merits, the fact is that the circumstances here are quite unique to this site. The site is identified as a potentially allocation in the Submission Draft Local Plan, and as such is already seen as helping to meet the Council's Local Housing Need. It's well contained in landscape terms, and its well connected to Bolney, a sustainable settlement.

6.2.32 The documents submitted in support of this application look to demonstrate how the proposed development accords with policy DPA14 of the Submission Draft Local Plan. A summary position is set out in **appendix 1**.

**d) Affordable Housing Need**

6.2.33 The Strategic Housing Assessment (SHA) Oct 2021 produced to support the Submission Draft Local Plan indicates that the estimated annual need for 470 rented affordable homes and 455 affordable home ownership homes in Mid Sussex District. Together this equates to circa 85% of the annual Local Housing Need as advocated in the Submission Draft Local

Plan<sup>15</sup> and 68% of the Local Housing Need proposed under the new standard method set out in the Dec 2024 NPPF<sup>16</sup> Even if one takes into account the fact the Council are proposing an affordable housing policy requirement of 30%, its clear that as not all sites provide affordable housing, the Submission Draft Local Plan will not address the districts affordable housing needs. In order to meet 100% of the affordable requirement the plan would need to deliver a minimum of 2,312dpa<sup>17</sup> over the plan period i.e. more than double that currently planned for, and 71% more than the Local Housing Need calculated under the new standard methodology.

6.2.34 In the context of the above we note that according to table 11 of MSDC Authority Monitoring Report (AMR) (April 2022 – May 2023) (published Dec 2023) the Council have, over the past 9 years only delivered 1,878 affordable homes<sup>18</sup>. An average of 208 affordable completions per annum, significantly less than the annual need.

6.2.35 The above would suggest that not only is the affordable housing need acute, but it remains high, with completions falling woefully short of the requirement set out in the SHA.

6.2.36 The above is exacerbated by the ONS affordability ratios published in March 2025. The ratio of median house price to median gross annual workplace-based earnings by local authority district, England and Wales, 1997 to 2024 indicates that the ratio of median house price to median gross annual workplace-based earnings in MSDC has increased significantly over the past 10 years from 9.71 to 12.09<sup>19</sup>.

**JAA table 1 – Extracts from ONS median house price to median gross annual workplace-based earnings across West Sussex - 1997 to 2024**

Authority	2012	2014	2016	2018	2020	2022	2024
Crawley	6.57	7.24	8.10	9.09	8.21	8.97	7.93
Horsham	10.46	12.11	13.09	13.87	12.57	13.25	11.68
Mid Sussex	9.71	11.38	12.61	12.68	12.48	13.11	11.35
Lewes	9.06	9.46	10.03	9.88	11.38	12.37	12.09
Wealden	10.07	11.71	11.45	11.82	11.66	13.42	11.62

6.2.37 The affordability situation in MSDC is thus worsening year on year, and significantly greater than the average for England (7.71), and the South East (9.61).

<sup>15</sup>  $925/1090 \times 100 = 85\%$

<sup>16</sup>  $925/1356 \times 100 = 68\%$

<sup>17</sup>  $100/40 \times 925 = 2,312.5$

<sup>18</sup>

Table 7: Affordable Housing Completions

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	Cumulative Total
<b>Affordable Housing Completions</b>	221	113	168	97	102	214	245	349	369	1,878

<sup>19</sup> ONS House price to workplace-based earnings ratio – March 2025 – table 5c

<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/datasets/ratioofhousepricetoworkplacebasedearningslowerquartileandmedian>

- 6.2.38 As set out below, the proposed development will provide for up to 60 affordable dwellings. This is a highly significant material consideration and should carry substantial weight in the context of the NPPF.
- 6.2.39 As this is an outline application the affordable housing mix and tenure split has yet to be agreed with the Council's housing department. That said, it would, as set out in the DAS, comprise a mix of 1 and 2 bed apartments and 2, 3 and 4 bed houses, providing affordable or social rent and affordable home ownership. These dwellings will be secured through a S106 Agreement, and as the DAS demonstrates will be designed to be tenure blind and distributed throughout the development in clusters of 15 – 25 dwellings.
- 6.2.40 On the basis of the above the proposed development of the application site would actively assist in addressing the affordable housing requirements of the Council in a real and valuable way. Furthermore, as set out in section 6.21 of this statement it is Wates intention that the nomination rights for the affordable housing units are such that the affordable units are in the first instance made available to people in housing need with appropriate connections to Bolney. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes and then those in need in the rest of the District.

**e) Land at Foxhole Farm - A Sustainable Location for New Development**

- 6.2.41 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development: economic, social, and environmental. Paragraph 9 of the NPPF advises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; *'they are not criteria against which every decision can or should be judged'* it continues: *'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.'* Having regard to the advice in the NPPF it should be noted that: -

i) The Economic Role

- 6.2.42 The application site is not located within a National Park, a National Landscape or area of Area of High Landscape Value, nor is it located within a conservation area, or proposing development within flood zones 2 and 3. Rather it is situated close to Bolney (see below), in an area unfettered by any policy designations.
- 6.2.43 The application site would thus constitute the right type of land, in the right place at the right time to support growth. In addition, the proposed development would result in the creation of both construction jobs and additional indirect and induced construction-related jobs during the build period. The Socio-Economic Benefits infographic prepared by Icini and enclosed at **appendix 2** provides an overview of the socio-economic benefits that could be delivered from the development. This includes:

- a) Construction Phase:  
£40m Construction Value  
128 Direct Jobs (per annum)

43 Indirect / Induced Jobs (per annum)  
 £79m Total Gross Value Added (over build period)  
 Apprenticeships, Training and Local Supply Chain Opportunities  
 and  
 S106 contributions towards social infrastructure

b) Operational Phase

£6.4m Total Residential Spend (per annum)  
 £1.4m First Occupation Expenditure  
 232 Economically Active Residents  
 £9m Resident Income (per annum)  
 £445k Council Tax (per annum)  
 £413k New Homes Bonus (per qualifying year)  
 Stamp Duty Land Tax

c) Wider Benefits including:

- Significant contribution towards meeting housing needs and economic growth (particularly affordable housing), which best serves
- Supports members of the community with learning disabilities and additional needs the needs of the local community
- Network of footpaths and cycleways to encourage active travel and healthy lifestyles whilst minimising carbon emissions
- Supports the vitality of local centres through additional spending
- Opportunities for local food growing and vibrant natural setting to support well-being and biodiversity

6.2.44 Given the above it is considered that the proposed development satisfies the economic dimension of sustainable development.

ii) Social Role

6.2.45 The provision of up to 200 new dwellings will make a contribution to the Districts housing land supply and will help meet the identified need, particularly in respect of affordable homes (up to 60 dwellings) in a significant way. In addition, the range of house types proposed will help to meet the needs of present and future generations.

6.2.46 The proposed development, in providing over 9ha of land to be used for formal as well as informal recreational areas, children's play areas, allotments and community orchards, will actively help address the recreational needs of the area.

6.2.47 In addition to the above, the proposed development also provides an opportunity to expand/consolidate/introduce new services and infrastructure, through S106 contributions towards transport improvements, library services, community facilities etc.

6.2.48 In accordance with para 8 of the NPPF the application site will be accessible to local services that reflect the community's needs and will support the existing and future communities' health, social and cultural well-being. The NPPF seeks to promote a strong vibrant and healthy community by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's

needs and supports its health, social and cultural wellbeing. It can be considered that the proposed development satisfies the social dimension of sustainable development.

iii) Environmental Role

- 6.2.49 The proposed development is on land that is free from any national environmental designations, i.e. National Landscapes (previously Area of Outstanding Natural Beauty) or a National Park. Albeit we note that the South Downs National Park is approximately 6.4km to the south of the site; and the High Weald National Landscape is approximately 460 meters to the north and around 455 meters to the east of the site at its closest point.
- 6.2.50 In the context of the above it is acknowledged that there is an overriding need to ensure that the intrinsic character and beauty of the countryside is recognised, and that development should contribute to protecting and enhancing the natural, built, and historic environment.
- 6.2.51 In accordance with para 8 of the NPPF the proposed development provides an opportunity to enhance and actively increase the biodiversity on the site. As set out in the LVA and AIR, the proposed development has been designed to ensure the majority of the existing landscape features are retained and incorporated within the development; and where existing features are lost, their loss will be mitigated by substantial new tree planting, reinforcing the site's landscape character. In addition, as set out in the Ecological Impact Assessment the large swaths of informal open space, and community orchard, along with the proposed SuDS features and ecological enhancement works will ensure BNG well in excess of the mandatory 10%.
- 6.2.52 In addition, the proposed development will look to make the most efficient use of the site, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change. The Energy Statement explains how significant improvements above Building Regulations are proposed in this instance to reduce energy demand and CO2 emissions thus helping to address the council's climate emergency.
- 6.2.53 Given the above it is considered that the proposed development satisfies the environmental dimension of sustainable development.
- 6.2.54 It is also noteworthy that the application site is located immediately adjacent to the built confines of Bolney and is identified as a proposed allocation in the Submission Draft Local Plan, which demonstrates that MSDC recognise that the site is situated in a sustainable location for development, thus satisfying relevant national and local policy on this matter.
- 6.2.55 As set out in the Transport Assessment, the application site is located within reasonable walking and cycling distance of a range of facilities in Bolney and the surrounding area. In addition, there is access to existing bus stops within easy walking distance that provide direct regular services to Burgess Hill, Horsham, Crawley, Brighton and Haywards Heath. Rail services from Haywards Heath train station provide regular connections to

East Croydon, Clapham Junction and London as well as East Grinstead, Burgess Hill and Brighton.

6.2.56 Table 5.3 of the TA provides a summary of the local facilities, amenities, educational and employment opportunities accessible within a comfortable or reasonable walking and cycling distance of the site.

6.2.57 Given the above we consider the application site is ideally situated to accommodate further growth in a sustainable manner as defined by para 8 of the NPPF.

6.2.58 Thus, the presumption in favour of sustainable development applies and consideration needs to be given to the application in the context of paragraph 11 of the NPPF i.e. it should only be refused if any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole, or specific NPPF policies indicate development should be restricted.

**f) A summary of the Social, Economic and Environmental Benefits Generated by the Proposed Development**

6.2.59 We believe there are a number of material planning benefits generated by the proposed development, as set out below:

**Table 6.5 – Social, Economic and Environmental Benefits Generated by the Proposed Development**

	<b>Benefit</b>	<b>Type</b>
1	Provision of up to 200 market dwellings	Social/Economic
2	Provision of up to 60 affordable dwellings (30%)	Social
3	An appropriate dwelling mix.	Social
4	The provision of a community building (Use Class F1), to be set aside for use by Kangaroos, thus contributing towards the Council's need for accommodation for children, teenagers and adults with severe learning disabilities and complex needs.	Social
5	Provision of 0.15ha of formal play space together with potential for allotments	Social/Environmental
6	Provision of over 9ha of publicly accessible incidental open space/ amenity space/ natural and semi natural space	Social/Environmental
7	Developing in a sustainable location	Social/Environmental/ Economic
8	Avoiding designated landscapes such as the High Weald National Landscape and South Downs National Park	Environmental
9	Landscape enhancement with new tree and hedgerow planting	Environmental
10	Avoiding impacts on protected areas/ species and ecological enhancements resulting in a BNG considerably in excess of 10% (+)	Environmental
11	Improved pedestrian, and cycle links between the site and the wider area	Environmental

12	Enhanced bus services between the site and the wider area	Economic/ Environmental and Social
13	Contributions towards off site highway works, including pedestrian improvements to The Street encompassing the introduction of additional crossing points and new stretches of footway.	Economic/ Environmental and Social
14	Managed positive surface water drainage strategy	Environmental
15	Provision of energy efficient homes exceeding current policy requirements	Environmental
16	In accordance with spatial strategy of the Reg 19 Submission Draft Local Plan – especially policy DPA14	Social/Economic/Environmental
17	Short-term economic benefits from construction	Economic
18	Long-term economic benefits from new residents spending in the local area, S106, New Homes Bonus and Council Tax revenues	Economic/ Social

6.2.60 Cumulatively the proposed development will deliver and provide significant benefits which demand very substantial weight.

#### **g) Deliverability**

6.2.61 There are, as will be set out later in this statement, no impediments to development on this site. Furthermore, despite the scale of development proposed on this site, there are no significant advanced infrastructure requirements. On this basis and as the site is already under contract to the applicants, it is anticipated the development of this site will start as soon as is practically possible after the grant of planning permission.

6.2.62 To this end it should be noted that if consent is granted locally in summer 2025 first occupations of the proposed dwellings would be expected in winter 2027, and the development could be completed by the winter of 2031, dependent on market conditions.

6.2.63 Given the above we consider a realistic trajectory to be as follows:

26/27	27/28	28/29	29/30	30/31	31/32	Total
0	50	50	50	50		200

6.2.64 The above reflects the position promoted by the Council in Appendix 6 of the Council's Housing Supply and Trajectory Topic Paper July 2024 (Trajectory of Proposed District Plan Allocations) produced in support of the Submission Local Plan, which shows the application site delivering in full within the next five years.

6.2.65 The site is available for development, is suitable for development, and can start to deliver new homes for local residents within the next 5 years. The development of this site would in our opinion meet the tests of deliverability set out in the NPPF and would contribute towards the overall housing land supply.

## **h) Conclusions on the Issue of the Principle of Development update**

- 6.2.66 The development of the application site for residential purposes would not, given the need to provide for additional housing land in accordance with the requirements of the NPPF, prejudice the aims and objectives of Policies DP4 and DP12 of the District Plan. As set out above the weight to be attributed to these policies is now limited in the light of the five year housing land supply situation. Furthermore, in the light of the fact that the Council cannot demonstrate a five year housing land supply, paragraph 11d of the NPPF is engaged and the tilted balance applies.
- 6.2.67 The application site is located on the edge of Bolney, which is defined in the Settlement Hierarchy Review as a category 3 settlement i.e. a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities.
- 6.2.68 The proposed development also complies with the aims and objectives of policy DPA14 of the Submission Draft Local Plan.
- 6.2.69 In determining this application, the Council should do what the government encourages where there is a 5 year housing land supply deficit - look at sustainable sites and apply the tilted balance. In doing so and approving this application they would be facilitating delivery in accordance with the Councils Housing Supply and Trajectory Topic Paper July 2024 produced in support of the Submission Draft Local Plan.
- 6.2.70 In this context, the benefits of the proposed development are, as set out in this statement, substantial and far outweigh the limited harm the development may cause.
- 6.2.71 The development proposals meet the three overarching objectives of sustainable development as set out in paragraph 8 of the NPPF. Prospective occupiers would help to support the range of local facilities and services in Bolney including public transport and would contribute to the vitality of the locality and social cohesion. The development itself would also provide short term construction jobs – economic benefits. Whilst Kangaroos are likely to employ in the region of 10-12 FTE and circa 50 part time staff<sup>20</sup> (including volunteers). There would also be benefits from S106 contributions, and the new Homes Bonus, that should be acknowledged in the planning balance.
- 6.2.72 As well as being an acceptable ‘sustainable’ location, the development would provide a relevant and valuable contribution to the Council’s five year housing land supply.
- 6.2.73 The sites suitability for development and the associated principle of the site’s development is thus established and there is no justifiable reason to oppose the release of this site.

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<sup>20</sup> It should be noted that not all staff / volunteers would be on site at any one time. Rather they would be available on and as and when needed basis.

### 6.3 The Nature of the Residential Accommodation

#### i The Unit Mix

6.3.1 The proposed development provides for up to 200 dwellings and would encompass a mix of 1 and 2 bed apartments and 2, 3, 4 and 5 bed houses; 30% of which would be affordable and 2% of which would be self and custom build plots. Thus, the proposed development looks to provide for a range of different house types, sizes and tenures so as to reflect the character of the area, the aims and objectives of policies DP30 and DP31 of the Adopted District Plan and policies DPH6, DPH7 and DPH8 of the Submission Draft Local Plan

6.3.2 In the context of the above we note that policy BOLH1 of the Bolney Neighbourhood Plan advises that to support sustainable communities and to reflect current and future local housing needs, housing developments are expected to provide a mix of all dwellings that fall within the following ranges subject to viability considerations:

1- and 2-bed dwellings: a minimum of 40% of all dwellings, reflecting a balance of both 1-bed and 2-bed properties

3-bed dwellings: 20-40% of all dwellings

4+-bed dwellings: a maximum of 15% of all dwellings

6.3.3 As the above does not reflect the position advocated in the latest SHMA (2021) upon which policy DPH7 of the Submission Draft Local Plan is based, and as BOLH1 provides for an alternative mix of dwelling size provision if a robust justification is provided to the satisfaction of the local planning authority, the outline application has been predicted on the requirements of policy DPH7 and thus promotes a more varied mix within both market and affordable housing to reflect market demand and affordability issues, as set out below.

	1 Bed/ 2 person	2 Bed / 4 person	3 Bed / 5 person	4 Bed (+) / 6 person
<b>Market Housing</b>	5 - 10%	20 - 25%	40 - 45%	25 - 30%
<b>Affordable Ownership</b>	10- 15%	50 – 55%	25 – 30%	5 – 10%
<b>Affordable Rent</b>	30- 35%	40 – 45%	15 – 20%	5 – 10%

6.3.4 Furthermore, as set out in the DAS, the affordable housing units will be designed to be tenure blind and will be distributed throughout the proposed development.

6.3.5 In addition, all houses will be designed to be M4(2) compliant, and 4% of the affordable dwellings will be designed to be M4(3)(2)(b), with 5% of the market dwellings designed to be M4(3)(2)(a) compliant in accordance with policy DPH12 of the Submission Draft Local Plan.

#### ii The Density of Development

6.3.6 The proposed development will result in the provision of 200 dwellings on a site of circa 16.88 ha i.e. a density of 11.84 dph. As however 9.28ha is set aside for green infrastructure, and 0.41ha encompasses access road/

Cowfold Road verge and 0.29ha is the Community Hub Building, the net residential area is only circa 6.90ha. 200 dwellings on an area of circa 6.90ha would generate a density of 28.98 dph net. Whilst neither the Adopted District Plan nor Submission Draft Local Plan contain policies related to the density of new development, other than in conservation areas, the above reflects the desire in the NPPF to optimise the use of land whilst preserving the character and appearance of the surrounding area.

## **6.4 The Form, Layout and Design of Development**

6.4.1 The form, layout and design of the proposed development has, as set out in the Design and Access Statement (DAS) been predicated on a detailed understanding of the whole of the site and its surroundings and adherence to the draft site allocation policy DPA14. This has led to an appreciation of the site wide constraints, which as summarised in the DAS include:

- i. The character of Public Right of Way (Footpath 44Bo) to the north of the site.
- ii. The undulating topography of the site, the highest point of which is roughly in the middle of the site adjacent to Foxhole Farmhouse, and gentle slopes down from here to the south, north-east and north-west.
- iii. The setting of and views to and from the Grade-I Listed St Mary Magdalene church to the east, as well as other heritage assets such as Well and Walnut Cottage, and non-designated heritage assets such as the Old Post Office, Bolney Place and Providence Chapel.
- iv. The character and appearance of Bolney Conservation Area.
- v. The private amenity of the occupants of the properties on The Street to the east, the rear gardens of which are in some instances currently open to the site.
- vi. The various hedgerows, trees and woodland that lie within and adjacent to the site.
- vii. The important existing ecological features present including areas of grassland, hedgerows, scrub and woodland edge.
- viii. The wildlife that exists on site including roosting, foraging and commuting Bats, Dormouse, Reptiles (Slow Worms and Grass Snakes), and Birds.
- ix. The surrounding highway network and proposed means of access to the site.
- x. The noise emanating from the Cowfold Road (A272), located to the south of the site.
- xi. The areas of surface water flood risk in the lower parts of the site, especially to the north east and within the southern part of the site.
- xii. Existing overhead power lines running along the northern edge of the site.

6.4.2 The DAS explains the design evolution has had regard to the above and the design policy approach advocated in the adopted development plan as well as supporting supplementary planning guidance and the Reg 19 Submission Draft Local Plan. To this end it highlights the site opportunities as being:

- i. The central elevated part of the site, where there is the opportunity to create a new area of countryside open space between the northern and southern development parcels (in accordance with

Criterion 6 of Policy DPA14). This in turn allows views of the Grade-I Listed St Mary Magdalene church to be created from the site, whilst views from the church are preserved: as well as opening up views south towards the South Downs, which were previously not publicly accessible.

- ii. The northern and eastern boundaries, where there is an opportunity to create a green buffer, through new tree/ hedge planting and enhancement of existing vegetation, which will help to retain the character of Footpath 44 Bo (to the north) and the privacy of the neighbouring gardens (to the east).
- iii. The northern boundary, where there is an opportunity to re-route the existing overhead power line below ground, thus enhancing the visual appearance of this edge of the site.
- iv. The southern edge of the site, where there is the opportunity to create a landscaped buffer zone with integral SuDS features (where levels are lowest) which will create a suitable offset to Cowfold Road.
- v. The site wide potential for landscape enhancements, alongside other ecological improvements and the transition of large areas of agricultural land to public open spaces.
- vi. The opportunity to enhance connectivity by providing a new site access on Cowfold Road (as per Criterion 4 of Policy DPA14) and new pedestrian/ cycle link to The Street (as per Criterion 5 of Policy DPA14), as well as links to Footpath 44 Bo (to the north).

6.4.3 Having established the site constraints, undertaken a detailed analysis of the historic growth of Bolney, its settlement structure, and what makes the area unique; had input from the consultant team on the landscape, heritage, transport, arboricultural, ecological and drainage issues that impact upon the sites development potential; and noted the issues arising from public consultation and discussions with key stakeholders including statutory providers, the Parish Council and officers of the District Council through the pre application process; the DAS sets out a vision for the site, which is that the proposed development at Foxhole Farm, Bolney will:

- Expand Bolney in a sustainable manner.
- Provide much needed housing, including affordable homes.
- Provide a community focused multigenerational development to promote positive physical and mental wellbeing.
- Deliver a demonstrable net gain in biodiversity terms.
- Provide integrated and landscaped open space of approximately 9.28 ha.
- Provide a mix of housing types.
- Provide future-proof homes.
- Create a development that will integrate sustainable drainage strategies into the wider ecology and landscaping gains on site.
- Protect and retain existing hedgerows and trees wherever possible.
- Upgrade surrounding public rights of way to encourage sustainable methods of transport.
- Respect the setting of nearby Listed Buildings.
- Respect existing topography and views in/out of site.
- Provide appropriate architectural design.

6.4.4 To this end the DAS explains that the aim has been to produce a design which is compatible with the distinctive qualities of Bolney and Mid Sussex; respects the setting of adjacent heritage assets (such as the

Grade I St Mary Magdalene Church); respects the privacy and amenity of adjacent neighbours; results in wildlife and landscape improvements; and is sympathetic to new and existing residents alike.

- 6.4.5 To support the delivery of this vision the DAS contains a series of parameter plans which look to address the land use, density, building heights, access and movement, and landscape aspirations for the site. It then goes on to consider the green infrastructure and the road hierarchy, placemaking, the relationship with adjacent residents, and the external appearance and architectural materials that could be utilised in the RM application. The DAS then provides a number of illustrative views to demonstrate how the proposed development could look when viewed from Cowfold Road, from within the countryside open space, and from the southwestern corner of the northern parcel, looking north. It also provides various views of the community building.
- 6.4.6 The DAS in its conclusions advises that this outline application represents *'a genuinely landscape and heritage led proposal for the site that understands, retains and respects its context and allows the natural surroundings to shape the design'*. It explains that *'significant effort has been put into ensuring the proposed development responds to the existing constraints and opportunities represented by the site; respects existing landscape views and the setting of listed assets (in particular the Grade-I listed St Mary Magdalene Church) and the adjacent conservation area; and considers the needs well-being and inclusivity of new and existing residents alike.'* The DAS also highlights the fact that the proposed development *'creates a network of green spaces, centred around the primary area of countryside open space (located on the high ground) and interlinked by a hierarchical system of roads and footpaths that respond to the predicted desire lines of residents and visitors. These green spaces include new areas of woodland and orchard planting, as well as a generous landscape buffer along the eastern edge of the site to maintain a sense of privacy and separation to the existing properties on The Street, whilst still allowing for natural surveillance of the public open spaces'*. To this end the DAS explains that *'Built development has been carefully positioned to minimise visual impact and preserve long views'*; and that *'A landscaped buffer with strategic tree planting has been provided along the northern edge of the site to preserve the setting of the existing PRoW (Footpath 44BO) in line with policy requirements.'* Furthermore, the DAS indicates that whilst the proposals are in outline only, *'careful consideration has been given to the form, scale, massing and material treatment of built development to ensure that the masterplan is deliverable in a manner that is sensitive and appropriate to its context'*. To this end, the DAS explains that the overall approach is to deliver a development that *'represents a respectful and contextually appropriate extension to the existing settlement. It is generous in its landscape and ecological improvements and will open up significant green space for public access, alongside dedicated community uses. It will provide much needed affordable and market housing locally for families, and young and old alike, in an environmentally, socially and economically sustainable development'*
- 6.4.9 Overall the DAS demonstrates that the development of the land at Foxhole Farm can be accommodated on the site in a way which delivers a

high quality development respectful of Bolney's character and landscape setting, whilst also promoting enhanced sustainability.

6.4.10 Given the above the proposed development would in our opinion accord with the aims and objectives of policy DP26 of the Adopted District Plan, the MSDC Design Guide SPD, Policy BOLD1 (where still relevant) of the Bolney Neighbourhood Plan, and policy DPB1 of the Submission Draft Local Plan.

## 6.5 Landscape and Amenity Space

6.5.1 The proposed development looks to deliver significant areas of amenity space, which as set out below will exceed that required by the Councils Development Infrastructure and Contributions SPD (October 2019) and the updated requirements set out at appendix 5 of the Submission Draft Local Plan (December 2023).

Typology of Open Space	Quantity Standard (ha per 1000 pop) <sup>21</sup>	Quantity Standard Required	Illustrative On Site Provision
Natural and Semi-Natural	0.0018 Ha/ 18sqm per person	0.864 Ha	3.95 Ha
Amenity Green Space (including green corridors)	0.0008 Ha / 8sqm per person	0.384 Ha	0.84 Ha
Parks and Gardens/ Countryside Open Space	0.0008 Ha / 8sqm per person	0.384 Ha	4.19 Ha
Play Facilities including:			
Fixed play areas with LAP and LEAP facilities	0.00025 Ha /2.5 sqm per person	0.12 Ha	0.15 Ha
NEAPs and destination play facilities	0.00025 Ha /2.5 sqm per person	0.12 Ha	Off Site Financial Contribution
Outdoor Sports	0.0016 Ha /16 sqm per person	0.77 Ha	Off Site Financial Contribution
Allotments	0.0003 ha/ 0.3sqm per person	0.144 Ha	0.15
TOTAL		2.66 Ha	9.28 Ha

6.5.2 Overall, the land set aside for formal and informal recreational open space, encompasses 54.98% of the overall site area and is over 340% more than the policy requirement. It has the ability to provide for the following types of play:

- Inclusive / Accessible Play;
- Adventurous Play;
- Sensory Play;
- Imaginative Play; and

<sup>21</sup> See table 3 of appendix 5 of Submission Draft Local Plan  
NB Assumes an average occupancy rate of 2.4 per household so 200 dwellings = 480 residents

- Social Play.

6.5.3 In addition to the above, the proposed development provides for private amenity space for each of the proposed new houses which is comparable to that found elsewhere within the locality, and the proposed maisonettes /apartments will all benefit from their own private balconies / ground floor terraces thus creating their own private amenity space.

6.5.4 The proposed arrangements for the maintenance and management of the areas of amenity space would be addressed by a Landscape & Ecology Management Plan (LEMP) that can be a condition of any planning consent, and through the draft Heads of Terms of the S106. The outline strategy is that a Management Company will be responsible for the management of the common areas beyond the ownership boundaries of individual properties; this will be funded via a Commuted Maintenance Sum, financed by an annual maintenance charge on each residential property.

6.5.5 Allied to the proposed landscape and open space strategy are the proposed enhancement of the PRoW that run along the northern boundary of the site and the introduction of new routes which will enhance local residents access to the site and surrounding area.

6.5.6 Given the above we believe the proposed development would provide future residents with more than sufficient amenity space to meet their needs and therefore accords with the aims and objectives of the Councils Development Infrastructure and Contributions SPD (October 2019) and the updated requirements set out at appendix 5 of the Submission Draft Local Plan (December 2023).

6.5.7 In the context of the above, as referenced in the IDP; and as set out in section 4 above it is proposed to provide for contributions towards improving existing sports facilities within Bolney. The nature, extent and location of the proposed facilities has yet to be agreed.

## **6.6 The Potential Landscape and Visual Effects of the Proposed Development on the Area**

6.6.1 The Landscape and Visual Appraisal (LVA) prepared by SLR is based upon a desk top assessment of all relevant character assessments, maps and policies, several site assessments carried out between January 2020 and January 2025 and a computer-generated Zone of Theoretical Visibility (ZTV) which has assisted in determining the potential landscape and visual effects of the proposed development. In this context the LVA explains that the proposed masterplan has been prepared with regular guidance and input from SLR on landscape and visual matters, and the assessment assumes that the baseline for the site remains the site in its existing condition i.e. the fact the site is a draft allocation for residential development has not been factored in (other than considering the Council's own assessment of its capacity to accommodate change). Thus, the LVA represents a worst-case scenario.

6.6.2 In terms of its planning policy context the LVA explains that the site is not located within any national, landscape or landscape-related designations; rather it falls within the countryside west of Bolney and is not allocated for

development within the current Local Plan but is allocated for 200 homes and associated facilities, including a community facility, under draft Policy DPA14 of the Submission Draft Local Plan. It goes on to note that whilst there is no formal public access to the site, there is a footpath (40BO) that extends along the northern boundary of the site

- 6.6.3 The LVA goes on to advise that the High Weald National Landscape is approximately 450m north and east of the site, and the South Downs National Park (SDNP) is approximately 6.4km to the south of the site. The LVA also advises that the site does not form part of the setting of the High Weald National Landscape and that there is a negligible potential for the proposed development to cause landscape effects on the SDNP as the new homes are located on the lower parts of the site, and the site is located over 6km from the SDNP. The proposals would also not bring residential development any closer to the designation.
- 6.6.4 In terms of landscape character, the LVA explains that at a national level the site has been classified as forming part of NCA 122, High Weald; and that both West Sussex County Council in their Landscape Character Assessment (2005) and Mid Sussex District Council in their Landscape Character Assessment (2005) have identify the site as being within the High Weald Fringes.
- 6.6.5 The LVA goes on to advise that within the Mid Sussex Capacity Assessment (2014), the site has been classified as being part of Landscape Capacity Area 60: Bolney Sloping High Weald, and assessed as having Low/ Medium capacity to accommodate development, albeit said study also state that *“it is important to note that these scores are only indicative of potential capacity and would need to be tested through more detailed assessment at the site-specific level when proposals for specific development locations are known”*; and that within the Mid Sussex District Plan (Reg 19) Sustainability Appraisal (Nov 2023), landscape matters are anticipated to be negligible if the proposed development fulfils the site allocation’s policy requirements.
- 6.6.6 Within the context of the above, the LVA acknowledges that whilst the introduction of built form to a greenfield site will always result in negative landscape effects; the landscape effects resulting from the proposed development would be highly localised as the proposed built form would be located in areas of lower ground, enclosed by well-established vegetation and situated on the existing settlement edge of Bolney.
- 6.6.7 That said the LVA indicates that there would be major/ moderate and negative effects on the fields which form the application site, and moderate and negative landscape effects for the mostly simple but still receptor. All other landscape receptors would the LVA concludes be moderate/ minor and negative at most. To this end the LVA indicates that the High Weald National Landscape would experience a Minor and Neutral landscape effect and the South Downs would experience Minor/ Negligible and Neutral effects.
- 6.6.8 In terms of visual impacts, the LVA explains that 14 viewpoint locations were visited and photographed to represent the range of views and receptors likely to be affected by the proposed development; and that five of the nearest and most sensitive views have also been developed into

verifiable photomontages to represent the potential visual effects from these views.

- 6.6.9 As with landscape impacts the LVA advises that whilst the introduction of built form in a green field is likely to result in negative visual effects, the appraisal found that visual effects of the proposed development would be highly localised due to the site and its immediate context being largely enclosed by the landscape's well-established vegetation, undulating landform and the existing built form of Bolney.
- 6.6.10 Within the context of the above the LVA advises that the highest level of visual effect would be major/ moderate and negative; and that these would be experienced by residents in close proximity to the site along Cowfold Road and The Street, and at Foxhole Farm, walkers, cyclists and horse riders along Foxhole Lane, and recreational walkers along footpath 44Bo. In all cases the LVA indicates that the visual effects would reduce over time as the proposed planting establishes. To this end the LVA notes that in particular that for walkers along footpath 44Bo, visual effects would reduce to Moderate/ Minor by Year 15 as the proposed planting along the northern edge of the site would largely screen views of the proposed dwellings and thus the rural character of this footpath would be restored.
- 6.6.11 The LVA also notes that whilst these Major/ Moderate and negative effects are regarded as important planning considerations, they are highly localised to the site and would not affect any valued landscapes. In most scenarios, with the exception of viewpoint 2 (from the southern end of Foxhole Lane), these important planning considerations would also be short-term as the proposed planting would mitigate and reduce visual effects in the long-term.
- 6.6.12 The LVA goes on to advise that from further afield, views of the proposed development would be predominantly screened by the combination of the landscape's well-established vegetation and undulating landform resulting in no visual effects. This includes receptors within the High Weald National Landscape and the South Downs National Park
- 6.6.13 The LVA concludes:  
*'This Landscape and Visual Appraisal has been carried out by an experienced landscape architect and in accordance with the latest landscape guidance including GLVIA3. Alongside this assessment, the landscape architects have been actively involved in the design process. This has ensured that negative landscape and visual effects are largely localised and the most elevated, prominent parts of the site have also been kept free from development in order to minimise effects on sensitive receptors around the site. The landscape and visual assessment process has also informed detailed aspects of the illustrative masterplan, including the rural nature of the proposed countryside open space at the centre of the site, and the new habitats that would be created throughout the proposals.*  
*In the short-term, a small number of Major/ Moderate and Negative effects would be experienced by both landscape and visual receptors which equate to important planning considerations. However, given the incorporation of landscape buffers on the periphery of the development parcels, built form being limited to be lower, more enclosed ground and an abundance of planting being proposed across the site, these landscape and visual effects, which are regarded as important planning*

*considerations, would be highly localised and would progressively reduce in the long-term as the proposed planting establishes.*

*In addition, a large Countryside Open Space is proposed on the central, elevated ground which affords distant views across the surrounding countryside, and additional open space facilities such as allotments, community orchards, outdoor classroom, outdoor gym and a range of play facilities are also distributed throughout the site. Together these would cater to a wide range of residents, both existing and new.'*

- 6.6.14 Given the above, the proposed development would in our opinion accord with the aims and objectives of policies DP12, 13, 16, and 22 of the Adopted District Plan, Policies BOLBB1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan, and policies DPN3, DPC1, DPC2 and DPC4 of the Submission Draft Local Plan.

## **6.7 The Effect of the Proposed Development on Trees and Hedgerows**

- 6.7.1 The Arboricultural Implications Report (AIR) prepared by Simon Jones Associates describes the tree surveys undertaken on the application site in accordance with the requirements of BS 5837:2012: Trees in Relation to Design, Demolition and Construction – Recommendations.

- 6.7.2 It indicates that there are a total of 291 individual trees, 25 groups of trees, 6 hedges/hedgerows and 1 area of woodland growing within or adjacent to the site. The surveyed trees and tree groups are shown on the Tree Survey Schedule (TSS) and Tree Protection plan (TPP) at appendix 2 of the SJA trees report.

- 6.7.3 Of the 291 individual trees, there are no category 'A' trees on or immediately adjacent to the site, and only 86 category 'B' specimens, (trees of moderate quality with an estimated remaining life expectancy of at least 20 years), and 191 category 'C' trees i.e. 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. In addition, the AIR advises that 14 category U trees are present on site i.e. moribund specimens which are unlikely to live beyond the next 10 years. No TPO trees or veterans are located on or immediately adjacent to the site. Of the 25 groups of trees, hedges, hedgerows and woodlands, 3 (two groups and the woodland) have been assessed as category 'B', and the remaining 22 as category 'C'. No ancient woodland is located on or immediately adjacent to the site.

- 6.7.4 The AIR goes on to indicate that 4 groups of trees (G13, G25, G26 and G27) and 2 hedges (H2 and H6) will be partially removed to accommodate the proposed development. All are assessed as category 'C' specimens: being either of low quality, low value, or short-term potential. The AIR goes on to advise that the sections of these groups and hedges to be removed are to facilitate proposed drainage features, pedestrian footpath routes and proposed vehicle routes to access the site, and in all cases results in no less than 87% of the entire length being retained of these groups and hedges to be partially removed. For these reasons, the AIR concludes that the removal of these small sections will have no significant impact on the character or appearance of the area.

- 6.7.5 The AIR also explains that the proposed development incorporates considerable replacement tree planting which will mitigate the proposed removals, improve the age class balance of the trees on site, enhance the local landscape, and re-establish a framework for the ongoing and long term wooded character of the site. As a result of the above the AIR concludes that taking account of the numbers, sizes and locations of the trees to be retained, including those that are off-site, the partial felling and removal of the groups and hedges identified will represent no alteration to the main arboricultural features of the site.
- 6.7.6 The AIR also confirms that one of the groups of trees to be retained (G13) requires pruning to facilitate visibility spays at the proposed access. The level of pruning proposed is the AIR advises minor and the species concerned (hornbeam) able to tolerate the level of pruning proposed, such that this will have an insignificant effect on the health and physiological condition of these trees and complies with the recommendations at paragraph 7.2.4 and at Table 1 of British Standard BS 3998:2010, Tree work – Recommendations. Furthermore, as set out in the AIR the proposed pruning will have little effect on the appearance of the hedge when viewed from Cowfold Road (A272) and outside the site itself and accordingly will not detract from the character or appearance of the local area.
- 6.7.7 The AIR also advises that the incursions into the Root Protection Areas of nine of the trees to be retained to accommodate the drainage features, allotments and areas of hard standing are minor, and subject to implementation of the measures recommended on the Tree Protection Plan and set out at Appendix 1, no significant or long-term damage to their root systems or rooting environments will occur. The AIR also indicates that none of the proposed dwellings or apartments or private gardens and amenity spaces as shown on the illustrative masterplan are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure on the Local Planning Authority to permit felling or severe pruning that it could not reasonably resist.
- 6.7.8 Overall the AIR concludes that:
- *‘As the proposals will retain all the main arboricultural features of the site, its arboricultural attractiveness, history and landscape character and setting will be maintained, thereby complying with Paragraph 130 of the National Planning Policy Framework.*
  - *Whilst some trees are to be removed, there is no duty in planning policy to retain all existing trees in all circumstances. Paragraph 136 of the NPPF states (italics added for emphasis): “**Planning policies and decisions should ensure... that existing trees are retained wherever possible**”; and thereby recognises circumstances in which it might not be possible to retain every tree. Accordingly, the proposed removal of trees does not mean that this application must thereby be refused; and does not mean it conflicts with this paragraph of the NPPF.*
  - *The proposals do not necessitate the removal of any mature trees of large ultimate size, which make the greatest contribution to carbon sequestration and storage, surface water run-off, biodiversity and landscape and air temperature and cleanliness; for all of which,*

*appropriate space for their retention is provided. Accordingly, insofar as this relates to existing trees, the scheme can be seen to have taken a proactive approach to mitigating climate change and thereby complies with Paragraph 161 of the National Planning Policy Framework.*

- *As the proposals will not result in the loss or deterioration of any ancient woodland or any ancient or veteran trees, will retain all the main arboricultural features of the site, recognises and maintains the local landscape, its countryside character, and the wider benefits of the existing trees and woodlands, it thereby complies with paragraph 193 (c) and Paragraph 194 of the NPPF.*
- *As the proposals will not result in the loss or deterioration of any ancient woodland or any ancient or veteran trees, they comply with paragraph 193 (c) of the NPPF*
- *As the proposed development will not result in the removal of trees which 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, it complies with Policy DP37 of the Mid Sussex District Council Local Plan.*
- *As the proposed development will not result in the removal of trees which are of arboricultural value, and incorporates natural features of the landscape, including trees it complies with Policies BOLE1 and BOLD1 of the Bolney Neighbourhood Plan 2015-2031.*
- *Furthermore, it adheres to the recommendations of BS5837, respecting trees, woodlands, ancient and veteran trees and hedgerows, affording them appropriate protection, the proposals adhere to Policy DPN4 of the Regulation 19 Draft Local Plan*
- *On the basis of our assessment, we conclude that the arboricultural impact of this scheme is of negligible magnitude, as defined according to the categories set out in Table 1 of this report.'*

## **6.8 The Effects of the Proposed Development on the Areas of Ecological Interest/Protected Species**

- 6.8.1 Aspect Ecology has carried out an Ecological Appraisal of the proposed development, based on the results of a desktop study, Phase 1 habitat survey and detailed protected species surveys in respect of roosting, foraging and commuting Bats, Badger, Dormouse, breeding birds, Great Crested Newts (GCN), and Reptiles.
- 6.8.2 The Ecological Appraisal indicates that there are no statutory or non-statutory nature conservation designations present within or adjacent to the site. The nearest statutory designation is Blunts and Paige's Wood Local Nature Reserve (LNR), which is located approximately 5.6km to the north-east of the site and comprises a mixture of deciduous woodland and meadows which supports a diverse range of species, including Black Poplar and Dormice. The next nearest statutory designation is Ashenground and Bolnore Woods LNR, located approximately 5.8km to the east of the site. Ashenground and Bolnore Woods LNR comprises ancient woodland habitat supporting a moderate assemblage of Oak and Hornbeam trees. It also contains several meadow and pond habitats.
- 6.8.3 The nearest non-statutory designation is Seven Acre Hanger Local Wildlife Site (LWS), which is located approximately 1.7km to the north-east of the site. The next nearest non-statutory nature conservation

designation to the site is Seven Acre Hanger Local Wildlife Site (LWS), which is located approximately 1.65km north east of the site.

- 6.8.4 As all these areas are well separated from the survey area and given the nature and scale of the proposals, the Ecological Appraisal concludes that they are unlikely to be affected by the proposed development.
- 6.8.5 The Ecological Appraisal also indicates that the site is located approximately 16km to the north-east of Ashdown Forest (SAC) and Special Protection Area (SPA), which is designated for its wet and dry heaths that support wide assemblages of rare and notable species including nationally important numbers of breeding Nightjar and Dartford Warbler. This is beyond the 7km zone of influence requiring mitigation provision in the form of SANG and SAMM.
- 6.8.6 The Ecological Appraisal goes on to advise that the Phase 1 habitat survey area is dominated by species-poor modified grassland not forming an important ecological feature; and that the features of ecological importance include the native hedgerows and lowland mixed deciduous woodland.
- 6.8.7 As set out in the Ecological Appraisal, aside from short lengths of hedgerows H1, H7 and H9 to be removed for road and pedestrian access, these important features are fully retained under the proposals and will be protected during construction. Furthermore, these hedgerow losses will be compensated for by new planting
- 6.8.8 The Ecological Appraisal goes on to advise that habitats within the survey area are suitable to support protected and notable fauna including roosting, foraging and commuting bats, Badger, Dormouse, Hedgehog, Great Crested Newt, Slow Worms, Grass Snake and birds.
- 6.8.9 The bat assemblage is noted to be of county importance, with individual species, Common Pipistrelle and Soprano Pipistrelle considered to form ecologically important features at the local level. As set out in the Ecological Appraisal all trees with roosting potential are to be retained such that in the event that bats are present within the trees, they will remain unaffected, with the need for a sensitive lighting scheme to be implemented with particular regard given to trees with bat roosting potential noted.
- 6.8.10 Similarly, the main features of importance for commuting bats (the woodland margins and hedgerows) are largely retained under the proposals, with the exception of short sections of H1, H7 and H9 which are affected by road and pedestrian accesses. As set out in the Ecological appraisal these short breaks are unlikely to affect connectivity along these features, whilst the habitat creation and enhancement works proposed should increase the value of these areas for bats; and a sensitive lighting scheme will ensure that these areas remain suitable for more light sensitive bat species.
- 6.8.11 The Ecological Appraisal also highlights the fact that of those trees with potential bat roost features, all are retained with the possible exception of T5, and that precautionary safeguards will be implemented during the removal of this tree.

- 6.8.11 Whilst a Badger latrine was recorded offsite to the west of the site, associated with the adjacent area of farm buildings, and a possible disused Badger sett was also recorded offsite to the south of hedgerow H4, with a mounded area indicative of former spoil mounds, no entrances were evident, and no confirmed evidence of Badger was recorded from within the site itself. As such, Ecological Appraisal concludes that Badgers do not form a particular constraint to the proposals, although precautionary safeguards are proposed in relation to this species.
- 6.8.12 The Ecological Appraisal explains that during the November 2022 surveys two likely Dormouse nests and an occupied nest with four individuals were recorded. These were associated with hedgerows H4 and H10 in the southern part of the site, and the Ecological Appraisal concludes that as these hedgerows are well connected to other wooded vegetation within the site, Dormouse are likely to be present throughout the site. The Ecological Appraisal goes on to explain that the hedgerows and wooded vegetation associated with this species are largely retained under the proposals, with the exceptions of short lengths of hedgerows H1, H7 and H9 for road and pedestrian accesses; and that these sections, account for less than 0.05ha of this species habitat resources. It also advises that Dormouse are known to cross gaps of up to 12m in width without any evidence of a barrier effect, such that creation of these gaps is unlikely to impact on connectivity across the site, whilst the remainder of the hedgerow network is fully retained. In addition, the Ecological Appraisal indicates that new woodland and shrub planting within areas of open space will provide new habitat for Dormouse, compensating for minor habitat losses and providing an overall increase in the area of suitable habitat<sup>22</sup>.
- 6.8.15 Turning to Great Crested Newts (GCN's), the Ecological Appraisal advises that based on a review of OS mapping and survey work, 6 ponds were identified for survey within 250m of the survey area. access was obtained to 4 of these ponds and they were subject to eDNA surveys during June 2024 to confirm presence or absence of GCN. One of the ponds, P7 recorded a positive result from the eDNA testing, indicating presence of GCN. The results were negative from the remaining ponds. The Ecological Appraisal goes on to explain that Pond P7 lies offsite and will not be directly affected by the proposals. However, given the presence of suitable terrestrial habitat within the application boundary and within 250m of these ponds the Ecological Appraisal advises that it is possible that GCN could be present within the site outside the breeding season. The Ecological Appraisal goes on to advise that the habitats to be lost within the site form a low value terrestrial habitat, and that CGN's are likely to benefit from new habitat creation including wildflower grassland establishment, tree and shrub planting and wetland habitats as part of the drainage strategy. Accordingly, subject to appropriate protection of higher value terrestrial habitats including woodlands and hedgerows and long-term favourable management the Ecological Appraisal concludes that the conservation status of the GCN population will be maintained. That said the Ecological Appraisal advises that given the site is located within 250m of ponds supporting this species, there is a risk that Great Crested Newt

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<sup>22</sup> The Ecological Appraisal explains that given the legal protection afforded to Dormice, consideration will be given to licensing and implementation of appropriate safeguarding measures during vegetation clearance.

could be impacted during the proposed development and recommends that consideration be given to mitigation and licensing, as set out below.

6.8.16 The Ecological Appraisal also advises that the reptiles surveys identified a peak adult count of 23 Slow-worm and one Grass Snake during the survey work at the site, with a peak adult count of 16 Slow-worm within the site (the Grass Snake being recorded within the adjacent farm building area). This equates to a good population of Slow-worm and a low population of Grass Snake. Accordingly, given the widespread nature of reptiles within southern England, the Ecological Appraisal advises that the population of reptiles supported by the site is considered to be of local importance. The Ecological Appraisal goes on to advise that suitable reptile habitat is mostly associated with the field margins which are to be retained and enhanced by further buffer planting and introduction of grassland, scrub, woodland and wetland habitats; and that as areas where reptiles have been recorded will be affected by construction works posing the potential risk of injury or disturbance to this species, appropriate safeguards i.e. a translocation exercise to a new receptor habitat elsewhere on site will need to be factored into the construction phase of the development.

6.8.17 The Ecological Appraisal also advises that:

- No evidence of Water Vole was recorded during the Phase 1 survey work.
- No evidence of Otter was recorded during the Phase 1 survey work.
- A total of 34 species of bird were recorded at the site during the breeding bird surveys, of which 19 were considered to be breeding, and one possible breeding. The remaining 14 species were recorded either in adjacent habitats, as migrants or flying over, or were represented only by non-breeding individuals. The site thus supports a reasonably modest assemblage of breeding birds that is typical of the farmland habitats on the edge of the urban area.<sup>23</sup> The vast majority of breeding activity is associated with the hedgerows and woodland area, with almost no breeding activity in the open fields. Given the above the Ecological Appraisal advises that whilst the survey area is considered to support a reasonably diverse bird assemblage, the species are largely associated with the hedgerow and woodland areas, with almost no breeding activity in the open fields that would be directly impacted under the proposals, such that the bird assemblage is unlikely to be significantly impacted by the proposed development.
- No evidence of any protected, rare or notable invertebrate species was recorded within the survey area

6.8.18 As set out above, a number of mitigation measures have been proposed to minimise the risk of harm to protected species, with compensatory measures proposed, where appropriate. In addition, ecological enhancements are also proposed, including new tree and hedgerow planting, the introduction of wildflower grassland and flowering lawn

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<sup>23</sup> The Ecological Appraisal indicates that the most notable species included small numbers of Stock Dove, Woodpigeon, Wren, Song Thrush, House Sparrow, Dunnock and Greenfinch, all of which are included on the RSPB Red or Amber Lists having undergone major or moderate declines in their UK populations, although as set out in the Ecological Appraisal they all remain common and widespread, both locally and nationally, as indeed are all the remaining species that are breeding at the site.

meadows, new scrub planting, the introduction of wetland features, and the introduction of bat boxes, bird boxes, habitat piles and refugia, and bee bricks and insect boxes in order to maintain the conservation status of local populations.

6.8.19 Overall the Ecological Appraisal concludes that:

*'the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals will not result in significant harm to biodiversity.'*

6.8.20 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 49% net gain in habitats units, and a circa 17% net gain in hedgerow units.

**Table 4.3.** Anticipated change in biodiversity

	Change in Units	% Change
Onsite Habitats	+17.64	+49.05%
Onsite Hedgerows	+4.46	+17.24%
Onsite Watercourses	N/A	N/A

6.8.21 Having regard to the above it is clear that the development proposals will realise significant qualitative enhancements to on-site habitats, providing a mechanism whereby the nature conservation value of the application site can be significantly enhanced in the long term. With reference to faunal species, the recommendations set out within the Ecological Appraisal will fully mitigate potential impacts and will realise significant enhancements to the range of protected and notable species recorded on site or considered to have potential to colonise in future years. This will ensure the Favourable Conservation Status of on-site species is retained and enhanced, ensuring betterment relative to the current situation.

6.8.22 On this basis, the development proposals accord with all legislation and planning policy of relevance to ecology and nature conservation and indeed should be viewed as an opportunity to secure significant ecological enhancements at a wider level.

6.8.23 On the basis of the above, the proposed development would in our opinion accord with the aims and objectives of policies DP17, 37 and 38 of the Adopted District Plan, Policy BOLE1 of the Bolney Neighbourhood Plan, and policies DPN1, DPN2, DPN3 and DPN4 of the Submission Draft Local Plan.

## **6.9 The Impact of the Proposed Development on the Privacy and Amenity of Adjacent Residents**

6.9.1 The proposed development has, as set out in the DAS, been designed to ensure that it does not adversely impact upon the privacy and amenity of the existing residents located in properties adjacent to the site.

6.9.2 In the context of the above, it is fair to say that as shown on the illustrative masterplan, most of the properties that abut the site are situated quite some distance from the site boundaries and separated by intervening vegetation, such that any impacts will be minimal. To this end we note, as set out below, that the properties proposed along the eastern side of field 2 are at the narrowest point some 10.17m from the site boundary; that the community building is some 25.6m from the boundary with Little Foxhole, and the properties on the eastern side of field 4 are at their nearest circa 29m from the properties on The Street, and 51m back to back. Given the distances involved and both existing and proposed new planting there will be no adverse impact on the privacy and amenity of the occupants of these properties.





6.9.3 Whilst a number of existing properties will abut the proposed countryside open space, and the proposed road linking the northern and southern parts of the site, the road is set at least 11.2m from the rear boundaries of the properties on Bankside, and as set out in the LVA it is intended to supplement the vegetation along this boundary to help protect the privacy and amenities of the occupants of these properties.



6.9.4 Whilst we also acknowledge that during the construction phase, the proposed development will have an impact upon the amenities of local residents in terms of general noise and disturbance, we can confirm that the applicant is prepared to agree to a condition that prevents any development being carried out except between the hours of 8am and 6pm Monday to Friday and 8am – 1pm on Saturdays, with no construction work taking place on site on Sundays and Public Holidays, and to submit a Construction Environmental Management Plan (CEMP) prior to any development commencing.

6.9.5 On the basis of the above we do not consider that the effects of the proposed development during the construction period or when completed will be adversely detrimental to the privacy and amenity of those living in the surrounding area, and as such consider that the proposed development would accord with the aims and objectives of policy DP26 of the Adopted District Plan, Policy BOLD1 of the Bolney Neighbourhood Plan, and policy DPB1 of the Submission Draft Local Plan.

## 6.10 The Effects of the Proposed Development in Transportation and Highway Terms

6.10.1 The application is accompanied by a detailed Transport Assessment (TA).

6.10.2 The TA advises that para 118 of the NPPF requires that development be supported by a transport-led vision assessment. To this end the TA explains that throughout the site's promotion through the local plan process, the development at Foxhole Farm has been led by a clear vision to encourage the use of and facilitate sustainable modes of travel, developed alongside a Mobility Strategy. To this end the applicant's vision for the site is *'to create a high-quality, sustainable, residential-led neighbourhood, where people want to live and spend time.'* To this end the TA explains that by providing significant amounts of open space and land for community allotments, the proposals for Foxhole Farm will allow a proportion of trips generated by residents of the site to be retained within the development (i.e. internalised). Thus, the propensity for those trips to be made by sustainable modes of transport in the future is improved by the development proposition. The TA also explains that the Masterplan for the development provides a network of 'Liveable streets', where access to vehicles and for parking is managed. In addition, a network of traffic free routes will provide connections between the development parcels within the site and to the existing infrastructure beyond the site boundary. As set out in the TA the applicant is also seeking to improve sustainable travel for residents of the wider Bolney community through the implementation

of pedestrian infrastructure improvements along The Street, access to electric vehicle charging facilities, the introduction of a Travel Plan and associated measures, public transport improvements and an on-site Car Club.

6.10.3 The TA goes on to explain that the NPPF identifies four key transport tests for development, and thereafter assesses the development proposal against these tests:

a) Will sustainable transport modes be prioritised taking account of the vision for the site, type of development and location?

6.10.4 The TA explains that the principle that the application site and wider study area provide a sustainable location for development has been established by its allocation for residential development in the Mid Sussex District Plan pursuant to policy DPA14. The TA goes on to advise that the opportunities for the take up of sustainable modes of travel have been considered from the earliest stages of plan making and are a key component to how the site has evolved through the plan process. Central to this has been the preparation of a Mobility Strategy, which has informed the measures that accompany the planning application and development of the site.

6.10.5 To this end the TA explains that the site is well located to access local services and facilities, with non-vehicular access to the north, south, east, and west of the site.

- To the north of the site, connections are formed to public footpath 44Bo, which provides an east-west connection between The Street to the east and Foxhole Lane to the west, as well as a wider network of Public Rights of Way (e.g. 29Bo and 28Bo) which extend west from Foxhole Lane.

- To the south, 2m wide footways are provided on either side of the vehicular access that provide a connection to Cowfold Road and the existing pedestrian infrastructure located on either side of the Cowfold Road carriageway. A signalised pedestrian crossing provides pedestrian connectivity across Cowfold Road to provide access to the facilities located on its southern side. Continuous footways extend to the east, towards Bolney Nursery and Marylands, as well as to the west towards Foxhole Lane, from the site access.

- To the east, traffic free connections are formed that provide connectivity to The Street, providing direct linkages to existing services and facilities within the village, as well as a means for existing residents to access the development site. Improvements to pedestrian infrastructure along The Street are proposed as part of the development, and The Street also provides an onward connection to existing cycle infrastructure at London Road via Ryecroft Road, Cherry Lane or Top Street.

- The eastern connections from the site also provide a link to bus stops on The Street, located approximately 100m from the site boundary that serve bus services 2 and 89; further bus stops are available at London Road (approximately 400m from the site), via either Cowfold Road or Public Right of Way 19Bo. Direct public transport connections are

available to Haywards Heath, Burgess Hill, Horsham, Crawley and Brighton.

- To the west, a connection is formed to Foxhole Lane – no pedestrian infrastructure is provided along the lane, however, it is a low speed and lightly trafficked lane. The link provides a direct connection to Bolney Wine Estate and Public Rights of Way 28Bo and 29Bo that extend to the west.

- Within the site, recreational areas and allotments are to be provided, alongside a community facility and educational space, to enhance local provision and enable the internalisation of some trips.

6.10.6 The TA also explains that the development proposes enhancements to local pedestrian infrastructure along The Street and facilitates traffic free connections to them via the site's eastern boundary. In addition, it explains that the applicant has and continues to engage the local bus operator to explore ways to enhance service provision and facilitate the creation of additional bus stops; measures which are to be secured through Section 106 Agreement. To this end the TA explains that a bespoke Travel Plan has been developed for the site, which is to be implemented by a Travel Plan Coordinator and includes measures such as the creation and funding of a Car Club (accessible to new and existing residents of Bolney), sustainable travel vouchers and a range of other initiatives to encourage sustainable travel.

6.10.7 The TA also highlights the fact that the illustrative layout identifies extensive on-plot car parking, enabling the delivery of electric vehicle charging facilities to residents, and that further electric vehicle charging is to be made available within the site for use by visitors to the site and the wider public.

6.10.8 Collectively, these measures provide an extensive package of improvements that will provide genuine opportunities to secure the use of sustainable transport.

b) Will safe and suitable access be provided?

6.10.9 The TA explains that a new priority junction with ghost island right turning lane is to be provided to access the site from the A272 Cowfold Road; and that the design of this has been developed in consultation with West Sussex County Council through pre-application engagement and accords with national and local design guidance.

6.10.10 In addition, in accordance with the WSCC Road Safety Audit Policy, the access arrangements have been subject to a Stage 1 Road Safety Audit by an independent auditor, and all matters raised through this process have been addressed in accordance with the Auditor's recommendations.

6.10.11 The TA also explains that in addition to pedestrian infrastructure at the main vehicular access to the site, non-vehicular connectivity is provided on the eastern and western boundaries of the site providing links to The Street and Foxhole Lane respectively; and that improvements to The Street are also proposed to provide suitable infrastructure to facilitate onward journeys.

c) Will the design be acceptable?

6.10.12 As set out above the application is in an Outline form with all matters reserved except 'access', and as set out above the access will be safe and suitable. Whilst the reserved matters application(s) will demonstrate that the site can come forward in accordance with design guidance on car parking, cycle parking, electric vehicle charging, street geometry and servicing, the TA confirms that the illustrative site layout has been designed to accord with contemporary guidance including the Department for Transport publication 'Manual for Streets' as well as relevant guidance notes such as Local Transport Note 01 / 20. Furthermore, the illustrative layout has been informed by swept path analysis to ensure that the turning provision identified suitably accommodates both emergency and refuse collection vehicles.

6.10.13 Likewise, the parking strategy has been informed by the West Sussex County Council Parking Standards (2020) and accords with the requirements of the emerging housing mix; albeit any future Reserved Matters application will review the parking provision to ensure that it is consistent with the accommodation schedule that accompanies the RM application.

6.10.14 The TA also confirms that the electric vehicle charging provision will be provided for in accordance with Building Regulations Approved Document S.

d) Will there be a 'severe' traffic impact?

6.10.15 As set out in the TA a detailed Traffic Impact Assessment has been carried out in respect of the local highway network. The scope of this Traffic Impact Assessment has been agreed with West Sussex County Council, and the modelling undertaken has been based upon the delivery of 200 homes and a community facility occupied by Kangaroo. The results are, the TA advises, consistent with the modelling in the Mid Sussex Transport Study (MSTS), which forms part of the Submission Draft Local Plan evidence base. As explained in the TA the models show that whilst some junctions are sensitive to additional traffic, the traffic impacts arising from development will not be 'severe'.

6.10.16 The TA also acknowledges that whilst the assessments demonstrate that in isolation, the proposed development at Bolney does not have a 'severe' impact upon the performance of the highway network, the MSTS establishes that there is a cumulative impact from planned development. In order to mitigate the impacts of this planned growth, the proposed development will be required to provide proportional contributions to the mitigation strategy identified by MSDC through its Infrastructure Delivery Plan.

6.10.17 Having regard to the above the TA concludes that:

- *The proposals represent sustainable development in the context of the NPPF.*
- *A comprehensive transport strategy has been prepared to support the proposals, which includes a wide range of measures for pedestrians, cyclists, wheelers and public transport users to encourage active and*

*sustainable travel. The strategy provides opportunities for multi-modal travel and the site is therefore accessible to a range of key facilities, services and amenities catering for every day journey purposes.*

- *The proposed access arrangements have been designed to provide safe and suitable access to the site for all site users.*
- *Detailed traffic assessment has demonstrated that the residual cumulative impacts of the proposed development are not severe; and*
- *The proposals are consistent with local and national policy, including the NPPF. Accordingly, the development proposal is acceptable in highways and transport terms.*

6.10.18 Given the above it is considered that based on the findings of the TA and in the context of the guidelines within para. 115 of the NPPF, that there are no residual cumulative impacts in terms of highway safety or the operational capacity of the surrounding road network and therefore planning permission should not be withheld on transport grounds. The proposed development effectively accords with the aims and objectives of policies DP21 and DP22 of the Adopted District Plan, Policies BOLT1 and BOLT3 of the Bolney Neighbourhood Plan, and policies DPT1, DPT2, DPT 3 and DPT 4 of the Submission Draft Local Plan.

#### The Framework Travel Plan

6.10.19 The Framework Travel Plan (FTP) explains that a TP is a term used for a package of measures aimed at promoting sustainable transport, with the main aim of reducing travel by single occupancy vehicles. It goes on to explain that TPs are site specific and are dependent upon not only the location of the site, but the size and type of development located there. They also require monitoring over a defined period and refinement during this period in order to be successful.

6.10.20 In the context of the above the TP advises that in order to implement the TP, a TP Co-ordinator (TPC) will be appointed by the developer of the site, and that as the TP develops it is likely that the time commitment required from the TPC will vary considerably with periods of limited activity between monitoring periods. As such the Co-ordinator role may be undertaken by an external consultant in order to achieve greater flexibility. The TP also explains that a budget will be allocated for the TPC to implement the TP.

6.10.21 The TP measures include:

a) On Site Infrastructure Measures including:

- The creation of a Travel Information Packs for the development which will contain information on public transport services (timetables, maps etc), cycle maps and walking routes.
- The appointment of a Travel Plan Coordinator (TPC) to promote the Travel Plan amongst residents, regularly update a community Facebook page providing comprehensive travel information of the type included in the Travel Information Pack and Guide, to help create personalised travel plans for each household, encourage

cycling and the Scoot to School Scheme, and promote car sharing, and the benefits of working from home, internet shopping and home deliveries.

- Ensuring the design of the site provides a safe pedestrian and cyclist friendly environment, with footways provided throughout<sup>24</sup>.
- Providing covered, secure cycle parking for each dwelling within the curtilage of each property, and at the community building.
- Providing electric vehicle (EV) charging facilities at each dwelling across the site, and at a selection of visitor spaces, accessible to visitors and the wider public.
- Providing two EV car club vehicles on site for three years, with three years free membership for new residents of the site.
- Providing a Bus Taster Pass / Sustainable Travel Vouches to every household or a discount on cycle equipment.
- Facilitate pedestrian improvements to The Street including new crossing facilities and new stretches of footway.
- Contribute towards enhanced bus serves, which could include the provision of additional bus stops, upgrading existing stops and improved frequency of the 273 bus between Crawley and Brighton via Bolney.

6.10.22 As set out in the FTP it is important that all parties are clear from the outset as to the objectives being sought through the FTP. These requirements will drive the form and content of the FTP, including the targets chosen.

6.10.23 In the context of the above the TP indicates that the proposed objectives are:

- 1) Reduce the need for unnecessary travel to and from the development and assist those who need to travel to do so by sustainable modes.
- 2) Achieve a reduction in the number of additional single occupancy car traffic movements to and from the development.
- 3) Encourage those travelling to and from the development to use public transport, cycle, walk and car share; and
- 4) Provide adequately for those with mobility difficulties.
- 5) Monitor Travel Patterns and identify further opportunities to encourage travel by walking, cycling and public transport.

6.10.24 The interim target is to reduce car mode share from 2021 census levels of 81% to 67% with increases in public transport, walking and cycling mode shares over the 5 year monitoring period following completion of the development. In order to be able to monitor this the TP indicates that travel surveys will be undertaken upon completion of the full development to determine the baseline modal split, then biennially for 5 years after completion of the development to monitor progress against the defined targets.

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<sup>24</sup> A total of three pedestrian accesses are shown into the site with the potential for an additional pedestrian connection onto the Street. The pedestrian access onto the Street also provides the most direct and convenient route into the village.

## **6.11 Site Suitability for Residential Development in Terms of Flood Risk**

6.11.1 The application is accompanied by a detailed Flood Risk Assessment (FRA). This explains that in terms of Fluvial/Tidal flood risk the site is located in Flood Zone 1, and as such there is a low risk from fluvial/tidal flooding. The Exception Test is not therefore required.

6.11.2 The FRA also advises that whilst there are areas considered to be at a high risk from surface water flooding present in the northeast, northwest and south of the site, approximately 90% of the site is located in an area considered to be at a very low risk from surface water flooding. Whilst the FRA goes on to advise that no built development is located in areas considered to be at risk of surface water flooding and that these areas are expected to be managed as part of the surface water drainage strategy, it acknowledges that the proposed access off Cowfold Road is in an area at a high chance of surface water flooding and that a such a Sequential Test Assessment has been undertaken as part of the application. This explains that, as set out in the Transport Assessment that accompanies this application, there is no other suitable location for the proposed access; that there are highway capacity, landscape, and heritage issues that prevent access off Foxhole Lane or The Street, and highway constraints that prevent the access being moved further west along Cowfold Road. On this basis and given the fact the area of risk is associated with an existing ditch located east to west adjacent to the southern boundary of the site, and it is proposed to culvert the existing ditch and to raise levels sufficiently to provide a cover of at least 0.75m to the proposed culvert, and as the existing ditch will be cleared and re-profiled to restore it to its original, lower bed level, the proposed development will lead to an improvement in drainage and a reduction in flood risk at this location. Furthermore, the proposed works will provide significant betterment at the location of the proposed ditch which following the works will be able to provide significantly more storage volume than presently available. As set out in the Sequential Test Assessment the proposed culvert beneath the access road is designed to ensure a connection for surface water between the parts of the ditch to the east and west of the proposed access road, and to ensure the existing capacity of the ditch is not reduced. Furthermore, an analysis of existing levels at the proposed access location indicates the natural fall of the land away from the site and toward the south, highlighting that any surface water falling in the location would naturally be directed south and away from the site. As a result, the proposed levels at the location of the proposed access are such that water levels at the proposed location of the give-way would only need to reach negligible depths before they would be naturally directed away from the site and toward the south. On this basis the proposed access is deemed to be safe for emergency access/egress. Furthermore, whilst site-specific modelling at this location is not considered necessary and the access as proposed is considered safe for emergency access and egress, a Flood Hazard Assessment has been undertaken as part of the submitted Flood Risk Assessment. Given the above and as the site is the most suitable for development out of those that have been promoted for development though the councils call for sites in the area, the site is considered to have passed the Sequential Test

6.11.3 In the context of the above it is also noted in the Sequential Test Assessment that as a result of the proposed surface water drainage

strategy and the proposed works described above, there will be a significant reduction in surface water reaching Cowfold Road from the site. The proposed development/works will not therefore have an adverse impact on the houses located on the south side of Cowfold Road and where surface water flooding on Cowfold Road is a direct result of runoff from the site/the existing ditch at the southern boundary, this should see a significant reduction.

6.11.4 The FRA also indicates that whilst a review of baseline site conditions indicates a moderate groundwater flood risk at the site, upon review of the proposed layout and the proposed surface water drainage strategy, the overall risk to the proposed development is considered to be low.

6.11.5 Turning to the impact of the proposed development, the FRA explains that the increase in impermeable area resulting from the Proposed Development will increase the surface water discharge generated at the site. It goes on to explain that to mitigate this a surface water drainage strategy has been prepared and is detailed within the Drainage Strategy Report. The strategy is summarised in the FRA as follows:

- The surface water drainage strategy is separate for the northern and southern development areas. The central areas of the site where no dwellings are proposed to be developed will be drained as part of the southern development area.
- The intention is for the site to discharge via a series of swales, surface water attenuation areas, permeable paving, and gravity driven surface water sewers to two separate locations within the boundaries of the site.
- For the northern development, the intention is to discharge into the existing culvert that is present beneath Foxhole Lane, to the west of the proposed development area. The majority of the proposed attenuation area will be located on this side of the site. In the east, runoff will be directed via swales to a smaller attenuation area in the northeast corner of the site before being redirected west at a controlled rate via gravity driven surface water sewers.
- For the southern development, the intention is to discharge into the existing east to west ditch that is currently present adjacent to the southern boundary. From here surface water will be directed into the existing sewer network in Cowfold Road, which subsequently directs flows south via an existing open watercourse located approximately 70 m south of the site. Surface water within both the central and southern areas of the site will be collected and transported via a network of strategically located swales, surface water attenuation areas, permeable paving, and gravity driven surface water sewers.
- Across the eastern part of the central development area where an access road is proposed to connect the northern and southern developments, the existing drainage that would otherwise flow toward The Street will instead be collected by the proposed swale located adjacent to the eastern boundary of the site. The surface water will ultimately be transported away from this location and discharged at a controlled rate toward the west and then south.

6.11.6 As set out in the FRA not only will the proposed surface water attenuation areas release runoff at the mean annual flood return period, considered a 1 in 2.33 year event, thereby considerably reducing the peak flows

presently emanating from the site during higher return period flooding events, and thus improve upon the current situation with regard to surface water management and flood risk; but by collecting and redirecting the water that would otherwise flow toward The Street will represent a significant betterment to the present situation where the properties adjacent to The Street are subject to surface water flood risk from the surface water runoff flowing downslope off the site.

6.11.7 Overall the FRA concludes that subject to the inclusion of the proposed mitigation measures, and adherence to the proposed surface water drainage strategy, it is expected that flood risk at the site can be managed in a safe and sustainable manner.

6.11.8 Given the above the development can be satisfactorily drained in accordance with the aims and objectives of the NPPF and the aims and objectives of policy DP41 of the Adopted District Plan, and policy DPS4 of the Submission Draft Local Plan.

## **6.12 Foul Water Drainage**

6.12.1 The Drainage Strategy report explains that the intended foul strategy for the site proposes the collection of foul sewage by conventional gravity sewers. For the southern part of the site (Phase 1 – fields 1&2), the proposal is to collect the foul sewage and direct it into the existing network in Cowfold Road to the south of the site. For the northern part of the site (Phase 2 – fields 4&5), the proposal is to collect the foul sewage and direct it toward a proposed foul pumping station in the northwest corner of the site which will subsequently direct flows at a controlled rate via a rising main along the route of the proposed adoptable road. Upon reaching the Phase 1 development, the rising main will connect into a proposed gravity sewer within the main access road serving the Phase 1 development.

6.12.2. The Drainage Strategy also advises that Southern Water have confirmed that there is adequate capacity in the local sewerage network to accommodate a foul flow of 1.8 L/s in this location; and that it is intended that the foul pumping station proposed in the northwest of the site, and the foul water sewers indicated on the Indicative Drainage Strategy Plan, are adopted by Southern Water.

6.12.2. The Drainage Strategy also highlights the fact that the proposed surface water drainage strategy will capture and divert surface water away from The Street which will significantly reduce the peak flow and volume of surface water reaching the existing foul/combined sewer network in The Street and thus reduce the risk of sewer flooding by increasing capacity locally.

6.12.2 Given the above the development can be satisfactorily drained in accordance with the aims and objectives of the NPPF and the aims and objectives of policy DP42 of the Adopted District Plan, and policy DPI7 of the Submission Draft Local Plan.

### **6.13 The potential effects of the proposed development upon the Historic Environment**

- 6.13.1 The application is accompanied by both an Archaeological Desk Based Assessment (ABDA) and a Heritage Assessment (HA). The former, produced by RPS confirms that in terms of relevant, nationally significant designated heritage assets, no World Heritage Sites, Scheduled Monuments, Protected Wrecks or Registered Battlefields lie within the study site or in its immediate vicinity. The ABDA also confirms that in terms of relevant local designations, the study site does not lie within a locally designated, Archaeological Notification Area (ANA), but borders with one, the Archaeological Notification Area of the Parish Church of St Mary Magdalene and the Historic Core of Bolney, located to the south-east of the site.
- 6.13.2 The ABDA goes on to advise that based on available information, the study site is anticipated to have a low potential for all periods of human activity, although evidence of Medieval and Post Medieval land management, field boundary and agricultural activity associated with the nearby, Medieval historic centre of Bolney and Post Medieval Bolney Place cannot be excluded. It also advises that evidence of Post Medieval quarries for sand extraction may also be present across the site's southern fields, in proximity of Brickfield west of Crosspost, circa 50m to the south, where brickmaking is recorded during this period.
- 6.13.3 Overall, the ADBA concludes that due to the site's only moderate predicted archaeological potential, the development proposals can be considered unlikely to have a substantial negative impact or cause significant harm on any underlying archaeological assets that may be present at the study site; and that in the event that the Local Planning Authority requests further archaeological works, it is recommended that these could follow the granting of planning consent secured by an appropriately worded archaeological condition.
- 6.13.4 The HA assesses the significance of the heritage resource within the site/study area, the contribution that the site makes to the heritage significance of the identified heritage assets, and any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.
- 6.13.5 Within the context of the above the HA indicates that assets in the vicinity identified for further assessment on the basis of potential historical functional associations and intervisibility with the site comprise:
- Grade I Listed Church of St Mary Magdalene
  - Grade II Listed Walnut and Well Cottage
  - Bolney Conservation Area
- 6.13.6 The HA also advises that during pre-application discussions, the Councils Conservation Officer also requested that the following buildings be assessed. As these are not designated heritage assets or locally listed, the HA advises they will be assessed as non-designated heritage assets against Historic England's criteria for Local Heritage Listing:
- The Old Post Office
  - Bolney Place
  - Providence Chapel

6.13.7 Similarly, the HA explains that the Councils Conservation Officer also requested the assessment of further assets; namely

- Grade II Listed Daltons
- Grade II Listed Durstons
- Grade II Listed Tanglewood
- Grade II Listed Booker's Farmhouse and Barn to the North East of Booker's Farmhouse
- Grade II Listed Bolney Lodge
- Grade II Listed Bolney Lodge Cottage

And that following consideration of these in line with Step 1 of Historic England's Guidance GPA3, the assessment concluded that they were not potentially sensitive to the form of development proposed and were thus excluded. This was largely on the basis of a lack of historical functional association and intervisibility with the site, the properties being either some distance from the site and / or screened by intervening vegetation

#### The Grade I Listed Church of St Mary Magdalene

6.13.8 The HA in the Statement of Significance, advises that the Grade I Listing of the Parish Church of St Mary Magdalene highlights it is a heritage asset of the highest significance as defined by the NPPF. It goes on to advise that the significance of the Church is primarily embodied in its physical fabric, and that elements of the setting of the asset also contributes to its significance albeit to a lesser degree. The principal elements of the physical surrounds and experience of the asset (its 'setting') considered to contribute to its significance comprise:

- The intimate, enclosed, leafy churchyard, which provides the immediate physical surrounds of the church and is where the church is typically and best experienced from; and
- The settlement of Bolney, which the Church was built to serve.

6.13.9 In terms of the contribution of the site, the HA explains that according to the 1842 Tithe apportionment, the site and Church have no historical functional relationship. It goes on to advise that the southeastern section of the site, Field 3, can be seen from the west section of the Churchyard due to its elevated position, and that these views have some historic illustrative value as to the wider rural surrounds of the church historically and today, although the church has a sense of enclosure, both through intervening settlement and vegetation within the churchyard. The HA also advises that there are also views towards the Church tower from the site, with fields 2 and 3, located south and east of Foxhole Farm, having the clearest views of the Church tower within the site; and that the site itself is also experienced in wider views moving through the landscape in the vicinity of the church, with a sense of the site being undeveloped in filtered views westwards from The Street. As a result, the HA advises that the site makes a '*minor contribution through historic illustrative value to the heritage significance of the church, illustrating its topographic position and the wider rural context of the asset*'.

6.13.10 The HA in assessing the impact of the proposed development on the church advises that the proposed development has been very carefully sited in the southern and northern extents of the site as these are areas which have been identified as not visible from the churchyard, nor giving the clearest views back to the church tower. The HA also advises that as part of the proposals, countryside open space is proposed in the area of

the site which gives the clearest views to the church (part of field F2 and F3), which will allow new publicly accessible views to the church to be opened up. It also acknowledges that this part of the site is visible in glimpsed views from the churchyard, and that whilst the countryside open space will no longer be grazed pasture, its overall character will be similar, and there will be little perceptible change in views from the churchyard. Indeed, the HA indicates that looking west from the Churchyard towards the site, no clear visibility of the residential development is anticipated in the views of the site most visible from the churchyard, and that if any glimpses were possible, these would be in the context of existing built form. The HA goes on to explain that the vehicular access route proposed along the eastern boundary of the site to connect the southern and northern parcels of development has been carefully sited, set down to avoid prominence in views from the east; and that screening vegetation is proposed on the eastern side of the road, to limit visibility from the wider Conservation Area (with no visibility anticipated from the churchyard).

- 6.13.11 Having regard to the above the HA concludes that *'Overall, considering that the change to the areas of the site visible from the churchyard will be little perceptible; that change within the site in the wider context of the church is only likely to occur in dynamic views; and that new publicly accessible views will be created to the church from the central areas of the site, only a very low level of less than substantial harm to the church is anticipated.'*

#### The Grade II Listed Walnut and Well Cottage

- 6.13.12 The HA in the Statement of Significance, advises that the significance of the Cottages is primarily embodied in its physical fabric; and that elements of the setting of the asset also contributes to its significance albeit to a lesser degree. The HA also advises that the principal elements of the physical surrounds and experience of the asset (its 'setting') considered to contribute to its significance comprise:
- Associated gardens west of the cottages;
  - The Street and pavement, from where the principal façade of the asset can be appreciated; and
  - The wider settlement of Bolney
- 6.13.13 In terms of the contribution of the Site, the HA explains that the 1842 Tithe map of Bolney records no historical functional relationship between the site and the Grade II Listed cottages. It goes on to advise that to the rear of the cottages to their west are two parcels of land between the building and the site. One intervening parcel is the rear garden associated with the cottages, with another separate parcel immediately west of the rear garden which appears to be a garden associated with a property further north of the Listed cottages. The site lies beyond these two parcels, abutting the western boundary of the further garden. As the land to the west of the cottages slopes up steeply, views from the asset are anticipated to be largely to the garden area, with filtered views to the parcel beyond, and only filtered views glimpsed to land beyond this. The HA goes on to advise that from close to Well and Walnut Cottage on The Street, the site is very largely screened by vegetation, though the central area of the site is perceived as remaining undeveloped. Given the above the HA concludes that there are likely to be filtered and glimpsed views

from the asset to the site, and whilst the land is part of the wider rural surrounds of the asset, there is no evidence to suggest a historic association. As such, the site is considered to make a '*minor contribution to the significance of the asset through setting.*

- 6.13.14 The HA in assessing the impact of the proposed development on Walnut and Well Cottage indicates that the area of the site which is likely to be visible in glimpsed and filtered views from the asset is proposed to be countryside open space, and the change in character will be little perceptible in views. Whilst the proposed access road will lie on the eastern side of the site, this will lie beyond the two garden areas and their associated vegetation in relation to the cottage, and will also be flanked by a hedgerow, and will have intervening orchard and structural planting between that area and the eastern boundary of the site; and whilst some perception of increased activity to the west of the asset is anticipated, from public use of the countryside open space and from traffic movement, views will be largely screened; and that whilst some perception of noise may be possible, it should be noted that the cottage has a roadside location on The Street.
- 6.13.15 HA concludes that '*The anticipated harm through reduction in the historic illustrative value of the land perceived as undeveloped currently would comprise less than substantial harm at the low end of that spectrum.*'  
Bolney Conservation Area
- 6.13.16 The HA explains that Bolney Conservation Area was designated in two parts. The southern part contains several listed buildings, including the Grade I Church of St Mary Magdalen; whilst the northern part contains a number of listed buildings, includes those properties fronting onto Bolney Street, north of 'Leacroft', Cherry Lane and Top Street.
- 6.13.17 The HA in the Statement of Significance, advises that the significance of the Bolney Conservation Area is principally derived from historic built form of varying building heights, and the overall historic clustered layout, originally focussed around the Church of St Mary Magdelene. The HA goes on to explain that this historic layout can be understood from the distinct historic elements within the Conservation Area, such as traditional architecture and lack of uniform building line, compared to the infill of modern development which connects the two sections of the Conservation Area. the HA also advises that while there is currently no statutory protection for the settings of Conservation Areas, it is evident that elements of the surrounds of the Conservation Area make some contribution to its significance, albeit less than the structures and spaces within its boundaries. To this end the HA advises that elements of the physical surrounds and experience of the asset (its setting) which are considered to contribute to its heritage significance include:
- The Street which connects the north and south sections of the Bolney Conservation Area;
  - Wider rural setting to the east, west and south of the Conservation Area, although the Conservation Area has a strong sense of enclosure from The Street.
- 6.13.18 In terms of the contribution of the site, the HA explains that the site is located c. 25m west of the southern section of the Bolney Conservation Area and c.10m southwest of the northern section and is part of the

wider rural setting of the Conservation Area; and that whilst the site cannot be seen from the northern entrance to the southern section of Bolney Conservation Area, along The Street, due to the dense built form along The Street, mature trees and lower topography compared to the land within the site, there are glimpsed views to the central area of the site from the churchyard and a sense of the site being undeveloped in glimpsed views west from The Street. The HA also indicates that whilst visibility of the site is also anticipated in private views from buildings within the area, the site cannot be seen from the southern entrance to the northern parcel of Bolney Conservation Area, via The Street, and that no view of the site can be seen from Lodge Lane, which is within the northern section of the Conservation Area and lies north of the site. The HA goes on to advise that the eastern end of the public footpath, which lies along the northern boundary of the site, is also included within the northern section of Bolney Conservation Area; that the section included within the Conservation Area is between two residential properties defined by walled boundaries, mature trees and vegetation which restrict views north and south of the footpath, beyond the Conservation Area boundary. Further along the eastern end of the footpath, beyond the Conservation Area boundary, the northwestern parcel of land (field 4) within the site is however visible.

- 6.13.19 Having regard to the above the HA concludes that whilst the site is considered to contribute to the significance of the Conservation Area through setting through being part of the wider rural setting of the asset, the enclosed nature of the asset means that the site is only visible in glimpsed public views from the churchyard and relatively few assets within the area, and in dynamic views moving west along the footpath north of the site; albeit there is a perception of the central area as being undeveloped in glimpses westwards from The Street in the southern part of the Conservation Area. as a result, the site is considered to make a *'minor to moderate contribution to the asset through setting'*.
- 6.13.20 The HA in assessing the impact of the proposed development on the conservation area the HA indicates that the overall historic cluster settlement pattern of the two areas of the Conservation Area will remain legible through the areas of separation and setbacks between the development and the historic areas, which will also retain their legibility through their architectural character and that the area of the site closest to the western boundary of the southern part of the Conservation Area will be largely free of built form, which will allow the legibility of the overall historic cluster settlement pattern to continue to be understood.
- 6.13.21 The HA goes on to advise that open space is proposed in the area of the site which is most visible from the churchyard within the Conservation Area, and views will remain from that area to land of an open grassland character. In addition, any glimpsed views to proposed built form would be in the context of existing built form. Thus, the sense of undeveloped land in filtered views west from The Street between buildings will be retained through the placement of countryside open space within the development. Furthermore, the private views from buildings within the Conservation Area are anticipated to be largely to the countryside open space, with any views to built form being peripheral. Whilst a road will cross the central area of the site, which may be visible from private views from some buildings adjacent to the site, this will be screened by a

flanking hedge, orchard planting and structural planting, albeit some perception of the movement of vehicles may be possible. The HA also advises that the built form of the development is not anticipated to be visible from the southwest corner of the northern section of Bolney Conservation Area and that whilst the proposed development will be visible in dynamic views from the footpath route leading westwards from the northern section of the Conservation Area, the proposed residential development is set back south of the footpath in the area closest to the northern section of the Conservation Area, beyond attenuation and softening vegetation, giving a sense of separation when leaving the Conservation Area.

- 6.13.22 Having regard to the above and the fact that no physical changes are proposed to the area itself, and that the legibility of the historic settlement clusters will remain, with retained views towards open countryside west of the Churchyard, the HA concludes that '*harm to Bolney Conservation Area is anticipated to be less than substantial and at the low end of the spectrum.*'

#### The Old Post Office

- 6.13.23 The HA explains that the Old Post Office lies c.65m east of the site and comprises a broadly L-shaped plan building constructed with red brick and a one storey projection to the rear that is raised up in line with the first storey of the main building. The principal elevation of the Post Office faces west onto The Street and is set back from the road behind the pavement and small low brick wall defined front garden. A side gate south of the house leads to the rear garden which is raised one storey above street level.
- 6.13.24 The HA goes on to advise that the principal elevation of the Old Post comprises a gable front with a late 19th to early 20<sup>th</sup> century traditional shopfront bay window on the ground floor, with blank wooden signage panel above and timber framed window at first floor level. The main entrance is south of the gable end and has a tiled canopy over. Timber framed bay windows with a gable projection above are also present along the principal elevation however the windows on the ground floor have been replaced with modern uPVC windows. Scalloped and straight tile hanging can be seen along the first storey and at ground floor level is red brick. The roof is tiled and pitched with a brick chimney. The rear projection also has a pitched roof
- 6.13.25 The HA in the Statement of Significance, advises that as the criteria for the selection of buildings for local listing / identification as a non-designated heritage status has not been formally established by MSDC an assessment of the Old Post Office has been undertaken against Historic England's criteria for Local Heritage Listing. Having done this the HA concludes that whilst the Old Post Office is not of a high significance and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some local interest. The HA goes on to advise that the significance of the asset is principally derived from its physical structure, although setting makes a modest contribution. Those elements of the setting of the asset which principally contribute to its significance through setting comprise The Street it is sited upon and the wider village.

- 6.13.26 In terms of the contribution of the site, the HA explains that the site is located west of the Old Post Office and has no historical functional relationship according to the 1842 Tithe apportionment. Nor does the site contribute to any key views associated with the Old Post Office. Furthermore, whilst the Old Post Office can be seen from the eastern site boundary within Field 3 looking east, it cannot be seen from the western site boundary within Field 3. As such, the site is considered to make only a very minor contribution to the significance of the asset through setting, as illustrating the rural surrounds of the asset.
- 6.13.27 The HA in assessing the impact of the proposed development on the Old Post Office advises that the elements of the site which are anticipated to be visible from the asset comprise the area which is proposed to be countryside open space; and that whilst the road may be visible, this will be largely screened by the flanking hedge and other proposed vegetation; and that whilst there may be some increased perception of movement, it should be noted that the asset has a streetside location. Overall, the HA concludes that '*Any harm would be very minor*'.  
Bolney Place
- 6.13.28 The HA explains that Bolney Place is a large Victorian house which is located c.45m south of the site from the southern boundary of Field 3, orientated to face south and east with a driveway and private lane providing access from Cowfold Road, west of The Street. It goes on to advise that the grounds of Bolney Place are bound by mature vegetation and hedgerows to the north and west, filtering views out from Bolney Place to the rural landscape beyond.
- 6.13.29 The HA goes on to advise that the 1842 Tithe Map records Bolney Place as houses and gardens, owned by Richard Weekes and occupied by Noah Wells, both of whom owned and occupied an extensive amount of land which included the land within the application site. The HA also advises that according to the planning history of Bolney Place, it has been altered during the 1990s and early 2000s, changing from residential use to office space; and that designed views from Bolney Place appear to have been across its grounds, particularly south and east as associated built development is located northwest of the house. The HA also suggest that due to the presence of urban development northwest and northeast of the house, as well as mature vegetation enclosing its grounds, Bolney Place is best appreciated from within its curtilage at close proximity which will allow the architectural and historic interest of the asset to be experienced.
- 6.13.30 The HA in the Statement of Significance, advises that as the criteria for the selection of buildings for local listing / identification as a non-designated heritage status has not been formally established by MSDC an assessment of Bolney Place has been undertaken against Historic England's criteria for Local Heritage Listing. Having done this the HA concludes that whilst the Bolney Place is not of a high significance and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some local interest. The HA goes on to advise that the significance of the asset is principally embodied in its physical form, and that setting makes a contribution, but to a lesser degree. To this end if HA advises that those elements of the setting of the asset which principally

contribute to its significance comprise the area of designed grounds and any surviving associated buildings

- 6.13.31 In terms of the contribution of the Site, the HA explains that the site and Bolney Place share a historical functional association according to the Tithe map of 1842, albeit the site lies beyond the designed grounds which were associated with the asset. That said glimpses of Bolney Place can be seen from the southern extent of Field 3 and eastern extent of Field 2, although mature trees limit intervisibility which is largely screened.
- 6.13.32 The HA in assessing the impact of the proposed development on Bolney Place, suggest that as field 3 and the northern extent of Field 2 is proposed as countryside open space, the asset will retain filtered views to land of an open grassland countryside character. And as orchard will flank either side of the central access road within the eastern extent of the site and therefore provide screening this will limit any intervisibility still further. Likewise, whilst residential development is proposed in Fields 2 and 1, west of Bolney Place, views will be filtered and partially screened by intervening vegetation and built form, with proposed screening limiting any intervisibility still further.
- 6.13.33 Within the context of the above the HA suggests that primary views from the asset are anticipated to have been to the south across designed grounds and east to the drive, rather than being to the north and west.as a result the HA concludes that *'The proposed development is anticipated to cause a low level of harm to the heritage significance of the Bolney Place via a change in setting, through a reduction in the modest historic illustrative value that the site as wider historic landholding associated with the house provides.'*

#### Providence Chapel

- 6.13.34 The HA explains that Providence Chapel lies c.35m south of the site, to the south of Cowfold Road and faces north. The Chapel is constructed of brick and has a pitched roof. It goes on to explain that a bulls eye window with arched moulding above, and three arched windows with arched moulding above are present along the north gable end of the Church; and that a smaller projection with the main entrance is located on the west elevation of the Church and has decorative brickwork, arched windows and moulding. Black sash windows are also present along the west elevation.
- 6.13.35 The HA goes on to advise that the earliest historic mapping of the Providence Chapel is shown on the 1878 map which suggest it was constructed around the mid-19th century; and that a burial ground is located west of the Chapel. The HA also advise that by the mid-19th century the Chapel is non-conformist and was out of use by the late 20th century. To this end, in 1979, Planning Permission was approved for change of use from a Church to one private dwellinghouse (BK/029/79 and BK/047/80 refer).
- 6.13.36 The HA in the Statement of Significance, advises that as the criteria for the selection of buildings for local listing / identification as a non-designated heritage status has not been formally established by MSDC

an assessment of Providence Chapel has been undertaken against Historic England's criteria for Local Heritage Listing. Having done this the HA concludes that whilst the Providence Chapel is not of a high significance and would not be considered for inclusion on the national List of buildings of special architectural and historic interest (i.e. statutorily Listed), it is of some local interest. The HA goes on to advise that the significance of the asset is principally embodied in its physical form, and that setting contributes to a lesser degree. To this end the HA advises that those elements of the setting which principally contribute to its significance through setting comprise the settlement it served and the road it is located on.

6.13.37 In terms of the contribution of the site, the HA explains that the site is located north of the Providence Chapel and that the two do not share a historical functional association. The arable land north of the Chapel was part of the wider rural surrounds of the Chapel, and the site does not contribute to any key views associated with the Chapel. Glimpses of the Providence Chapel can be seen from Field 2 and more clearer views of the Chapel can be seen from Field 1 in the site. To this end the HA notes that the southern boundary of the site is lined with hedgerows and trees which provide seasonal screening of Cowfold Road and other urban development, such as the petrol station and Providence Chapel. As a result, the site is considered to make a very modest contribution to the significance of the asset through setting, through illustrating its rural location historically.

6.13.38 The HA in assessing the impact of the proposed development on the Providence Chapel advises that whilst the Chapel is visible from Field 1 and visible in glimpses from Field 2, and these areas are proposed for residential development, additional vegetation and attenuation ponds are proposed along field boundaries between Field 1 and 2, and along the southern boundary of the site. This buffer the HA concludes will provide further screening between the Site and the Chapel. Furthermore, the proposed development does not interrupt any key views associated with the Chapel. as a result the HA concludes that the proposed development will have '*A very low level of harm to the heritage significance of this non-designated heritage asset*'

6.13.39 The HA in concludes by explaining that heritage matters have been a key consideration in the proposed masterplan, which is considered to comply with the requirements of policy DPA14 of the draft Local Plan i.e. the development protects the setting of Well and Walnut Cottage and Bolney Conservation Area. as set out in the HA the proposed development has been carefully sited to minimise impacts to views and additional perception of movement and noise. This has largely been achieved through the siting of the countryside open space in the land most visible from the Church, Listed cottage and wider Conservation Area. The design of the scheme, with a setback of development from the public footpath to the north and appropriate screening vegetation, also respects the character of the footpath which leads west from the northern part of the Conservation Area.

6.13.40 Within the context of the above the HA highlights the fact that the Site Assessment Pro-forma for the Local Plan relating to the site assessed matters relating to Listed Buildings, Conservation Areas and

Archaeology as 'Neutral'. This the HA advises did not anticipate harm to assets but rather identified 'low to mid' less than substantial harm for Listed buildings and 'Mid' less than substantial harm for the Conservation Area. Through mitigation, as demonstrated by the HA this harm has been reduced to low level of less than substantial harm for the Conservation Area and Well and Walnut Cottage and very low level of less than substantial harm for the Church of St Mary Magdalene.

6.13.41 As set out in the HA this has been tested through verified views, which are provided in the above assessment. The HA also explains that further assessment has identified low and very low levels of harm to non-designated heritage assets comprising the former Post Office, Bolney Place and the Providence Chapel.

6.13.42 Whilst the impacts to designated heritage assets are considered to be lower than those found acceptable in the assessment of the site for allocation, and that impacts to non-designated heritage assets are modest, the HA concludes that nonetheless, the impacts should be considered against the public benefits of the scheme, including against paragraphs 215 and 216 of the NPPF.

## **6.14 Lighting**

6.14.1 A Lighting Assessment has been prepared to evaluate the potential effects of lighting associated with the proposed development. It reviews the existing / baseline artificial lighting levels in the area of the development and the predicted effects of new artificial lighting installed as part of the proposed scheme on the existing potentially sensitive receptors (e.g. residential properties and wildlife) present in the locality. It confirms that the site is currently unlit with no existing sources of artificial light present, and that no light spill into the site was observed from street lighting associated with Cowfold Road or The Street.

6.14.2 In the absence of a detailed lighting design for the development, the lighting assessment adopts broad assumptions on the likely lighting design and locations of luminaires. In doing so it assume the indicative design uses lighting with 0% upward light to minimise Sky Glow and promote a Dark Skies policy; that a column height of 5m is used, and that the general recommendations for the detailed lighting scheme will provide for:

- The use of controlled light distribution, optimised optics, and considered luminaire positioning.
- Modern LED luminaires to minimise the obtrusive light spill and be as energy efficient as possible.
- Lighting throughout the site to be designed to minimise horizontal spill of light to hedgerows.
- Dimmed and reactive lighting to be used where appropriate.
- Lighting to be directed away from the site boundaries.
- Lighting to be designed in accordance with ILP Guidance Notes for Reduction of Obtrusive Light and CIE 126 (1997) Guidelines for Minimising Sky Glow.

6.14.3 The Lighting Assessment also assumes the indicative lighting design includes column mounted luminaires selected to have no upward light as well as sharp cut off characteristics, the lighting has been selected to

provide adequate illumination of footpaths and roads without polluting the site boundary and also reducing upward light to minimise Sky Glow, that smart controls will be used including time clocks and photocells. It also highlights the fact that for the purpose of the assessment all lighting was assumed to be on to show the worst-case effect.

6.14.4 On the basis of the above the Lighting Assessment advises that there will only be a relatively small increase predicted in illuminance across the site, with a maximum increase of 0.78 Lux at measuring position 36, which is located adjacent to the proposed road that connects the northern and southern parcels of the site. The results still however show the scheme will not cause significant light spillage beyond the developed area with all receptor locations recording predicted levels below 1 lux.

6.14.5 The Lighting Assessment concludes that the proposed development will have a negligible impact on the area surrounding the site; and that although light spill from the site will increase in some locations the impact of the new development will be negligible in these locations.

6.14.6 Given the above, the proposed development would in our opinion accord with the aims and objectives of the NPPF and the aims and objectives of policy DP29 of the Adopted District Plan, and policy DPN8 of the Submission Draft Local Plan.

## **6.15 Renewable Energy**

6.15.1 A Sustainability and Energy Statement has been produced to provide an overview as to how the development of the land at Foxhole Fram can contribute to sustainable development in the context of design and construction considerations. It explains that sustainability was a core consideration of the design process and has been incorporated into the project from the outset. To this end, energy and water efficiency have been maximised, whilst the production of waste and pollution is to be minimised, thus ensuring the impact of the proposals on its immediate surroundings and the environment as a whole is minimised.

6.15.2 The Sustainability and Energy Statement goes on to explain that there are two key elements proposed for the approach to the scheme's sustainability proposals:

- The overall development has been assessed using the Mid Sussex District Plan 2014 – 2031, as well as the Mid Sussex Design Guide Supplementary Planning Document, the Bolney Neighbourhood Plan, and the Mid Sussex District Plan 2021 – 2039 (Regulation 19; with Main Modifications), to demonstrate that the proposed dwellings and non-domestic building will maximise resource efficiency, minimise the generation of waste and pollution, and ensure the risk of flooding on-site is mitigated during both construction and in operation, to provide dwellings that meet the recommended standards for well-being of future occupants; and
- The carbon dioxide (CO<sub>2</sub>) emissions reduction strategy for the proposals is based on the energy hierarchy to provide a rigorous methodology, which aims to reduce the carbon dioxide emissions from the development as far as possible. This is intended to be achieved through the employment of highly efficient building fabric components to reduce energy demand, and the potential inclusion

of renewable and low carbon energy technologies to deliver further carbon dioxide emissions reductions. It is anticipated that the proposed carbon dioxide emissions reduction strategy will facilitate significant carbon dioxide emissions savings compared to the Part L:2021 baseline, aiming to significantly exceed the current requirements of Mid Sussex District Council and to align with the draft policies set out within the Mid Sussex District Plan 2021 – 2039 (Regulation 19; with Main Modifications).

6.15.3 The Sustainability and Energy Statement demonstrate that based on this strategy, the proposed development will;

- make efficient use of land;
- promote the use of sustainable and active modes of transport;
- reduce the risk of flooding on-site and in the surrounding area;
- minimise internal water consumption to 85 litres per person per day;
- incorporate low-impact materials, according to the BRE Green Guide to Specification;
- minimise waste production during construction and maximise the proportion of waste to be diverted from landfill;
- mitigate the risk of overheating;
- incorporate measures to improve site biodiversity, including biodiverse planting;
- minimise energy demand through the specification of low U-values, low air permeability and low thermal bridging to reduce heat loss;
- be fossil fuel free, utilising electric-only systems, such as air source heat pumps (ASHPs) to serve the space and water heating demands of the proposed dwellings;
- utilise renewable technology, such as rooftop photovoltaic panels, to provide renewable electricity; and
- achieve a significant reduction in CO2 emissions for the proposed dwellings, following the Energy Hierarchy methodology.

6.15.4 Given the above the Sustainability and Energy Statement concludes that: *‘Overall, the proposals constitute sustainable development in accordance with national and local policy requirements and will provide a development that seeks to promote these principles in operation’.*

6.15.5 Having regard to the above the proposed development reflects the aims and objective of the NPPF and the aims and objectives of policy DP39 of the Adopted District Plan, and policy DPS2 of the Submission Draft Local Plan.

## **6.16 Minerals**

6.16.1 A Mineral Safeguarding Assessment (MSA) has been produced by I C Planning. This seeks to demonstrate that the proposed development can be undertaken without having a negative impact upon the safeguarded mineral resources that are located beneath the site.

6.16.2 The MSA confirms that the West Sussex Joint Minerals Plan (WSJMP) recognises the safeguarded brick clay mineral resource found on the site covers a broad extent of West Sussex and that the resource is in relative low demand. This the MSA advises is borne out by the fact that West Sussex has a NPPF compliant level of supply of brick clay with a

permitted supply sufficient to meet the demand for the next 40.29 years based on historical trend data.

6.16.3 The MSA goes on to advise that the mineral resources found on site are already sterilised by virtue of the fact they are within 250m of the existing residential properties on The Street, Cowfold Road, Foxhole Lane and Lodge Lane, a constraint that would also restrict any potential to undertake prior extraction on the site before any development was undertaken.

6.16.4 Given the above the MSA concludes that the proposed development will not have an unacceptable effect upon the safeguarded mineral resources found beneath the site and thus complies with Policy M9 of the WSJMP.

6.16.5 Having regard to the above the proposed development does not in our opinion conflict with the aims and objectives of para 222 and 224 of the NPPF, policy M9 of the West Sussex Joint Minerals Plan, or the aims and objectives of policy DP12 of the Adopted District Plan.

## **6.17 Air Quality**

6.17.1 An Air Quality Assessment (AQA) of existing/baseline air quality conditions and potential air quality impacts during the construction and operational phases of the proposed development has been undertaken.

6.17.2 The assessment of construction phase impacts reflects the IAQM construction dust guidance. It recommends mitigation measures to reduce the risk of dust and particulate matter being generated and re-suspended during the construction phase and concludes that with the implementation of the appropriate measures no significant impacts are anticipated during the construction phase.

6.17.3 The AQA goes on to advise that the principal air quality impact once the proposed development is complete and operational is likely to be emissions from the increased traffic on local roads surrounding the site. Thus, an assessment of operational phase impacts has been undertaken using the ADMS-Roads atmospheric dispersion model. The AQA explains that concentrations of the key pollutants (NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>) were predicted at relevant receptor locations for the base year and for the proposed opening year of 2031 without and with the proposed development in place; and that the air quality impacts were assessed as 'negligible' with respect to annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all assessed sensitive receptors. Therefore, the overall air quality impact of the development may the AQA concludes, be considered 'not significant'.

6.17.4 The AQA goes on to advise that the authors understand that the energy source for the proposed development will be air source heat pump, and that as such there will be no significant stationary combustion sources, such as combined heat and power (CHP) plant or biomass boiler in the proposed development. It also acknowledges that one electric vehicle charging point is proposed per dwelling and approximate three electric vehicle charging points for the community centre have already been included in the design of the proposed scheme.

6.17.5 In the context of the above the AQA advises that in accordance with Air Quality and Emissions Mitigation Guidance for Sussex (2021), the proposed development is classified as a major development; and that therefore, an emission mitigation assessment has been undertaken for the proposed development, with a damage cost calculation undertaken for both NO<sub>x</sub> and PM, as these are the major pollutants associated with road traffic emission. The AQA advises that the calculated central damage cost value is £40,319; and that various types of mitigation measures have been recommended, and the extent of the total money for air quality mitigation should be equal to/greater than the value determined by the damage cost calculation (i.e. £40,319).

6.17.6 On the basis of the above the AQA concludes that the proposed development is unlikely to be adversely affected by or have a significant impact on local air quality.

6.17.7 Having regard to the above the proposed development does not in our opinion conflict with the aims and objectives of para 199 of the NPPF or the aims and objective of policy DP29 of the Adopted District Plan, policy SA38 of the Site Allocations DPD, policy BOLD1 of the Bolney NP, and policy DPN9 of the Submission Draft Local Plan.

## **6.18 Noise**

6.18.1 The Noise Impact Assessment (NIA) explains that a noise survey has been undertaken to establish the baseline noise levels across the site, comprising of unattended measurements throughout continuous daytime and night-time periods from Thursday 10 October to Thursday 17 October 2024; and that a site suitability assessment, undertaken to the requirements of BS 8233: 2014 and WHO (1999), has also been undertaken to determine potential internal and external noise levels at locations across the development site.

6.18.2 As a result of the above the NIA advises that predicted noise levels, in conjunction with highest maximum noise levels, are of a magnitude where a standard specification single glazed system to the building façade, providing a minimum sound reduction of 29 dB Rw+Ctr and accompanied by a suitable acoustically treated trickle ventilator ensuring the overall envelope acoustic performance do not diminish in the open position (for background ventilation purposes), would be required to meet the internal design targets within BS 8233: 2014/WHO, 1999 during daytime and night-time periods.

6.18.3 In addition, the NIA advises that based on the simplified method of overheating assessment within AD-O, the site would likely allow for partially open windows for ventilation purposes during a potential overheating scenario for the majority of the northern section of the site. Those dwellings towards the southern portion of the proposed development are however likely to be at high risk of overheating. Thus, the NIA recommends that during the detailed design (reserved matters) stage input be sought from the wider design team to identify areas of overheating risk to ensure appropriate mitigation options are explored (where necessary) and confirmed through engagement with an overheating specialist.

- 6.18.4 The NIA goes on to advise that noise levels within amenity areas are likely to comply with the upper design target of 55 dB LAeq,16hr, as specified within BS 8233: 2014 assuming appropriate mitigation, such as sympathetic building orientation and the use of standard garden fencing is incorporated through design; and that in order to provide an indicative design target at receptor locations associated with fixed plant operation associated with the community building, it is considered that an initial target should comply with a requirement to meet +5 dB above the representative background sound level, depending on the context. The NIA goes on to advise that this is considered to reflect the first requirement of NPSE namely, to “avoid significant adverse impacts on health and quality of life”.
- 6.18.5 The NIA also explains that the noise predictions indicate that the effect of the development on traffic noise would increase noise levels by a maximum of 0.1 dB LA10,18hr in the short term and by a maximum of 0.7 dB LA10,18hr in the long term; and that the magnitude of change would therefore be of negligible impact in the short term and of negligible impact in the long term in accordance with DMRB. Predicted noise levels as a result of the marginal increase in road traffic noise are not therefore considered significant.
- 6.18.6 The NIA concludes: *‘In summary, predicted noise levels across the site are within the relevant noise design targets and of a magnitude suitable for the proposed development. Given that the development site is currently within the outline stage, it is recommended that the principles of good acoustic design be adopted within the final masterplan. Those design considerations should include the positioning of buildings to maximise the distance attenuation to main road sources, the screening effects to those adjacent properties, orientation of façades and considerate internal layout design.’*
- 6.18.7 Having regard to the above the proposed development does not in our opinion conflict with the aims and objectives of para 198 of the NPPF or the aims and objective of policies DP26 and DP29 of the Adopted District Plan, Policy BOLD1 of the Bolney NP, and policies DPB1 and DPN7 of the Submission Draft Local Plan

## 6.19 Agricultural Land

- 6.19.1 An Agricultural Land Classification and Soil Resources report has been undertaken of the wider study area. When set against the site area, it is noted that just 1.5ha of built development comprises Grade 2 land, and 1.94ha of built development comprises Grade 3a land. There being no grade 1 land within the application site. The percentage of best and most versatile agricultural land (grades 1, 2 and 3a) is thus small comprising just 20% of the overall site<sup>25</sup>

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<sup>25</sup>  $3.44/16.89 \times 100 = 20.36$



**KEY - AGRICULTURAL LAND CLASSIFICATION**

	Non-agricultural		Subgrade 3a
	Grade 2		Subgrade 3b

6.19.2 The majority of the site is therefore not defined as BMVAL. Furthermore, that which does exist is not contained within one area but scattered across the site and separated from one another by areas of grade 3b land meaning that their management is compromised rather than optimised. On this basis and as the Council has indicated that in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed we do not believe that this site should be afforded the same level of protection in planning policy terms as

BMVAL. To this end we also note that the scale of loss at just 3.44ha in total is significantly less than the 20ha threshold that would require consultations with Natural England when considering mineral working or waste disposal<sup>26</sup>

6.19.3 Having regard to the above the proposed development does not in our opinion conflict with the aims and objectives of para 187 (b) of the NPPF or the aims and objective of policies DP12 and DP38 of the Adopted District Plan, policy BOLBB1 of the Bolney Neighbourhood Plan, and policies DPN1 and DPC1 of the Submission Draft Local Plan.

## **6.120 Other Material Considerations**

### **i) Contamination and Remediation**

6.20.1 A Phase I Site Appraisal (desk study) has been undertaken. The objective of the risk assessment was to evaluate plausible pollutant linkages with respect to the proposed development, adjacent land uses, and the wider environment, in the context of planning, immediate liabilities under the Environmental Protection Act 1990, and risks posed to Controlled Waters under the Water Resources Act 1991.

6.20.2 A Preliminary Risk Assessment (PRA) and Conceptual Site Model (CSM) was developed from the information gathered. It advises that as part of the desk study process Geo-Environmental Services Limited have identified several plausible pollutant linkages that exist in relation to the proposed development of the site; albeit the preliminary risk rating for the majority of pollution linkages have been classified as low or very low. As a result, the potential pollutant linkages established within the desk study are not considered to prevent development on the site but could require remediation or the employment of risk mitigation measures to reduce the risks to key receptors.

6.20.3 Given the above the desk study advises that in order to progress the assessment in line with the NPPF, to provide further characterisation of the site and refinement of the PRA and CSM, intrusive investigation and associated testing should be undertaken to confirm the findings of the desk study report and to provide a robust risk assessment for the site and proposed development. This would include geochemical and geotechnical investigation, to include analysis of soil samples for the range of potential contaminants identified within the desk study. It also advises that confirmatory ground gas monitoring will also be required.

6.20.4 The Preliminary Geotechnical Assessment Summary goes on to advise that with reference to British Geological Survey (BGS) mapping, the underlying geology is anticipated to comprise the Upper Tunbridge Wells Sand Formation, albeit there remains the possibility that there may be areas of reworked, disturbed or Made Ground on the site. As a result, the desk study indicates that it is possible that conventional strip or pad foundations could be suitable for the proposed development where natural ground is encountered at shallow depth, although this would be dependent on the groundwater depth. It also advises that where foundations are required in any areas of Made Ground or infilled ground,

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<sup>26</sup> See Natural England Technical Information Note TIN049

which may be present to depth beneath areas of the site, a deeper or piled foundation solution may be required; and that localised deepening of foundations may be required in the vicinity of trees and piled foundations may be required in proximity to trees (subject to tree type and ground conditions). In line with a SuDS approach, the desk study also indicates that storm water should be discharged to the ground wherever possible; and that although the permeability of the Tunbridge Wells Sand is likely to be low the potential for shallow soakaways should be confirmed by soakage testing.

6.20.5 At this stage and based on the findings of the desk study and preliminary risk assessment, the desk study recommends the following scope of works for the intrusive investigation on the site.

- Intrusive investigation works should be carried out in order to clarify the geotechnical and geo-environmental issues pertaining to redevelopment of the site.
- Full scale soakage testing in accordance with BRE Digest 360.
- Soil sampling and analysis should be undertaken to inform subsequent geotechnical and geo-environmental risk assessment.
- Laboratory analysis, on soil samples recovered from the exploratory holes for a range of geotechnical parameters to support foundation design.
- Laboratory analysis on soil samples recovered from the exploratory holes, for an analytical suite to include the potential contaminants identified within the desk study and encountered during any intrusive investigation. The suite should include commonly occurring metals, non-metals, asbestos, TPH, and PAH.
- Ground gas and groundwater monitoring of the site to determine the ground gas regime.
- Groundwater monitoring over a winter period may be required to inform the emerging drainage strategy for the site. A winter period is typically defined as early October/November to the end of the following March or early April.

6.20.6 The desk study also advises that it may be necessary to undertake remediation/risk mitigation measures on site to break pollutant linkages and thus protect key receptors such as human health, controlled waters, built environment, soft landscaping and the like; but that the requirement and extent of any such remediation cannot be determined until such time as an intrusive investigation and associated testing has been completed.

6.20.7 Given the findings of the Phase I Desk Studies, a suitable worded condition requiring further investigation prior to development commencing is thought to be prudent.

6.20.8 Having regard to the above, the proposed development does not in our opinion conflict with the aims and objectives of the NPPF or the aims and objective of policies DPN1 and DPN10 of the Submission Draft Local Plan

ii) Utilities and Services Appraisal

6.20.8 The Utilities Assessment prepared by Ramboll assess the existing utilities infrastructure in and around the site, to determine if the proposed development can be accommodated with the existing infrastructure, identifies utility strategies, and produces technical documentation based

on the utility companies' records and documents to support the planning application.

- 6.20.9 The Utilities Assessment thus reviews the electricity supply in consultation with UK Power Networks, the potable water supply with South East Water, and telecommunications with BT Openreach; the foul water drainage and surface water drainage situation with Southern Water having been addressed in the Drainage Strategy report. It has been assumed no gas will be supplied to this site.
- 6.20.10 Having assessed the various utilities services in and around the proposed development site, and provided cost estimations, where received, for work that will need to be carried out to ensure the site will have the necessary connections/ provide for the necessary diversion of the existing HV overhead lines that cross the site; the Utilities Assessment concludes that there are suitable utilities services in the surrounding area to service the proposed development/ these can be addressed through the introduction of a new water main plus branch connections, the installation of 2 new substations, new HV cables on site and new foul water pumping station within the north western part of the site.
- 6.20.11 Within the context of the above the Utilities Assessment confirms that full fibre broadband with speeds of up to 1600 Mbps download and 115 Mbps upload is available near the site, such that there is no concern regarding the broadband network for the new development; and that whilst potable water can be supplied to the southern part of the site Phase, offsite reinforcement is necessary to ensure adequate water supplies to the northern part of the site.
- 6.20.12 Having regard to the above, the proposed development does not in our opinion conflict with the aims and objectives of the NPPF or the aims and objectives of policy DP20 of the Adopted District Plan, policy BOLA5 of the Bolney Neighbourhood plan and policies DPI1 and DPI7 of the Submission Draft Local Plan

## **6.21 Infrastructure Provision**

- 6.21.1 As set out in the draft Heads of Terms for the Section 106 Agreement, a planning obligations list has been prepared in the light of Policy DP20 of the Mid Sussex Local Plan 2014 – 2031, Policy BLOA4 of the Bolney Neighbourhood Plan September 2016 and policy DPI2 of the Submission Draft Mid Sussex Local Plan 2021 – 2039 (Dec 2023). The substance of the draft Heads of Terms also reflects initial advice received from officers at Mid Sussex District Council and the comments received from Bolney Parish Council and WSCC Highways during pre-application discussions.
- 6.21.2 The draft planning obligations set out below will only be included in the Section 106 Agreement to the extent justifiable in planning policy terms, in particular paragraph 58 of the NPPF and regulation 122 of the Community Infrastructure Levy Regulations 2010. This will be established following further discussions with officers. This draft assumes that the site will not be subject to Community Infrastructure Levy or any other similar charge. If this is not the case the applicant reserves the right to withdraw or amend any of the planning obligations listed below:

- The provision of up to 60 affordable units<sup>27</sup> (30%) – to be 75% social and affordable rent and 25% affordable ownership products.
- The nomination rights for the affordable housing units will be such that the affordable units will in the first instance be made available to people in housing need with an appropriate connection to Bolney Parish. Thereafter the nomination rights will, if necessary, cascade down to those in need in the neighbouring parishes in Mid Sussex.
- A minimum of 4% of the affordable units to be identified as M4(3) (2) (b) dwellings.
- All dwellings to meet M4(2) standards.
- 2% of all dwellings will be set aside for Self-Build.
- The provision of a community building (Use Class F1), to be set aside for use by Kangaroos.
- The provision of up to a minimum level of formal and informal recreational open space, as set out in the agreed parameters plan, across the site as a whole including 2 x Local Equipped Areas of Play and 2 x Local Areas or 'Play on the Way' which together equate to 0.15ha.
- Contributions towards improvements to/ provision of new sports and leisure facilities in Bolney.
- Improvements to existing cycle and pedestrian routes linking the proposed development to Bolney and surrounding countryside, including:
  - Pedestrian improvements to the Street – the development proposals include a scheme of works to improve walking journeys along The Street by providing crossing facilities and new stretches of footway
- Contributions to support and enhance existing bus serves, including but not limited to:
  - The provision of additional bus stops, upgrading existing stops and improved frequency of the 273 bus between Crawley and Brighton via Bolney.
- The provision of two car club vehicles for three years, with three years free membership for new residents of the site.
- The provision of Bus Taster Passes / Sustainable Travel Vouches to residents of the development to encourage the uptake of sustainable travel.
- The implementation of a Travel Plan to encourage use of sustainable transport modes.

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<sup>27</sup> Assuming 200 dwellings are accommodated on site – if not then 30% of the number of dwellings that are accommodated on the site.

- The provision on site of allotments.
- Contributions towards nursery, primary, secondary and sixth form educational facilities within Bolney / 5km of the site.
- Contributions towards Library Services within Bolney / 5km of the site.
- Contributions towards Youth services within Bolney / 5km of the site.
- Contributions towards Community Learning within Bolney / 5km of the site.
- Contributions towards Social Care within Bolney / 5km of the site.
- Contributions towards Waste and Recycling facilities.
- Contributions towards the Local Primary Care Trust for use within 5km of the site

6.21.3 We believe the draft HoT of the S106 look to secure the mitigation that is necessary to satisfactorily meet the additional infrastructure impacts and needs that would be generated by the development as set out in Policy DP20 of the Mid Sussex District Plan 2014 – 2031, Policy BLOA4 of the Bolney Neighbourhood Plan September 2016 and policy DPI2 of the Submission Draft Mid Sussex Local Plan 2021 – 2039 (Dec 2023).

## **7 The Planning Balance**

- 7.1 Given the detailed information provided with this application we believe that the planning balance rests firmly in favour of granting planning permission, particularly in the light of the engagement of the 'tilted balance'.
- 7.2 In the context of the above, we note that the Mid Sussex District Plan 2018, in policy DP4 looks to meet a minimum district housing requirement of 16,390 dwellings between 2014 – 2031; and that policy DP4 explains how this will be achieved through a combination of completions, extant permissions and proposed allocations.
- 7.3 The application site was not allocated within the adopted Mid Sussex District Plan and thus remains outside the urban area of Bolney as identified on the Proposals Map and does not fall within one of the 'exceptions' criteria listed in policy DP12 for new dwellings in the 'countryside'. However as set out above these policies are out of date in as much as they were adopted against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016, and the NPPF 2012. As the NPPF has been subject to a number of revisions since 2012 the approach adopted to the housing requirements in the Adopted Development Plan is inconsistent with the NPPF 2024. As a result, the weight to be attributed to policies DP4 and DP12 is significantly reduced. and para 11d of the NPPF and the tilted balance engaged. A position which is exacerbated by the fact the Council openly admit they do not have a five year housing land supply.
- 7.4 Before commenting upon the tilted balance, it should also be noted that not only is the site situated immediately adjacent to the urban area boundary of Bolney, on a greenfield site that is unfettered by any landscape or ecology designations; but has been identified as a proposed allocation pursuant to policy DPA14 of the Submission Draft Local Plan (December 2023). As set out within this statement the proposed development has been designed to be in conformity with the aims and objectives of DPA14 of the Submission Draft Local Plan, the form and quantum of development proposed being appropriate for the context of the site; such that it would create a high quality development on the edge of the existing built up boundary of Bolney.
- 7.5 Given the lack of a 5 year supply and the fact large swaths of the District are constrained by the High Weald National Landscape, and the South Downs National Park, the proposed development provides an ideal opportunity to accommodate the housing needs of the District on what is a relatively unconstrained site, thus addressing the housing land supply deficit in a policy compliant manner.
- 7.6 Furthermore, the proposed development provides for 30% affordable housing, which accords with the adopted and emerging policy requirement.

- 7.7 The site also enjoys good access to local services and facilities and has good access to public transport that would enable future residents to access services and facilities by means other than the private car. In addition, it will contribute towards new / enhanced pedestrian and cycle links to the village centre, new and improved bus links to the wider area, and off site highway improvements; the scale of development proposed reflecting that accepted by the Council as being suitable for the site in policy DPA14 of the Submission Draft Local Plan.
- 7.8 The site is not designated for its landscape value, or any landscape related attributes. The High Weald National Landscape (previously Area of Outstanding Natural Beauty (AONB)) is approximately 460 metres to the north and around 455m to the east of the site at its closest point, and the South Downs National Park (SDNP) is approximately 6.4km to the south of the site at its closest point. Given the distance from the proposals, the LVA concludes that the High Weald National Landscape would experience minor and neutral landscape effects, and the South Downs National Park would also be neutral yet minor/ negligible given the greater distance from the proposals; whilst the visual appraisal found that no visual effects would be experienced from either the High Weald National Landscape or the South Downs National Park. As such the site cannot be said to fall within “an area of high landscape sensitivity”.
- 7.9 In the context of the above, whilst it is recognised that there would be localised effects on the landscape character of the site, these would exist with the development of any greenfield site, and in this case not only is the application site free from any landscape designations, but the proposed development has been developed with stakeholders to ensure the development is respectful to local landscape and visual constraints. Furthermore, it provides for a number of beneficial effects such as an increase in landscape assets and an improved local network of ecological and recreational spaces. On this basis and as the Council accepts that not all its housing requirement can be accommodated on brownfield sites and have sought to identify this site as a proposed allocation in the Submission Draft Local Plan, any localised landscape effects do not in our opinion weigh heavily against the grant of consent. Indeed, having regard to the LVA, it is considered that the proposed development sits sympathetically within the wider landscape, having minimal effects on the surrounding landscape and visual receptors. Thus, it respects the aims and objectives of para 187 of the NPPF and footnote 7 of para 11 in terms of the tilted balance.
- 7.10 Whilst the proposed development would result in the permanent loss of 1.5ha of Grade 2 BMVAL, and 1.94ha of Grade 3a BMVA land this comprises just 20% of the overall site area and is scattered across the site in odd areas that are separated from one another by areas of grade 3b land meaning that their management is compromised rather than optimised. On this basis and as the Council has indicated that in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed we do not believe that this site should be afforded the same level of protection in planning policy terms as BMVAL. To this end we also note that the scale of loss at just 3.44ha in total is significantly less than the 20ha threshold that would require consultations with Natural England when considering mineral working or waste disposal.

- 7.11 The site does not contain any nationally or locally built designated heritage assets. Whilst one Grade I and eight Grade II listed buildings have been identified in the vicinity of the site the Heritage Assessment indicates that there is only a very low level of less than substantial harm to the Grade I St Mary Magdalene church and low level of less than substantial harm to the Grade II Walnut and Well Cottage, with no harm to the Grade II Daltons, Durstons, Tanglewood, Booker's Farmhouse, Barn North East of Booker's Farmhouse, Bolney Lodge or Bolney Lodge Cottage. Likewise, the Heritage Assessment records a low level of less than substantial harm to the Bolney Conservation Area, and very minor harm on the non-designated heritage asset of the Old Post Office, a low level of harm on the non-designated heritage asset of Bolney Place and a very low level of harm on the non-designated heritage asset of Providence Chapel. The Heritage Assessment concludes that '*Given that the impacts to designated heritage assets are considered to be lower than those found acceptable in the assessment of the site for allocation, and that impacts to non-designated heritage assets are modest, the impacts are not considered to be unacceptable.*'
- 7.12 Whilst there is thus a conflict with policies DP34 and DP35 of the District Plan, as policy DP34 seeks to protect listed buildings and their settings and 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, and policy DP35 seeks, amongst other things, for development to protect the setting of the districts Conservation Area and in particular views into and out of said area; 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 as set out in paragraph 215 of the Framework.
- 7.13 In this case the public benefits amongst other thing include the delivery of up to 200 new homes including affordable homes, a community building to be occupied by Kangaroos, and a significant amount of public open space. In our opinion the less than substantial harm to the significance of the designated heritage asset ass set out above is outweighed by the public benefits generated by the proposal, such that in the context of paragraph 11 of the NPPF, the application of policies in the NPPF relating to non-designated heritage assets would not provide a clear reason for refusing the proposed development. The same being true of the effect on the non-designated heritage assets, having regard to para 216.
- 7.14 Not only has the proposed development looked to minimise ecological impacts, but maximise benefits, with the development predicted to deliver Biodiversity net gains of circa 49% in habitats units, and a circa 17% in hedgerow units i.e. considerably more than the mandatory 10%.
- 7.15 In addition, whilst the proposed development is wholly in fluvial flood zone 1 and approximately 90% of the site is located in an area considered to be at a very low risk from surface water flooding, it is acknowledged that there are areas considered to be at a high risk from surface water flooding present in the northeast, northwest and south of the site. As set out in the FRA no built development is located in areas considered to be at risk of surface water flooding. In addition whilst the proposed access off Cowfold

Road is in an area at a high chance of surface water flooding a Sequential Test Assessment demonstrates that given the proposed levels of the proposed access road and the reality of the flood hazard in this area and having regard to the unique requirements for development in the area, that the site is the most suitable for development out of those that have been promoted for development though the councils call for sites in the area. Thus, the site is considered to have passed the Sequential Test. The Flood Hazard Rating report contained at appendix E of the FRA demonstrating that the location of the proposed site is considered safe for emergency use in a flood event. It is also noted that the proposed surface water drainage strategy will considerably reduce the peak flows presently emanating from the site during higher return period flooding events, and thus improve upon the current situation with regard to surface water management and flood risk; and that but by collecting and redirecting the water that would otherwise flow toward The Street the surface water drainage strategy will represents a significant betterment to the present situation where the properties adjacent to The Street are subject to surface water flood risk from the surface water runoff flowing downslope off the site.

- 7.16 Given the above it is considered on balance that the application site is acceptable in principle for residential development.
- 7.17 In the context of the above, as set out in section 6 of this statement the proposed development would meet the three overarching objectives of sustainable development as described in paragraph 8 of the NPPF. Prospective occupiers would help to support the range of local facilities and services in Bolney, including public transport, and would contribute to the vitality of the locality and social cohesion. The development itself would also provide short term construction jobs – economic benefits. There would also be benefits from S106 contributions to local services and facilities such as health facilities, sports and leisure facilities, community learning, youth services, social care and library services. The proposed development would also generate New Homes Bonus. All of the above should be acknowledged in the planning balance.
- 7.18 The weight to be given to those policies restricting development in this area in the District Plan should be limited given the basis upon which they were conceived and the housing land supply situation. Furthermore, whilst the weight that can be given to the Submission Draft Local Plan is limited, it should nonetheless be noted that the application site has been identified as a proposed allocation in the Submission Draft Local Plan and that the proposed development looks to comply with the aims and objectives of the Submission Draft Local Plan. There are in addition, other material considerations which also weigh heavily in favour of the development such as the housing need, and the fact that the Council is unable to substantiate a five year supply of deliverable housing land. The proposal would assist in the provision of housing and help meet the affordable housing needs of the area. This is a highly significant material consideration and carries substantial weight in the context of the NPPF. The proposals also provide for a new community facility for Kangaroos, a well-established charity within Mid Sussex who support children, teenagers and adults with severe learning disabilities and complex needs; and over 9ha of public open space, both of which are highly significant

material considerations which carry substantial weight in the context of the NPPF.

- 7.19 The proposed development is considered to represent sustainable development in accordance with the NPPF and the Submission Draft Local Plan. The limited harm identified does not outweigh the significant benefits that have been identified. It certainly goes nowhere near the requirement to demonstrate significant and demonstrable harm.
- 7.20 As a result of the above we consider the proposed development is ideally situated to accommodate further growth in a sustainable manner as defined by para 8 of the NPPF.
- 7.21 The overall planning balance, encompassing the various benefits and limited disbenefits and the weight that should be afforded to them is set out in the table below:

**JAA Table 7.1 – The Planning Balance**

	<b>Issue</b>	<b>Benefit/ Harm</b>	<b>Weight</b>
1	Provision of up to 200 market dwellings	Benefit	Very Substantial
2	Provision of up to 60 affordable dwellings (30%)	Benefit	Very Substantial
3	An appropriate dwelling mix	Benefit	Moderate
4	The provision of a community building (Use Class F1), to be set aside for use by Kangaroos, thus contributing towards the Council's need for accommodation for children, teenagers and adults with severe learning disabilities and complex needs.	Benefit	Very Substantial
5	Provision of 0.15ha of formal play space together with potential for allotments	Benefit	Moderate
6	Provision of over 9ha of publicly accessible incidental open space/ amenity space/ natural and semi natural space	Benefit	Substantial
7	Developing in a sustainable location		
8	Avoiding designated landscapes such as the High Weald National Landscape and South Downs National Park	Benefit	Substantial
9	Landscape enhancements with new tree and hedgerow planting	Benefit	Moderate
10	Avoiding impacts on protected areas/ species, and creating ecological enhancements resulting in a BNG considerable in excess of 10% (+)	Benefit	Moderate
11	Improved pedestrian and cycle links between the site and the wider area	Benefit	Moderate
12	Enhanced bus services between the site and the wider area	Benefit	Moderate
13	Contributions towards off site highway works, including pedestrian improvements to The Street encompassing the introduction of additional crossing points and new stretches of footway.	Benefit	Substantial
14	Managed positive surface water drainage strategy	Benefit	Substantial
15	Provision of energy efficient homes exceeding current policy requirements	Benefit	Moderate
16	In accordance with spatial strategy of the Reg 19 Submission Draft Local Plan – especially policy DPA14	Benefit	Moderate

17	Short-term economic benefits from construction and employment spending	Benefit	Moderate
18	Long-term economic benefits from new residents spending in the local area, S106 and New Homes Bonus and Council Tax revenues	Benefit	Moderate
20	Localised Impact on landscape character of area	Harm	Major/moderate and negative effects at worst
21	Localised impact on views experienced by residents situated in close proximity to the site along Cowfold Road and The Street, and at Foxhole Farm; as well as walkers, cyclists and horse riders along Foxhole Lane, and recreational walkers along footpath 44Bo.	Harm	Major/moderate and negative at worst
22	The loss at 3.44ha of BMVAL	Harm	Limited
23	Localised impact on the setting of the Grade 1 Listed St Mary Magdalane Church, Grade 2 Listed Walnut and Well Cottage, and Bolney Conservation Area	Harm	Less than substantial harm (lower end of the spectrum)
24	Localised impact on the setting of the non-designated heritage assets of The Old Post Office, Bolney Place and Providence Chapel	Harm	Less than substantial harm (lower end of the spectrum)
25	Siting of main access within an area deemed to be at high risk of surface water flooding	Harm	Very limited as addressed through sequential test.

7.21 Having regard to the above and paragraph 11 of the NPPF we consider the planning balance to be in favour of development and that planning permission should be granted accordingly.

## 8.0 Summary and Conclusions

- 8.1 This application provides for the development of the land at Foxhole Farm, Foxhole Lane, Bolney, West Sussex so as to accommodate the erection of up to 200 residential dwellings, including affordable housing; a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchard, and allotments; sustainable drainage systems and landscape buffers.
- 8.2 All matters bar access are reserved for future determination. The principal points of access will be via a priority T-junction arrangement with a ghost island right turn lane off Cowfold Road (A272).
- 8.3 The starting point for the determination of this application is the Adopted Development Plan. The application site is located outside, but adjacent to, the urban area of Bolney as defined in the Mid Sussex District Plan 2014 – 2031 (March 2018).
- 8.4 Policy DP12 of the Mid Sussex District Plan looks to restrict development outside the urban area to that falling within certain criteria. Whilst it would appear implicit that where a need can be demonstrated, there is no conflict with policy DP12, policy DP12 is in our opinion out of date in as much as the confines of the urban areas were defined against the backdrop to the Objectively Assessed Housing Need established in the Mid Sussex Housing and Economic Development Needs Assessment (HEDNA) (February 2015), as updated in November 2015 and August 2016, and the NPPF 2012. As the NPPF has been subject to a number of revisions since 2012, the approach adopted to the housing requirements in the Adopted Development Plan is inconsistent with the NPPF 2021. Furthermore, the Council do not have a five year Housing Land Supply (housing land supply<sup>28</sup>). As a result, the weight to be attributed to policy DP12 is significantly reduced and para 11d of the NPPF and the tilted balance engaged. This means there is a presumption in favour of sustainable development i.e. that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits.
- 8.5 Given the lack of a five year housing land supply the Council need to find alternative (new) sites to meet the shortfall. The only way this can be achieved is by revisiting the planning strategy set out in the Adopted Development Plan and finding new sites in appropriate locations.
- 8.6 In the context of the above we note that the Reg 19 Submission Draft Local Plan (2021 – 2039 (December 2023)) in reviewing the development needs of the District resolved to identify the application site as a proposed allocation pursuant to Policy DPA14.

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<sup>28</sup> Please refer to para 5.96/ 5.97

- 8.7 The proposed development has been designed to be in conformity with Policy DPA14 of the Submission Draft Mid Sussex Local Plan.
- 8.8 The proposed development would help meet the Districts housing needs in what is a highly sustainable location, on the edge of Bolney, at a time when the Council have a five year housing land supply deficit. Not only would the proposed development comply with the criteria set out in policy DPA14 of the Reg 19 Submission Draft Local Plan, but facilitate a number of economic, social, and environmental benefits. As such, whilst it is recognised that there would be localised effects on the landscape character of the site these do not in our opinion weigh heavily against the grant of consent.
- 8.9 Likewise, the impact on Best and Most Versatile Agricultural Land is limited to 1.5ha of Grade 2 and 1.94ha of Grade 3a BMVAL. This comprises just 20% of the overall site area and is scattered across the site in odd areas that are separated from one another by areas of grade 3b land meaning that their management is compromised rather than optimised. On this basis and as the Council has indicated that in meeting their housing need, it is likely that greenfield sites (which would include agricultural land) will have to be developed, and acknowledged that this site, is a potentially developable / deliverable site by virtue of its proposed allocation in the Submission Draft Local Plan under policy DPA14, any localised effects on BMVAL do not in our opinion weigh heavily against the grant of consent.
- 8.10 Similarly, as the impact on adjacent heritage assets is at a low level of less than substantial harm at worst; and similarly modest on adjacent non designated heritage assets, the impacts are not considered to be unacceptable when considered in the planning balance. The same being true of the fact that whilst the proposed access off Cowfold Road is in an area at a high chance of surface water flooding the Flood Hazard Rating report contained at appendix E of the FRA demonstrates that the location of the proposed access is considered safe for emergency use in a flood event and the Sequential Test Assessment demonstrates that the proposed culverting of the existing ditch and raising in ground levels to provide a cover of at least 0.75m to the proposed culvert, as well as the clearing and re-profiling of the ditch to restore it to its original, lower bed level, will lead to an improvement in drainage and a reduction in flood risk at this location.
- 8.11 Given the above, the limited harm identified does not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, as would be required to be demonstrated pursuant to para 11(d) (ii) of the NPPF if looking to refuse this development. Nor, having regard to para 11(d) (i) are there any policies that look to protect areas or assets of particular importance that provide a clear reason for refusing the proposed development. Rather, the balance is firmly in favour of the proposed development and permission should be granted without delay.
- 8.12 Aside from the principle of development, we have also sought to address a number of other issues which are in our opinion material to the determination of this application. These include the nature of the residential accommodation and overall scale of development including the

level of affordable provision; the form, layout and design of the proposed development; the landscape and visual impact of the proposed development; the effect of the proposed development on existing landscape features; the impact of the proposed development on areas of ecological interest/protected species; the impact of the proposed development on the privacy and amenity of adjacent residents; the effect of the proposed development in transportation and highway terms; the sites suitability for development in terms of flood risk and foul water drainage; the potential impact of the proposed development upon the cultural heritage of the site and surrounding area; and the effect of the proposed development on energy consumption, lighting, amenity space provision, contamination and remediation, the capacity of the service providers and impact on local infrastructure.

- 8.13 Having regard to the above, and given the aims and objectives of national and local planning policies we would submit that: -
- a. The proposed development will contribute to the Council's five year housing land supply requirements/ housing need;
  - b. The proposed development will contribute to the Council's affordable housing requirements – overall it will provide up to 60 affordable units (30% of the units to be provided on site (assuming 200 dwellings are bought forward)), in accordance with the requirements set out in both the adopted and Reg 19 Submission Draft Local Plan;
  - c. The unit mix reflects the aims and objectives of the development plan, with the scheme providing a range of house types (terraced, semi-detached, detached and apartments) and sizes (1 and 2 bed flats and 2 – 5 bed houses), to meet local demand (both market and affordable). The affordable units being evenly distributed across the site;
  - d. The proposed community building (Use Class F1), to be set aside for use by Kangaroos, will contribute towards the Council's need for accommodation for children, teenagers, and adults with severe learning disabilities and complex needs;
  - e. The proposed development will contribute to the Council's recreational needs, with over 9ha of publicly accessible / incidental open space/ amenity space being provided across the development as a whole, which is over 50% of the site area and 340% more than the policy requirement;
  - f. The proposed development will contribute to the public realm, providing formal recreation opportunities, such as the proposed LEAPs and LAPs, as well as flexible play space, connected via a series of footpath networks; these features together with the introduction of an effective management regime, the creation and conservation of wildlife habitat and natural corridors, and provision of SuDS will contribute to local amenity;
  - g. The illustrative layout looks to respect the existing landscape, topographical, drainage and ecological features found on the site/ site boundaries, to respect the setting of nearby heritage assets and respect the privacy and amenity of adjacent residents;
  - h. At a density of circa 11.84dph gross/ 28.98 dph net the proposed development seeks to make the most effective use of the application site without detracting from the character and appearance of the area;

- i. The scale and nature of the proposed development is proportionate to the size of Bolney and the level of day to day services found in the village and respects the spatial strategy advocated in the Reg 19 Submission Draft Local Plan;
- j. The landscape and visual effects would be localised and would not significantly affect sensitive landscape and visual receptors further from the site;
- k. None of the main arboricultural features of the site are to be removed. No ancient, veteran, category A trees or trees subject to TPO's need to be removed to accommodate the proposals. Only 3 groups of trees and 2 hedges will be partially removed to accommodate the proposed development. All are assessed as category 'C' specimens: being either of low quality, low value, or short-term potential. The AIR concludes that the removal of these small sections will have no significant impact on the character or appearance of the area. It also advises that the incursions into the Root Protection Areas of eight of the trees to be retained to accommodate the drainage features, allotments and areas of hard standing are tolerable, and subject to implementation of the measures recommended on the Tree Protection Plan no significant or long-term damage to their root systems or rooting environments will occur. As such and as the proposed development will provide the opportunity to plant more trees/hedgerows on the site through the landscape strategy plan, the AIR concludes it will actively enhance the landscape character of the site and surrounding area;
- l. Following detailed ecological survey work, it has been found that the site and surrounding study area is home to roosting, foraging, and commuting Bats, dormouse, reptiles (slow worms and grass snake), and breeding birds and hedgehogs. As a result, the proposed development has been designed to avoid impacts on as many ecologically sensitive areas and accommodate a number of ecological mitigation and enhancement works, all of which will ensure the protection of these species and provide biodiversity net gains in excess of 17% for onsite hedgerows and 49% for onsite habitats;
- m. The proposed development provides for a significant amount of publicly accessible amenity space that will form an integral part of the development, with all residents having access to an appropriate level of private/communal amenity space. Overall, circa 54% of the site will be publicly accessible green space;
- n. The application site is located in a sustainable location, that is within walking distance of day to day services and facilities, and able to maximise the use of public transport, cycling and walking;
- o. The proposed accessing arrangements have been designed to accommodate all types of predicted traffic movements. The internal road network provides for a hierarchy of different streets, all of which have been designed to ensure the car does not dominate;
- p. The proposed development looks to provide for a series of new / enhanced pedestrian and cycle links that would improve access to/ from the site to the village centre/ the surrounding area;
- q. The level of traffic generation associated with the proposed development would not, with the proposed mitigation works, result in an unacceptable traffic impact to the local highway network;

- r. The level of car and cycle parking provision will accord with WSCC standards and is appropriate for this location given the site's proximity to Bolney and its associated facilities, including public transport facilities;
- s. A Framework Travel Plan has been provided to demonstrate how the developer intends to try and reduce the use of the private motor car;
- t. The FRA and Drainage Strategy submitted with this application demonstrates that the proposed development is wholly in Flood Zone 1 and can encompass a surface water drainage strategy that can accommodate up to and including the 1% AEP storm event with an appropriate allowance for climate change (of 45%), without any onsite flooding or increasing the extent of any offsite flood risk. Indeed, as set out in the FRA the proposed surface water drainage strategy will improve upon the current situation with regard to surface water management and flood risk;
- u. The Archaeological Desk Based Assessment (ADBA) advises that based on available information, the study site is anticipated to have a low potential for all periods of human activity, although evidence of Medieval and Post Medieval land management, field boundary and agricultural activity associated with the nearby, Medieval historic centre of Bolney and Post Medieval Bolney Place cannot be excluded. It also advises that evidence of Post Medieval quarries for sand extraction may also be present across the site's southern fields, in proximity of Brickfield west of Crosspost, circa 50m to the south, where brickmaking is recorded during this period. The ADBA thus concludes that due to the site's only moderate predicted archaeological potential, the development proposals can be considered unlikely to have a substantial negative impact or cause significant harm on any underlying archaeological assets that may be present at the study site; and that in the event that the Local Planning Authority requests further archaeological works, it is recommended that these could follow the granting of planning consent secured by an appropriately worded archaeological condition.
- v. The Heritage Assessment advises that the Study Site does not contain any designated or non-designated built heritage assets; and that whilst one Grade I and eight Grade II listed buildings have been identified in the vicinity of the site there is only a very low level of less than substantial harm to the Grade I St Mary Magdalene church and low level of less than substantial harm to the Grade II Walnut and Well Cottage, with no harm to the Grade II Daltons, Durstons, Tanglewood, Booker's Farmhouse, Barn North East of Booker's Farmhouse, Bolney Lodge or Bolney Lodge Cottage. Likewise, the Heritage Assessment records a low level of less than substantial harm to the Bolney Conservation Area, and very minor harm on the non-designated heritage asset of the Old Post Office, a low level of harm on the non-designated heritage asset of Bolney Place and a very low level of harm on the non-designated heritage asset of Providence Chapel. The Heritage Assessment concludes that *'Given that the impacts to designated heritage assets are considered to be lower than those found acceptable in the assessment of the site for allocation, and that impacts to non-designated heritage assets are modest, the impacts are not considered to be unacceptable'*.

- w. The Sustainability and Energy Statement indicates that the carbon dioxide (CO<sub>2</sub>) emissions reduction strategy for the proposals is based on the energy hierarchy to provide a rigorous methodology, which aims to reduce the carbon dioxide emissions from the development as far as possible. This is intended to be achieved through the employment of highly efficient building fabric components to reduce energy demand, and the potential inclusion of renewable and low carbon energy technologies such as air source heat pumps to serve the space and water heating demands of the proposed dwellings and deliver further carbon dioxide emissions reductions. It is anticipated that the proposed carbon dioxide emissions reduction strategy will facilitate significant carbon dioxide emissions savings compared to the Part L:2021 baseline, aiming to significantly exceed the current requirements of Mid Sussex District Council and to align with the draft policies set out within the Reg 19 Submission Draft Local Plan (Dec 2023).
- x. The West Sussex Joint Minerals Plan (WSJMP) indicates that brick clay exists on the site. As this mineral resource covers a broad extent of West Sussex, is in relative low demand, and the county has a NPPF compliant level of supply to meet the demand for the next 40.29 years based on historical trend data, and as the mineral resources found on site are already sterilised by virtue of the fact they are within 250m of the existing residential properties on The Street, Cowfold Road, Foxhole Lane and Lodge Lane, the Mineral Safeguarding Assessment submitted with this application concludes that the proposed development will not have an unacceptable affect upon the safeguarded mineral resources found beneath the site and thus complies with Policy M9 of the WSJMP
- y. The Air Quality Assessment indicates that subject to the proposed mitigation measures to reduce the risk of dust and particulate matter being generated and re-suspended during the construction phase no significant impacts are anticipated during the construction phase. It also advises that an assessment of operational phase impacts have been assessed as 'negligible' with respect to annual mean NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> at all assessed sensitive receptors, such that the overall air quality impact of the development is considered 'not significant'. That said in accordance with Air Quality and Emissions Mitigation Guidance for Sussex, an emission mitigation assessment has been undertaken for the proposed development, with a damage cost calculation undertaken for both NO<sub>x</sub> and PM, as these are the major pollutants associated with road traffic emission. The AQA advises that the calculated central damage cost value is £40,319; and that various types of mitigation measures have been recommended, and the extent of the total money for air quality mitigation should be equal to/greater than the value determined by the damage cost calculation (i.e. £40,319).
- z. The Noise Impact Assessment advises that predicted noise levels across the site are within the relevant noise design targets and of a magnitude suitable for the proposed development. It also advises that the noise predictions indicate that the effect of the development on traffic noise would be negligible and in accordance with DMRB.

- aa. The proposed development will meet its infrastructure needs via a S106 Agreement, as long as the contributions sought are fairly and reasonable related to the scale of development proposed, such that there will be no adverse impact on day to day services;
  - bb. The proposed development generates significant economic, social, and environmental benefits.
- 8.14 The application site is sustainable. Development on this site is capable of being assimilated with the wider area without detriment to the character of the area, or amenities of local residents. The landscape strategy, drainage strategy and ecological strategy will all enhance the sites' nature conservation value.
- 8.15 On the basis of the above we believe the case for granting planning permission to be compelling, and that consent should be granted without delay. We trust that planning permission will be granted accordingly.

# **Planning Statement**

## **Appendix A**

### **Policy DPA14 Assessment**

Appendix a – JAA Planning Statement

A Review of compliance with Policy DPA14 of the Reg 19 Submission Draft Local Plan 2021 - 2039 as amended by the schedule of Proposed Modifications - July 2024

Policy DPA14	Compliance
<p><i>The land at Foxhole Farm Bolney will provide for 200 dwellings, and the following infrastructure on-site:</i></p> <ul style="list-style-type: none"> <li>• Land for education provision</li> <li>• Community facility</li> <li>• Community working hub</li> <li>• Allotments</li> <li>• Informal outdoor space including community orchard and countryside open space.</li> </ul>	<p>The proposed development is for 200 dwellings (30% affordable), a community building (use class F1) encompassing land for education provision, together with associated access, ancillary parking and landscaping; the creation of a vehicular access point from the A272 Cowfold Road, and pedestrian and cycle only access to The Street; and creation of a network of roads, footways, and cycleways through the site; together with the provision of countryside open space, children's play areas, community orchards, and allotments; sustainable drainage systems and landscape buffers.</p> <p>Thus, it does provide for the onsite infrastructure required of it by policy DPA14, it having been agreed that a Community Working Hub forms part of the community building</p>
<p><i>Financial contributions towards the provision of:</i></p> <ul style="list-style-type: none"> <li>• Sustainable Transport</li> <li>• Education</li> <li>• Library</li> <li>• Local Community Infrastructure</li> <li>• Emergency Services</li> <li>• Play area</li> <li>• Health</li> <li>• Other outdoor provision</li> <li>• Outdoor sports</li> </ul>	<p>As set out in the draft HoT in chapter 6.21 of the Planning Statement the proposed development will make financial contributions towards the provision of:</p> <ul style="list-style-type: none"> <li>• Sustainable Transport</li> <li>• Education</li> <li>• Library</li> <li>• Local Community Infrastructure</li> <li>• Emergency Services</li> <li>• Play area</li> <li>• Health</li> <li>• Other outdoor provision</li> <li>• Outdoor sports</li> </ul> <p>As long as they are fairly and reasonably related to the proposed development</p>

	<p>The nature of the Sustainable Transport Contribution is set out in the Transport Assessment and Framework Travel Plan</p> <p>The nature of the contributions to Local Community Infrastructure are set out in the councils Infrastructure Delivery Plan and include:</p> <ul style="list-style-type: none"> <li>• £201,000.00 towards the Parish Council Voluntary sector organisations</li> <li>• £282,000 towards the expansion/ enhancement of outdoor sports facilities within the vicinity of the site</li> <li>• £367,000 towards the expansion/ enhancement of play area within the vicinity of the site</li> <li>• £313,000 towards the expansion/ enhancement of other outdoor provision within the vicinity of the site</li> </ul>
<p><i>And to make provision for the following off site:</i></p> <ul style="list-style-type: none"> <li>• <i>Sustainable transport measures</i></li> <li>• <i>Highway works</i></li> <li>• <i>Sewerage network upgrades</i></li> </ul>	<p>The Transport Assessment explains the proposed off site sustainable transport measures and proposed off site highway works. In summary, it includes the following:</p> <ul style="list-style-type: none"> <li>• A scheme of highway works on The Street to enhance non-vehicular connectivity.</li> <li>• Introduction of vehicular access point and pedestrian footways on the A272 and reconfiguration for existing infrastructure.</li> </ul> <p>In addition, there are ongoing discussions with Metrobus to identify improvements to service and bus connectivity, to be secured via S106 Agreement.</p> <p>The S106 Agreement will also make provision for any network mitigation that may be required that arises from the MSDC Transport Study, including any measures relating to the A23</p> <p><b>In addition, on site sustainable travel works include:</b></p> <ul style="list-style-type: none"> <li>• On-site electric vehicle charging.</li> </ul>

	<ul style="list-style-type: none"> <li>• On-site resident and visitor cycle parking for conventional and e-bikes</li> <li>• Car club</li> <li>• Travel Plan</li> </ul> <p>And the Drainage Statement explains the sewerage network upgrades</p>
<p><i>In addition, policy DP14 also contains the following policy requirements:</i></p>	
<p><i>1. Informed by a Heritage Impact Assessment, provide an appropriate layout and design which preserve or enhance the setting of nearby Grade II listed building, 'Walnut and Well Cottage', and Bolney Conservation Areas (North and South).</i></p>	<p>The application is accompanied by a detailed Heritage Impact Assessment. This makes a full consideration of the significance and setting of the Grade I St Mary Magdalane Church, the Grade II listed building, 'Walnut and Well Cottage', and Bolney Conservation Areas (North and South). This has demonstrated that the area of the site which makes the greatest contribution to the setting of the assets comprises the topographically raised central area of the site. The open character of this area will be preserved as part of the proposed development, allowing views to and from the churchyard to this area to be maintained, and allowing a sense of undeveloped land to remain to the west of the Conservation Area and Well and Walnut Cottage.</p>
<p><i>2. Follow a sequential approach by directing development away from areas of flood risk associated with surface water flooding in lowest areas of the site.</i></p>	<p>As set out in the Flood Risk Assessment (FRA) and Drainage Strategy (DS) reports the proposed development follows a sequential approach by directing development away from areas of flood risk and mitigates impacts through the integration of SuDS to deliver biodiversity/environmental improvements and flood resilience.</p> <p>Indeed, as set out in the FRA not only is no built development proposed in areas deemed to be at a high or medium risk of flooding, but the discharge rates for the proposed surface water drainage strategy will be limited to the mean annual flood return period,</p>

	<p>considered a 1 in 2.33 year event, thereby considerably reducing the peak flows presently emanating from the site.</p> <p>The strategy will therefore improve upon the current situation with regard to surface water management and flood risk including in the east of the site where surface water drainage is presently directed toward The Street and its adjacent residential dwellings, where it will now be captured, stored and diverted west where it will be released at the above stated low return period runoff rate.</p>
<p><i>3. Retain the character of footpath 44Bo which runs along the site's northern boundary and create a pedestrian link from the site.</i></p>	<p>As set out in the LVA the character of footpath 44BO will be retained in the long-term. This has been ensured through careful consideration and design of the interface between the proposed development and footpath 44Bo. Firstly, it is important to note that views towards the settlement edge are already available from this route. Design measures have been undertaken in order to reduce the visual effects of new houses on users of this route from year 1, include setting built form back from the path, and ensuring the design of individual dwellings that occur in the foreground of views are such that their prominence is reduced as far as is practically possible. Proposed native tree and shrub planting would also be proposed along the northern boundary to filter views from year 1, and screen views in the long-term so that the enclosed, vegetated nature of this footpath is retained.</p> <p>In addition, the footpath will be integrated into the site by way of two new connections, providing new recreational walking routes through the site and its associated public open spaces, and a means to access the proposed homes within the development.</p>
<p><i>4. Provide suitable vehicular, pedestrian and cycle access from Cowfold Road (A272).</i></p>	<p>As set out in the Transport Assessment the proposed development does provide suitable vehicular, pedestrian and cycle access from Cowfold Road (A272).</p>

	<p>The design and configuration of this proposed junction has been discussed and developed fully in consultation with WSCC and has been agreed in principle with them. To this end</p> <ol style="list-style-type: none"> <li>1. It has been agreed that the form of junction design is appropriate.</li> <li>2. Fully accords with design standards.</li> <li>3. Provides appropriately for pedestrians and cyclists.</li> <li>4. Provides appropriate visibility for prevailing vehicle speeds.</li> <li>5. Takes on board the comments of a road safety auditor.</li> </ol>
<p><i>5. Provide pedestrian and cycle access to The Street into the north part of the site between the properties of Westmeadow and Downland. In addition, explore potential for additional pedestrian and cycle access to The Street into the south-central part of the site.</i></p>	<p>As set out in the Transport Assessment the proposed development does provide pedestrian and cycle access to The Street into the north part of the site between Westmeadow and Downland, and the opportunity to deliver an additional pedestrian and cycle link to The Street into the south-central part of the site.</p>
<p><i>6. Provide a countryside open space between the north and south development parcels.</i></p>	<p>As is clear from the Illustrative Masterplan, Design and Access Statement and Landscape Strategy Plans the proposed development does provide a countryside open space between the north and south development parcels This area is 4.19 ha and would comprise open grasslands, community orchards, walking routes and a viewpoint with panoramic views of the wider landscape including the South Downs National Park and Grade 1 listed St Mary Magdalene Church.</p>
<p><i>7. Provide on-site community facility suitable for uses falling within E(e), E(f) or F(1)(a).</i></p>	<p>The proposed development does provide for a community facility falling within use class F.</p>
<p><i>8. Occupation of development will be phased to align with the delivery of sewerage infrastructure, in consultation with the service provider.</i></p>	<p>This criterion has we note been deleted</p>
<p><i>9. The site lies within the brick clay (Weald) Mineral Safeguarding Area, therefore the potential for mineral sterilisation should be</i></p>	<p>The Mineral Safeguarding Assessment submitted with this application confirms that the proposed development can be</p>

<p><i>considered in accordance with the requirements of the West Sussex Joint Minerals Local Plan and associated Safeguarding Guidance</i></p>	<p>undertaken without having a negative impact upon the safeguarded mineral resources that are located beneath the site.</p>
<p><i>10. Meet the requirements of other relevant development plan policies.</i></p>	<p>The proposed development does, as summarised in the Planning statement and expanded upon in the supporting statement meet the requirements of other relevant development plan policies.</p>

# **Planning Statement**

## **Appendix B**

### **Socio-Economic Benefits Infographic**

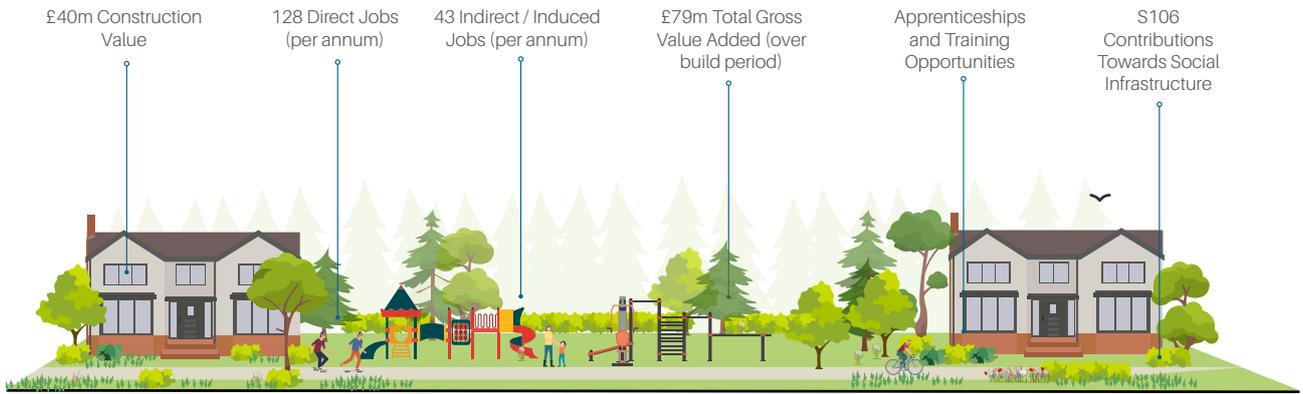
# Socio-Economic Benefits of Development at Land at Foxhole Farm, Bolney



This infographic provides an overview of the socio-economic benefits that could be delivered from the mixed-use development proposed at the Land at Foxhole Farm, Bolney. The proposal includes 200 new homes to meet a wide range of housing needs, including 30% affordable homes. The scheme includes a new community hub and a Kangaroos facility for people with additional needs. The new community will also provide green open spaces, play facilities (for all abilities), allotments, orchards and active travel opportunities to encourage healthy lifestyles.

Overall, the delivery of housing and social infrastructure will provide benefits for the local economy during the construction period and further social benefits once occupied, which are captured and summarised here (n.b. figures are approximate and rounded).

## Construction Phase



## Operational Phase



## Wider Benefits

