

Application Reference: DM/23/2866 and DM/23/2867

Land East of Ansty Way, Cuckfield Bypass, Cuckfield. Outline Planning Application for up to 1,450 homes etc.

This Response has been prepared on behalf of both the Parish Councils of Cuckfield and of Ansty and Staplefield. It consists of an overall memorandum of OBJECTION together with a series of in line appendices that provide background information regarding

- **Appendix 1 - Affordable Housing**
- **Appendix 2 - Bio-Diversity Net Gain**
- **Appendix 3 - GP Provision**

Further Addendums are attached as separate documents to this consisting of

- **The Housing Affordability calculations referred to in the first named appendix above.**
- **Landscape Addendum – Louise Hooper Landscape Architects**
- **Note concerning Rewilding – The Knepp Estate**
- **Transport Technical Note – Velocity**

Given the very short timeframe that we had to respond in the leadup toward Christmas, we reserve our right to make further submissions.

Memorandum of OBJECTION.

1. Following the publication of additional information the parish council restates its **OBJECTION** to this application, DM/23/2866, and to the related planning application DM/23/2867. It would not constitute sustainable development as defined by the National Planning Policy Framework ('NPPF')¹, the policies of the adopted Mid Sussex District Plan 2014 – 2031 ('the local plan'), the emerging Mid Sussex District Plan 2019 – 2039 or the made neighbourhood plans of Ansty and Staplefield and of Cuckfield. The applications should be refused.
2. No changes of any significance to the content, scale or location of development are proposed, nor does the new information provided engage positively with any of the issues raised by the parish council. In fact, the additional information only serves to confirm the concerns raised in our previous representation. Important matters identified by other statutory consultees have also not been adequately addressed, in particular those of National Highways and of the local planning authority itself.

¹ All references are to the latest version issued December 2024 which will be used for determining this application

3. The applicant's commentary on points made by the parish council is contained in their 'Response to Representations made by Consultees'² (we will refer to this as the 'RRC').
4. In opening the RRC the applicant says:

*Notably, Fairfax will continue to engage with key consultees to address any matters on which they seek further clarification, and has responded separately to MSDC planning officers on matters raised via email.*³
5. The definition of 'key consultees' does not appear to include local residents or parish councils, with whom there has been no further contact or attempt at dialogue. Given the complexity of the development and the impact on local communities it is both troubling and instructive that the applicant has so little interest in positive engagement, and that it is willing to make such a misleading statement.
6. In other respects, the RRC is illustrative of a lack of insight into what constitutes genuinely sustainable development.

Principle of Development

7. The RRC claims that:

*The proposals deliver a comprehensively planned mixed use development as outlined above, and it is simply erroneous to refer to the proposals as 'dormitory accommodation'. The implication of such a statement (and the further statement that Ansty does not have any infrastructure) is that Ansty is currently a dormitory settlement that is car dependant.*⁴
8. It is far from 'erroneous' to describe the proposal as we do and surprising that the applicant does not understand why. Ansty is indisputably a car dependant community, along with hundreds of other similar small villages across the county. It has few local services and little by way of supporting infrastructure. Residents of Ansty are indeed reliant on services provided in larger settlements and have few options to reach them other than by private car. That is a product of history and the evolution of the settlement over many decades. It does not make it a model that we can, or should, seek to replicate on a larger scale.
9. The proposed development would provide accommodation for some 3,500 people, but few, if any, of the essential elements of a new community. No

² Savills – October 2024

³ Para 1.7

⁴ Para 3.3

employment opportunities are included (save possibly a few in retail), and there is no realistic prospect of locally based essential and personal services becoming established. Public transport and active travel options by which residents could reach services in neighbouring settlements are unconvincing and limited in ambition. The proposal would create a large resident population but do little to meet their needs in a self-contained way. The scale and location mean that it cannot be anything other than a car dependent, dormitory settlement.

10. It is for those reasons that the site is not included as an allocation in the adopted local plan nor in the emerging local plan. That emerging plan is currently being examined, and in hearings to date there is no indication that the inspector has taken any particular interest in the site or the representations made on the applicant's behalf. The applicant's comment in the RRC that the site:

was even subject to a draft allocation in earlier iterations of this emerging plan

is not correct. It was tested in a version of a 'work in progress' document and rejected before the Regulation 18 public consultation stage began once the unacceptable impact on the highway network was fully understood.

11. The application can therefore accurately be described as 'speculative development', being run in parallel with the local plan examination in an attempt to confuse and subvert plan-led decision making. Far from endorsing such an approach in pursuit of higher housing delivery, the Secretary of State for Housing, Communities and Local Government made clear the government's position in her written ministerial statement of 30 July 2024:

The plan making system is the right way to plan for growth and environmental enhancement, ensuring local leaders and their communities come together to agree on the future of their areas. Once in place, and kept up to date, local plans provide the stability and certainty that local people and developers want to see our planning system deliver.

12. This statement and the NPPF emphasise that it is local plans, properly consulted upon and responsibly drawn up, which are the appropriate mechanism by which to make strategically significant planning decisions. That is the process that Mid Sussex District Council, engaging with its parish councils and local residents, is currently undertaking. It is the applicant, not the local community, which shows a disregard for the way the government wishes the planning system to operate.

Highways and Transport

13. The onus is on the applicant to provide evidence sufficient for the local planning authority to be sure that the highways impact of development would be acceptable and that relevant policy requirements are satisfied, including those of the NPPF. Para 116 of the NPPF requires applications to be refused if the impact on the highway network, taking into account any deliverable mitigation, would be severe. In addition, Para 115(a) of the NPPF now requires explicitly that for any application:

sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location

14. National Highways and West Sussex County Council had significant concerns about the Transport Assessment submitted with the application, which they found to be incomplete and inadequate. In response a Transport Assessment Addendum ('TAA') has been prepared which the RCC says has:

Demonstrated that the impacts would not be severe

15. The analysis of the TAA and subsequent response by National Highways⁵, as well as our own transport consultants, puts paid to any such claim. Key information (such as likely traffic distribution on major roads) has still not been provided. Some of the modelling results have been found to lack credibility or alternatively to demonstrate, as they stand, an unacceptable impact on the highway network. National Highways state unequivocally that the information presented in the TAA:

is not sufficient to understand where development traffic is travelling.⁶

16. Our transport consultant's assessment of the TAA (and of the TA on which it is based) concurs with those findings and highlights the areas of uncertainty and error in the applicant's evidence base. Their supplementary report is submitted with this representation.⁷

17. The application inevitably fails to meet local and national policy requirements for active and sustainable travel because of its location. Some internal journeys could be undertaken on foot or by bicycle, but even the distances for some of these would exceed reasonable limits for potential residents. Walking and cycling routes to important facilities such as secondary education involve distances and road crossings which will deter their use. The so-called 'mobility

⁵ National Highways consultee response 4th December 2024

⁶ *ibid*

⁷ Velocity TN004 December 2024

hub' appears to be no more than a bus stop (for a service which cannot be identified) and a cycle parking area.

18. The details of a sustainable bus service are described in the TAA as 'confidential'. We are provided with an assertion that the unspecified service could be commercially sustainable 5 – 9 years after development commences but only “depending on bus uptake rates”⁸ about which no information is provided. No details are provided for the routes or timetable proposed and it is therefore impossible for the applicant to make any claim that it supports the development or for the local planning authority to give them any weight. There is no indication of any investment the applicant is prepared to make to support the bus service until it becomes commercially viable.
19. There can be very little confidence that the sustainable travel options identified would be either sufficient or convenient enough to provide residents with access to the services and facilities they will need, including railway stations for onward travel. Given that the applicant's TA assumes a high level of self-containment and diversion from car use, that is an important flaw in the application.
20. The continuing failure to deliver a reliable Transport Assessment (as required by Para 118 of the NPPF) undermines the argument that the proposal would have an acceptable impact on the strategic road network. The applicant is reduced to criticising the model that it uses to assess highways impact as inadequate for the purpose, a tactic which they must surely be aware undermines their transport case. National Highways has issued a further holding objection but it is for the local planning authority to determine how many attempts the applicant is to be allowed to make its case before it determines the application on the available evidence.

Landscape and Heritage

21. Our landscape consultant has undertaken a response to the additional work conducted by fabrik and set out in the addition to the Landscape and Visual Impact Assessment which we will submit separately.
22. The comments made by Mid Sussex's heritage advisor on the applicant's assessment of heritage impacts reflect a difference of professional opinion about which the local planning authority will have to reach a view. We would draw attention to the number of heritage assets which are affected by the proposal. Although the harm to any one of these may not be substantial, what becomes apparent is the cumulative effect on the surrounding area. A large-scale

⁸ Para 4.33 Page 19 of the TAA

development cannot be accommodated without an adverse effect on both the landscape and historic setting. Where that is the unavoidable consequence of planned development it might have to be accepted, but where an application is speculative and unnecessary it is an avoidable harm which should be given significant weight.

Biodiversity and Ecology

23. Policy DP38 of the local plan makes clear that to be acceptable a proposal must demonstrate that it:

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)

24. This application is not subject to the provisions of national policy in relation to biodiversity net gain ('BNG'). The relevant policy test is therefore provided wholly by DP38. As demonstrated by the now published Biodiversity Assessment, the development would have an overwhelmingly negative impact on biodiversity, flatly contrary to the requirements of DP38. DP38 does not allow for the transfer of biodiversity gain/loss between sites (i.e. 'compensation measures') except in exceptional circumstances. There is no reasonable interpretation in which a speculative development not in accordance with the development plan can be said to meet the 'exceptional circumstances' test. We reiterate our point that to meet the requirements of DP38 an application must show that it improves or enhances biodiversity within its own red line boundary.
25. Our objections to the proposed parkland reserve at Beechy Bottom remain unaffected by the additional information provided. We share the concerns raised by CPRE Sussex, amongst others, that the proposed management and funding arrangements for the parkland reserve have not been properly considered and that it could not function as proposed.

Masterplan Layout and Infrastructure

26. Mid Sussex's planning officer raised a number of questions about the proposed layout shown in the design code and design and access statement⁹, which included pointing out that:

The proposal has no real centre, with facilities not co-located and a distance from a large proportion of the proposed units

27. We echo and endorse this critique. The school and 'village centre' are located a substantial distance from the majority of residential units. The mix of proposed community facilities is vague and lacks any positive commitment on the part of the developer. Some facilities such as a community centre/village hall building are located not in the village centre – where they should be – but within a commercial leisure site on the northern periphery of the development.
28. The overall impression is of a layout which owes more to providing parts of the development with convenient car-based access via the A272 than it does to forming a cohesive community promoting active travel options.
29. The applicant's response is to say that the masterplan is the best option they can come up with, rather than to provide a positive case for their proposed layout. The additional information, outlined in the RRC, does not provide any greater confidence that the infrastructure provision promised by the applicant – and crucial to all their claims of sustainability - will be delivered.
30. The content of the proposed village centre is itself very vague with no commitment to any specific retail or service led offer. In response to a question from Mid Sussex regarding retail provision the applicant says that:

The Flexible class allows this to happen further down the line when the Site is built out (for example), and allows a commercial cluster or high street to form down the line. This avoids the need to specifically provide those uses up front, when the level of demand is unclear.¹⁰

31. No commitment can be made that there will be commercial interest in providing retail or personal services within the new community, the applicant says, because '**the level of demand is unclear**'. That is a significant admission because it suggests that none of their assertions about the sustainability and self-containment of the proposal should be relied upon or should be given any weight in decision making.

⁹ The questions and responses are given in Savills' letter of 25th June 2024 published on 8 November 2024

¹⁰ Page 5

Education

32. The provision of a new primary school is an important contributor to the applicant's claim that it can create a sustainable community. There is however no confirmation from the education authority that it would support the provision of the 2FTE school which is suggested, still less the SEND provision. The education authority will plan for school places to maximise the use of existing school places before committing to a new school and without confirmation from West Sussex County Council that it will be required it should be treated as provisional, especially given a population based downward trend in primary school admissions. Existing schools are far enough away from the development to make it likely that private car will be the most convenient and quickest means of reaching them.

Primary Health Care

33. There is no evidence to support the claim that additional primary health care facilities would be provided and operated within the proposal site. The observations from the Integrated Care Board ('ICB') are the standard NHS response to developer's proposals for new facilities and the low level of credibility which can be attached to them is demonstrated by the applicant's response to Mid Sussex's question on the issue:

It was indicated during a telephone conversation that there is a need for more and improved health care stock. Subsequent interaction with the ICB in October confirmed a health care space would be welcomed in principle, given the absence of any GP in Ansty.¹¹

34. The relevant source of information about the ICB's intentions is not 'a telephone conversation' but the ICB's Estates and Infrastructure Strategy published in January 2024¹² in which makes clear that its future strategy is based upon the expansion and better use of existing facilities, such as those in Cuckfield. It is only in the vanishingly unlikely event that the ICB changes its approach and decides to fund additional primary care services within the development area that these will be provided. In the absence of written confirmation from the ICB they should be given no weight in the assessment of the application.

Sports Facilities

35. We have previously expressed our concerns about the provision of what, it would appear, amounts to a private sports club as part of the development. The letter

¹¹ Page 2 response to case officer questions

¹² www.sussex.ics.nhs.uk/wp-content/uploads/sites/9/2024/10/Sussex-ICS-Estates-and-Infrastructure-Strategy-2024.pdf.

of comfort provided by a proposed operator (in the absence of funding strategy, business plan and operational principles) does not provide reassurance that it would be possible to deliver and maintain such facilities as a component of the new development. As with the schools, health care facilities and public transport provision, this is 'kite flying' by the applicant and cannot be considered credible unless and until there is contractual certainty that it will be delivered.

Affordable Housing

36. We acknowledge that the applicant proposes to meet the minimum requirement set out in local plan policy DP31 by providing 30% affordable housing within the development. Tetlow King's Affordable Housing Statement now published demonstrates the need to provide at least this number and also (perhaps unintentionally) draws attention to the fact that there is a case for a higher percentage of affordable housing being provided.
37. The government has made clear that provision of affordable housing, for social rent, should be accorded a higher priority within major development proposals. This is now emphasised in the NPPF. Given the evidence, Mid Sussex would be justified in at least testing a higher percentage being provided in accordance with Policy DP31.
38. We acknowledge that there will be a viability threshold, but no evidence is provided that 30% is indeed the maximum viable level of affordable housing, and given the dire need in the area we believe it would be reasonable for this to be evaluated. If they only meet the minimum policy requirement then only moderate weight should be attached to this.

Conclusion

39. With the single exception of its proposals for the public rights of way network, none of the additional information provided by the applicant has responded positively to the points that we or other consultees have raised about the application. In fact, they tend to confirm development in this location is inherently unsustainable and the proposal in conflict with policies of the development plan and the NPPF.
40. The TAA does not demonstrate that the impact on the strategic road network would be acceptable. That is consistent with previous assessments and given that residents would rely entirely on private car journeys to reach employment, service and leisure (even those provided locally) it is unsurprising. The extent of viable public transport options are deliberately opaque, presumably because they

will be few and far between. Proposals for additional infrastructure, particularly primary care, are not credible and not within the gift of the applicant. The proposed layout is poorly conceived and car dependent, and the applicant admits that they have no confidence that local retail or services will ever materialise given the scale of development which undermines their case for self-containment.

41. Taken together the additional information supplied simply confirms why the application must be refused.

Appendix 1 – Affordable Housing Critique.

INTRODUCTION

Tetlow King Planning (TKP) provide an Affordable Housing Statement (AHS) on behalf of the Applicant for DM/23/2866. They note that the applicant's proposals include provision of up to 30% affordable housing.

Inter alia, TKP provide historic affordably housing delivery analysis at Parish and District levels and an analysis of annualised affordable housing need over the period 2021-2038 for the District and delivery against that need over 2021-2023.

TKP identify shortfalls against this affordable housing need and argue that "*delivery of up to 435 affordable dwellings on the proposed site will make an important contribution to the affordable housing needs of the MSDC*".

TKP claim that "*substantial positive weight should be attributed to the provision of affordable housing at the application site in the planning balance*".

We provide comments on the adequacy of the analysis conducted by TKP at Parish and District levels below and demonstrate that this claim is not supported by the AHS.

ANALYSIS AT THE PARISH LEVEL

The AHS provides analysis of affordable housing delivery in Ansty and Staplefield and Cuckfield Wards. There are a number of errors / misrepresentations in the TKP analysis:

- The “*Total*” of “*Total Housing Completions (net)*” over the years 2014/23 stated in Figure 4.6 is wrong and does not match FOI data provided by MSDC.
- The “*Total*” of “*Gross AH as % of total housing completions*” over the years 2014/23 stated in Figure 4.6 shows an annual average of 11%. This has been calculated incorrectly and provides a misleadingly low number against the correct figure of 26%.
- The “*Total*” of “*Total Housing Completions (net)*” over the years 2014/23 stated in Figure 4.7 is wrong and does not match FOI data provided by MSDC.
- The “*Total*” of “*Additions to AH stock (gross)*” over the years 2014/23 stated in Figure 4.7 is wrong and does not match FOI data provided by MSDC.

Taking the information provided by MSDC in the FOI and summing it and averaging it correctly over the period 9 year period 14/15 to 22/23 for the A&S Ward shows that:

- There were 525 housing completions in the A&S ward over the period, of which 180 were affordable
- The average of affordable completions / total completions in the A&S Ward was $180/525 = 34\%$ over this period.

Doing the same for A&S and Cuckfield Wards combined shows:

- There were 628 housing completions in the A&S + Cuckfield Wards over the period, of which 207 were affordable
- The average of affordable completions / total completions in the A&S + Cuckfield Wards was $207/628 = 33\%$ over this period.

It is noted in paras 4.17 and 4.22 of the AHS that at the Parish level “*..the affordable figure given above is a gross figure due to the lack of RtB*”. Such a correction is immaterial. If a reduction of 1.4% (as calculated across the District in para 4.4 of the AHS) is applied to these gross figures then the historic average AH / Total completions remains at 33% for the A&S + Cuckfield Wards.

Considering the more recent years of 2021-23 and taking the information provided by MSDC in the FOI shows:

- There were 127 housing completions in the A&S + Cuckfield Wards over the period, of which 54 were affordable
- The average of affordable completions / total completions in the A&S + Cuckfield Wards was $54/127 = 43\%$ over this period.

The applicants' proposals are for a 30% affordable / total housing contribution. This is lower than the historic average completions (33%) and considerably lower than the more recent completions (43%) in the A&S + Cuckfield Wards.

The applicant's proposals – if successful - would move the numbers in the wrong direction reducing the average number of new affordable dwellings added as a proportion of the total number of new dwellings added in the A&S + Cuckfield Wards.

ANALYSIS AT THE DISTRICT LEVEL

The TKP report provides a range of information about historic and projected affordable housing need at the district level, including references to the 2021 SMHA report, which has yet to be tested in detail at examination. We consider that MSDC and the authors of the SMHA are best placed to make comments regarding all these matters.

Nevertheless, we offer some comments on the analysis provided in the AHS.

RECENT TRACK RECORD OF DELIVERY AT THE DISTRICT LEVEL

We first consider the recent track record of delivery of affordable houses in the District over the period 21/23 as highlighted in the AHS.

For the years 21/22 and 22/23, Table 4.2 in the AHS provides information on the "Additions to Affordable Housing Stock (net of right to buy)" of a total of 918 (=396+522) against a "Total Housing Completions (net)" of 2184 (=1122+1062).

This equates to a ratio of 42% AH to Total Completions which is considerably greater than the applicant's proposals of 30%

AFFORDABLE HOUSING FOR THE PERIOD 2021-2038

Para 6.10 of the AHS states: *"The most recent 2021 SHMA identifies an increased total net affordable housing need of 925 dwellings per annum within Mid Sussex, equivalent to 15,725 dwellings over the period 2021 to 2038. This represents a significant increase in annual need figures from those informing the currently adopted Local Plan."*

Para 6.12 of the AHS states: *"Analysis has also been undertaken against the identified need figure of 925 within the 2021 SHMA, leaving a shortfall of some -932 dwellings across the first two years of the 2021 SHMA period, equivalent to an average annual shortfall -466 affordable dwellings."*

The applicant's proposals are for 30% affordable housing, i.e. up to 435 dwellings

Para 4.32 of the AHS states *"In light of the identified level of need there can be no doubt that the delivery of up to 435 affordable dwellings on the proposed site will make an important contribution to the affordable housing needs of Mid Sussex District Council."*

The AHS fails to mention the overall housing needs for MSDC as set out in the “summary of overall housing needs” on page 40 or the 2021 SHMA:

“In line with the standard method for calculating housing need as set out currently in the PPG, a minimum local housing need of 1,093 homes per annum is identified for Mid Sussex District.”

“There are no circumstances in Mid Sussex District relating to growth funding, strategic infrastructure improvements or affordable housing need which indicate that ‘actual’ housing need is higher than the standard method indicates”.

Using the figures from the 2021 SHMA for the overall housing need (1093) and the affordable housing need (935), yields a notional need of 85% affordable houses as a proportion of overall dwellings. This contrasts with the 30% offer from the applicant’s proposals.

Nevertheless, the AHS still contends that a step change in affordable housing delivery is required.

Para 4.31 of the AHS states *“It is clear that a ‘step change’ in affordable housing delivery is needed now in Mid Sussex to address these shortfalls and ensure that the future authority-wide needs for affordable housing can be met”*

Whether it is based on recent affordable housing deliveries of 42% across the District or a (notional) figure of 85%, the AHS simply highlights the deficiencies of the applicants own proposals which propose up to the minimum requirement of 30% affordable housing. The application, if successful, would provide a step-change in the wrong direction.

Mid Sussex District Plan 2021-2039 Stage 1 hearings

Stage 1 public hearings on the District Plan 2021-2039 review for Mid Sussex were conducted in October 2024. MSDC have set out their position on affordable housing need in response to the planning inspector’s “Matters, Issues and Questions – Stage 1, Matter 6 Housing, dated September 2024”. Para 61.3 of their response states:

“Table 7.11 of the SHMA [H1] concludes a need for 470 homes per annum for affordable rented homes (i.e. social and affordable rented). The need for affordable home ownership is estimated at 475 (gross) homes per annum (Table 7.15) reducing to 41 homes per annum taking into account potential supply (i.e. resales).”

This is based on “an alternative view of the supply of affordable home ownership” as described in para 7.89 of the 2021 SHMA and indicates an affordable dwelling need of 511 (=470 rented +41 owned) per annum.

This equates to 47% (=511/1093) affordable houses as a proportion of overall dwellings needed per annum and contrasts with the 30% offer from the applicant’s proposals.

At the District Plan 2021-2039 public hearings on 29th October 2024 the planning inspector confirmed that examination of the percentage of affordable housing would be the subject of later hearings.

Summary

The applicant's proposals are for up to 30% affordable housing, which is a minimum requirement. There is nothing exceptional in their proposals.

The AHS provides analysis of the proportion of Additions to AH Stock (Gross) relative to Total housing completions (Net) Additions at Parish and District level over different periods of time.

At the Parish level

- The TKP analysis contains basic arithmetic errors / misrepresentations.
- Affordable housing deliveries of 43% as a proportion of Total Housing completions across the District for the A&S + Cuckfield Wards over the period 21/23
- There is historic delivery (over 2014-2023) of 33% affordable housing in A&S + Cuckfield Wards.
- The applicant's proposals would reduce the average number of new affordable dwellings added as a proportion of the total number of new dwellings added in the A&S + Cuckfield Wards.

At the District level

- Affordable housing deliveries of 42% as a proportion of Total Housing completions across the District for the period 21/23.
- The 2021 SHMA yields a (notional) estimate of 85% affordable dwellings need as a proportion of the overall housing need in Mid Sussex (each year over the period 21-38).
- MSDC's position, based on "*an alternative view of the supply of affordable home ownership*" described in the 2021 SHMA, yields an estimate of 47% affordable dwellings need as a proportion of the overall housing need in Mid Sussex each year (over the period 21-38).
- The applicant's proposals of 30% affordable housing would be materially lower than all of these.

The application is not allocated in the adopted district plan. The affordable housing proposals are at the minimal levels of those outlined in the adopted and emerging district plans. No exceptional levels or modes of affordable housing are being proposed. The proposals offer lower than the historic and recent delivery levels of affordable / total completions in the A&S + Cuckfield Ward. The proposals are lower than recent levels of affordable / total completions in the District and fall well short of the levels of affordable / overall housing need levels needed in the future at the District level.

The contention made by TKP that “*substantial positive weight should be attributed to the provision of affordable housing at the application site in the planning balance*” is not supported by the AHS.

Appendix 2 – Bio-Diversity Net Gain.

The applicant, Fairfax Developments Ltd, has made it expressly clear that the development proposed in this application DM/23/2867 will not proceed unless it is permitted to develop what it calls the “Ansty Garden Community” scheme proposed in application DM/23/2866. The two schemes are necessarily inter-connected by the applicant’s need to try to demonstrate via its parkland reserve idea that its housing development scheme will deliver sufficient biodiversity net gain to justify its approval, which it cannot otherwise do. Given that representation by Fairfax, it would not be appropriate for the Council to approve this application if it rejects the Ansty Garden Community application, as it should.

In any event, we continue strongly to oppose both planning applications as being contrary to the Council’s District Plan, to national planning policy and to the fundamental planning principle that new development must be sustainable.

Nothing in the latest documentation filed by the applicant on 8th November 2024 alters our previous opinion. The “Beechy Bottom Parkland Reserve” scheme to create a public Knepp-style re-wilding park for the benefit of the local community is a cynical use-all-the-right-words façade that is undeliverable in the terms in which it is proposed and would not deliver a valuable community asset.

We draw your attention to the following:

1. In biodiversity net gain terms, the submitted Biodiversity Impact Calculation is valueless as evidence. It is contentious in itself; but more fundamentally it is holed below the waterline because (i) it only addresses the claimed biodiversity impact of this one site, and (ii) it is based on the 2023 iteration of Fairfax’s plans, not the current version. It therefore provides no useful information to assist the determination of the two interconnected planning applications. Only a holistic BNG assessment (applying the DEFRA metric version 4 tool) that is based on current plans for the two sites and that aggregates objectively the biodiversity impact across the two sites would enable your Council to address the schemes’ environmental implications in terms of your Plan policies. The significance of the Fairfax proposals are such that we would expect your Council to seek professional advice of its own on any aggregated BNG assessment the applicant may submit.
2. The Management Plan and Stewardship Plan, whose purpose is to deliver the applicant’s Knepp-style re-wilding Vision for the site, are undeliverable in reality. We refer you to the 9th January 2024 letter that you have received from Sir Charles Burrell, Bt, the owner of the Knepp estate. This letter gives the lie to the idea that a copycat scheme to Knepp could be delivered in Cuckfield, and gives a reasoned explanation from all his hands-on Knepp experience of the many flaws in Fairfax’s vision and the way it is proposed to deliver it. Fairfax’s claims to be aiming to using the parkland to attract corn bunting, grey partridge etc may sound beguiling but, as Sir Charles points out, those claims have no foundation in reality as the habitats that they occupy are completely different. Fairfax’s other seductive claims for their project should be treated with equal scepticism. Fairfax’s latest additional submissions do nothing to address any of the points that Sir Charles with all his world-leading expertise and hands-on Knepp experience has made.
3. Fairfax claim that the area will provide a “local recreation facility” open to the local community and others. This is a misleading claim. Savills have told you that people will be fenced off from, and denied access to, up to two thirds of the site.

It is not in fact clear what Savills mean, nor what area people will be denied access to, or how the denial of access is proposed to be achieved:

- There is a major inconsistency between different submitted plans as to the extent of the area of the park reserve within which the ungulates will be fenced;
- Extensive fencing is inimical to the purposes for which national landscapes exist. The more, and the more obtrusive, the fencing, the greater the offence;
- The High Weald Landscape Trail, a public bridleway, crosses right through the middle of the restricted area;
- All the plans show the creation of new walking paths inside the stock fencing;
- Chapter 7 of the Management Plan contradicts Savills when it says that there will only be denial of access along the eastern side of the walking paths during the bird breeding season (March to August) for the protection of the ground-nesting birds that the re-wilding scheme hopelessly expects to attract to nest there;
- There is no suggestion that people using the PROW, the cycleway or walking paths will be fenced in and so unable to venture off the tracks into the restricted areas if they are so minded.

This all demonstrates that the implications of creating what Fairfax claims to be public space has not been thought through.

4. The health and safety implications of the proposals have also not been properly addressed. There is no safety analysis submitted. As the proposals stand they create a significant health and safety risk, that in itself justifies refusal of this application:

- People and large non-domesticated animals (including long horn cattle and red deer stags) will inevitably mix unless people are fully fenced off from all areas to which the animals have access (see 3 above). Whilst that intermingling takes place in some public parks (London's Richmond and Bushy Parks for example) and at Knepp, we are looking in this case at a much, much more constrained area.
- Whatever signage may be suggested about keeping dogs on leads, the reality is that dogs will be able to roam within the restricted area, causing a hazard to themselves, to the wild animals and to people;
- As it is a bridleway, horses will be using the High Weald Landscape Trail within the restricted area. That also creates a hazard;
- Sir Charles Burrell has warned that ordinary stock fencing proposed by Fairfax will not work to contain some of the animals that Fairfax wants to introduce onto the site. There is therefore a significant risk of animals escaping the restricted area and becoming a danger to the public;
- There is no information as to whether public access would be denied after dark and, if so, how it would be achieved and enforced. No lighting scheme along the cycleway or elsewhere (other than for the playing pitches) is mentioned.

5. The Management Plan boasts of the creation within the reserve of an “educational hub to involve the local schools and community groups”. There is no information or facility within the application to support this boast, or to explain what it would comprise. Is this to be anything more than an empty viewing hide designed to overlook the restricted area?
6. The viewing hide itself needs further explanation. The only description of it is in the form of a diagram in the Technical Detail Report where it is shown as barely big enough for one person to sit and another person to stand behind. If it is to be of use for educational or public viewing purposes it will need to be of sufficient size to accommodate a class of children and their teacher(s). As it is not proposed to site it near water or in woodland, there would not be a lot to view. As proposed, it would be a very limited-value asset indeed.
7. Whilst it is being sold to you and us as a community asset, that is not the reality of the proposal. The governance arrangements proposed in the Stewardship Plan would not, as we would have expected, include the transfer of the ownership of the site from Fairfax to the Charitable Trust that they suggest would manage the facility, and would give local people no automatic right to participate in its management or stewardship. Fairfax would continue to own the land and to control its management through their control of the Trust. The endowment they envisage for the site’s management would therefore involve no more than the transfer of funds from Fairfax’s right trouser pocket to their left trouser pocket. That is not a model of governance that your Council should countenance. It would be a recipe for future friction between Fairfax and the communities of Ansty and Cuckfield.
8. The financial analysis in the Stewardship Plan is opaque, information is missing and it is not possible to verify or properly critique the funding calculations. For example:
 - i. It is not possible to ascertain the build-up of the overall cost number of £344k pa in para 8.2
 - ii. Para 8.3 makes reference to a “funding model” - but the structure and calculations in this model are not presented
 - iii. Para 8.4 provides illustrative results for an endowment of £7.5 million for 30 years and £15.3 million for 100 years. There is no single discount rate which satisfies both these results and so it is not clear how these calculations have been performed (see point ii).
9. We are left with examining the financial assumptions and impact of the proposed governance arrangements and these are very revealing:
 - Limiting the term to 30 or 100 years contradicts the purpose of the proposed Parkland Reserve. The planning statement states *“The proposals will protect and enhance the landscape through providing net gains for biodiversity, provide greater area for and formally authorised public access*

to part of the local landscape that is recognised as having scenic beauty, and above all protect the landscape in perpetuity (emphasis added) by becoming a Parkland Reserve”

- The proposals create a liability each year, possibly of the order of £344 pa. in perpetuity and these are proposed to be met largely by some form of lump-sum endowment which would fund the liabilities in perpetuity. However, the financial modelling assumptions do not appear to deal with a number of important risks and costs which could have a severe negative impact on the entity managing the Parkland Reserve, for example:
 - o Impact of uninsured events (e.g. harm to a person through negligence)
 - o Emergency and remedial works in response to natural disasters (storms, flood, pestilence etc) or other man-made events
 - o Responses to changes in environmental and other legislation
 - o Inadequate fund management / investment performance
 - o Incorrect assumptions about future macro-economic conditions
- Some possible income streams are suggested including charging for car-parking, having a drinks van and or a newbuild cafe. These are pure speculation and highly unlikely - especially given free nearby parking, other facilities at Cuckfield Rugby Club and Golf Course and also AONB restrictions.
- We note that there is an income stream already baked-in of some £12k pa from pitch rental. This directly contradicts the planning statement which states *“The proposals will result in Beech Farm Field in the north of the site being gifted to the Cuckfield Cosmos football club, ensuring that they are in control of their own site and ensuring their continued presence as a community asset”*
- The long-term resilience of the entity which manages the Parkland Reserve must therefore be assessed purely on the quantum of the endowment and the ability of the entity to manage that endowment fund properly. There do not appear to be any other assets or income streams to draw upon.
- The assumptions appear to provide for an annual contingency of £1.8k, which corresponds to a capital sum around £50,000 (at rate of 3.5%) – which appears totally inadequate to meet any number of unexpected events in the future.
- It appears that it is proposed that some software will be used to manage the endowment fund and this will achieve a premium return over the (fixed assumed) base rate. There is no description of who would manage the endowment fund and the management costs associated with the oversight. Solvency of the Trust is a fundamental fiduciary duty of the Directors of the entity managing the Parkland Reserve.
- The Governance arrangements propose the setting up of a Trust or Charitable organisation to manage the Parkland Reserve. There appears to be no guarantee of the continued solvency and existence of the Trust. It is of considerable concern that the document contemplates, on a number of occasions, that there could be events which cause the failure of the Trust. How will the landscape be protected in perpetuity if this were to occur?

There is no mention of any other long-term developer/land-owner contributions in the event of failure. It appears that the Trust will be set up in full recognition that it may well fail. Common sense shows that the proposals are inadequate and that it will be unable to survive in perpetuity.

10. As we do not anticipate this scheme being approved by your Council, and the Vision on which the applicant's Management and Stewardship Plans are based is so flawed, we have not at this stage sought advice on the quantification of the cost of managing the area involved over a 30 year or longer period; nor of the amount of the financial endowment needed to ensure that it is properly managed and that the intended biodiversity, community and other benefits are delivered. We would ask for full disclosure and the opportunity to comment on this aspect if the need arises, because it is plain that there are significant defects in the way that the quantification by Fairfax of the required endowment has been assessed. Indeed, we question the concept of a finite endowment, which at some point will be exhausted, leaving (on Fairfax's proposal) a disinterested landowner (Fairfax) and no-one with the responsibility or funding to continue the upkeep and enhancement of what would remain a privately owned area. Fairfax is not proposing a financially viable scheme in the medium or longer term, which is another reason for refusing their planning application.
11. Given that delivery the biodiversity benefits of the Knepp-style re-wilding scheme proposed by Fairfax is far-fetched, what would the site look like in coming years if their planning application were permitted? The minimum intervention management proposals suggest that the site will over time revert to unmanaged scrubland with a cycle path running through it and an aging bird hut, with Fairfax as continuing landowner having no incentive to do anything about it, having banked its profit from building the 1,450 new houses it wants you to approve at Ansty. That would provide no biodiversity or community benefit. It would represent the worst of all worlds.

Appendix 3 – GP Provision.

Applicant's proposals for GP surgery and Planning Officer's questions

The Applicant's Planning Statement, Nov 2023 para 6.1 states the provision of "*A Health Hub including new GP surgery*". Page 101 of the Applicant's DAS, Nov 2023 also states "*Provision of GP facility and co-location of Allied Healthcare to form a health hub.*"

Subsequently, the MSDC Planning Officer requested clarification around: *what is included in the Health Hub, is this to be funded/provided by the development and have discussions with the Integrated Care Board (ICB) been undertaken on these matters?*

Lack of clarity and lack of engagement with ICB

Inspection of the Applicant's response to the (25 June 2024) Planning Officer's excellent questions show the Applicant:

- Is unable to specify what is included in the proposed Health Hub
- Describe their offer as a “space” and list a number of potential healthcare uses for the space
- Indicate that they need the ICB to tell them how the space might be used for healthcare purposes
- Indicate that should the ICB not want to provide healthcare in Ansty for strategic reasons they could use the space for other social uses
- Have not discussed these matters with ICB since their initial interactions in Sep and Oct 2023
- Have not clarified any funding arrangements for their proposals (as it is unclear what they are)
- Indicated they would reach out to the ICB again

Inspection paras 6.2 and 6.3 of the Applicants letter “Response to Representations made by Consultees” of Oct 2024 shows:

- No evidence of any further meeting with the ICB
- No clarification of any of the issues above
- A different description of their offer as a “flexible facility” which in this case could provide a dentist or physiotherapist instead of a GP

In both responses the Applicant makes no reference to the provision of a GP Surgery and shows no evidence that the proposed GP surgery is likely to be deliverable nor that the ICB would provide the necessary revenue funding for primary care services.

Sussex ICB Strategy and advice provided to MSDC

Sussex Health and Care Integrated Care System (ICS) (comprising Sussex ICB and Sussex ICP) published an “Estates and Infrastructure Strategy” in January 2024 <https://www.sussex.ics.nhs.uk/wp-content/uploads/sites/9/2024/10/Sussex-ICS-Estates-and-Infrastructure-Strategy-2024.pdf>. The report highlights their biggest challenge are financial constraints (page 3) and describe their strategy (page 4) which includes **utilisation and efficiency** to “*maximise the usage of what we have and dispose of what we don’t need, before we will consider investing in anything new*” and **collaboration and integration** to “*...enable joined-up decision-making amongst our partners*”.

As the appropriate statutory authority, the ICB have co-operated with MSDC in the formulation of the District Plan 2021-2039 (see paras 3.69-3.74 of a recent statement (Nov 2024) on Duty to Co-operate by MSDC, <https://www.midsussex.gov.uk/media/gwweii0f/ap-013-duty-to-cooperate.pdf>). This co-operation between ICB and MSDC is consistent with ICB’s strategy of “*enabling*

joined-up decision making amongst their partners", which is necessary to meet their healthcare ambitions for Sussex.

The ICB have provided detailed advice and input into the MSDC District Plan 2031-2039 as captured in the Appendix C1 of the MSDC's Duty Co-operate document https://www.midsussex.gov.uk/media/bk2kyjns/ap-013-appendix-c1_infrastructure-health_summary.pdf - where it is stated inter-alia:

- *"NHS Sussex considered that growth from emerging Plan not likely to require additional GP practices, but expansion of existing. IDP updated to reflect latest position"* (4 Aug 23)
- *"NHS Sussex confirmed requirements for developer contributions"* (4 Aug 23)
- *"Healthcare provision at Bolney... NHS Sussex advised that a new onsite GP surgery unlikely within context of organisation's current strategy and existing local provision"* (6 Feb 24)

And on pages 40-41 of the Infrastructure Delivery Plan (Sep 2024) <https://www.midsussex.gov.uk/media/gbsgmoxw/iv4-infrastructure-delivery-plan.pdf> – where it is stated inter-alia:

- *"Future provision by enhancing the Site at Cuckfield Medical Practice"*

The ICB plans do not indicate healthcare provision at Ansty, nor a new onsite GP Surgery at nearby Bolney, but do provide for expansion of the Site at Cuckfield. The plans are consistent with their strategy of: *"maximise the usage of what exists, before consider investing in anything new"*

The applicant's proposals for a new GP Surgery at Ansty are speculative and do not accord with the ICB's strategic objective of *"joined-up decision making amongst partners"* on healthcare. The applicant's proposals for a new GP Surgery are likely to be sub-scale, inefficient and do not appear to accord with the ICB's strategic objective to *"maximise the usage of what exists, before consider investing in anything new"*

Summary and Conclusion

The applicant has provided nothing new to demonstrate how their proposals for a GP Surgery will be delivered. Their responses to questions posed by the Planning Officer and to Representations made by Consultees make no reference to the provision of a GP Surgery. If anything, they demonstrate a watering down of their proposals now described as a "space" or "flexible facility" which could include some kind of GP accommodation. The applicant's proposal for a GP Surgery do not appear to conform with the ICB strategy and plans and the applicant has indicated that, without ICB support for healthcare at Ansty, the "space" could have other social uses. There is no clarity around funding arrangements for healthcare.

The A&S+C PS recommendation in the representation of 12 Jan 2024 remains unchanged:

No evidence has been provided that the proposed GP surgery is likely to be deliverable and it seems improbable that the Integrated Care Board ('ICB') would provide the necessary revenue funding for primary care services in the current economic climate. Without written confirmation that the proposed surgery forms part of the ICB's future plans and that it will provide the funding required, this 'offer' has no substance and should be accorded no weight.