



Monday 28th April 2025
651/A3/JJA

Ms Joanne Fisher
Team Leader Applications
Development Management
Mid Sussex District Council
Oakland
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Via the Planning Portal

Dear Ms. Fisher

**Re: Land at Foxhole Farm, Foxhole Lane, Bolney, West Sussex
Applications submitted on behalf of Wates Developments Limited
Duplicate Outline planning applications (appearance, landscaping, layout and scale reserved), for the erection of up to 200 dwellings; 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.**

Further to recent discussions I have pleasure in enclosing an outline planning application (appearance, landscaping, layout and scale reserved), for the erection of up to 200 dwellings; 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.

As you will be aware, the application site is located immediately adjacent to the current urban area of Bolney as identified in the Mid Sussex District Plan (2018). That said, it has also been identified as part of a proposed allocation site (DPA14) in the Reg 19 Submission Draft Mid Sussex Local Plan 2023, and the proposed development has been designed to be in conformity with Policy DPA14 of the Submission Draft Mid Sussex Local Plan.

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.

Given the above we have concluded that an application now is neither prejudicial to the Local Plan process nor the sustainable approach to the development of sites within the District.

In the context of the above we appreciate the fact that 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 identified in the Mid Sussex District Plan (2018). Policy DP12 of the

Adopted Development Plan, which indicates that the countryside will be protected in recognition of its intrinsic character and beauty, and only permit development in 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 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 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 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 themselves confirmed they do not have a five year Housing Land Supply.

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.

In the context of the above, the Planning Statement and other reports that accompany this submission clearly demonstrate that the benefits of the proposed development are significant. They 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.

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 archaeological and heritage interest of the area.

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.

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.

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.

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.

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.

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 54% 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 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 on 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 (CO₂) 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 NO₂, PM₁₀ and PM_{2.5} 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_x 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.

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.

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.

That said we recognise that there is a considerable amount of information submitted with this application and that it will take some time to digest. As such we would ask that if you require any further information to inform your decision you do not hesitate to contact us.

Yours sincerely



JUDITH ASHTON
Judith Ashton Associates

Encl

Planning Application forms and associated certificates and fee

Planning application drawings

FF – 01 Site Location Plan

P20074 - RFT - XX - XX - DR - A - 0101 P07 - Illustrative Masterplan
P20074 - RFT - XX - XX - DR - A - 0111 P02 - Parameter Plan - Land Use
P20074 - RFT - XX - XX - DR - A - 0112 P01 - Parameter Plan - Access and Movement
P20074 - RFT - XX - XX - DR - A - 0113 P02 - Parameter Plan - Green Infrastructure
P20074 - RFT - XX - XX - DR - A - 0114 P02 - Parameter Plan - Building Heights
P20074 - RFT - XX - XX - DR - A - 0115 P01 - Parameter Plan - Density
P20074 - RFT - XX - ZZ - DR - A - 0400 P04 - Indicative Site Sections
P20074 - RFT - CH - 00 - DR - A - 2503 P02 - Community Hub Building - Indicative Floor Plan
P20074 - RFT - CH - ZZ - DR - A - 2503 P02 - Community Hub Building - Indicative Elevations

ITB16634-GA-005G – Initial Site Access Arrangement

403.06269.00044 Landscape Drawings_FHF-44

Design and Access Statement produced by ReFormat

Planning Statement, including Affordable Housing Statement produced by Judith Ashton Associates

Landscape and Visual Appraisal including Landscape Strategy produced by SLR

Draft Landscape and Environmental Management Plan produced by SLR in consultation with Aspect Ecology, Simon Jones Associates and Ramboll.

Arboricultural Implications Report produced by Simon Jones Associates

Ecological Appraisal and Biodiversity Net Gain Assessment produced by Aspect Ecology

Archaeological Desk Based Assessment produced by RPS

Heritage Assessment produced by Pegasus

Transport Assessment and Framework Travel Plan produced by iTransport

Flood Risk Assessment produced by Ramboll

Drainage Strategy produced by Ramboll
Sequential Test Assessment produced by Judith Ashton Associates in liaison with Ramboll;
Utilities Assessment produced by Ramboll;
Desk Top Geo Technical Assessment produced by Geo-Environmental Services Limited
Mineral Safeguarding Assessment produced by IC Planning Ltd
Sustainability and Energy Statement – produced by Icini
Agricultural Land Classification and Soil Resources Report produced by Reading Agriculture
Lighting Impact Assessment produced by Nature Positive (an RSK company)
Noise Impact Assessment produced by RSK Acoustics;
Air Quality Assessment produced by RSK Air Quality;
Statement of Community Involvement produced by Cratus
Draft Heads of Terms of S106 Agreement produced by Judith Ashton Associates
Socio-Economic Benefits Infographic – produced by Icini
Sustainability Infographic – produced by Icini

C.c. Rory Kemp – Wates Developments Limited